

Southern New Hampshire University

Florida Public Schools' Integration and Busing

A Capstone Project Submitted to the College of Online and Continuing Education in Partial
Fulfillment of the Master of Arts in History

By

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Abstract

Drawing on primary sources from the Florida Archives in Tallahassee Florida and other secondary sources, this thesis examines the integration of schools as well as the busing crisis in Florida. Specifically, this thesis provides explanation of court rulings like *Brown v Board of Education* as well as governmental leaders like Claude Kirk who influenced the actions in Florida in terms of desegregation.

Brown v Board of Education did not issue an end date for desegregating schools but rather left the decision to lower courts. Schools in Florida took their time desegregating because there was no rush in the process. In the early 1970s lower courts implemented plans to desegregate Florida school districts by using busing as a technique. Busing would be a way to ensure that schools would have mixed races by sending students to schools outside of their communities. Governor Claude Kirk fought the implementation of busing in response to what his constituents wanted as well as his own personal beliefs. Unfortunately, Kirk took his steps against the courts too far by going head to head with the federal court system which eventually led to him losing the governor race for the 1971-1974 term.

Dedication

For my grandmother Ginger Gardner – for always pushing me to do better.

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I would like to thank my capstone professor Dr. Robert Denning for his help in finding a topic that I was interested in as well as one that had a mass amount of resources. Also, the Florida Archives and James Hendry Miller (archivist) for assisting me in digging through and finding boxes to find primary sources that discussed my topic and time period.

Last but not least, a huge thanks to my grandmother, Ginger Gardner, without her economic as well as emotional support, I would have never finished!

Glossary

- *Amicus curiae* – friend of the court who is not partial to either side in a case.
- De jure – enforced by law
- De facto – happens by “fact” rather than legal requirement
- White flight – the action of white people moving into suburban areas or private schools to avoid integration
- Veto – an action of the executive branch to block legislative bills

Introduction

The focus for this paper will be on why Florida in particular had such a difficult time in complying with the Supreme Court's ruling in *Brown vs Board* as well as the other regulations that followed its ruling. Particularly, the focus will be on the state leadership like the Governor Claude Kirk and the court rulings that will explain why Florida did not want to comply. Florida's governor disregarded the federal courts by ordering state officials to ignore the rulings and do not comply with the new regulations. The governor was praised at first for sticking up for the constituents but took his views too far by going head to head with the federal government. Kirks actions caused a crisis in Florida's public-school system.

Preliminary research proposes that Florida's governor in the late 1960s and early 1970s wanted to respect the opinions of his constituents. Letters from constituents to Florida's governor suggest that many people did not like the idea of desegregation and some even threatened to take their students out of the public-school system. The governor told counties to not listen to the Supreme Court and its rulings regarding desegregation and busing. The Florida governor disregarded the Supreme Court, the highest ranking judicial figures in the nation, to support the overwhelming mass of constituents who said they did not support the ruling.

In the past 10 years, more and more research has been completed on the topic of desegregation because it has been a little more than 60 years since the *Brown vs. Board of Education* Supreme Court Decision. It is common for historians to wait at least 20-30 years before researching a topic because it is hard to look from the outside when you are so close to the event. Not only is this topic relevant in a Civil Rights context but also in an educational context.

Segregation was something the United States practiced for most of its history. The federal government became involved with school segregation with the passing of *Plessy vs Ferguson* which said that separate but equal was constitutional. The south in particular used this to support their idea that almost all things in life should be separated by race. Almost 60 years later, the Supreme Court counteracted the ruling of *Plessy vs Ferguson* by their ruling in the *Brown vs Board of Education* case which stated that separate but equal was not constitutional. Supporters of this ruling pushed for states to follow it and wanted it to happen almost immediately. The federal government gave states a set amount of years to come into compliance with the new ruling. Many southern states dreaded making this happen because it would take a mass amount of time and resources but also many of the constituents in their states did not agree with the ruling.

With many people in the south being against the Supreme Court's ruling, the states had a hard time meeting the compliance of the federal government but also pleasing their constituents. Florida in particular had a hard time with this because it is very large in geographic area and has many communities with beliefs.

The purpose of this paper is to examine why Florida in particular had such a difficult time in complying with the Supreme Court's ruling in *Brown vs Board* as well as the other regulations that followed its ruling. Particularly, the focus will be on the states leadership like the Governor to determine why Florida did not want to comply. Florida was not as tolerant or liberal as it is today during this era. The regions were more conservative and people were scared of what might happen if all races were raised together in school. Whites in particular were scared about the

influence of minority students as well as bringing in different people who would “ruin” their perfect white communities.

In looking for sources, historians try to find unbiased material that will help support their conclusion as well as material they can use as a counterclaim to prove previous works incorrect or outdated. Historians tend to research material at archives first to find primary sources on their topics and then branch out to secondary sources that will assist them with their information and possibly even finding more sources.

Secondary sources that were similar to my topic or had an overarching topic that was similar were difficult to find because not many people have researched desegregation in Florida. The majority of primary sources used were found at the Florida Archives in Tallahassee.

Originally, the plan was to write a comprehensive study of Florida’s public education system since 1910 because that was the last time that a comprehensive study was completed by Thomas Cochran. *The History of Public Education in Florida* was the first book found which sparked the idea to talk about education in Florida. Thomas Cochran delves deep into the history of Florida to give a simplified view of the history of the education system. The book is purely informational for people who are interested in the changing of education. Cochran’s book was published in 1921 and a general history of Florida’s education has not been researched since. Authors and historians have mostly focused on small topics or people in the education field. After doing preliminary research, it was determined that it would be far too difficult to finish his study to the present time, so like many others, a smaller topic had to be the focus.

The time period in which *Brown vs Board of Education* ruling was finalized was a very trying one. It can be argued that the differing views of the nation had not been as extreme since the Civil War. The Civil Rights era divided the country once again. The south being the hardliners who did not want their way of life changing and the north being more tolerant. School desegregation was frowned upon in the south and even though Florida is a southern state, people tend to think Florida was and is more tolerant than the other southern states because of our high amount of transplants from northern states but during this time period, it is not an accurate assessment. Understanding the reasons behind Florida's slow integration process in the public school system will help a wide range of people to understand how the education system has progressed since this time period.

There has never been a full comprehensive study on integration of Florida's public schools. Some historians have hinted to the topic or expressed general sentiments in their works like *Education Reform in Florida* by Kathryn M. Borman and Sherman Dorn. This book focuses on Florida's governor Jeb Bush's educational reform policies but does give background to the desegregation movement in Florida.¹ Without proof of the author's argument, the reader will find it hard to believe what the author is stating is fact. Even though this book does have some of the same arguments as this paper, they do not show proof of the facts with primary sources. The reason for this is because it was not their intent to discuss this topic, they were just offering a background but it could have been portrayed and proved in a much better way.

¹ Kathryn M. Borman and Sherman Dorn, *Education Reform in Florida: Diversity and Equity in Public Policy* (Albany: State University of New York Press, 2007).

This paper's research focuses mostly on the political and social landscape of the time period, looking into the ideas of constituents as well as the governmental leaders who were in charge of Florida during the 1960s and 1970s. It is not the goal of this paper to discuss specific politics but rather how the politics shaped the outcomes.

While visiting the Florida Archives, the focus was on finding government documents which discussed education during the time period between 1960 and 1970. The Governors correspondence and Department of Education documents proved to be fruitful. Most of the sources are physical which were scanned to bring back from the archives but other sources like newspapers and videos were found electronically.

The topic of integration is generally focused on how the United States as a whole has handled the issue. Some states have started the research on how each was affected by integration but Florida is not one of them. For example, *The Lanahan Readings in the American Polity* was written for undergraduate students to help them learn how the American government system works as well as how it has progressed over the nation's history. Within this book, there are a few essays which focus on desegregation and the governmental policies that help put it into place. One such example is *From Simple Justice* by Richard Kluger which describes how the *Brown vs. Board* Supreme Court case changed America more than any other in the nation's history. Kluger uses the Supreme Court documents as well as the national shock to prove his point.

Another interpretation of this topic focusing from the national viewpoint. *A History of Education in America* by John D. Pulliam and James J. Van Patten shows how desegregation affected the country as a whole. By not focusing on a particular state, they offer an interesting

point by showing what caused the Supreme Court decision. It is nice how this book offers a general view into desegregation during the 1950s-1970s. Their argument is concise and to the point with great proof. The main audience for this book is future educators and historians interested in education and the politics behind educational policies.

Another book, *With All Deliberate Speed* is about the implementation of *Brown v. Board* in 12 states. One essay is written by Caroline Emmons which discusses how Florida was divided on the implementation. By focusing on how the state is very large in geographic area and the differing political views of regions of the state, Emmons offers a new perspective on this topic. Emmons uses secondary sources as well as newspaper articles and court documents to help solidify her argument which was that Florida was one of four southern states to rally against the Brown decision. It is clear that she has focused much of her career on the Civil Rights movement and how it has affected Florida because she uses much of her previous work as sources in her argument. This source will help with my final paper because it shows how Florida responded to the decision of desegregation while my paper will focus on why it responded the way it did.

Once again, the biggest gap is focusing on how all of this affected Florida and its public education system. Particularly, why Florida took so long to follow governmental policy. When finished, this paper will fill in the gaps that other historians have not focused on by not only explaining the how but also the why of the topic.

The first chapter of this thesis will give a background on education regulations in the United States as well as the *Brown v Board* ruling and other important information pertaining to this topic for the reader. Florida enrollment statistics will be included to show the percentages of races enrolled in schools. This information will give a background for the reader to understand

the integration background in Florida as well as the governmental rulings that started this process.

The second chapter will be about the Federal government's influence in Florida and how Nixon's southern policy on education supported the slow-moving process of integration. This will include Nixon's thoughts before and during his presidency on integration and busing and his lack of support or opposition to Florida Governor Claude Kirk.

The third chapter will discuss the integration movement in Florida. Included will be discussions of the Florida legislature as well as the executive branch and how they influenced integration. Statistical information about individual states will be included to show the reader the numerical data on integration and busing. Many primary sources like the report on integration which explained the different ways to integrate as well as newspapers and letters will be used to show the opinions of constituents throughout the state and the important actions that took place in desegregating public schools in Florida. Busing as a tool toward integration will be discussed as well as how Floridians felt about busing and the background on how it was used in Florida.

The fourth chapter will be about Florida's governor Claude Kirk. The chapter will include a background on Kirks early life and how he found his way to Florida. It will also explain Kirks actions in terms of integration, specifically how he disregarded the Supreme Court's decision in integrating Manatee County in the middle of the school year and his views on busing students to fulfil the requirements of desegregation. Newspaper articles and other primary sources are used to show the chronological order of events as they played out in regard to the Governors actions in the Manatee case. The chapter will also include the failure of Kirk to keep

constituent support which would lead to him losing the governor election to someone who supported desegregation more.

Integration was passed with the *Brown v. Board of Education* Supreme Court case, however, desegregating would prove to be much more difficult in the state of Florida because of the constituent and governmental actions against the federal court's decisions.

