

MICHAEL J. STOLEE: AN EDUCATOR'S CAREER IN SCHOOL  
DESEGREGATION

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A Thesis

Presented to

The Faculty of the Department of History

Sam Houston State University

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In Partial Fulfillment

of the Requirements for the Degree of

Master of Arts History

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by

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August, 2017

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## ABSTRACT

Blackstone, Stacey L. *Michael J. Stolee: An educator's career in school desegregation*. Master of Arts (History), August, 2017, Sam Houston State University, Huntsville, Texas.

The historic decision of *Brown v. Board of Education* (1954) declared that separate schools were inherently unequal, yet the U.S. Supreme Court did not specifically make instructions on how school desegregation would occur. Because of this, many school systems planned to delay desegregation for as long as possible. The passage of the Civil Rights Act of 1964 finally gave the federal government the right to withhold funds from schools that refused to desegregate. As it became clear that many schools had not made adequate plans for desegregation, Dr. Michael J. Stolee and his colleague, Dr. Harry Hall, of the University of Miami, saw an opportunity to help schools make integration a reality through the creation of a desegregation assistance program. The South Florida School Desegregation Consulting Center became the first federally-funded desegregation assistance center in the country. Through his work at the center, Stolee became one of the first nationally recognized experts on school desegregation.

While many historians have covered topics relating to school desegregation, this paper explores the trajectory of school desegregation through the career of an expert. Stolee initially called for wide-scale busing to achieve desegregation. However, over time, his methods changed to accommodate both the general perceptions regarding busing for desegregation purposes, as well as the attitude toward busing by the Nixon administration. Stolee was one of the first widely-accepted experts on school desegregation and through his work with the South Florida School Desegregation Consulting Center, as an expert witness, and as a court-appointed special master, made a

huge impact in the field of school desegregation in both the northern and southern United States. The research comes, when possible, from primary sources found in Stolee's collection of papers at Old Dominion University in Norfolk, Virginia.

**KEY WORDS:** Desegregation, Education, Desegregation assistance center, Civil Rights Act of 1964, Miami, Benton Harbor, Dr. Michael J. Stolee, Busing.

## ACKNOWLEDGEMENTS

I would like to express my sincerest thanks to Dr. Jeffrey Littlejohn for agreeing to work on this project with me. His continued support and guidance have made this project possible. I would also like to thank Dr. Nancy Baker and Dr. Wesley Phelps for agreeing to serve on my thesis committee and for their advice on this project.

I owe a huge thank you to Susan Hoffman at the University of Minnesota Andersen Library and to Melissa Erlandson at Old Dominion University's Perry Library for their help in finding documents that enriched this paper.

I would like to thank my children, Scarlett, Mason, and Lila, for their patience and understanding during the course of my graduate studies. Finally, I would thank my husband, Philip, for his continued support and encouragement. I truly could not have done this without you.

# TABLE OF CONTENTS

	<b>Page</b>
ABSTRACT.....	iii
ACKNOWLEDGEMENTS.....	v
TABLE OF CONTENTS.....	vi
INTRODUCTION .....	vii
CHAPTER I:    Stolee’s Background and Education .....	1
CHAPTER II:   The South Florida School Desegregation Consulting Center .....	11
CHAPTER III:  Benton Harbor, Michigan and <i>Berry</i> .....	33
CONCLUSION.....	55
BIBLIOGRAPHY.....	57
VITA.....	64

## INTRODUCTION

Following an arduous legal campaign led by Charles Hamilton Houston, Thurgood Marshall, and attorneys connected to the National Association for the Advancement of Colored People (NAACP), the U.S. Supreme Court ruled in *Brown v. Board of Education* (1954) that racial segregation in public schools was unconstitutional. The court's decision, written by Chief Justice Earl Warren, declared that segregated schools were inherently unequal and thus violated the Equal Protection Clause of the 14<sup>th</sup> Amendment. In a subsequent decision the following year, the Supreme Court ruled in *Brown II* (1955) required that school districts desegregate "with all deliberate speed." Regrettably, the Court offered no explanation of what this opaque phrase meant, and lax federal enforcement of the order meant that many school districts ignored the decision, or allowed only a few black students to enter all-white schools.<sup>1</sup> In fact, white conservatives in the South launched a campaign of Massive Resistance to school desegregation in 1956. Led by US Senator Harry F. Byrd and former Dixiecrat presidential candidate Strom Thurmond, the Massive Resistance effort delayed school desegregation for more than a decade. Progress on the school front did not begin in earnest until the passage of the Civil Rights Act of 1964, and true integration remained illusory until the prevalent use of busing in the 1970s.

