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RACIAL DISCRIMINATION IN FEDERALLY ASSISTED EDUCATION PROGRAMS

STANFORD LIBRARIES

HEARING
BEFORE THE
SELECT SUBCOMMITTEE ON EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS

FIRST SESSION

P91-7

ON

H.R. 7771

A BILL TO AMEND VARIOUS ACTS PROVIDING FEDERAL ASSISTANCE FOR EDUCATION TO ASSURE THAT FEDERAL FUNDS WILL NOT BE USED TO ASSIST EDUCATIONAL INSTITUTIONS WHICH PRACTICE RACIAL DISCRIMINATION

HEARING HELD IN LOS ANGELES, CALIF.,
AUGUST 12, 1963

Printed for the use of the Committee on Education and Labor

ADAM C. POWELL, *Chairman*



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RACIAL DISCRIMINATION IN FEDERALLY ASSISTED EDUCATION PROGRAMS

MONDAY, AUGUST 12, 1963

HOUSE OF REPRESENTATIVES,
SELECT SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON EDUCATION AND LABOR,
Los Angeles, Calif.

The committee met at 10 a.m., pursuant to call, at the California Museum of Science and Industry, 700 State Drive, Los Angeles, Calif., Hon. Augustus Hawkins presiding.

Committee members present: Representatives Augustus Hawkins and George E. Brown, Jr.

Staff member present: Dr. John C. Muntone, director.

Mr. HAWKINS. Ladies and gentlemen, I'm sorry for this delay, but due to a rule we cannot allow photographers in the room during the hearing, and we were simply allowing some latitude before the actual commencement of the afternoon session.

Now, since you have completed, the meeting will come to order, please, and we will have as the first witness this afternoon Mrs. Myers who is seated here but may I, before that, read into the record a statement concerning the purpose of the afternoon meeting.

Because of the many developments around the Nation, all of which have been thoroughly covered by the news media, it would appear that we are all well aware of the urgency surrounding the issue of civil rights. We in the Congress, and particularly of the House Committee on Education and Labor, have been considering various legislative proposals which would attack the problem in two fundamental areas; education and employment.

The results of our efforts to date have been committee approval of a fair employment practices bill and a bill which would withhold Federal funds from any schools which practice racial discrimination. The latter of these two bills, that is the one which would prohibit Federal funds to any school which practices racial discrimination, would amend five existing federally assisted education programs in order to attain the objective just mentioned. However, even enactment of this bill would leave us confronted with a very serious problem, that of de facto segregation. This is a so-called gray area, since presumably segregation of this type does not result from legislative enactment but rather it is attributed to a variety of factors most prominent among which is the development over the years of neighborhood schools.

The fact is, however, that such schools wherein racial balance is not in existence are clearly segregated schools. It has been advanced by some that this kind of situation is not in violation of the rights granted

by the Constitution. Yet it seems to others to be in complete violation of the basic tenets upon which our whole structure of democratic institutions rests.

The dichotomy is at once apparent. However, the solution remains to be uncovered. I say "uncovered" because the Golden Rule which has been with us for centuries was first given to us by one far removed and beyond our limited powers to emulate as evidenced by the disuse into which that admonition has fallen, particularly in some areas of the Nation.

Let us turn our attention to an examination of the situation as it exists here. At the same time, let us be alert to the fact that in our home area we have more than one group which has long been denied an equal opportunity to find its place in the sun.

(Text of H.R. 7771 follows:)

[H.R. 7771, 88th Cong., 1st sess.]

A BILL To amend various Acts providing Federal assistance for education to assure that Federal funds will not be used to assist educational institutions which practice racial discrimination

Be It enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS OF NATIONAL DEFENSE EDUCATION ACT OF 1958

SECTION 1. (a) Section 203 of the National Defense Education Act of 1958 is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1964, the Commissioner shall make no capital contribution to an institution of higher education under this title unless such institution is being operated, and students admitted thereto, on a racially nondiscriminatory basis."

