

Pupil Assignment Act ^[1]

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by Karl E. Campbell, 2006

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The [Pupil Assignment Act](#) ^[3] was North Carolina's first and most effective legislative response to the U.S. Supreme Court's ruling in *Brown v. Board of Education* ^[4]. On 17 May 1954 the Court declared that racially segregated schools were inherently unequal, overturning the "separate-but-equal" principle it had established almost 60 years earlier. North Carolina's strategy to resist [school desegregation](#) ^[5], later nicknamed "the North Carolina way," did not rely on overt racist demagoguery or direct defiance of federal authority-tactics practiced unsuccessfully in other states such as Virginia, Arkansas, and Alabama. Instead, it used a legalistic defense of racial segregation that proved to be far more formidable.

In August 1954, Governor [William B. Umstead](#) ^[6] created the [Governor's Special Advisory Committee on Education](#) ^[7] to study *Brown* and recommend a course of action. The committee of 19 was headed by [Thomas J. Pearsall](#) ^[8], a businessman and politician from Rocky Mount, and included three blacks, all of whom were state employees. That December the committee's report suggested that the mixing of the races in public schools "cannot be accomplished and should not be attempted," and it recommended that the state enact a series of measures designed to delay racial integration by turning control of public education over to local school districts. [Governor Luther H. Hodges](#) ^[9], who had replaced Umstead after Umstead's untimely death, endorsed the committee's plan. The General Assembly quickly approved it.

The Pupil Assignment Act became law in March 1955. It removed all references to race in the state's school laws and transferred responsibility for pupil assignment, enrollment, and transportation from the [State Department of Education](#) ^[10] to the individual county and city boards of education. The act created vague criteria to govern the transfer of students between schools, including previous schools attended, residence, and even "local conditions." A complicated appeals process intended to discourage parents from challenging a school board's decision also was included.

In spite of North Carolina's insistence that the Pupil Assignment Act complied with *Brown* by removing racial criteria from public school policy, the measure was clearly designed to delay the implementation of the Supreme Court's desegregation order. Enough obstacles that were not specifically race based had been created that even the most qualified African American student could be turned away from a white school on nonracial grounds. According to one report, a school district rejected one black family's request to transfer their son to an all-white school because he was a C student and therefore too academically weak, but disqualified another black family's petition because their son was an A student and should not have his academic success disrupted.

A related legislative initiative, the [Pearsall Plan](#) ^[11] (1956), further expanded North Carolina's shift toward local control of schools. Token integration proceeded in North Carolina at a snail's pace for over a decade. While the state could correctly claim by the end of 1965 that most of its school districts had been desegregated, in 1966 only 6 percent of its black children were actually attending schools with whites. It was not until the late 1960s and early 1970s, when the federal courts ruled in a series of cases that the state not only had to stop segregating students by race but also had an obligation to integrate schools, that [Jim Crow](#) ^[12] education came to an end in North Carolina.

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