Historians have spent decades examining the *Brown* decision, Massive Resistance, and school busing. Classic works such as Richard Kluger's *Simply Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*, James T. Patterson's *Brown v. Board of Education: A Civil Rights Milestone and Its*

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<sup>1</sup> Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York: The New Press, 1996), 7.

*Troubled Legacy*, and Michael J. Klarman's legal history, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*, each provide a bird's-eye view of the *Brown* decision and its national consequences. At the same time, local studies like Baltimore, Maryland, Charlotte, North Carolina, and Milwaukee, Wisconsin have shown that desegregation of public schools required action by African American activists and their allies who pushed white establishment figures to meet the demands of the federal courts. Meanwhile, Anders Walker argues in his book, *The Ghosts of Jim Crow*, which Southern governors in Mississippi, North Carolina, and Florida used *Brown v. Board of Education* to stall civil rights and to create new statewide policing policies aimed at curtailing African American activism. This inversion of the *Brown* decision's mandate shaped the contours of future events, but the NAACP and other organizations that favored educational equality did not surrender. On the contrary, they pushed the federal courts to accept cross-town busing as a legitimate means of desegregation in the landmark 1971 US Supreme Court case, *Swann v. Charlotte-Mecklenburg Board of Education*. Even busing could not ensure long-term integration, however. As historian Matthew F. Delmont has shown in his recent book, *Why Busing Failed: Race, Media, and the National Resistance to School Desegregation*, school officials, politicians, and media outlets in America's largest cities favored the desires of white parents who opposed school desegregation over the rights of black students who wanted integrated schools.

Despite extensive coverage of the *Brown* decision, Massive Resistance, and busing, few scholars have explored the attempt by white liberals to assist the NAACP and the federal government in the implementation of school desegregation. There are, of course, books on Southern whites and their association with the civil rights movement.



One thinks here of Virginia Foster Durr's autobiography *Outside the Magic Circle*, Sarah Patton Boyle's classic memoir, *The Desegregated Heart*, and even of scholarly works like David Chappell's *Inside Agitators: White Southerners in the Civil Rights Movement* and Catherine Fosl's *Subversive South: Anne Braden and the Struggle for Racial Justice in the Cold War South*. Although these works present complex and fascinating narratives on white Southerners who engaged in the civil rights movement, none of them examine school desegregation or the policies, organizations, and procedures that sought to accomplish it in any detail.

This thesis draws on previous works by scholars of white liberalism and civil rights, but it also breaks new ground by focusing specifically on school desegregation. While there is an extensive historiography on local school districts and their efforts to implement court-ordered desegregation, no current study examines the federal effort to assist in this process through regional School Desegregation Centers. The subject of this study, Michael J. Stolee, established the first federally funded desegregation assistance program in the country- the Florida School Desegregation Consulting Center. Stolee's personal story and his association with the Florida center are instructive because they yield important information about the liberal effort between 1965 and 1990 to implement meaningful integration in America's public schools. Additionally, this paper also adds to adds to the historiography of scholars and historians who have sought to prove that school desegregation issues were not limited to the southern United States. Stolee's work all over the United States proves that school desegregation issues were not contained to the southern states.

Stolee has received sporadic coverage in several existing studies of school desegregation. Jeffrey L. Littlejohn and Charles H. Ford examined the work he performed in Norfolk, Virginia, in their study *Elusive Equality: Desegregation and Resegregation in Norfolk's Public Schools*. Likewise, William Henry Kellar briefly examined the plans Stolee created to assist in the desegregation of Houston Public Schools in his book *Make Haste Slowly*. Yet, no in-depth study of Stolee or the Florida School Desegregation Consulting Center has been possible until the present. Although Stolee hoped to complete his own memoir on his life's work in education, it remained nothing more than notes at the time of his death in 2007. Later, Jeffrey Littlejohn and archivist Sonia Yaco negotiated the donation of his papers, along with copious records from his various work in education, to the archives at Old Dominion University. This thesis is based on first-hand examination of those papers, as well as supporting government documents, court cases, and news coverage.

In fact, Stolee is not the only subject being studied here for the first time. There are actually few existing works on the School Desegregation Centers (also called General Assistance Centers) established under Title IV of the Civil Rights Act of 1964. The most complete study completed by the Rand Corporation for the US Office of Education in the Department of Health, Education, and Welfare, was released in 1976. This 172-page public policy review provided an overview of the operation of the centers, but did not evaluate the men and women who led them or attempt to assess the long-term significance of their work. This thesis attempts to do both of those things by examining Michael Stolee's role as the founder of the Florida School Desegregation Consulting Center.