Chapter 1: The Background

The United States of America is a mix of all different kinds of people. Throughout its history, the U.S. was known for being racially segregated. The Supreme Court ruled in *Plessy v Ferguson* (1896) that separate but equal was constitutional.¹ Schools around the country were segregated and the infrastructure as well as resources were found to be not equal. Public schools became a common trend across the country after the Civil War although there had been all different kinds of schooling even during the time of the American Revolution. In the United States Constitution, it is stated that education is to be handled by the state governments. Many of the first states talked about education in their constitutions. For example, Massachusetts created a local school system that included all genders in 1789.² Education was seen as something very important even in the early years of our country.

With the *Plessy* ruling, a dual system of education emerged which separating the races into two categories, white or non-white. Over time, activists wanted to show that segregated facilities of all kinds were not equal. Non-white schools in particular tended to be physically run down and lacked the resources to allow students to succeed while white schools had up-to-date technology and structures.

The NAACP (National Association for the Advancement of Colored People) was the main organization who headed this movement of trying to prove that the separate facilities were not equal. “In a study commissioned by the NAACP in the 1930s, Nathan Margold found that under segregation, the facilities provided for blacks were always separate, but never equal to

¹ *Plessy v Ferguson*, 163 U.S. 537 (1896).

² John D. Pulliam and James J. Van Patten, *History of Education in America*, 9th ed. (Columbus, OH: Pearson, 2007).

those maintained for whites.”³ Once this study was completed, the NAACP organized a series of lawsuits that would try and get rid of the separate but equal doctrine using Margold’s study.

Eventually, the cases would lead up to the *Brown v. Board of Education* case.

On May 17, 1954, the United States Supreme Court ruled in the *Brown v Board of Education* case that separate but equal facilities which was originally stated in *Plessy v Ferguson* were unconstitutional because they were not equal. “We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.”⁴ Eventually, schools around the country would be required to desegregate but the Supreme Court left that decision to lower federal courts because they recognized that each region of the country would take this news differently and implementation would take longer in some places like the south.

Florida citizens did not all support the Supreme Court’s ruling. *Jet Magazine* from 1954 states, “Integration of Negroes and whites in public schools of Florida is favored by one out of every four white community leaders, according to a survey made by a committee appointed by Florida Attorney General Richard Irvin.”⁵ Surveys of average citizen views were not found. Religious groups were some of the first people to fully support the ruling. Florida Methodists for example supported the ruling by stating that it fell in line with their religious views to create a world that supported peace for all races.⁶ This does not mean that people did not see any problems with implementing segregation, they knew it would come with people disapproving as well as difficulties.

³ "NAACP Legal History," NAACP, , accessed July 18, 2017, <http://www.naacp.org/legal-department/naacp-legal-history/>.

⁴ *Brown v Board of Education*, 347 U.S. 483 (1954).

⁵ "One out of Four Whites Favor Mixed Florida Schools," *Jet* 15c (1954), accessed July 7, 2017.

⁶ "Methodists Approve Court Rule," *Miami Herald*, June 13, 1954.



Figure 1: Political cartoon referencing Civil Rights in the South⁷

⁷ Jon Kennedy, "Political Cartoon," , <https://s-media-cache-ak0.pinimg.com/originals/79/ca/be/79cabe24fec2e5f122163afb9b77ee1c.jpg>.

Also, Thomas Bailey who was superintendent of Florida Public Schools at the time called for people to take the information as it was and not to cause hysteria.⁸ Mainly this statement and others like it were created to pacify the groups of citizens who disproved of the ruling. The wait and see method was implemented; wait and see if integration actually happens and wait and see if the decision will be repealed.

Even though some people hoped the Brown decision would be repealed, it was not. Just one year after the original ruling, another one was issued which stated that the whole country had to be desegregated and it was up to the lower federal courts to ensure the action. Although there was no timeline in place, some areas started the process of desegregation faster than others. In Florida, a few counties started the movement in the early 1960s but most pushed off the order by finding ways around integration like pupil assignment laws and freedom of choice plans. The U.S. federal court system in regards to education was quiet for over 10 years, presumably to allow schools and districts the chance to get used to the idea of integration and allow them the time to integrate on their own.

One of the largest reasons for counties to not integrate fully was the question of how to complete the action. Many districts started with the idea of freedom of choice which allowed students to choose where they wanted to go to school as long as they could provide their own transportation if they were out of area or if the school wasn't already full. In the *Green v. New Kent County* Supreme Court case (1968), it was found that this plan was not perfect because it did not fully integrate schools. "According to the Green opinion, school boards were "clearly

⁸ Chalmers M. Roberts, "South's Leaders Are Shocked at School Integration Ruling," *The Washington Post*, May 18, 1954.

charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch.”⁹ The court stated that the plan might work in some places but overall, many students did not want to leave their segregated schools to join with a different group.

Just one short year after the *Green* case, the Supreme Court made a formal statement in the *Alexander v Holmes County* case, that districts with dual systems of education had to immediately come into compliance with unitary school systems. This ruling mainly affect schools in the south because the North in compliance in the eyes of the law. Florida in particular only had a few districts in compliance at the time of that ruling.

In stating that the freedom of choice plan was not feasible for most places and that dual systems had to be eliminated, many districts had to look at their plans to determine if they were complying with the *Brown* case, others ignored the ruling all together. One place, Charlotte-Mecklenburg County in North Carolina was under a freedom of choice plan but it was not issuing the kind of numbers needed to meet the desegregation ruling. The NAACP along with other leaders found families that had been denied admission into schools to prove that there was still segregation in the county. The lower courts ruled that busing was the only feasible solution to the problem of integration. After going through the appeals process and the ruling being overturned, the Supreme Court’s decision stated that busing was an appropriate remedy for the problem of integration.

The decision of the Supreme Court in the *Charlotte-Mecklenburg* case (1971) would cause havoc across the country. Many southern states did not agree with busing to reach racial

⁹ Bernard Schwartz, *Swann's Way: The School Busing Case & The Supreme Court* (New York, NY: Oxford University Press, 1986), 12.

integration regardless of their political affiliations. The Florida Republican governor at the time, Claude Kirk, in particular did not agree with busing and would eventually go head to head with the Supreme Court over the issue.

The Republican and Democratic parties had different outlooks on desegregation and what should be the process of implementation. Republicans who tend to be more socially conservative in today's terms were not as conservative during this time. Some wanted to slow desegregation and create alternatives to public schools with the school-choice option in which students could pick where they wanted to attend for school. The Democrats who tend to be socially liberal wanted to support the Supreme Court's decision by offering assistance in legal actions and pushing for more financial support to help school districts implement desegregation.¹⁰ Caroline Emmon's in her article about the Brown case in Florida stated, "As the Democrats became increasingly identified with civil rights, the Republicans were well positioned to attract dissatisfied white voters who had been Democrats as well as snowbird Republicans migrating to the states"¹¹ Southern Democrats were somewhat different because they did not fully support desegregation but the party was moving more towards fighting for the rights of the minorities.

Florida today is seen as a fairly liberal state when it comes to social issues because of the high population of transplants from northern states and the trend of young liberals coming to age. Democrats tend to be more socially liberal than Republicans in the United States. As of December 2016, the number of registered Democrats in Florida is 4,905,705 which is 38% of the population. 35% of the population are registered Republicans and the rest are registered under a

¹⁰ Frank Brown, "Nixons "Southern Strategy" and Forces against Brown," *The Journal of Negro Education* 73, no. 3 (Summer 2004): accessed July 5, 2017, SocINDEX.

¹¹ Brian J. Daugherty and Charles C. Bolton, *With All Deliberate Speed Implementing Brown v. Board of Education* (Fayetteville: University of Arkansas Press, 2011).

minor party or no party at all.¹² Although Florida was mainly democratic in the 1960s and 1970s, not all people agreed with desegregation, they did not know how it would work in Florida or how it would be implemented which caused them to be skeptical. Florida during this time had a dual education system in which minority students would attend one school and the whites would attend another. This tended to be in response to housing districts which also separated the races.

The U.S. Census has statistical information on enrollment in schools based on race. The following information was focused on statistics from 1950, 1960, and 1970. It is particularly telling of the country's views on race in the census which is sectioned into white and nonwhite for almost all years. The 1970 census did focus other races when it included "Native Spanish Speakers" as a section as well. The section of the census research that was focused on was the school enrollment from age 5 to 25 by race. Below is a summarized chart of the information.

Year	Total Number	White	Non-White	Native Spanish Speaking
1950	635,040	513,080 (80%)	121,960 (19%)	No distinction
1960	1,095,996	871,911(79%)	224,085(20%)	No distinction
1970	1,898,622	1,421,024 (74%)	349,837 (18%)	127,761 (6%)

Figure 2: Number of Students Enrolled in Florida Schools by Race (US Census Bureau)

As seen in the chart above, non-white enrollment in schools averaged in the high 70s for most of these years while the non-white percentage slowly grew over time. This does not show the distinction between students enrolled in public versus private schools. It is well known that

¹² "Voter Registration - Current by County," Florida Department of State, December 31, 2016, , accessed July 07, 2017, <http://dos.myflorida.com/elections/data-statistics/voter-registration-statistics/voter-registration-monthly-reports/voter-registration-current-by-county/>.

many white students in all areas of the country did transfer out of public schools and into private schools because of the want to be continually segregated.

The *Brown v Board of Education* decision shocked the nation but the country fell behind the court's ruling. This could have been because people truly believe that schools needed to be desegregated or that they didn't think the ruling would actually be implemented because the court did not give a final date. In some cases, it was probably both.

The Supreme Court's decision was made in 1954 and some districts in Florida were still not desegregated in 1971 because there was no urgency on the lower courts or higher courts to ensure the progress. The federal Executive branch whose job is to enforce the laws of the United States could have ensured the implementation if there had been an end date for the process but there wasn't so they tried to stay out of the issue as much as possible. The President, a republican, however did have his own opinions about integration of public schools which had a play on how Florida's implementation was going because the governor was also a Republican. Richard Nixon's southern strategy which had the goal of slowing down the process of integration as well as his dislike for busing gave southern republicans like Claude Kirk a federal voice on what they wanted to happen.

Chapter 2: The Federal Government and President Nixon

The president in office during the *Brown v Board* case was Dwight D. Eisenhower (Ike) and his vice president was Richard Nixon. Ike was the republican candidate for the 1955 presidential race. He was well known for avoiding conflicts when it came to education and desegregation of schools because he felt it was the court's ruling and so they should ensure the implementation. It is no surprise that Nixon when becoming president in 1969, took his former mentors same outlook on desegregation.

Nixon was known for being a supporter of desegregation but he knew that to stay president and have support from the whole country, he needed to please all different kinds of people. In the north, it had to be known that Nixon supported integration and in the south, it needed to be known that he wasn't going to push for integration to happen until the courts made the decision.

The "southern strategy" that Nixon implemented throughout his time as president was one in which assisted him in becoming reelected in 1972. "President Nixon developed a public policy of ambivalence and equivocation while designing an agenda to shift political culpability away from his administration and toward the judiciary."¹ Nixon avoided making any sure-fire decisions regarding education and almost always supported the federal court rulings even if he did not agree with them. The southern strategy's main goal was to appeal to the racist south without alienating them with governmental regulations.