(b) Section 303(a) of such Act is amended by striking out the period at the end of paragraph (5) and inserting a semicolon in lieu thereof, and by adding at the end thereof the following new paragraph:

"(6) provides that no equipment or services financed in whole or in part with assistance under this part will be provided after June 30, 1964, to any school which is not operated, and students admitted thereto, on a racially nondiscriminatory basis, except that a school which during the fiscal year ending June 30, 1965, does not meet the requirement of this paragraph shall be deemed to do so if the agency responsible for the operation of such school certifies to the State educational agency that it will meet this requirement on and after July 1, 1965."

(c) Section 305 of such Act is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1964, loans may be made under this section only to schools which are operated, and admit students, on a racially nondiscriminatory basis, except that a loan may be made to a school which does not meet this requirement during the fiscal year ending June 30, 1965, if it provides assurances satisfactory to the Commissioner that it will meet this requirement on and after July 1, 1965."

(d) Section 403 of such Act is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1964, no fellowship shall be awarded under this title for pursuing a course of study in a graduate program in an institution of higher education if such institution is not operated, and students admitted thereto, on a racially nondiscriminatory basis."

(e) Section 503(a) of such Act is amended by striking out "and" at the end of clause (1), by striking out the period at the end of clause (2) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(3) assurance that in the administration of both such programs services will be made available to students on a racially nondiscriminatory basis."

(f) Section 511 of such Act is amended by inserting after the first sentence the following new sentence: "The Commissioner shall require each such institute.

and the contracting institution, to be operated, and individuals admitted thereto, on a racially nondiscriminatory basis."

(g) Section 601(a) of such Act is amended by inserting after the second sentence thereof the following: "The Commissioner shall require each such center, and the contracting institution, to be operated, and individuals admitted thereto, on a racially nondiscriminatory basis."

(h) Section 611 of such Act is amended by inserting after the first sentence thereof the following: "The Commissioner shall require each such institute, and the contracting institution, to be operated, and individuals admitted thereto, on a racially nondiscriminatory basis."

AMENDMENT OF VOCATIONAL EDUCATION ACTS

SEC. 2. (a) Section 8 of the Act of February 23, 1917 (relating to vocational education) is amended by inserting "(a)" after "SEC. 8." and by adding at the end thereof the following new subsection:

"(b) After June 30, 1964, each State plan shall require that any vocational education program assisted with funds appropriated under this Act shall be operated, and students admitted thereto, on a racially nondiscriminatory basis, except that a program which during the fiscal year ending June 30, 1965, does not meet the requirement of this subsection shall be deemed to do so if the agency responsible for the operation of such program certifies to the State board that it will meet this requirement on and after July 1, 1965."

(b) Section 203(a) of the Vocational Education Act of 1946 is amended by striking out "and" at the end of clause (4), by striking out the period at the end of clause (5) and inserting in lieu thereof "; and", and by adding at the end thereof the following:

"(6) after June 30, 1964, provide that any practical nurse training program assisted with funds appropriated under this title will be operated, and students admitted thereto, on a racially nondiscriminatory basis, except that such a program which during the fiscal year ending June 30, 1965, does not meet this requirement shall be deemed to do so if the agency responsible for the operation of such program certifies to the State board that it will meet this requirement on and after July 1, 1965."

AMENDMENTS OF PUBLIC LAWS 815 AND 874, EIGHTY-FIRST CONGRESS

SEC. 3. (a) Section 6 of the Act of September 23, 1950, is amended by adding at the end thereof the following new subsection:

"(d) (1) An application of a local educational agency may be approved under this Act, only if such agency certifies to the Commissioner—

"(A) that its public schools are operated without discrimination among students on the basis of race, color, religion, or national origin, or

"(B) that it is carrying out a plan (which it has adopted and filed with the Commissioner) for desegregation of its public schools with all deliberate speed, but in any event by June 30, 1964.

"(2) For purposes to this subsection, 'desegregation' of a local educational agency's public schools means operation of its schools without discrimination among students on the basis of race, color, religion, or national origin."