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Born in Minneapolis, Minnesota, in 1930, Michael Stolee worked in various roles in education, beginning his career as a high school teacher in 1952. He received his PhD in Educational Administration from the University of Minnesota in 1963. President Lyndon Johnson signed the Civil Rights Act of 1964, which empowered the federal government to enforce school desegregation by threatening to withdraw federal school funding from recalcitrant districts. It was shortly after that Stolee and his colleague, Dr. Harry Hall, at the urging of their supervisor, Dr. Herbert Wey, introduced their idea of creating a desegregation center based at the University of Miami that would provide assistance to school districts attempting to comply with the new legislation.<sup>2</sup>

The Florida School Desegregation Consulting Center became the first federally-funded desegregation assistance program in the country. It began operating in the summer of 1965, with Stolee as director (and later co-director until 1969). The center received funding through Title IV of the Civil Rights Act of 1964, which "provided that technical assistance would be made available to school system as they dealt with problems occasioned by desegregation."<sup>3</sup> Stolee also became an in-demand consultant for school districts, state governments, and civil liberties organizations involved in the fight to desegregate public schools.<sup>4</sup>

Dr. Stolee's belief that desegregated education could be a transformative experience is evident in his writings. In response to an email he received in 2005, he said

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<sup>2</sup> Michael J. Stolee, Memoir Draft. Papers of the Dr. Michael J. Stolee, Special Collections and University Archives, Patricia W. and J. Douglas Perry Library, Old Dominion University Libraries, Norfolk, Virginia (hereafter MJSP).

<sup>3</sup> Ibid.

<sup>4</sup> Michael J. Stolee Biographical Information, "A Guide to the Papers of Michael J. Stolee, 1964-2009" <http://ead.lib.virginia.edu/vivaxtf/view?docid=odu/vino00106.xml#adminlink> (accessed February 19, 2015).

that "the children being educated in our schools now will be living their adult lives in a nation, as well as in a world, of diverse races, cultures, religions, and social mores. The schools are the best place for children to learn how to interact with people who might be different from them...Our children need to learn to live in a multicultural world, and that cannot be done in an atmosphere of separatism."<sup>5</sup>

Stolee's faith that education was key to eradicating American racism was part of a larger, widespread white liberal movement. White liberals generally believed that as more Americans became educated the country would naturally embrace the "creed of equality that contradicted their practice of racial discrimination." This was the general conclusion of sociologist Gunnar Myrdal's famed government-sponsored report on race, *An American Dilemma: The Negro Problem and Modern Democracy* (1944). While liberals believed that the issue of race was problematic, it was not their primary goal during the height of their political power in the period from 1933 to 1969. Patricia Sullivan argued in *Days of Hope: Race and Democracy in the New Deal*, liberals often acquiesced to Southern Democrats on racial issues to curry support for their economic and foreign policies. While progress was made in areas of liberal political reform, it was often at the expense of freedom and equality for black Americans. And while white liberals failed to predict the emergence of the African American-led political movement that emerged in the 1950s, many chose to actively participate in the civil rights movement and continued to place great emphasis on progressive education as a tool for ending discrimination. Stolee embraced desegregated education as a major tool for ending racism. The policies created by Stolee, the Florida School Desegregation

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<sup>5</sup> Marc Hequet email to Michael Stolee, March 22, 2005, MJSP.

Consulting Center, and his fellow liberal education activists created a major force to implement massive change to the educational system across the nation.<sup>6</sup>

The problems of school desegregation were very complex and consisted of many, varied issues. While white liberals like Stolee hoped that education would eventually lead to equality there was no consensus on what equality meant or what it would look like in practice. It must also be taken into account that the struggle for equality for African Americans was a large, multifaceted movement with many interests represented. It was not, as it is sometimes portrayed today, a singular national movement with unified wants, needs, strategies, or even goals. Rather, as historian Jack Dougherty has shown in his *More Than One Struggle*, African American participants presented "an interconnected series of overlapping (and sometimes conflicting) group efforts to gain power over educational policy and practice for the broader goal of uplifting the race."<sup>7</sup> For some black Americans this meant school integration between children of all races. Others voiced concerns, however, that black teachers would lose their jobs as integration occurred. Still others were not primarily concerned with racially balancing schools; instead, they wanted to ensure that minority-populated schools received equal funding, facilities, and support. Still other groups favored integration, but did not support busing plans, which became a key proponent of many school district re-organization plans created by Stolee and other desegregation experts. This was especially true when busing plans placed the majority of the burden on the black community, while allowing many white students to remain in their previous schools. Other activists fought to introduce

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<sup>6</sup> David L. Chappell, *A Stone of Hope: Prophetic Religion and the Death of Jim Crow* (Chapel Hill: The University of North Carolina Press, 2004), 37.

<sup>7</sup> Jack Dougherty, *More Than One Struggle* (Chapel Hill: The University of North Carolina Press, 2004), 3-4.