¹ Randy Sanders, "Rassling a Governor: Desegregation, Claude Kirk, and the Politics of Richard Nixon's Southern Strategy," *The Florida Historical Quarterly* 80, no. 3 (Winter 2002): accessed July 5, 2017, <http://www.jstor.org/stable/30149242>.

One of the main points regarding education of the southern strategy was the implementation of the school choice program. This program would allow citizens the choice of where to send their students. Frank Brown in his explanation of the southern strategy states that, "The first federal support for school choice programs began in the early 1970s with federal support for magnet schools; and federal grants for support of magnet schools in public districts continues to this day."² If private school was the decision, a voucher would be created for the students which would give the amount of money that public school education costs to help offset the cost of private school.

During his presidential run, Nixon spoke on Face the Nation in 1968. Face the nation is a political program on CBS which seeks answers from politicians on hot topic issues. In this episode, Nixon was questioned about his political agenda as well as political views on what other presidents have done in the past. One of the questions was about education and creating an integrated nation. Nixon's statement is below.

The law says specifically that funds shall not be withheld from a district for the purpose of creating racial balance. The law says that funds shall be withheld from a district which does segregate. I believe that the office of education should carry out the law and not go beyond it. That's why for example on the matter of segregation/desegregation I don't think funds should be denied to a district on the busing issue. I'm against busing. I do not believe that it serves education to pick up children that are two or three years behind children in another school district and haul them for a half hour across town to another district. I'm not for that kind of compulsory integration. I am against segregation and no funds should be given to a district that practices segregation but I do not believe that the funds of the federal powers should be used as the law specifically points out for the purpose of creating racial balance.³

In stating this, Nixon appealed to the North by saying he was against segregation but also appealed to the South because the only way that anyone could see completing integration fully

² Frank Brown, "Nixons "Southern Strategy" and Forces Against Brown," *The Journal of Negro Education* 73, no. 3 (Summer 2004):.

³ Nixon Foundation, YouTube, August 20, 2015, , accessed July 31, 2017, <https://www.youtube.com/watch?v=5CHELZAZW18>.

was busing students to different schools due to housing patterns. The majority of people in the nation disliked the idea of busing and would continue to feel that way even after it was implemented as a strategy by the federal courts.

In a press conference in April of 1971, Nixon spoke again about busing a few days after the *Charlotte-Mecklenburg* decision which stated that busing could be used as a tool to reach integration. People looked to the president to see what he would do regarding the case. Nixon did not give into the people who wanted to see the president go against the Supreme Court, he instead followed his former mentor's policy.

Now that the Supreme Court has spoken on that issue, whatever I had said that's inconsistent with the Supreme Court's decision is not mute and irrelevant. Because everybody in this country including the President of the United States is under the law or putting it another way, nobody including the President of the United States is above the law as it is finally determined by the Supreme Court of the United States. Now, what is the law on this instance, the law is that where we have segregation in schools as a result of governmental action in another words, de jure, than busing can be used under certain circumstances to deal with that problem. And so we will comply with that situation and we will work with the southern school districts not in a spirit of coercion but one of cooperation as we having during the past year when so much progress has been made in getting rid of that kind of system.

Nixon did not always follow this policy, historians have found that in private conversations and actions, Nixon did not always tell the public exactly what he was thinking regarding busing or segregation. "Nixon's chief of staff, recorded in carefully daily diary entries repeated instances of the President trying to slow down desegregation measures already in motion, of distancing himself from enforcement, and of ordering his staff to do what was required by law and not one thing more."⁴ This comes as a surprise when in public, Nixon seemed a huge supporter of desegregation and enforcing the laws of the nation. Nixon did in

⁴ Randy Sanders, "Rassling a Governor: Defiance, Desegregation, Claude Kirk, and the Politics of Richard Nixon's Southern Strategy."

some instances cause the nation to question his motives. In his speech above, he states that the nation had to comply with the ruling from the *Charlotte-Mecklenburg* case but then he instructed the Attorney general to find a way to nullify the case.⁵ The actions attempting to nullify the case did not work and Nixon had to think about the bigger picture of being reelected.

Although Nixon did do suspicious things after making a national speech about accepting the decision, it was well known that he did not approve of busing. Even before the final decision, Nixon did try to prevent the case from proceeding. "The Nixon administration has, for the first time in history, joined on the side of Southern defendants for the purpose of seeking delays through the courts."⁶ After his nullification attempt did not work out, he also tried to get legislation passed through Congress that would stop busing on a large scale.

In his address to the nation, Nixon discussed how he was going to propose legislation that would halt all new busing orders as well as pass a new regulation that would grant equal opportunities to all students regardless of race, color, or national origin.⁷ Congress looked over the new legislation and refused to accept many parts of it. Nixon again in a statement about signing the final amendment that was passed by Congress, stated that Congress did not do what they were meant to do. "It has not provided a solution to the problem of court-ordered busing; it has provided a clever political evasion."⁸ Nixon obviously was not happy with the legislation that was being passed but accepted it as a small step toward what the country wanted.

⁵ Frank Brown, "Nixons "Southern Strategy" and Forces Against Brown.

⁶ Memorandum for Southern Republican Chairmen, January 28, 1970, Governor Askew's Documents, Florida Archives, Tallahassee FL, S 126.

⁷ Richard Nixon, "Education and Busing" (speech, Television, March 16, 1972).

⁸ Richard Nixon, "Richard Nixon: The President's News Conference - December 8, 1969," The American Presidency Project, , accessed July 31, 2017, <http://www.presidency.ucsb.edu/ws/?pid=2365>.

In response to Nixon's political outcry about the busing issue, the NAACP's Division of Legal Information wrote an article that debunked a large portion of what Nixon described in his speech in March of 1972. In *It's Not the Distance, "It's the niggers,"* the NAACP was proving that the large amount of people who disapprove of busing are racists who do not want their students going to school with minorities; not people concerned with the quality of their student's education if they were to be bused to a different school. The article also states, "having represented black plaintiffs for over 30 years in most of the nation's school desegregation cases, LDF lawyers know, perhaps better than any other group of private citizens, that Federal judges are extremely reluctant to impose harsh and unreasonable remedies even for clearly unconstitutional actions."⁹ The article uses information from the federal government as well as private agencies that have done research on the topic of busing and desegregation.

⁹ NAACP Division of Legal Information and Community Services, *It's Not the Distance, "It's the Niggers"*. May 1972.



Figure 3: Peter Irons, School Busing¹⁰

This is not to say that what Nixon was saying in his speech was wrong, but it was definitely biased toward his agenda. Nixon made it clear that he was willing to do almost anything to ensure that busing was not used for integration purposes. Some people state that busing is wrong because of the long distances students have to travel and yes there were others that didn't like it because of the integration progress. Regardless of these differing opinions, it has been proven that a large portion of society disagreed with busing, black and white, Nixon

¹⁰ Peter Irons, School Busing, digital image, [Http://usslave.blogspot.com/2011/10/peter-irons-jim-crows-children.html](http://usslave.blogspot.com/2011/10/peter-irons-jim-crows-children.html).

was supporting his constituents to the best of his ability while still following the system of checks and balances.

Many southern leaders supported Nixon in his quest to fight against busing. One in particular, Claude Kirk of Florida, took the fight too far. In trying to support the Republican leader's platform, Kirk led the crusade against busing in Florida. He took his fight to the Supreme Court and even took control of Manatee County in hopes of fighting off the Supreme Courts decision. Nixon although supportive of getting rid of busing, did not have the same extreme views as Kirk. "I believe in carrying out the law even though I may have disagreed as I did in this instance with the decree that the Supreme Court eventually came down with."¹¹ When Kirk went head to head with the Supreme Court, Nixon knew that he and the Republican party had just lost Florida to the democratic party.

¹¹ Richard Nixon, "Richard Nixon: The President's News Conference - December 8, 1969," The American Presidency Project, , accessed July 31, 2017, <http://www.presidency.ucsb.edu/ws/?pid=2365>.

Chapter 3: State Integration

The *Brown* decision affected each state differently. Florida in particular had a hard time with the new regulations. The state government although somewhat quiet about the issue were not supportive of the Supreme Court's decision. The Florida legislature in 1955 held a special session to develop laws to delay the implementation of Brown but nothing was completed because when *Brown II* stated that implementation had to be completed with deliberate speed, and the state took a deep breath realizing that the laws were not needed. During Brown II, Florida's Attorney General, Richard Ervin, submitted an *amicus curiae* to the Supreme Court, stating that the diversity of states required different solutions and that there should not be a definitive date of completion.¹ The Supreme Court heeded Ervin's advice and issued the ruling on *Brown II*.

Each district in Florida had a different timeline and plan for integration after the Supreme Court's Brown ruling just like the rest of the south. In an article that discusses if the problems of desegregation were real, Winecoff states, "Since the population of negroes and whites is not equally proportionate throughout the south, the amount of desegregation will not be the same for all parts of the region."² The majority of districts did not fall under court order to desegregate until the mid 1960s and would not find themselves under compliance until 1971 when the courts were under pressure to complete integration.

¹ Brian J. Daugherty and Charles C. Bolton, *With All Deliberate Speed Implementing Brown v. Board of Education* (Fayetteville: University of Arkansas Press, 2011).

² H. Larry Winecoff and Eugene W. Kelly, Jr., "Problems in School Desegregation: Real or Imaginary?".

Statistical data is very abundant when it comes to Florida integration. In the mid 1970's, the governor's office issued a questionnaire for all school districts to inform on the number of students in the district based on race. They also questioned the number of students being bused in the 1971-1972 and 1972-1973 school years to determine how busing was affecting Florida.

Charts of the information is found below.

The student population from 1973 shows that the average amount of students by race in 50 of the 67 districts in Florida.

School District Name	Student Population 1973		
	Black	White	Other
Alachua County	7,467	15,018	included in white
Baker County	639	2,259	8
Brevard County	6,989	54,348	593
Broward County	29,082	100,849	
Calhoun County	372	1,707	6
Citrus County	523	4,737	56
Clay County	953	10,322	
Collier County	1,100	8,500	1,400
DeSoto County	866	2,274	17
Dixie County	325	1,210	0
Escambia County	13,459	33,993	495
Flagler County	351	766	13
Franklin County	340	1,440	
Gilchrist County	115		0
Glades County	275	570	131
Gulf County	703	2,055	
Hamilton County	1,118	1,124	
Hardee County	388	3,687	10
Hendry County	838	2,128	494
Hernando County	901	4,124	46
Highlands County	1,777	4,498	103
Hillsborough County	19,953	85,744	
Indian River County	3,520	5,280	
Jackson County	2,982	5,108	1
Jefferson County	1,754	752	0
Lafayette County	103	595	0
Lake County	3,933	12,394	55

Lee County	4,851	18,829	27
Levy County	3,837 (total for all races)		
Liberty County	161	800	
Madison County	2,030	1,581	1
Manatee County	3,843	14,294	98
Marion County	6,214	13,216	162
Martin County	1,606	5,284	223
Nassau County	1,463	5,269	0
Okaloosa County	2,191	24,287	414
Okeechobee County	413	3,037	104
Orange County	16,077	70,321	
Osceola County	762	5,902	83
Palm Beach County	19,693	48,874 (others included)	
Pasco County	881	16,411	
Pinellas County	14,314	75,289	574
Polk County	12,510	43,936	560
Putnam County	3,177	7,085	32
Santa Rosa County	750	9,675	0
Sarasota County	2,882	19,251	154
Seminole County	4,780	21,229	449
St. Johns County	2,142	5,121	9
Sumter County	1,123	2,953	44
Washington County	850	2,275	

The chart below shows the total number of students bused in the 1971/1972 school year in 50 of the 67 counties in Florida. The totals are shown by race in most counties.