(b) Section 5 of the Act of September 30, 1950, is amended by adding at the end thereof the following new subsection:

"Nondiscrimination

"(d) (1) Notwithstanding any other provision of this Act, payments may be made under this Act only to a local educational agency which certifies to the Commissioner—

"(A) that its public schools are operated without discrimination among students on the basis of race, color, religion, or national origin, or

"(B) that it is carrying out a plan (which it has adopted and filed with the Commissioner) for desegregation of its public schools with all deliberate speed, but in any event by June 30, 1964.

"(2) For purposes of this subsection, 'desegregation' of a local educational agency's public schools means operation of its schools without discrimination among students on the basis of race, color, religion, or national origin."

AMENDMENT OF LIBRARY SERVICES ACT

SEC. 4. Section 9(c) of the Library Services Act is amended by adding before the semicolon at the end thereof the following: ", and is operated on a racially nondiscriminatory basis".

AMENDMENTS OF LAND GRANT COLLEGE ACT

SEC. 5. (a) The first section of the Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 322, 323), is amended by striking out all that follows "students" in the first proviso and inserting in lieu thereof a period: *Provided*, That any institution which was entitled to receive the benefits of such Act for the fiscal year ending June 30, 1963, shall be entitled to the benefits of such Act and subject to its provisions, as much as it would have been if it had been included under the Act of July 2, 1862.

(b) Sections 2, 3, and 4 of such Act of August 30, 1890 (7 U.S.C. 324-326), are each amended by striking out ", or the institution for colored students," "or other institutions", and ", or of institutions for colored students," each place those terms appear.

(c) The amendments made by this section shall apply only with respect to payments made under the Act of August 30, 1890, after the enactment of this Act.

Mr. HAWKINS. Considering the caliber of the witnesses who will appear here this afternoon, we can anticipate that the testimony will be objective, constructive, and of great value to the committee and subsequently to the Congress.

As the first witness this afternoon, we would like to have Mrs. Mattie B. Meyers, the first vice president, central area, of the National Association for the Advancement of Colored People.

Mrs. Meyers, it is a pleasure to have you before this committee, and you may now either present your statement that you have there before you or comment on it as you see fit.

**STATEMENT OF MRS. MATTIE B. MEYERS, FIRST VICE PRESIDENT,
CENTRAL AREA, NAAACP**

Mrs. MEYERS. I would like to state what I have in mind in my written report. I am the first vice president of the central area of the west coast region of the National Association for the Advancement of Colored People and immediate past president of the Fresno branch, and also I was a member of the Scope Committee, which was a committee on patterns of education which was appointed by the Fresno City School Board to study equal opportunities in the schools there.

Fresno, Calif., is a community of approximately 150,000 residents, over 13,000 being Negroes with 99.9 percent of those Negroes concentrated in the west Fresno ghetto.

The cause of de facto segregation in Fresno, I believe, is due largely to the discriminatory factors of the rigid fixation of the West Fresno School District which is geographically bounded by the Southern Pacific Railroad tracks and the freeway, and also the practice of a number of white students in the west Fresno area to transfer across town and discourage the transfer of Negro students to across-town schools.

Edison High enrollment in 1962 was 1,103 at the first of the year, over 300 of these being ninth graders. The west Fresno schools are the only ones in the city operated on a 6-2-4 basis, while the other Fresno schools operate on a 6-3-3 basis.

Fresno is a hard-core city of discrimination in employment and in housing and de facto segregation in California. Negro citizens have complained to officials about the conditions for over 2 or 3 years now. The NAACP, Fresno branch, launched a program into the community 2 years ago to study this problem, which was manned by college graduates, volunteers from many fields including religion, medicine, teaching, legal, social, clerical works, and they all participated in this program.

Parents called upon the NAACP, Fresno branch, because they felt the Negro children were receiving inferior education as compared to their white counterparts in Fresno. The purpose of this community study hall by NAACP was to stimulate and motivate high school students to do better schoolwork and acquaint them with future careers. The program got the approval of the school administration. Sometimes the halls had as many as 178 students in attendance. At first, the teachers from the west Fresno schools cooperated with the study hall, but later discouraged the students because they felt it was indictment of them.

