



JI-AL-002-001

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUN 5 1970

TERRI MARIE CRUM, etc., et al.,
Plaintiffs,
v.
STATE TRAINING SCHOOL FOR GIRLS,
et al.,
Defendants.

WILLIAM E. DAVIS
CLERK, U.S. DISTRICT COURT
William E. Davis
DEPUTY CLERK

CIVIL ACTION

No. 67-313

This case is before the court on remand for further proceedings consistent with the opinion of the Fifth Circuit Court of Appeals, dated July 10, 1969.

Pursuant to the mandate, the defendants, on July 15, 1969, were directed to coordinate their planning and to present one plan for the State Training School for Girls, the Alabama Boys Industrial School and the Alabama Industrial School for Negro Children. The plaintiffs also were requested to file a proposed plan.

On August 15, 1969, defendants submitted a plan of integration for all three schools and the plaintiffs' plan was filed on November 21, 1969. On September 8, 1969, plaintiffs filed objections to defendants' desegregation plan.

Several pre-trial conferences were held in chambers with all parties represented; and it was apparent to the court that while an evidentiary hearing would be required, both plaintiffs and the defendants were in agreement as to the basic plan that would be required by the court.

A hearing was set on November 26, 1969, on plaintiffs' objections to defendants' desegregation plan. Testimony

of witnesses for both the plaintiffs and the defendants and oral arguments of counsel were heard by the court.

In light of numerous school desegregation cases (citations omitted) decided by the Fifth Circuit Court of Appeals following Alexander v. Holmes County Board of Education, (1969), 396 U.S. 1218, 90 S. Ct. 14, 24 L. Ed. 41, it appears that neither of the plans submitted by the plaintiffs or the defendants will meet the requirements of Alexander v. Holmes County Board of Education, supra. While both plans appear to be more realistic and workable than one dictated by Alexander v. Holmes County Board of Education, this court is bound by the requirements of the Supreme Court case and subsequent decisions of the Fifth Circuit made in compliance with Alexander v. Holmes County Board of Education. Therefore, both plans submitted to the court by the plaintiffs and the defendants, respectively, are hereby disapproved.

It is ORDERED by the court that the girls school at Mt. Meigs be closed and phased out as quickly as it is feasible to do so. The court is now advised that this has been accomplished and that no girls are at Mt. Meigs at the present time. The accomplishment of this task is due to the outstanding and dedicated work of the Governor's Committee and to the expertise and guidance of Mr. J. B. Hill. Mr. Hill, Superintendent of the Alabama Boys Industrial School for many years, left retirement at the Governor's request to devote his energy and skills to the many complex problems at Mt. Meigs. The committee and Mr. Hill have been so successful in restaffing and rehabilitating the institution that this court can now in good conscience order boys sent to Mt. Meigs in the future.

It is, therefore, ORDERED that the State Training School for Girls, The Alabama Boys Industrial School and the Alabama Industrial School for Negro Children are to be operated as a unitary school system. This order is to be effective immediately. Inasmuch as these schools are correctional institutions for delinquents, the school authorities may in good faith take into account racial tensions in maintaining discipline and good order in the three institutions. This, however, should be done without racial discrimination.

It is further ORDERED that

(1) On or after June 15, 1970, the State Training School for Girls will accept all girls between the ages of 12 and 18 years who shall be adjudged delinquent and committed to this institution by State authorities. Admission will be based on the school's capacity to properly and safely train and accommodate students properly committed and no child shall be excluded because of race or color.

(2) On or after June 15, 1970, the Alabama Boys Industrial School will accept, to the limit of the school's capacity, all boys between the ages of 12 and 14 years who shall be properly committed after having been found to be delinquent.

(3) On or about June 15, 1970, the Alabama Industrial School at Mt. Meigs will accept, to the limit of the school's capacity, all male students between the ages of 15 and 18 years, who shall be properly committed after having been found to be delinquent.

(4) The Alabama Boys Industrial School phase out all male students 15 years of age and over as quickly as it is reasonably possible to do so and that as of June 15, 1970, no male student 15 years of age and over will be accepted at this institution.

Effective not later than June 15, 1970, the teachers, teacher aids and other staff members who work directly with children at each school will be so employed that in no case shall the racial composition of a staff indicate that a school is intended for Negro students or white students.

Staff members who work directly with children, and professional staff members who work on the administrative level shall be hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color or national origin.

All future construction, school consolidation or additions to these schools will be done in a manner which shall prevent the recurrence of a dual school structure.

Each school is required to make a progress report to the court at six-month intervals from the date of this order. The court will retain jurisdiction until the mandate of the Fifth Circuit Court of Appeals and the orders of this court have been fully complied with.

Done, this the 5 day of June, 1970.


UNITED STATES DISTRICT JUDGE