School District Name	Students Bused 1971-1972		
	Black	White	Other
Alachua County	4,729	6,022	included in white
Baker County	331	1,561	0
Brevard County	3,521	18,285	152
Broward County	13,778	26,643	
Calhoun County	301	1,213	
Citrus County	190	2,360	unknown
Clay County	550	5,000(est.)	
Collier County	780	4,680	705
DeSoto County	126	1,146	8
Dixie County	210	625	0
Escambia County	7,140	18,110	250
Flagler County	235	455	1

Franklin County	3	295	
Gilchrist County	1	670	0
Glades County	253	438	74
Gulf County	600	773	
Hamilton County	685	682	
Hardee County	285	2,540	0
Hendry County	726	949	not recorded
Hernando County	765	3,147	
Highlands County	987	2,388	45
Hillsborough County	13,978	39,783	
Indian River County	1,869	2,804	
Jackson County	2,037	3,243	0
Jefferson County	1,250	440	0
Lafayette County	63	482	0
Lake County	1,738	5,463	42
Lee County	2,897	11,422	
Levy County	1,911(total for all races)		
Liberty County	89	366	
Madison County	992	915	0
Manatee County	1,808	6,875	46
Marion County	3,056(+others)	7,146	
Martin County	0	0	0
Nassau County	731	2,413	0
Okaloosa County	1,669	15,615	259
Okeechobee County	325	2,521	60
Orange County	5,456	22,754	0
Osceola County	328	2,405	25
Palm Beach County	8,429	14,228	5,695
Pasco County	507	9,440	
Pinellas County	11,310	24,595	215
Polk County	5,743	18,511	204
Putnam County	1,991	4,468	8
Santa Rosa County	561	6,991	0
Sarasota County	1,936	8,352	48
Seminole County	2,903	12,378	
St. Johns County	4,874 (total for all races)		
Sumter County	689	1,074	20
Washington County	675	1,800	

The chart below shows the number of students based in 50 of the 67 counties in Florida for the 1972-1973 school year.

School District Name	Students Based 1972-1973		
	Black	White	Other
Alachua County	4,318	7,749	128
Baker County	476	1,631	0
Brevard County	3,821	19,687	194
Broward County	14,196	32,118	
Calhoun County	281	1,218	
Citrus County	191	3,804	unknown
Clay County	550	5,000(est.)	
Collier County	770	4,500	700
DeSoto County	297	1,184	20
Dixie County	200	630	0
Escambia County	8,130	20,400	300
Flagler County	164	594	13
Franklin County	4	294	
Gilchrist County	1	720	0
Glades County	275	423	77
Gulf County	602	787	
Hamilton County	707	680	
Hardee County	292	2,591	0
Hendry County	695	848	not recorded
Hernando County	745	3,541	2
Highlands County	1,027	2,452	52
Hillsborough County	13,572	42,046	
Indian River County	2,103	3,154	
Jackson County	2,105	3,365	0
Jefferson County	1,275	450	0
Lafayette County	65	571	0
Lake County	2,041	6,424	40
Lee County	3,735	11,934	
Levy County	2,034(total for all races)		
Liberty County	91	380	
Madison County	1101	1107	0
Manatee County	1,959	7,354	67
Marion County	3,077	7,521	
Martin County	0	0	0
Nassau County	804	2,654	0
Okaloosa County	1,796	14,457	245
Okeechobee County	336	2,627	65

Orange County	5,978	21,654	0
Osceola County	462	2,594	27
Palm Beach County	10,821	19,478	1,197
Pasco County	643	11,970	
Pinellas County	11,451	28,035	230
Polk County	5,890	19,686	226
Putnam County	1,928	4,323	10
Santa Rosa County	569	7,552	0
Sarasota County	2,171	10,272	52
Seminole County	3,117	13,287	
St. Johns County	5,126 (total for all races)		
Sumter County	696	18,300	35
Washington County	725	1,860	

The chart below shows the number of students bused in Florida prior to desegregation. As the reader can see, the numbers have changed significantly between the year desegregation was ordered and the years in the charts above. In the 1970's busing was used throughout Florida to achieve racial balance in schools.

School District Name	Students Bused Year Prior to Desegregation			
	Year	Black	White	Other
Alachua County	1967	2,609	6,749	included in white
Baker County	1970	342	1,379	0
Brevard County	1964	729	16,280	
Broward County	1961	2,301	14,494	
Calhoun County	1969	130	1,100	
Citrus County	1969	190	1,610	unknown
Clay County	1966	263	2,448	
Collier County	1966	100	1,275	450
DeSoto County	1968	37	819	
Dixie County	1968	125	700	
Escambia County	1969	2,711	18,689	not known
Flagler County	1967	186	344	0
Franklin County	1965	35	290	
Gilchrist County	1967	0	600	0
Glades County	1966	94	204	92
Gulf County	1965	47	719	
Hamilton County	1969	685	682	
Hardee County	1965	79	1,960	0

Hendry County	1966	20	688	not recorded
Hernando County	1968	217	1,572	n/a
Highlands County	1965	297	2,209	0
Hillsborough County	1971	1,591	29,852	
Indian River County	1969	3384 (total enrollment all races)		
Jackson County	1965	2,121	3,133	
Jefferson County	1965	1,200	700	0
Lafayette County	1966	24	506	0
Lake County	1965	1,355	4,038	25
Lee County	1969	231	7,281	
Levy County	1965	1,268(total for all races)		
Liberty County	1966	50	341	
Madison County	1,060	979	0	
Manatee County	1965	542	5,054	
Marion County	1966	2,420	4,621	
Martin County	1965	330	720	40
Nassau County	1968	686	2,024	0
Okaloosa County	1965	512	8,792	
Okeechobee County	1965	71	1349	0
Orange County	1970	4,158	20,992	0
Osceola County	1965	319	1,541	10
Palm Beach County	1956	19,588 (total all races)		
Pasco County	1970	350	6,510	
Pinellas County		6,572	18,231	200
Polk County	1965	2,942	13,438	
Putnam County	1963	1,166	2,601	
Santa Rosa County	1963	319	4,849	0
Sarasota County	1967	831	5,578	33
Seminole County		920	8,818	
St. Johns County	1967	3,655(total for all races)		
Sumter County	1966	740	1,315	0
Washington County	1968	500	1,800	

The Florida League of Women voters also asked each county to respond to a report on the information pertaining to desegregation in 1971. The report included questions on how long the district has been under a court order to desegregate as well as what steps have been taken to achieve this court order. The questionnaire also asks about the communities' reactions and the current picture of desegregation. A few of the reports were on smaller areas of various counties.

The overall sentiment of the research was that the number of students had increased in almost all districts. Some claimed to have more opposition than others but almost all had some sort of opposition to integration. The questionnaires claim that white people had more issues with integrating than the black residents.

Although not all counties and areas were represented in this study, it is a vital representation of the integration plans that these areas and most of Florida had employed and the overall outlook of the people within the areas. In looking over all of the reports, almost all areas were under order to desegregate except for the two counties which voluntarily desegregated before a court order could be implemented. The highest amount of community opposition was in busing of students to reach integration although some counties and areas did have some opposition to desegregation from the community especially white parents which moved their children into private schools but that number was low. Individual area information can be found in the appendix.

Overall, the statistical information shows that each county was working on becoming desegregated, each in their own way. Some had already completed the process by 1970. Busing was one of the main ways used to achieve integration even though there was much skepticism and agitation from the people. According to the Florida Desegregation Consulting Center, 40% of children rode to school every day in the 1970's by bus and it had nothing to do with desegregation.³

Busing as a tool to integrate was made popular with the Supreme Court's *Swann vs. Charlotte-Mecklenburg* case. Some people could have argued that busing would cause the

³ Jeffery L. Brezner and Herbert Cambridge, *Facts About Busing*, report, College of Education, University of Miami: Florida School Desegregation Consultation Center (1972).

districts to spend a large amount of money in transportation which would take away from the cost that should be put toward educating the students but the price of busing from the 1963/1964 to the 1969/1970 school year shows that the price spent on busing in Florida actually decreased from 33.5% to 32.7% which lowered the cost by .8%.⁴



Figure 4: Protesters in front of judge's home in the Swann v Charlotte-Mecklenberg case⁵

⁴ Ibid.

⁵ "The Civil Rights Revolution In Mecklenburg County," digital image, <http://www.cmhpf.org/educationcivilrights.htm>.

Although busing was used as a tool to supplement integration, there were other options in Florida which could have avoided using busing. Through the University of Miami came a report on ways to integrate for superintendents. The first main point given is that it should not only be the superintendent who makes the plan. It is vital to have active members of the school community, black and white, to help with the decision process so the community as a whole will accept the plan.

The author explains that districts need to decide their plan based on a few simple questions. How much will it cost and will it be an easy transition? Once the plan is created then they need to look at a projected date for completion and whether or not the plan will be completed in steps or all at once. “A school system planning to desegregate should tailor a plan that is best suited to its own needs and one that is most likely to succeed.”¹ The four plans included in the study are ones that have worked in some areas of the country but have also failed in others.

The first plan states that the district completes desegregation all at once with every grade level, school, and area to be in compliance. The second plan calls for a step by step gradual desegregation where the district could start with one or two grade levels each year. The third and fourth plan give the options to the students. The third is a call for school choice where the students could choose which schools they would like to attend. The fourth takes requests from students on where they would like to attend school but ultimately it is up to the district to determine where they will attend. Each plan is unique and could work for districts in Florida.

¹ Plan for Desegregation, Division of Administration and Finance, Florida Department of Education, Florida Archives, Tallahassee, Florida.

Population size as well as racial percentages could determine if these plans would work in individual aspects.

In the book, *With All Deliberate Speed*, Caroline Emmons discusses how Florida developed the pupil-placement laws that allowed school districts to set criteria for students when assigning them to different schools. The Florida legislature created these in the spring of 1955. They included laws about how minority students should be placed into white schools. One of the laws stated that black students could be included in white schools if the “community committees were in place to deal with the possible repercussions from desegregation.”² These laws stopped Florida from desegregating fully. It wasn’t until 1964 when the Civil Rights Act was passed that Florida started to think about desegregation in a full time and comprehensive way. This was because Florida was jeopardizing \$29 million dollars in Federal funds by not making progress toward desegregating.