African American curriculum and to gain local control over their neighborhood schools. The absence of a cohesive civil rights stance on school desegregation, coupled with white resistance to the process, led to many hostile encounters for Stolee and other educators working to achieve meaningful desegregation throughout the country.<sup>8</sup>

Conflict over school integration escalated markedly when the US Supreme Court issued its decision in *Swann v. Charlotte-Mecklenburg* (1971). Token desegregation had begun in Charlotte, North Carolina in 1957, and, “in 1960, the Charlotte and Mecklenburg County school systems were consolidated into a single district” that would serve both the city and its suburbs. Despite this consolidation, schools remained mostly segregated. By 1964, only token integration had been realized in Charlotte. In January 1965, local lawyer, Julius Chambers, filed suit “against the district for failing to achieve meaningful desegregation.”<sup>9</sup> In April 1969, a district court ruled that the Charlotte-Mecklenburg School's reliance on a voluntary freedom of choice plan, which allowed students to individually transfer schools, “had not fulfilled its 'affirmative duty' to desegregate and ordered the board to submit 'a positive plan for effective desegregation' by May 1969.”<sup>10</sup> The Supreme Court upheld this decision in 1971. The *Swann* decision affirmed the use of transportation (busing) by a school system for the purpose of school desegregation. However, as student transportation needs varied widely between localities, the Court asserted it could not impose “rigid guidelines” for transportation-based desegregation plans.<sup>11</sup> Therefore, the Supreme Court's decision allowed for school districts to choose to use busing in their efforts to achieve desegregation, but did not

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<sup>8</sup> MJSP.

<sup>9</sup> *Swann v. Board of Educators*, 402 U.S. 1 (1971).

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

require this action. Dr. Stolee, by this point an independent desegregation consultant, the Florida School Desegregation Consulting Center, as well as other consultants, assistance centers, and school districts, began to advocate mandatory busing plans to achieve desegregation. Mandatory busing plans became a major point of contention among both black and white community members all over the country. Some argued that mandatory busing plans contributed to white flight and furthered the problem of segregated community schools.

Despite opposition, many educators, including Stolee, saw busing as an efficient way to desegregate, and used it to reach their goals. Busing plans were seen as a necessary tool to achieve school desegregation in 1970s because of widespread patterns of residential segregation throughout the United States. White Americans had long favored residential segregation, and they employed local, state, and federal policies to defend their preferences. They also used threats and violence to keep minorities out of white neighborhoods. Banks also contributed to segregation through discriminatory lending practices, and the government and real estate establishment supported this effort by “red-lining” minority neighborhoods, which were labeled high-risk investments. "Red-lining" was also used by the Home Owner's Loan Corporation (HOLC), whose standards were commonly used by the Federal Housing Authority (FHA) and the Veterans' Administration (VA), which further limited the ability of minorities to obtain housing loans.<sup>12</sup> Additionally, "the FHA regularly refused loans to black homebuilders while underwriting the construction of home by whites of a similar economic status a few

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<sup>12</sup> Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism*. (Princeton: Princeton University Press, 2005), 56-60.

blocks away."<sup>13</sup> City governments added to the problem by rezoning and allowing projects in black neighborhoods that were not approved when the majority of the inhabitants were white, often contributing to the decline of minority neighborhoods.<sup>14</sup> Local government further limited integration of neighborhoods by imposing strict rules regarding lot size, architectural standards, and multi-family housing units.<sup>15</sup> Because of these and many more factors, residential segregation was the norm and in order to effectively desegregate schools, Stolee and his colleagues felt that busing was a critical component of many desegregation plans.

Stolee believed that busing was a useful tool for desegregation, and he employed with great frequency during his career as an architect for desegregation plans. By 1975, however, even he appeared cautious in an article in *The Milwaukee Sentinel*, saying “that busing should be viewed as only a last resort for desegregation with redistricting, magnet schools, and other alternatives to be attempted first.”<sup>16</sup> Historically, there have been two major schools of thought on busing. On one hand, many civil rights activists and historians supported the efforts because they saw it as the only means to integrate the segregated neighborhoods in the 1970s and 1980s. Scholars like desegregation expert and sociologist Dr. John A. Finger argued “there is no way to achieve integration except by busing” because of patterns of residential segregation. Finger argued that busing plans

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<sup>13</sup> Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996, 2005), 44.

<sup>14</sup> Kruse, 73-74.

<sup>15</sup> Sugrue, 44-45.