We found that even many of the good students were far behind academically those on the same level attending schools across town. In other words, an A student at Edison High was the equivalent of a B student from Fresno High.

We found that parents were genuinely interested in their children and often brought carloads of children to the halls. The students were discouraged by school people and teachers because many teachers do not feel that the Negro student could get skilled employment even if he had learned to do this type of occupation.

High school students were seldom encouraged to set their goals high even where they possessed high IQ's. Few Fresno Negro students are academically equipped to go into State colleges or universities or even the apprenticeship program.

In making a study of the schools while I was on the Scope Committee I was told by Edison High School officials that out of this past year's graduation class of 106 Negro students only one was eligible to go to the university and four eligible to go to a State college.

Edison High in over 30 years of existence has never produced a Negro graduate who became a doctor, lawyer, or dentist, though there is need in the community for such.

Negro students have to go to junior college for 2 or 3 years to make up high school courses in order to get into a State college. Less than 1 percent of all Negro students ever finish a 4-year college, and Edison High is often referred to as a babysitting institution.

Teachers going into west Fresno to teach are often referred to as "going to Siberia" and are degraded by their colleagues because they teach in a predominantly Negro school. Many good teachers who teach in the west Fresno schools are so looked down upon by their colleagues that they resent the fact that they teach in west Fresno, and in turn this resentment is reflected in the attitude of the Negro students. Students in turn feel this and fear that teachers and administrators feel that there is no use in trying to teach a Negro anything. Students have related that they did not believe that their teachers or principal care whether they learned or not, and that Negro students were looked upon as being bad.

Students also related that they were told by the school personnel that a Negro could not get into various skill occupations and were discouraged from setting their sights in this direction. Even those students who have been top students at Edison High School have found it difficult to maintain even a C average in college.

Negro citizens last year loudly protested to the school administration in Fresno and the Fresno School Board against de facto segregation and inequality of educational opportunity for the Negro child. The school board appointed a Scope Committee to study the equality of opportunity there, but many consistently refused to recognize that Fresno had de facto segregated schools, so consequently it never did attack the problem. They did, however, recommend an open enrollment policy. The school board just recently refused to state that it recognized de facto segregation in Fresno schools. It adopted in name an open enrollment policy but the school administrators discouraged "any great mass movement of pupils from west Fresno" even in the light of the many restrictions which they had already advanced as to an open enrollment policy. The open enrollment policy was adopted to eliminate the overcrowding of schools as so stated by the administrator. Yet Edison High has the smallest high school enrollment in the city.

The Negro high school graduate in Fresno is ill prepared to go into those occupations even normally employing high school graduates.

The high school program invariably has consisted of so-called stock courses with little mathematics, languages, or sciences.

Unemployment in Fresno, like many other places, is the highest proportionately. The Negro graduate is almost closed to employment in private clerical fields and beauty operators while there is a demand for those with these skills.

There are two recommendations that I would like to make before the committee, and they are these, namely: No. 1, where de facto segregation exists Federal aid be continued on the school boards recognizing the problem exists and that sincere efforts be made to physically desegregate schools and get the Negro child into the mainstream of the school society; No. 2, a study be made of the feasibility of withholding Federal funds from any schools which refuse to take positive action to physically eliminate de facto segregation.

In closing, I would like to say that I feel that it is unfortunate to have to make a recommendation regarding the policing of school officials, but this seems to be the only way that the Negro student is going to ever get equality.

Mr. HAWKINS. Thank you, Mrs. Meyers.

Mr. BROWN, any questions?

Mr. BROWN. Mrs. Meyers, I think you have presented a very good picture of the effect of de facto segregation. I wanted to just explore a little bit more some of these effects. Could you tell us the degree to which Negro teachers are employed in the Fresno school system? Are they employed in any proportionate percentage to the number of Negro students in the whole system?

Mrs. MEYERS. No, they are not. I think out of the school system there were approximately 22.

Mr. BROWN. That would not be, say, 10 percent of the total number?

Mrs. MEYERS. No, it would not.

Mr. BROWN. You say these teachers are generally or almost always placed in the Negro schools?