Even though Florida was receiving Federal funds to assist with desegregation, the money was not enough to cover all of the costs associated like moving students to new schools using busing routes or updating facilities to meet the needs of more students. In 1971, The Legislative Conference on National Organizations created a proposal about how to go about requesting more funds from the federal government. The document stated, “To assure full access to educational opportunities for all children regardless of race, ethnic background, or economic status, we urge the federal government to provide financial assistance to those districts for these added costs.”³ It is obvious that the federal government was giving a large amount of federal funds to states to

² Brian J. Daugherty and Charles C. Bolton, *With All Deliberate Speed Implementing Brown v. Board of Education* (Fayetteville: University of Arkansas Press, 2011).

³ Proposal on Education Legislation proceedings of Legislative Conference of National Organizations, Box 9, Florida Governor, Florida Archives, Tallahassee, Florida.

help ease the desegregation costs, this money was not enough for states like Florida to complete the action. It can be argued however that if Florida would have started to desegregate in the early 1960's by using the step method, they would not have been required to fully integrate in the early 1970s which would not have had such a large cost.

The 1970s were not the first time that Florida had a hard time with monetary issues regarding public education. In the late 1960s, Florida's legislature refused to issue more money to districts for all things education including helping with the cost of desegregation. Individual districts were required to get more money from their constituents which was never easy. In his book, *Educational Conflict in the Sunshine State*, Don Cameron explains that the large amount of snowbird transplants in Florida seeking refuge from high taxes in their home states, refused to pay for education of other people's children.⁴

With federal funding being limited in the late 60s and the state refusing to give the money needed for even the simplest resources, Florida's teachers staged a statewide walkout. Governor Claude Kirk promised to veto any tax increases to the Floridians. When legislation finally was passed, Kirk made a daring move by not vetoing or signing the law. By not signing, the law went into effect. Kirk saved face by not signing the law but also stopped the teaching strike from becoming larger. This was and would not be the only time Kirk would make the Florida constituency question his actions.

Busing as stated in other chapters, was the main tool used to assist districts in reaching compliance with the desegregation ruling. Buses were used to send students to schools outside of their neighborhood, at times, students were cross-bused. Cross-busing was a tool used to split

⁴ Don Cameron, *Educational Conflict in the Sunshine State: The Story of the 1968 Statewide Teacher Walkout in Florida* (Lanham, Maryland: Rowman & Littlefield Education, 2008).

white and black students. A portion of white students were sent to the black schools and a portion of black students were sent to the white schools. Hence, cross busing.

Some counties, like Leon, attempted to first allow students to transfer schools outside of their district before forcing a portion to move. In a letter home to parents, Leon county superintendent stated, “Effective immediately the Leon County School Board will permit any student attending a school in which his race is in the majority to choose to attend another school where his race is in the minority provided however, that any student choosing to attend another school must attend a school where his race is in the minority and which is nearer to his public residence.”⁵ This strategy was used by many districts in Florida. By allowing students to voluntarily move to a different school, the district was not liable for the issues that were raised. Unfortunately, the districts soon learned that not many students, white or black were willing to move to different schools.

⁵ Plan for Desegregation, Leon County, Box 1, Series N2015-6, School Desegregation Papers, Florida Archives, Tallahassee, Florida.

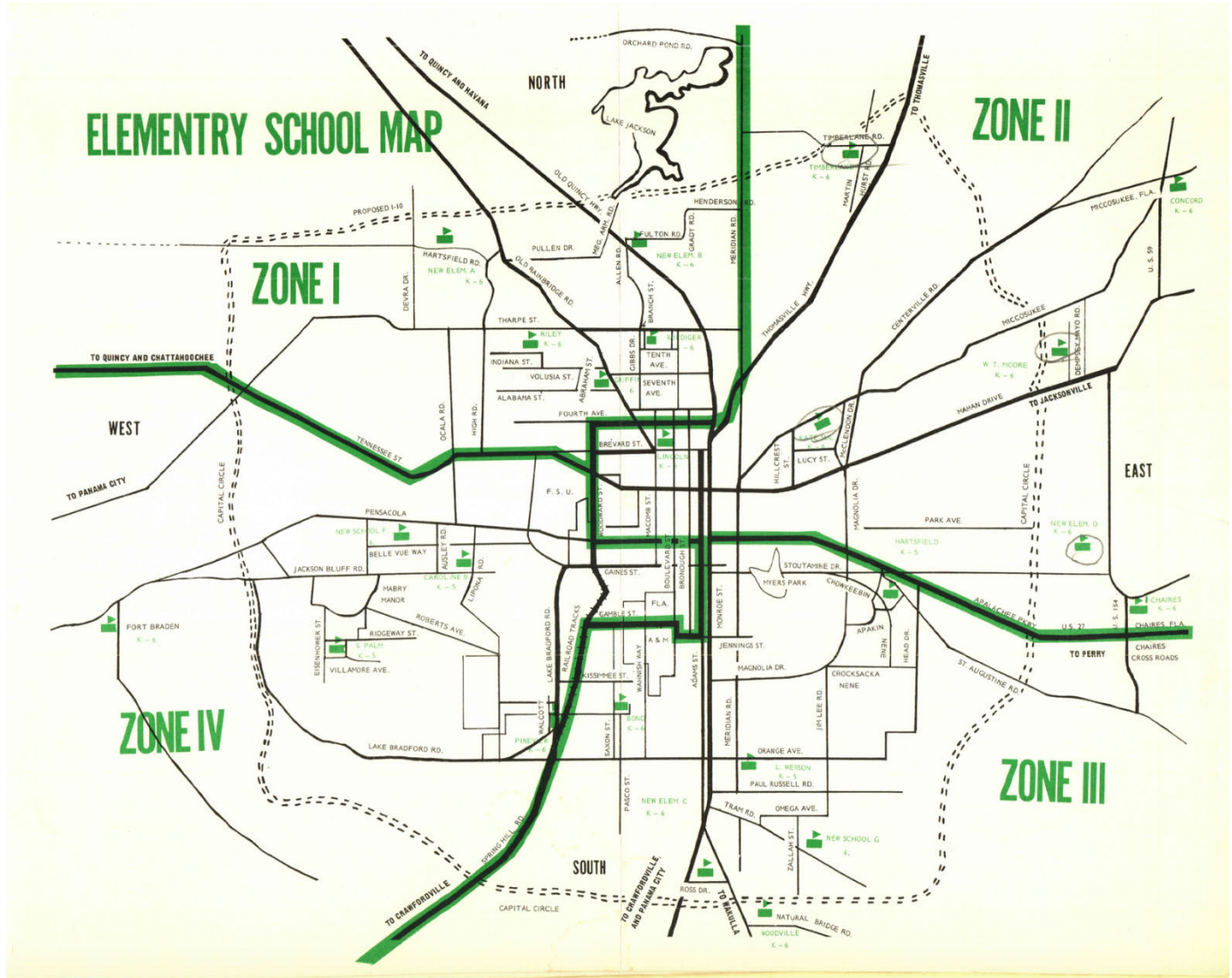


Figure 5: Leon County School Busing Map for Elementary Schools 1970⁶

The reason behind many students not voluntarily moving to different schools was their parent/guardian(s) opinion on sending students to new schools outside of their race. The main reason they give for not wanting to move students is because busing is long and extensive. In

⁶ Ibid

some cases, this was just a way to cover their racist thoughts but that was not true with all people.

One letter that was received at the governor's office after the passing of Brown vs. Board was from a constituent located in Miami, Florida. The letter states,

Regarding Segregation: Do away with public schools in the State of Florida. Segregation should be continued because of health and social reasons. Negroes are dirty and full of disease and will lower standard of white people. Greater Miami is full of bold Negroes and white people are not safe at night. All white parents should vote in this question if they want a mixed school or not. Colored women who work make their living from white people. They are maids at \$8.00 a day. Have all negroes clean up their slum areas. Bathe themselves, have good sanitary conditions in colored areas. What are you educators trying to do – degrade the morals of white people. I trust you are a white man and not negro trash. There is only a few good negroes and they are dead negroes. Segregation forever in the 18 southern states. F.D. Connls⁷

However, not all people in the state of Florida felt this way. Many agreed that desegregation was going to be good for the state. In a positive letter regarding the passing of Brown v. Board, E.G. Francis states, "The decision of the Supreme Court, outlawing racial segregation in the public schools, presents the south, and in particular the State of Florida with a golden opportunity to rid herself of something which has always been wrong but which we have been unable or else afraid to get rid of."⁸ Even though citizens were torn about desegregation,

⁷ Letter to Bailey from F.D. Connls, Box 14, Superintendent of Public Instruction, Florida State Department of Education, Florida Archives, Tallahassee, Florida.

⁸ Letter to Bailey from E.G. Francis, August 5, 1954, Box 14, Superintendent of Public Instruction, Florida State Department of Education, Florida Archives, Tallahassee, Florida.

many jumped on board and dealt with the passing of the law. The white hardliners who refused to have their students attend schools with the blacks sent their children to private schools.

Parents were not the only people for or against busing, students had opinions as well. One student shared her views. "I am a Jr. High student and will be bussed to a Sr. High, 55 blocks away in the fall, as I will be in 10th grade. I would like to say that I think the Supreme Court and School Boards are very, very wrong."⁹ The student goes on to state that the government in using busing as a technique is acting more communist than democratic.

Another student wrote about how he loves busing even though it is inconvenient at times. "I'm all for integration. I've met some great friends. It's a great experience; you meet a lot of different kinds of people. You also learn a lot of things about life that you probably wouldn't learn in a segregated school. Things that you really must know."¹⁰

People in Florida were torn about segregation and busing. Once everyone realized that the Supreme Court's decision was final, some tried to find ways around integrating schools. It can be argued that the dissatisfaction with busing was just a racist plea from white people to stop integration. It can also be argued that people did not want to see students bused exponential amount of miles out of their neighborhoods just to comply with the order of the federal court. The large outcry from constituents in Florida about busing did not fall to deaf ears. The governor heard their plea and was determined to do something about the issue of busing.

⁹ Press Section correspondence, 1971-1978, Florida. Governor (1971-1979 : Askew), Series S 70, Box 4, Folder "Education, Bussing Correspondence 1"

¹⁰ Ibid.

Chapter 4: Claude Kirk and Busing

Claude Kirk was not a Florida native, he was born in California in 1926 and spent most of his childhood in Alabama. He enlisted into the Marine Corps after graduation from high school during World War II and received officer training where he became a second lieutenant while in the Marines. Kirk received his Bachelor's degree from Emory University. He also fought during the Korean War. Kirk moved to Florida after getting his law degree to start a life insurance company in 1956 and never left.

In 1967, Kirk ran for governor of Florida under the promise to run the government like a business. "The Democratic party was split by a divisive primary campaign which enabled a Republican, Claude Kirk, to be elected."¹ Being the first Republican governor since 1872, Kirk had a hard time completing actions because of the Democrat controlled Congress. He is known as one of the most controversial governors in Florida's history because of his brash and opinionated character.

Claude Kirk from the beginning of his run for governor was an outspoken opponent of school busing to reach integration. He was the first governor to have the state constitution revised which helped to create the Florida Department of Education in 1969. The head of the State Board of Education would comprise of the Governor and a cabinet. "It has the general powers to determine, adopt, or prescribe such policies, rules, regulations, or standards as are required by law or as it may find necessary for the improvement of the state system of public

¹ James C. Clark, *200 Quick Looks at Florida History* (FL: Pineapple Press, 2000).

education.”² This meant that the governor was the ultimate leader of the state-run education system.