<sup>16</sup> Rick Janka. "Harwell Claims Many Blacks Against Busing," *The Milwaukee Sentinel*, October 4, 1975 in MJSP.



must be tailored to their specific community in order to be successful, but that well-constructed busing plans should be used to achieve integration<sup>17</sup>

Conversely, other scholars and historians argued that busing created a white backlash to school desegregation and caused white flight from urban areas to new suburbs. This anti-busing argument posits that mandatory or “forced” busing may have temporarily helped to racially balance schools, but in the long run, only encouraged white flight. Sociologist David J. Armor, who crafted desegregation plans and testified as an expert witness in dozens of desegregation cases, contended that mandatory busing was a leading factor in white flight. Armor argued that white flight exacerbated school segregation problems due to the loss of white students. In Armor's opinion school desegregation based on voluntary efforts that allow parental and student choice (often called freedom of choice plans) prevents white flight and over time leads to a desegregated educational environment.<sup>18</sup> Many other scholars shared Armor's view, including experts such as sociologists Robert Crain and Christine Rossell, whose works heavily favor voluntary transfer plans. In *Why Busing Failed: Race, Media, and the National Resistance to School Desegregation*, Matthew F. Delmont contends that busing was never the real issue, but was used as a way to frame resistance against school desegregation in a way that did not reference race. Delmont credits the media for making the situation worse, both with different ways of reporting the issue in the North and the South, and for turning busing into a nationwide debate. Delmont credits President Richard M. Nixon and his use of the media to portray busing for desegregation as an

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<sup>17</sup> John A. Finger, “Why Busing Plans Work,” *The School Review*, Vol. 84, No. 3 (May 1976) 364-372.

<sup>18</sup> David J. Armor, *Forced Justice: School Desegregation and the Law* (New York: Oxford University Press, 1995), vi-vii, 38-41.

affront to American values of choice, and further claims that the educational gains of desegregation were overshadowed by the negative portrayal of busing in the media, despite the fact that American schoolchildren had been bused for many other reasons, including to enforce segregation.

Stolee's frequent use of busing to desegregate schools aligns much more with the belief that busing was not responsible for white flight. Regardless, it did not change the right of all students to quality education. Gary Orfield and Susan E. Eaton presented this argument in their book *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*. The book, a product of the Harvard Project on School Desegregation, presents a series of essays that describe how educational and legal policies as well as major court decisions have led to an overall weakening of the educational equality that the *Brown* decision hoped to create. Orfield and Eaton propose that Armor's view of white flight is too simplistic, as Armor's focus is on statistical data that shows only the percentage of white population leaving an area that had a mandatory busing plan. Orfield and Eaton argue that Armor's explanation does not account for other factors which could help explain the loss of white population during the 1960s-1980s. Orfield and Eaton point to "a dramatic drop in the white birth rate" during this time, an increase in African Americans moving into urban areas (especially in the North), and an increase in the crime rate in urban areas. A look at private school enrollment from 1970-1984 showed no appreciable difference in enrollment by white students. Orfield and Eaton claim that while there was an increase in migration to the suburbs from city centers, it is more accurately described as a flight of the middle-class, both black and white. Furthermore, they argue if mandatory busing plans caused white flight as Armor

claimed, then what could be the explanation for white flight in major cities that had not adopted a mandatory busing plan, such as Atlanta, New York, Chicago, and Houston?<sup>19</sup>

Another major issue brought to the forefront by school desegregation and busing plans involved suburban areas. The suburbs represented not only a division of race, but also a division of class and politics. After World War II, suburban growth increased rapidly in the United States. The growths of suburban communities were made up almost entirely of the white middle and upper class. The growth of suburbs was aided greatly by the intervention of the federal government. These interventions included federal funds for highway development to link outlying suburbs with city centers, "federally guaranteed low-interest mortgages, and generous tax deductions" for those who could afford to leave the city. These policies contributed to concentration of racial minorities within the city center, which played a role in complicating school desegregation. The newly created suburbs became concentrated areas where new conservatism thrived. When the issue of metropolitan busing was introduced as a way to improve school desegregation in major cities, many suburbanites balked at the idea. Many of the conservative suburbanites were part of what President Richard Nixon referred to as the "Silent Majority," which he believed supported his views on school desegregation, intervention in Vietnam, and many other issues.<sup>20</sup> Many "Americans who had been willing to support basic equal opportunity for African Americans turned against these efforts when they involved their own neighborhood schools and their own children."<sup>21</sup> These parents were not necessarily motivated by racial attitudes or prejudice. They objected to mandatory busing plans

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<sup>19</sup> Orfield and Eaton, 61-63; 124-127.

<sup>20</sup> Matthew Lassiter, *The Silent Majority*, 1-3.