Mrs. MEYERS. Yes, in the past it has been the pattern. I don't know what the coming school year will present, but I do know that in the past it has always been up to this year.

Mr. BROWN. Has there been an effort made to give them the opportunity to teach in any school of the system that they might feel that they would like to teach in?

Mrs. MEYERS. It was brought out by at least one of the administrators that he had asked some Negro teachers if they wanted to transfer, and I think that this was during the past year when we had the Scope hearings.

Mr. BROWN. Is it your feeling, and if so do you have any information which would substantiate it, that there might be a higher proportion of lesser qualified teachers in the west Fresno area; that is, those who might not have permanent certificates or in some other measurable way were not up to the level of the teachers in the other schools?

Mrs. MEYERS. No, I do not have such information.

Mr. BROWN. How about the curriculum? You mentioned in passing that the courses in the west side in Edison tended to be of a different type from the others. Is this merely because of the way in which the courses are offered or is there actually a difference in the curriculum, in the classes offered? Do they offer, for example, in the white schools do they offer languages and just do not include that as the offering in Edison?

Mrs. MEYERS. In some cases there have been some courses that have not been offered in the Edison High School that have been offered in the schools across town. Now, I feel that the reason the Negro student is not getting what he should at Edison is because of lack of interest and poor counseling or little or no counseling, and invariably these students, I have personally talked with them, and they don't have any conception of the requirements to go into college. I am speaking specifically of those students who have high IQ's and who would be college material, and the program is solely inadequate.

Mr. BROWN. In other words, because of the lack of adequate counseling and information on the part of the students there is not the demand for some of these other courses that might be offered in some of the other schools.

Mrs. MEYERS. True.

Mr. BROWN. I was going to inquire separately about the matter of services in general, including counseling, that are offered at Edison. Do you feel that there is an actual difference in we'll say the ratio of counselors to students, or difference in the quality of counseling services? Is there a difference in the quality of other types of services such as the psychological testing services and other things of this sort between the two schools, Edison and the other high schools?

Mrs. MEYERS. I think that there is inadequate counseling and I think that there is a poor quality of what little counseling there is.

Mr. BROWN. Well now, in general my feeling is that many of the schools in California have inadequate counseling, and this is due to lack of adequate financing. I am trying to get at whether there is a difference between Edison and some of the other schools in Fresno.

Mrs. MEYERS. Well, the general feeling is that Negroes, where they can't get employment, why channel them into college prep work, and they are channeled into shop courses and music or something less than what they could do.

Mr. BROWN. Into what might be called stereotyped concept—

Mrs. MEYERS. That's right.

Mr. BROWN (continuing). Of what the Negro is qualified to do.

Mrs. MEYERS. That's right. I know of a number of Edison students who have graduated and told me that they were discouraged into going into certain fields. I am thinking of one girl who wanted to go into journalism, foreign affairs, and she had been told that she couldn't get into this field, and also someone told me about engineering, that they had been discouraged from going into it, but you have very few going into college prep.

Mr. BROWN. Now, in looking at this from the larger point of view, although this is not entirely within the purview of the committee, you have indicated that what you have in Fresno is in effect a ghetto, is that right, by which the Negro community is more or less solidly segregated in the west side area.

Mrs. MEYERS. Yes, just about completely.

Mr. BROWN. So what we are stating here is the way the Northern States accomplish what the Southern States do by laws in terms of segregation, in housing, in schools, and other things of that sort.

Mrs. MEYERS. That's true. The only way a Negro can get across town is mainly through—it's very difficult. It's very difficult to get rentals. It's just about closed.

Mr. BROWN. Thank you.

Mr. HAWKINS. Mrs. Meyers, I assume that in the city of Fresno that roughly speaking all of the Negroes live on the west side of the track?

Mrs. MEYERS. 99.9 percent.

Mr. HAWKINS. And less than 1 percent live east of the tracks; is that the situation?

Mrs. MEYERS. That's right.

Mr. HAWKINS. First of all, are you speaking for the National Association for the Advancement of Colored People or for the Scope Committee, or just which one of the various groups?

Mrs. MEYERS. NAACP.