In being the leader of the state education system and the governor, Kirk had powers over all facets of the state government. In the early 1970s, U.S. District Court judge Ben Krentzman issued a ruling which stated that 15 of Florida’s school districts were under court order to integrate by April 6th. Kirk and many other people found this to be crazy because it would require schools to uproot students, teachers, and materials at the end of the school year. “Even if forced busing were legal, no school system in the nation has reached a level of sophistication to allow it to move children in this short, critical end-of-the-year time frame without disrupting the learning environment --- if not destroying it all together.”³ Claude Kirk started the process of asking for an extension until the next school year.

In January of 1970, Florida’s State Board of Education issued an emergency regulation defining a Unitary School System which stated that Florida was against cross-busing to bring racial balance to schools. Florida stated it was its goal to present to the Supreme Court that forced busing is unconstitutional and in violation of acts of Congress.⁴ It is no doubt that Claude Kirk had a large hand in this regulation.

² Creation of the Florida Department of Education, Box 9, Folders 3-21, Florida Governor, Florida Archives, Tallahassee, Florida.

³ Governor Kirk’s Executive Order, April 5 1970, Box 7, Florida Governor, Florida Archives, Tallahassee, Florida.

⁴ Emergency Regulation, January 20, 1970, Box 7, Florida Governor, Florida Archives, Tallahassee, Florida.

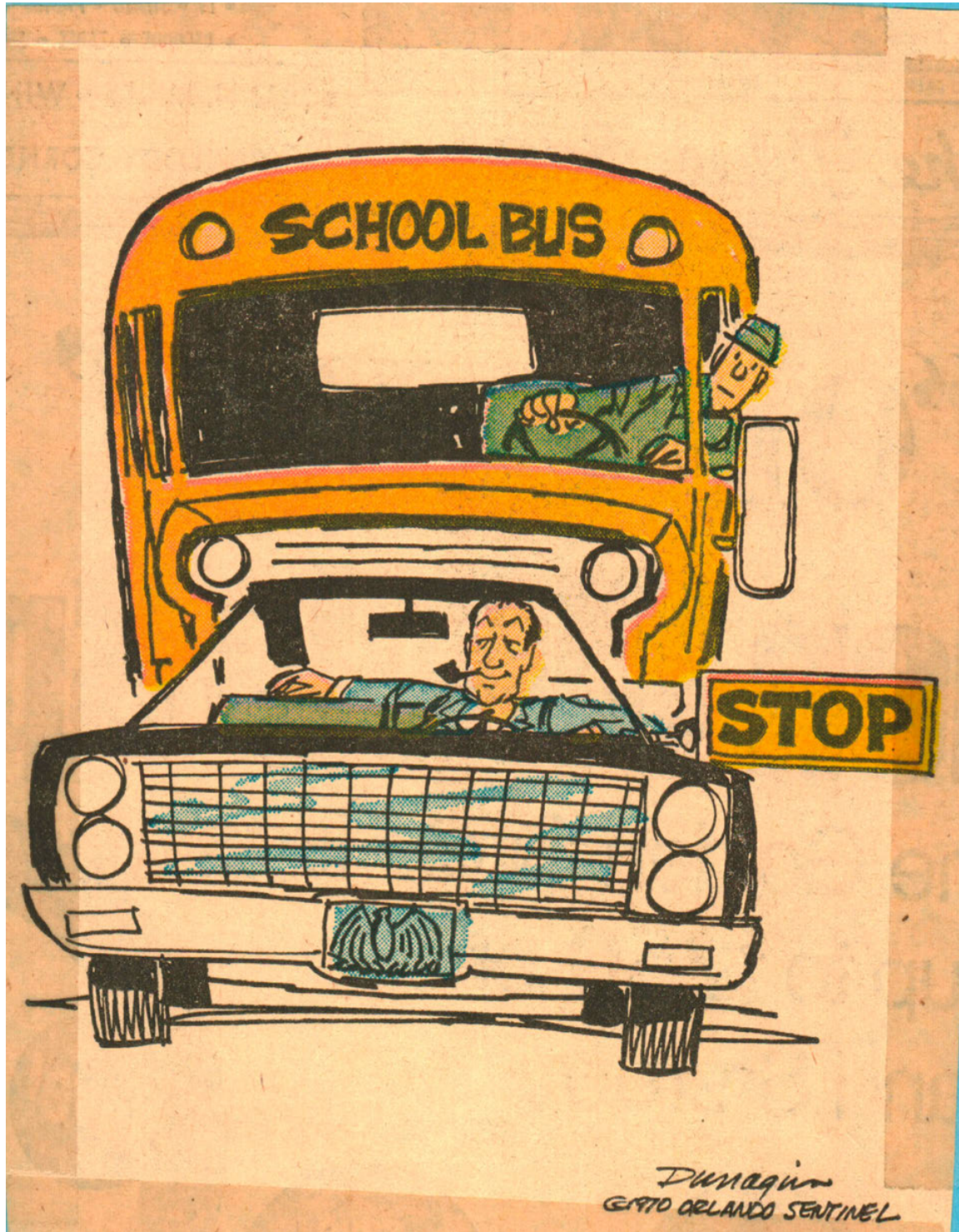


Figure 6: Dunagino, Kirk stopping busing cartoon, in Orlando Sentinel.⁵

⁵Dunagino, "Cartoon," Orlando Sentinel .

Newspapers around Florida started issuing statements about Kirk, supporting his actions. In January, the Miami Herald issued a statement from Senate President John Matthews, “Floridians will not sit still for “busing” to achieve racial balance in their schools, even if it means taking the children out of school or cutting off tax funds for buses.”⁶ The St. Petersburg times also praised Kirk by stating that his move would raise his re-election chances in certain areas in Florida.⁷

Kirk had never bothered himself with the courts decisions in the past, he supported them even if he didn’t agree with the outcome. But when the 5th Circuit Court required schools to uproot children in the middle of the school year and implement busing, Kirk stepped in. He walked right into the Supreme Courts Clerk office and filed paperwork to delay the court’s ruling. Kirk appealed to the Supreme Court asking for them to consider setting one date for which schools everywhere need to comply with the new ruling.⁸ On January 23rd 1970 Kirk was aired on the ABC evening news stating that the deadline for desegregating schools would go against the constitution because it would cause forced busing and fiscal irresponsibility.⁹ After trying the national news, Kirk attempted to reach out to other states for help.

At the 1970 Governors Conference, Kirk gave a report on school busing to other governors in the south asking for their help. “At this meeting of the National Governors’ Conference, Florida seeks from all of her sister states their active assistance in causing the legislative, executive, and judicial branches of the federal government to at last come to grips with these issues and to resolve them conclusively for all time. We seek no sectional

⁶ "Parents Wont Allow Busing," *Miami Herald*, January 22, 1970.

⁷ Charles Stafford, "Kirk Would Prohibit Integration By Feb. 1," *St. Petersburg Times*, January 20, 1970.

⁸ Critical Commons, August 16, 2013, , accessed August 02, 2017, <http://www.criticalcommons.org/Members/mattdelmont/clips/gov-kirk-protests-busing-1-23-70-abc>.

⁹ Critical Commons, August 16, 2013.

assignments. We seek the assistance of every state, none of which are in a greater posture of compliance than Florida.”¹⁰ The other states were not on board with going against the Federal government like Kirk, he was on his own to fight back.

Kirk had one last hope, the Orange County decision happened on February 19, 1970 in which the Circuit court ruled that neighborhood schools were allowed. This meant that students could go to school’s close to their house rather than be bussed for racial balance. This ruling went against the *Alexander v Holmes County* court case which said that dual systems of education had to conform to unitary schools mainly because even though in some cases the neighborhood schools were integrated, most were not due to housing patterns.

The argument made by the Florida governor was that busing was wrong because busing students to new areas outside of their comfort zone and away from their homes was wrong, the neighborhood concept was the best. According to Kirk, Florida’s decisions in regard to the Orange County case as well as an anti-busing provision in the Civil Rights Act of 1964 were reason enough to try and repeal the *Charlotte v Mecklenburg* case as well as the ruling from the 5th Circuit court.

Kirk using the Orange decision to his advantage issued a statement to the state that said, “The Circuit Court apparently has recognized the neighborhood school concept as the best environment in which to achieve sound educational opportunities for all children. Furthermore, by recognizing the neighborhood school organization, the Court, in my opinion, has clearly rejected the concept of forced busing as having any relationship to achieving quality

¹⁰ *Request to Governors*, report, State of Florida Governors Office (1970).

education.”¹¹ In Kirks mind, this ruling stated that busing was unconstitutional. Which is not necessarily true, neighborhood schools could be used in certain areas of Florida and other states because the populations were diverse, Orange county happened to be one of them. Kirk however used this ruling as one last hope to reach the Supreme Court.

Unfortunately, attempt after attempt did not work for Kirk. The Supreme Court ruled that the lower Circuit Courts ruling regarding desegregation and busing in Manatee County had to be followed and the schools needed to be desegregated by April 6th.

Kirk could have stopped when the Supreme Court issued their ruling, but he thought that he had the constituents and most of the country on his side. In an unprecedented move, Kirk issued an Executive Order on April 5, 1970. “It is the intent of this Executive Order to remove the Manatee County Board of Public Instruction and their Superintendent from the position where they would be required to implement an educationally unsound order.”¹² By removing the Superintendent and other officials, Kirk put himself as the leader of the school district so he was the one going against the federal order.

In early 1970, the Commissioner of Education in Florida sent a letter to Florida’s Attorney General Earl Faircloth asking if the school districts were to follow the federal guidelines or the ones laid out by Governor Kirk. Faircloth responded, “We must all obey the law as declared by direct orders of the federal judiciary. Those direct orders may not be agreeable to us, they may be loathsome to some, but they are of superior rank in our system of

¹¹ Claude Kirk’s Statement on the 5th Circuit Courts Decision, February 19, 1970, Box 7, Florida Governor, Florida Archives, Tallahassee, Florida.

¹² Governor Kirk’s Executive Order, April 5 1970, Box 7, Florida Governor, Florida Archives, Tallahassee, Florida.

jurisprudence – under our government of laws.”¹³ The district leaders took Faircloth’s advice and prepared for the desegregation plan toward the end of the school year. The Manatee district was ready for the plan to roll out on April 6th. They had the busses ready and the students issued to new schools. Kirk on the morning of April 6th took control of the district and the students were sent to their original placements.