<sup>21</sup> Lisa McGirr, *Suburban Warriors: The Origins of the New American Right*. Princeton: Princeton University Press, 2001, 239.

because of factors such as long bus rides (especially in regard to elementary-age children), the quality of schools, the preference for schools close to home, and the (sometime legitimate) fear of sending their children to neighborhoods they felt may be unsafe. These concerns were shared by both black and white parents. Many suburban conservatives argued that the issue was not really about race, but about free-market capitalism and class. They espoused a color-blind strategy to defend their opposition to mandatory busing. According to this philosophy, suburban conservatives would presumably not have an issue with black families attending their neighborhood schools, if they had the financial means to relocate.<sup>22</sup>

This thesis seeks to address these school desegregation issues through an in-depth study of Michael Stolee's work with the Florida School Desegregation Consulting Center and his work as an independent education expert by examining two of his major cases. In chapter one, Stolee's background is examined in an effort to explain why he ultimately became one of the nation's first desegregation experts. Chapter two investigates his time at the University of Miami and his association with the Florida School Desegregation Consulting Center through his work on the desegregation of the Miami-Dade County Schools. In chapter three, Stolee's work as an independent, court-appointed expert on desegregation is explored through his involvement with *Berry v. Benton Harbor*, a case that spanned over three decades, and for which Stolee served nineteen years as the court-appointed special master. Stolee was a northern-born outsider, an agitator and experimenter, who had a firm believer in the equalizing effects of public education. This thesis hopes to explain how such a man -- a white liberal from Michigan -- made his life's work in school desegregation cases.

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<sup>22</sup> Lassiter, 139-144, 255-257.

## CHAPTER I

### Stolee's Background and Education

Michael Stolee was born on August 22, 1930 in Minneapolis, Minnesota, to Adeline (Thomason) and Guilik Stolee. The second of three children, he grew up in a close-knit neighborhood. His parents jointly ran Stolee's Pharmacy, a profitable business, until 1938, when it went under due to over \$50,000 in unpaid prescriptions during the Great Depression.<sup>1</sup> Stolee later recalled that his parents "were simply unable to say 'no' to an unemployed neighbor... [with] an ill child or wife."<sup>2</sup> This type of compassion and need to help others made a significant impact on Stolee. The mark of Stolee's upbringing, values, and educational experiences are important to understanding how he became such an important figure in American school desegregation during his long career. In the notes for his proposed memoir, he fondly remembered his upbringing in the nearly all-white working class community of Camden. He was strongly influenced by the strong traditions of the German, Norwegian, Swedish, and Polish immigrants that settled in Minneapolis. These traditions fostered a sense of "individualism, particularly of a belief in individual rights and responsibilities" in Stolee from a young age.

Stolee spent his formative years in almost exclusively all-white environments. This was not unusual for someone growing up in Minnesota during Stolee's youth. According to the 1940 U.S. Census, the black population of Minnesota made up less than 1% of the state's total population.<sup>3</sup> During his elementary education, Stolee recalled a

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<sup>1</sup> E-mail from Hennepin County (MN) Public Library, citing information about the Stolee's from the 1930 Minneapolis City Guide, which is not available online. September 12, 2016.

<sup>2</sup> The Papers of Michael J. Stolee

<sup>3</sup> "Table 24 Minnesota- Race and Hispanic Origin for Selected Large Cities and Other Places: Earliest Census to 1990," Census report, *Census Statistics on Population Totals by Race, 1790 to 1990, For Large Cities and Other Urban Places in the United States*. Compiled by Campbell Gibson and Kay Jung,

single African American student, whom he said was treated well by other students and included in group play. While in high school, Stolee worked part-time as a stock boy at Walgreen's Pharmacy. The janitor there was an African American man with whom Stolee shared his break. The two spent time together, eating sandwiches and talking, until the pharmacist and manager of the store told Stolee that he was not to eat with the janitor any longer. Looking back, Stolee realized this was because of racial prejudice, but he said it did not occur to him at the time.<sup>4</sup> During his teen years, Stolee admired the liberalism of Hubert H. Humphrey, who was mayor of Minneapolis from 1945 to 1948 (and later served Minnesota as a U.S. Senator and as the Vice President of the United States under Lyndon B. Johnson). Stolee admired Humphrey's dedication to achieving equality in areas such as labor, agriculture, and fair employment practices.<sup>5</sup> This example of liberalism and equal opportunity is evident in Stolee's career in school desegregation. In his memoir notes, Stolee notes his admiration of Humphrey, one of the only mentions of public figures to appear in the text.