Mr. HAWKINS. Which one?

Mrs. MEYERS. NAACP.

Mr. HAWKINS. But you have been a member of the Scope Committee, the committee which was appointed by the Fresno Board of Education to study this problem.

Mrs. MEYERS. That is correct.

Mr. HAWKINS. You have been studying this problem for some time, have you?

Mrs. MEYERS. It was appointed last September, and has been going up until—

Mr. HAWKINS. I assume it is an interracial committee, is it not?

Mrs. MEYERS. It was.

Mr. HAWKINS. Composed of how many individuals?

Mrs. MEYERS. Twenty-nine members, supposedly a cross section of Fresno.

Mr. HAWKINS. Was some of this information you have given us obtained as a result of your participation on that committee?

Mrs. MEYERS. That is true. During the 9 months I had quite an experience learning about the schools.

Mr. HAWKINS. Now, you have said that the west Fresno schools are the only ones the city operates on the 6-2-4 basis, while the other Fresno schools are operated on the 6-3-3 basis. Now, first of all, what do you mean by the 6-2-4 basis and the 6-3-3 basis?

Mrs. MEYERS. Elementary, six grades, three grades junior high, and three grades senior high.

Mr. HAWKINS. And the 6-2-4 basis is not at all in operation in the Fresno schools that are east of the tracks; is that correct?

Mrs. MEYERS. That is true.

Mr. HAWKINS. Is there any reason for that?

Mrs. MEYERS. I don't know that the board would give a reason. The ninth grade is included without senior high school, is included at Edison High.

Mr. HAWKINS. Has anyone ever asked why this should be so?

Mrs. MEYERS. I don't recall.

Mr. HAWKINS. You made some other rather definite statements. For example—which I would like to direct to your attention—that Edison High in its 30 years of existence has never produced a Negro graduate who became a doctor, lawyer, or dentist and that there is need for such in the Fresno community. Now, is there any factual foundation for such a statement?

Mrs. MEYERS. Well, it has been brought up a number of times, and it is just—my husband is an old resident of Fresno, and in order for him to become—I mean to advance, he changed schools; that was 45 years ago. He went to Fresno High School, and he is a physician, but he related that if he had continued at Edison he would not have become a doctor, that he had been discouraged.

Mr. HAWKINS. Are you saying that from personal knowledge that no one knows that a Negro graduate of this school has ever become one of these professional persons?

Mrs. MEYERS. That is true. I am specifically saying Negro.

Mr. HAWKINS. Now, you mentioned various teachers who are resented because they teach in the west Fresno schools, and that this resentment is reflected in the attitude of the Negro student. Now, is this information obtained directly from the teachers involved? How was such information obtained?

Mrs. MEYERS. I am not at liberty to divulge the direct person who told me, but it is a common expression among the teachers that you are going to Siberia when you go to Edison.

Mr. HAWKINS. You personally have heard such statements being made?

Mrs. MEYERS. Yes, I have.

Mr. HAWKINS. How do you connect this with the students who you say resent the fact—that the teachers resent the fact that they teach in these schools? Now just how do you arrive at that statement?

Mrs. MEYERS. Well, this is my deduction from talking, interviewing the students. When I was on the Scope Committee I wanted to get firsthand information. As president of the branch, during 1961 and 1962, a number of complaints came to the branch, and as I said,

I was president, and of course I was in the chair, and these complaints were brought to me, but I did not have any direct contact with students telling me this at that time, and so of course I launched a personal experiment in interviewing students, and I interviewed about 50 students and this is what I gathered after talking with them.

Mr. HAWKINS. Well, would you be a little clearer as to indicate just what activity is attributed to the teachers that is reflected in the Negro students, just what is it, what do they do that causes a reflection of this attitude down to the student level? Do they make statements? Do they use language or do they discourage in specific ways students or is their behavior such that the students resent it?