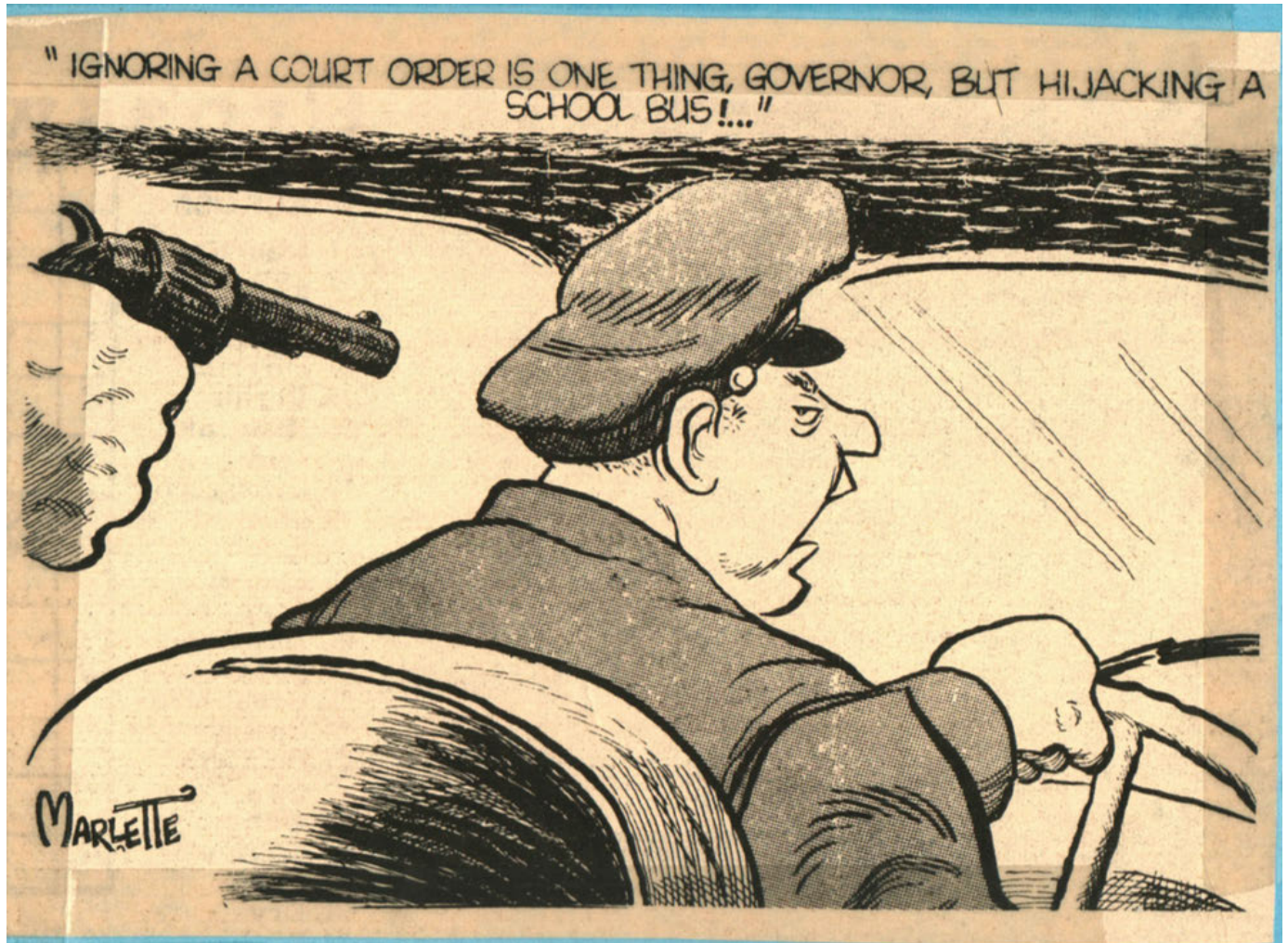


Figure 7: Doug Marlette, "Kirk- Busing," cartoon.¹⁴

¹³ Earl Faircloth to Floyd T. Christian, February 2, 1970, Box 7, Florida Governor, Florida Archives, Tallahassee, Florida.

¹⁴ Doug Marlette, "Cartoon,".

The governor had valid reasons for wanting to push the date to the next school year. Mainly because of the uprooting it would cause for teachers and students toward the end of the school year. "Implementation of this plan would affect 43 per cent of the school children some 45 days before the end of the school term and involve extensive forced busing resulting in a \$20,000 to \$30,000 added expenditure to the county with buses being required to run an additional 1,000 miles per day (and each and every mile is always perilous) within the next nine weeks of the school year, and each year to come."¹⁵ Many white people agreed with Kirk but the black community had a different view. Reverend C.D. Lazier, a black community member, said on ABC evening news, "It's a disgrace, that the governor would come in and take such action at this time."¹⁶ He went on to say that the black population was upset with the governor's actions. The problem was that the districts were prepared to meet the federal guidelines and had all of the necessary steps in motion to make the transition as smooth as they possibly could. The bus routes were created, teachers were moved to new schools, students were assigned to new schools and the plan was looked at from many angles to ensure a smooth transition.

The day after Kirk took power in Manatee county, Judge Krentzman told Kirk to appear before his court, the 5th Circuit of Appeals. Kirk stated that he was helping the students of Manatee county. "Crowds gathered at the school administration building carrying signs proclaiming, "Manatee County Loves Governor Kirk."¹⁷ But in other areas of Florida, people

¹⁵ Governor Kirk Executive Order April 5, 1970.

¹⁶ Critical Commons, August 16, 2013, , accessed August 1, 2017, <http://www.criticalcommons.org/Members/mattdelmont/clips/gov-kirk-school-takeover-4-6-70-abc>.

¹⁷ Randy Sanders, "Rassling a Governor: Desegregation, Claude Kirk, and the Politics of Richard Nixon's Southern Strategy," *The Florida Historical Quarterly* 80, no. 3 (Winter 2002): , accessed July 5, 2017, <http://www.jstor.org/stable/30149242>.

were not supporting the governor stating that he was reprehensible for taking the action as far as he had.

President Nixon who was a known opponent to busing and supported obeying the law kept quiet when it came to Kirk's actions. If he condemned him, he would risk alienating the constituents who supported Kirks actions but if he supported him then he was going against his own platform of obeying the law. At one point, Kirk was on the short list for Nixon's vice-presidential candidates but his actions regarding education would have hurt Nixon's support in northern states. Nixon's silence worked in regard to Kirks actions against the Supreme Court, he did not cause an uproar around the country which allowed him to be reelected.

Governor Kirk was told to give the district back to the leaders but he stood his ground. When the Federal Marshalls showed up at the school administration building to arrest Kirk, he threatened to have his men shoot the Federal Marshalls if they tried to come into the building. The next day, Judge Krentzman, finding Kirk in contempt, ordered the governor to stop "disobeying his school desegregation orders or pay a fine of \$10,000 a day."¹⁸ Kirk finally relented, giving the district back to the leaders and they put the desegregation plan into effect. However, the damage to Kirks reputation had already been done.

Kirk did have a large support system in the state who agreed that busing should not be used to reach integration numbers but he did not take into account the number of people who would think he took his steps too far by going head to head with the Court system. He caused a national scandal that lasted many days to which the same conclusion happened just a few days later. There is no doubt that if his actions were successful, he might have been reelected but he failed

¹⁸ Randy Sanders, "Rassling a Governor.

in his pursuits and his constituents recognized that and elected in a new governor who was more tolerant of desegregation policies and wanted to see Florida succeed at any cost.

Conclusion

Brown v. Board of Education was the first steps toward integration of public schools in the United States. Although the decision was met with controversy, it failed to accurately put an end date on the decision. The Supreme Court left the implementation to the lower federal courts in hopes to allow the differing regions of the United States the chance to come to terms with the new regulation.

Unfortunately, the court's decision to pass the implementation to the lower courts allowed southern states like Florida to drag their feet and attempt appeal for the action. The Florida legislature attempted passing laws which would prevent the Brown case but rather implemented laws that would slow the process of integration. For the first 10 years after the Brown case, Florida allowed students to choose which schools they would like to attend. This pacified the court temporarily because the schools were allowing black and white movement between schools. Florida claimed it had no other way to impose desegregation other than allowing students to voluntarily move to different schools.

When the decision in the *Swann v. Charlotte-Mecklenburg* case was reached, busing was considered a constitutional solution to the problem of integrating schools. This now was a new way Florida could integrate schools. Governmental leaders and many constituents however did not want to see this happen because busing would cause students to be taken into different neighborhoods to schools with more of the opposite race.

Florida's governor acting in what he believed was the best interest of his constituents, went head to head with the Supreme Court trying to stop the use of busing. At the beginning of his actions, the governor had a large following of constituents who supported him. The governor

tried attempt after attempt to appeal to the U.S. Supreme Court but they refused to allow him a hearing and just issued an order to keep the lower court's decision.

Not happy with the court's ruling, Governor Claude Kirk held his ground and took control of the Manatee County School Board and forced the schools to remain with the plan in place which halted the integration plan that was to be started on April 6, 1970. The Federal Marshalls had to be involved and Kirk was charged with contempt of court and fined \$10,000 for every day that he kept control of the district.

Finally accepting defeat, Kirk stepped down from his post and handed the district back over to its leaders. Even though the governor had the constituents on his side for most of his actions against busing, he lost a large amount of his base when he took control of the district and ignored the federal courts ruling. This action along with others not involved in education would cause Claude Kirk to lose the governor election in the next term.

President Richard Nixon was not much help in the decision either, being a fellow Republican, Nixon also disliked busing and often spoke out against using it for integration purposes. When Claude Kirk went head to head with the Supreme Court, Nixon did not make any public statements other than the rules needed to be followed in government.

Florida's integration process was a slow one. The majority of integration did not happen until the early 1970s when the courts finally required districts to come into compliance with the federal order. Through appeals and other measures, Florida slowed the process of integration but failed to prevent it all together. Busing proved to be controversial and the last chance to fight off integration but the federal courts refused to allow Florida and its governor to prevent what was already going to happen. Integration was inevitable in Florida after the passing of Brown v. Board.