Stolee attended St. Olaf College in Northfield, Minnesota. St. Olaf was founded in 1874 as part of the Evangelical Lutheran Church of America (ELCA) and was strongly rooted in the religious and educational principles of its founders. The namesake of the school was a martyr and the patron saint of Norway.<sup>6</sup> Members of the ELCA have publicly advocated for "equitable, sufficient, and effective funding of public schools."<sup>7</sup> This activism goes back to the teachings of Martin Luther, who proclaimed "children

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Population Division Working Paper No. 76, February 2005.  
[www.census.gov/population/www/documentation/twps0076/MNtab.pdf](http://www.census.gov/population/www/documentation/twps0076/MNtab.pdf)

<sup>4</sup> The Papers of Michael J. Stolee

<sup>5</sup> The Papers of Michael J. Stolee

<sup>6</sup> "The History and Heritage of St. Olaf," St. Olaf College website. [www.stolaf.edu/about/history](http://www.stolaf.edu/about/history)

<sup>7</sup> "Education," The Evangelical Lutheran Churches of America website, [www.elca.org/education](http://www.elca.org/education)

should be educated” because he believed that literacy was an important part of a person’s spiritual relationship with God.<sup>8</sup> Furthermore, Luther advocated that education was the best way for people to overcome disadvantages they faced. This important belief no doubt had an impact on Stolee, as evidenced by the devotion of his professional life to the pursuit of equal education. Stolee graduated from St. Olaf’s in 1952 with a Bachelor of Art degree in History and Speech. St. Olaf’s, however, did not expose him to many people of other cultures.<sup>9</sup>

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In 1953, Stolee enrolled at the University of Minnesota to begin a master’s program in education, taking courses in the summer to accommodate his work schedule. At the time he began his studies, Stolee was working as a high school teacher. During the course of his master's study, he rose quickly within the ranks of school administration and was named principal of the lone high school in Welcome, Minnesota. In 1956, at 26 years old, he had risen to the position of superintendent of schools in Russell, Minnesota, a tiny, rural enclave in the southwestern corner of the state.<sup>10</sup>

It was not until his graduate studies at the University of Minnesota that Stolee had any prolonged exposure to or contact with people of color. The university had a long history of being open to African American students, though the path for those students was not always equal or easy. The University of Minnesota graduated its first African American student, Andrew Hilyer, in 1882, as one of a class of 34 students. According to the few accounts that exist regarding Hilyer's time at the university, he was accepted and

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<sup>8</sup> Marilyn J. Harran, *Martin Luther: Learning for Life* (St. Louis: Concordia Publishing House, 1997), p.82

<sup>9</sup> The Papers of Michael. J. Stolee.

<sup>10</sup> Ibid.

not segregated because of his race.<sup>11</sup> However, from the 1920s to the 1940s, discrimination and segregation became much more pronounced at the university. During this time period, black students were often segregated "under the guise of doing what was best for all concerned."<sup>12</sup> The university did not provide any type of housing for African Americans and refused to desegregate any of the campus dormitories, which is evidence that although admissions may have been open to African Americans, they were far from being fully welcomed into the university community. Most African American students ended up living in private homes or "at the Phyllis Wheatley," a settlement home for black people in Minneapolis, that operated from 1924-1940. The Phyllis Wheatley settlement house served Minneapolis' small African American community and the needs of black artists and entertainers, as there were no other places that would provide them with even temporary lodging. The housing policies at the university reflected the city's "complex web of fear, paternalism, and prejudice" against African Americans (and Jews) during this time frame.<sup>13</sup> In 1941, the managers of the Phyllis Wheatley house decided they could no longer take student boarders, and the university had to take action. It purchased a home to be run by black graduate students, but even this modest effort was shut down when it was discovered that rooms had been rented to both black and white students. Many political groups on campus, including the university chapter of the National Association for the Advancement of Colored People (NAACP), protested

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<sup>11</sup> Tim Brady, "Almost Perfect Equality," *Contributions of African Americans to the University of Minnesota History Project*, in Information File: African Americans, University of Minnesota Archives, Elmer L. Andersen Library, 222 21<sup>st</sup> Avenue South, Minneapolis, MN 55455.

<sup>12</sup> Tim Brady, "The Way Spaces Were Allocated," *Contributions of African Americans to the University of Minnesota History Project*, in Information File: African Americans, University of Minnesota Archives, Elmer L. Andersen Library, 222 21<sup>st</sup> Avenue South, Minneapolis, MN 55455.

<sup>13</sup> Howard Jacob Karger, "Phyllis Wheatley House: A History of the Minneapolis Black Settlement House, 1925 to 1940," *Phylon*, Volume 47, Number 1, (1<sup>st</sup> Qtr, 1986), p. 79-90. [www.jstor.org/stable/274697](http://www.jstor.org/stable/274697)



against the university's decision to close its only housing for black students. Prompted by the protests and increasing calls against discrimination at the university, the administration announced that housing would be open to all students in 1942.<sup>14</sup> Following World War II, the university went further, ending “the segregation that had characterized prewar campus relations.” Though discrimination and racism did not completely disappear, things slowly began to improve.<sup>15</sup> However, the total number of African Americans at the university remained very small, accounting for less than 1% of the total student population as late as 1968.

