

## Pearsall Plan <sup>[1]</sup>

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## Pearsall Plan

by Sarah C. Thuesen, 2006

See also: [Pupil Assignment Act](#) <sup>[2]</sup>; [Swann v. Charlotte-Mecklenburg Board of Education](#) <sup>[3]</sup>.

On 17 May 1954, the [U.S. Supreme Court](#) <sup>[4]</sup> declared in [Brown v. Board of Education](#) <sup>[5]</sup> that racial segregation in public schools was unconstitutional. In the years that followed, the southern states individually passed legislation designed to resist *Brown*. North Carolina's [Pearsall Plan](#) <sup>[6]</sup> of 1956 did not in theory preclude the formation of integrated schools, but it did offer parents and local school boards new tools for avoiding desegregation.

The Pearsall Plan evolved from earlier legislative measures that decentralized public school authority and gave local districts wide discretion in making student assignment plans. In August 1954 Governor [William B. Umstead](#) <sup>[7]</sup> had named 16 whites and 3 blacks to an [Advisory Committee on Education](#) <sup>[8]</sup>, whose task was to craft the state's legislative response to *Brown*. [Thomas J. Pearsall](#) <sup>[9]</sup>, a Rocky Mount businessman and former Speaker of the House in the North Carolina General Assembly, chaired this group. Umstead died later that fall, but his successor, [Luther H. Hodges](#) <sup>[10]</sup>, endorsed the committee's conclusion that integration lacked widespread public support and therefore "should not be attempted." In order to provide communities with ready means for delaying desegregation, the committee proposed giving local districts total control over the assignment of students to schools. In the spring of 1955, the General Assembly enacted that recommendation with the passage of the [Pupil Assignment Act](#) <sup>[11]</sup>, which established a broad array of seemingly race-neutral criteria that local districts could use in making student assignments. In practice, local officials used those criteria to thwart black students wishing to transfer to white schools.

The Pearsall Plan took the idea of local control several steps further. Governor Hodges named in the summer of 1955 a new committee to discuss the school situation. This seven-member group, also chaired by Pearsall, included no African Americans. In April 1956 the Pearsall committee submitted its recommendations, which officials crafted into a legislative package known as the Pearsall Plan. The plan included an amendment to the [Compulsory School Attendance Law](#) <sup>[12]</sup> that excused students from attendance requirements if they were assigned against their wishes to an integrated school and could claim no other public or private school options. The Pearsall Plan also contained a constitutional amendment with two components. First, the state pledged to pay, upon special application, private school tuition grants to parents whose children were assigned to integrated public schools. In addition, a local option clause declared that each school district contained multiple "local option units," roughly corresponding to the territory surrounding any given school. Under the new amendment, each of those units, if faced with pressure to integrate, could hold a public referendum on whether to close its schools. Finally, the Pearsall Plan included a "resolution of condemnation and protest" against the Supreme Court's decision.

The Pearsall Plan had the support of Hodges, who convened a special session of the General Assembly in July 1956. Legislators passed the Pearsall Plan with only two dissenting votes, but its enactment remained contingent on the outcome of a public referendum. Prior to voting on the Pearsall proposals, citizens voiced a wide spectrum of opinion in the press and in public forums. Many black leaders and a small number of white opponents assailed the plan as a direct violation of *Brown*, while other critics attacked the plan primarily as a threat to the state's public schools. A different voice of protest came from staunch segregationists who warned that the Pearsall Plan did not do enough to prevent integration. A broad spectrum of proponents hailed the plan both as a "safety valve" against interracial unrest and as an effective means of preserving segregated schools. In the end, the proponents claimed victory. On 8 Sept. 1956, voters approved the proposals by a margin of more than four to one.

Over the next decade, no districts in North Carolina used the Pearsall measures to shut down their schools. Likewise, local districts did not provide any private school tuition grants to parents seeking to avoid desegregated schools. Integration opponents ultimately had little reason to use the Pearsall Plan, as the Pupil Assignment Act and later "freedom of choice" plans effectively stalled change. In 1964, one decade after *Brown*, less than 1 percent of the state's black children attended school with whites.

In 1966 three [African American](#) <sup>[13]</sup> families from [Charlotte](#) <sup>[14]</sup>, represented by civil rights attorney [Julius Chambers](#) <sup>[15]</sup>, challenged the Pearsall Plan in federal court, where a three-judge panel declared it unconstitutional. Integration, however, did not become an accomplished fact in North Carolina until several years later, when the federal courts declared in a series of cases that local districts had an obligation not only to remove any race-based attendance plans but also to create racially balanced schools. Those rulings climaxed with [Swann v. Charlotte-Mecklenburg Board of Education](#) (1971) <sup>[16]</sup>, in which the U.S. Supreme Court upheld the use of busing plans for achieving integration. North Carolina's schools rapidly desegregated following *Swann*. The Pearsall Plan ultimately failed to block public school integration. Yet in

legitimizing white fears of desegregation, it contributed to the larger southern resistance movement that delayed *Brown's* implementation for well over a decade.

#### References:

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Davison Douglas, *Reading, Writing and Race: The Desegregation of the Charlotte Schools*(1995).

#### Additional Resources:

NC Department of Administration: <http://www.ncdnpe.org/documents/ar103.pdf> [6]

Interview with Mack Pearsall: [https://docsouth.unc.edu/sohp/C-0057/excerpts/excerpt\\_9504.html](https://docsouth.unc.edu/sohp/C-0057/excerpts/excerpt_9504.html) [17]

Civil Rights, NC Museum fo History: <https://www.ncmuseumofhistory.org/session-five-civil-rights-movement> [18]

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[4] <http://www.supremecourt.gov/>

[5] <http://www.nationalcenter.org/brown.html>

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[7] <https://www.ncpedia.org/umstead-william-bradley-research>

[8] [http://www.lib.unc.edu/mss/inv/p/Pearsall,Thomas\\_Jenkins.html#d1e184](http://www.lib.unc.edu/mss/inv/p/Pearsall,Thomas_Jenkins.html#d1e184)

[9] [http://crdl.usg.edu/people/p/pearsall\\_thomas\\_j\\_thomas\\_jenkins\\_1903\\_1981/](http://crdl.usg.edu/people/p/pearsall_thomas_j_thomas_jenkins_1903_1981/)

[10] <https://www.ncpedia.org/hodges-luther-hartwell-research>

[11] <http://digital.ncdcr.gov/cdm4/document.php?>

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[12] [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_115C/Article\\_26.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_115C/Article_26.html)

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