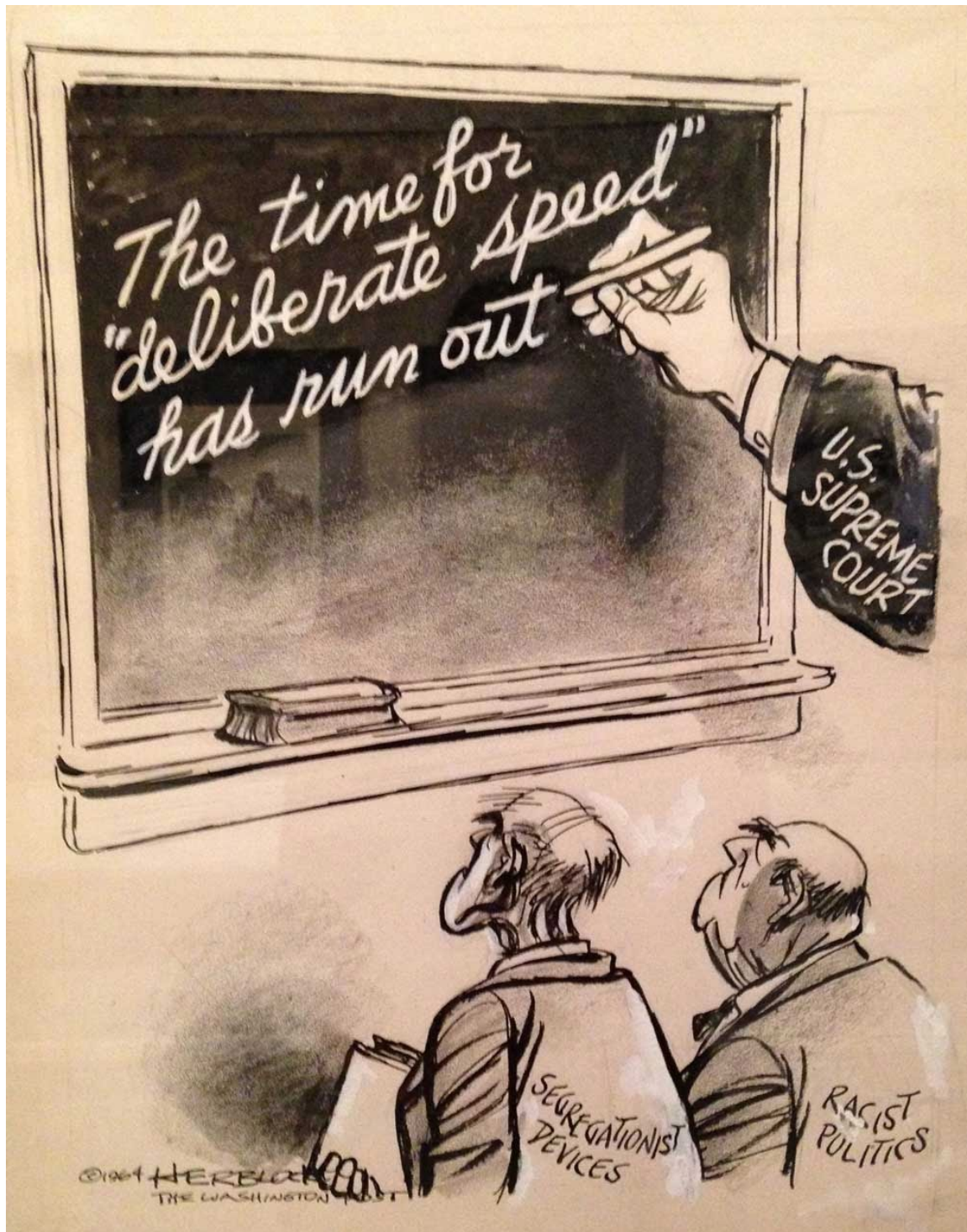


Figure 8: The End of Segregation¹

¹ Herbert Block, "Handwriting on the wall / Herblock.," The Library of Congress, , accessed August 1, 2017, <https://www.loc.gov/item/2013651652/>.

The historical scholarship that has been written on this topic is lacking. The overall purpose of this paper was to connect the primary source and the secondary sources to give the reader all of the information in one place. The topic of desegregation in the United States has a wealth of information but how the U.S. federal courts and state governmental officials actions affected Florida and the education system's progress was not discussed.

Appendix A: List of Supreme Court Cases

Below is a list of United States Supreme Court cases that have had a direct impact on Florida Public schools during the 1960s and 1970s.

- *Oliver Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954)
 - Argued on December 9, 1952
 - Reargued on December 8, 1953
 - Decided May 17, 1954
 - Declared racial segregation in public schools unconstitutional; repealed Plessy v Ferguson case. Ruling was unanimous 9-0.
- *Brown v. Board of Education*, 349 U.S. 294 (1955) (Brown II)
 - Argued April 11-14, 1955
 - Decided May 31, 1955
 - Stated that it was up to lower courts to determine how and when schools would desegregate.
- *Green v. County School Board of New Kent Co.*, 391 U.S. 430 (1968)
 - Argued April 3, 1968
 - Decided May 27, 1968
 - Stated that New Kent County's (Virginia) freedom of choice plan did not adequately comply with Brown v. Boards plan to desegregate the district, in so, the plan was unconstitutional. Ruling was unanimous (9-0).
- *Beatrice Alexander v. Holmes County Board. of Education.*, 396 U.S. 19 (1969)
 - Argued on October 23, 1969

- Decided on October 29, 1969
 - Ruled that districts with dual systems of education had to immediately come into compliance with unitary school systems. This mainly affected the south. The vote was 8-0 in favor.
- *Swann et al. v. Charlotte-Mecklenberg Board of Education*, 402 U.S. 1 (1971)
 - Argued on October 12, 1970
 - Decided on April 20, 1971
 - Ruled that federal courts could use busing as a desegregation tool to achieve racial balance. The vote was unanimous, 9-0.

Appendix B: League of Women Voters – Individual Areas

Lee County, located in the south-western part of the state stated that they had been under court order to desegregate since the 1965-1966 school year. The community generally accepted desegregation and only 1% of students were a part of white flight. The public is well known to be against busing of students to achieve racial balance and the majority of schools are desegregated in accordance with court specifications.¹

Polk County, located in central Florida states that it had been under court order to desegregate since July of 1968. The county had closed some schools in black areas and rearranged school areas. Most groups cooperated regarding desegregation but there were rumors of problems between white and black students. Students were being sent to private schools but parents insisted it was because of inadequate schools. The largest problem found is that both races were concerned with poor academic standards and crowded conditions.²

The Cape Kennedy area is located on the eastern central coast of Florida. They had been under court order to desegregate since 1965. All schools except one was integrated under court order. Many white students moved out of public schools into private and the black community is very unhappy with the changing schools. Mainly, most people were against busing of students.³

Gainesville Florida is an area in Northern Central Florida. They had been under court order to desegregate since the early 1960s. In 1969 the court ordered integration on a race ratio

¹ League of Women Voters Questionnaire, Box 7, Florida Governor, Florida Archives, Tallahassee, Florida, Lee County.

² Ibid, Polk County.

³ Ibid, Cape Kennedy Area.

basis 70:30. Busing was implemented to fulfil the new requirements. Private schools were growing and thriving but the community as a whole was accepting and cooperative.⁴

Marion County is located in the northern central area of Florida and includes the city Ocala. As of 1971 they were not under court order to desegregate because the school board came to an agreement with HEW (Department of Health, Education, and Welfare) which allowed a gradual desegregation plan on a voluntary basis. The community had accepted desegregation with some reluctance.⁵

Charlotte County, located in the South West region of Florida was not under court order to desegregate because they desegregated in 1965. The community had a minor reaction to integration but it faded quickly. The various races tended to keep to themselves.⁶

The Pensacola Area is located in the western part of Florida's panhandle. It had been under orders to desegregate since the 1969-1970 school year. The 5th Circuit Court ruled in 1969 that schools had to be integrated. The problem of adjusting was great but cooperation was evident in the community. About 300-500 students left public school in "white flight."⁷

Jacksonville which is located in the North-Eastern area of Florida has been under court orders to desegregate since August 21, 1962. The business community is behind obeying the laws of the court even though there is some resistance from the citizens.⁸

The West Palm Beach area which is located in the South-Eastern region of Florida had been under court order to desegregate since 1958. After filing many suits to repeal the plan, the freedom of choice plan was adopted. Many white students moved to private schools which made

⁴ Ibid, Gainesville.

⁵ Ibid, Marion County.

⁶ Ibid, Charlotte County.

⁷ Ibid, Pensacola.

⁸ Ibid, Jacksonville Area.

it more difficult to create racial balance. HEW threatened to cut off funds because of inadequate integration. The overall communities' reaction was reluctant but compliant.⁹

Hillsborough County is located on the central western coast of Florida was ordered to desegregate in 1957 but was in the appeals process until 1971. In May of 1971, the court ordered that under the *Charlotte-Mecklenberg* case that total desegregation had to be completed, the county had come up with a desegregation plan which the court approved in its entirety. The communities' reaction was generally supportive and about 2% of students fell into the white flight category.¹⁰

Okaloosa county located in the central region of the Florida panhandle as of 1971 was not under court order to desegregate because it was completely integrated by 1969. The probable reason for total peaceful desegregation is that only 7.8% of students are black.¹¹

Tallahassee, the state capital is located in the northwestern region of the state. It was under court order to desegregate in April of 1962. The area was integrating grade by grade per court order. The majority of people accepted the current plan because it allowed a slower integration.¹²

South Brevard is located in the central eastern area of Florida. It had been under court order to desegregate since 1961. All schools were desegregated by 1971 and the opposition to desegregation was moderately strong but the plan to desegregate did not allow white flight.¹³

Broward County located in the south-eastern region of the state was under court orders to desegregate since March of 1970. A judge ordered that the county had to come under a unitary

⁹ Ibid, West Palm Beach Area.

¹⁰ Ibid, Hillsborough County.

¹¹ Ibid, Okaloosa County.

¹² Ibid, Tallahassee.

¹³ Ibid, South Brevard.

school system. Some schools were still all black but the local school board planned to initiate plan to desegregate high schools but not grade schools by 1973. The community reaction was strong in the beginning. Anti-busing campaign increased private school enrollment. The black community had a stronger opposition to desegregation than whites.¹⁴

Orange County, located in central Florida was under court order to desegregate since 1970. The court order resulted in a teacher cross over which reassigned a ratio for 80:20 in each school. Student reassignments happened in the same year. Court accepted a school board plan to close two black elementary schools and reassign the students based on the NAACP's desire to integrate farther. The community overall had acceptance but there was a vocal minority of both races.¹⁵

South Palm Beach County located in the south-eastern region of Florida was required to desegregate since July of 1970. The county was using a busing plan which allowed students to be bused to meet compliance. The majority of reaction from the community is that people oppose busing to bring about integration.¹⁶

The St Petersburg area which is located in central western Florida had been under court order to integrate since 1964. In 1971, the court issued a new plan to integrate which the area was slowly coming into compliance. The communities' reaction was mixed toward integration and the opposition groups were strong.¹⁷

Manatee County located in central western Florida was under court order to desegregate since 1965. Originally, the district was under a Freedom of Choice plan where students could

¹⁴ Ibid, Broward County.

¹⁵ Ibid, Orange County.

¹⁶ Ibid, South Palm Beach County.

¹⁷ Ibid, St Petersburg Area.

choose the schools they wanted to attend. The court threw out this ruling and ordered the district to desegregate in 1969. The main opposition groups are against busing of students. The county had lost about 1000 students to private schools after the new ruling.¹⁸

Seminole County located in central Florida was under court order to desegregate in 1971. The county complied by pairing schools and short distance busing. Overall, the community accepted the decision and there was not a large number of students who fell into the white flight category.¹⁹

The Clearwater area which is located in western Florida had completed full desegregation by 1971. Busing was used as the only method to attain complete integration. White parents had a strong reaction to integration but the majority of blacks were pleased with the progress. Some students moved to private schools but not as many as expected.²⁰

Sarasota County located on the western coast of Florida had been under court order to desegregate since 1968. The county started with high schools and worked their way down to elementary schools in integrate. There are no observable negative reactions to integration from the community except a large protest when the superintendent tried moving a black school into a white neighborhood which caused students to boycott school.²¹

¹⁸ Ibid, Manatee County.

¹⁹ Ibid, Seminole County.

²⁰ Ibid, Clearwater Area.

²¹ Ibid, Sarasota County.

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