Mrs. MEYERS. Yes. I am sorry I didn't write down enough direct quotes from students, but I will mention this that parents have gone to the school administrators and have asked for a certain coach to be removed because of profanity among students, and to this date I have not heard of his removal, and this is on record in the school administrator's office, and of course I was present at one meeting in which this request was made, and in fact this points out in this regard that this particular person asked the Negro students—specifically there was one girl mentioned a counselor, this woman enrolled as counselor who—and she said this woman said, "Oh, well, she doesn't really care; she is an old grouch." I asked her had she ever gone in there and asked for college material, and she said, "There is no need going in, she doesn't care about me; they don't care about the Negro students," and this type of conversation that I had with the students.

Mr. HAWKINS. What I am trying to do is to try to get a distinction because I think we all know that invariably, since the beginning of history, I assume, many students don't like teachers, just like many employees don't like their employers, and tenants don't like their landlords, and so forth, and so I'm trying to get a distinction that would make it clearer that what you are referring to is not this type of resentment but rather a specific resentment that is built up as a result of the quality of teachers that are in this particular school. Now, do you make a distinction in the two things that I am making? I am trying to get us down to a more specific and substantial level, because the bill that this committee is studying and which has been recommended by the full committee, as a matter of fact, H.R. 7771, prohibits many of the things that you have indicated this afternoon, but to get the clear-cut distinction between segregation and discrimination as existing by custom or actually by law and that which exists by de facto segregation is a problem before the committee, and we must make that distinction if we are going to include in the prohibitive activity de facto segregation, and that is the reason for the question.

Now, do you make a distinction, or do you believe that the type of practice that you are indicating to this committee is one which is directly related to the type of teachers in the west Fresno schools which is let's say far different from that in the east Fresno schools? For example, in the east Fresno schools, do the students resent the teacher in the same way?

Mrs. MEYERS. I know you want specific facts pinpointed—

Mr. HAWKINS. I am asking for your opinion rather than necessarily specific facts this afternoon, but I want to make sure that the opinions

are based on something more than just a statement of a situation that you don't really have direct knowledge of. I assume from your background that you do have direct knowledge of these things.

Mrs. MEYERS. Yes.

Mr. HAWKINS. And that is the basis on which we consider the testimony very valuable, and that is the reason for asking these questions.

Mrs. MEYERS. Well, there is a distinction made to the Negro students, as I related before, in that the students have told me that there is a difference at the Edison High School, and you must remember that there are very few Negroes in the other schools across town. There are a few but not a number of them to get a big comparable picture.

Mr. HAWKINS. You mentioned counseling. I assume that the counseling that you mentioned is not available to all of the students in the west Fresno schools; is that part of the charge that you are making with respect to counseling?

Mrs. MEYERS. That's right.

Mr. HAWKINS. Some of the proposed bills that we are studying, this would be illegal because guidance counseling and testing must be made specifically available to all of the students, and this does not mean merely announcing that it is available, it must be actually made available in fact, otherwise the Federal funds would be withdrawn.

Now if this bill were now the law of the country, possibly would the west Fresno schools be in violation of it?

Mrs. MEYERS. I will give you this example: In the junior high the parents and students are called in at some period during the spring and are counseled together and the program is discussed with the parent and student together. This is not done in the west Fresno schools and I know it to be done in east Fresno schools.

Mr. HAWKINS. Now, may I say to you, Mrs. Meyers, and at the same time announce to the other witnesses, that we will keep the record open for at least 2 weeks after this date, and any additional information that anyone cares to submit to the committee will be incorporated in the record as we present it to the full committee, so I hope that anyone who has any documentations of any of their statements made this afternoon or any additional statements will take advantage of that and file with the committee such other documentation as may be available.

Thank you very much.

The next witness is Mr. Rudolph Rivas.

Mr. Rivas, would you identify yourself for the record, and I assume you have a prepared statement; do you?

STATEMENT OF RUDOLPH RIVAS, ATTORNEY, LOS ANGELES, CALIF.

Mr. RIVAS. Well, Congressman Hawkins, I at this time will only have the data that we would use to prepare a written statement so that we can forward it to your committee.

Due to the time element involved, we have caught ourselves a little short in assembling the actual facts in written form for the benefit of this committee.

Mr. HAWKINS. You will submit at a later date a statement?