Beginning in the 1950s, as Stolee began his graduate work, the university was bustling with an influx of new students, faculty members, and funding. The funding increase was at least partly due to the Cold War scientific race between the Soviet Union and the United States. Interest in civil rights flourished at the university. Reflecting upon his time as a political science student in a history of the university, Walter Mondale attributed his interest in civil rights to his study at the University of Minnesota under professor Arnold Rose. Rose, a prominent sociologist, worked with Swedish sociologist Gunnar Myrdal on his landmark study, *The American Dilemma* (1944). The major conclusion of the report was that racism and discrimination against black Americans violated the core American value of equality. Myrdal suggested that over time Americans would come to see that discrimination and inequality were in stark contrast to their primary beliefs and would eventually improve as people of different races had more contact with one another.<sup>16</sup> In a history of the university, Mondale said, “Faculty came

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<sup>14</sup> Tim Brady, “The Way Spaces Were Allocated”.

<sup>15</sup> Marion Renault, “The Wright Legacy,” *Minnesota Daily Special Project*  
<http://www.mndailyprojects.com/wright>

<sup>16</sup> Raffel, p. 11-12.

off the campus totally committed to reform, internationalism, and civil rights.”<sup>17</sup> Mondale went on to serve in several high-profile political positions, including Attorney General of Minnesota, in the United States Senate, as Vice President under Jimmy Carter, and as ambassador to Japan.

In 1957, the American Studies department at the University of Minnesota held the American Studies Conference on Civil Rights. The multi-day event began on October 16, the anniversary of abolitionist John Brown’s raid on Harper’s Ferry, Virginia, in 1859. The conference “was intended to examine the nation’s racial divide in fresh, multidisciplinary ways, and [Dr. Martin Luther] King had been engaged to deliver the keynote address.”<sup>18</sup> King had gained some fame as the leader of the Montgomery Bus Boycott and as president of the Southern Christian Leadership Conference (SCLC). He appeared on the cover of *Time Magazine* in February of that year, and university officials hoped his involvement would lead to participation from other important figures.<sup>19</sup> King spoke on American race relations before a crowd of 3,000 at the university. The conference, however, did not generate the attention that the American Studies Department had hoped to attract. The *St. Louis Tribune*, reflecting the community’s attitude on race, did not refer to King by name in the headline for the article on the conference, titling it “U Hears Negro on Integration.”<sup>20</sup> While it is not known whether Stolee attended King’s speech, it, in conjunction with the interest in civil rights

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<sup>17</sup> Stanford Lehmberg and Ann M. Pflaum, *The University of Minnesota, 1945-2000*. Minneapolis: The University of Minnesota Press, 2001, pp. 69-132, quote p. 115.

<sup>18</sup> Tim Brady, “King’s Speech,” *The University of Minnesota Alumni Association Magazine* (Fall 2011 Issue)  
[www.minnesotaalumni.org/s/1118/content.aspx?sid=1118&gid=3147&cid=5180&cid=0&calpgid=3146&alcid=5178](http://www.minnesotaalumni.org/s/1118/content.aspx?sid=1118&gid=3147&cid=5180&cid=0&calpgid=3146&alcid=5178)

<sup>19</sup> TIME Magazine, cover, February 18, 1957  
[www.content.time.com/covers/0,16641,19570218,00.html](http://www.content.time.com/covers/0,16641,19570218,00.html)

<sup>20</sup> Brady, “King’s Speech”

mentioned on the campus, provides context for Stolee's time in graduate studies at the University of Minnesota, encompassing the years from 1953-1963.

In the same year as King's visit to the University of Minnesota, the country was forced to confront the problems of segregation in a very public way. Just days after the *Brown* decision, the Little Rock, Arkansas school board issued a public announcement. The board stated, "It is our responsibility to comply with Federal Constitutional Requirements, and we intend to do so when the Supreme Court of the United States outlines the methods to be followed."<sup>21</sup> Unfortunately the Supreme Court gave no such directives, other than the vague "with all deliberate speed" in the *Brown II* (1955) decision. Shortly thereafter, the school board announced that desegregation would begin in Little Rock, starting with grades 10-12 in the fall of 1957, and would continue gradually to lower grades and would be completed by 1963. While the board understood that some of the public objected to the decision "in principle" they believed "it was still in the best interest for all pupils in the District."<sup>22</sup> Governor Orval Faubus and other state officials claimed that the Supreme Court's decision was unconstitutional and sought an amendment to the state constitution to keep the decision from being implemented. Additionally, the General Assembly passed a pupil assignment law in February 1957 that said children could not be forced to attend segregated schools. The Little Rock school board pushed on with their desegregation plans, but Faubus used the Arkansas National Guard to block the students from enrolling, and continued to do so for three weeks. The images from the Little Rock crisis became the ugly public face of massive resistance in the American South. The crisis prompted President Eisenhower to use Army troops (and

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<sup>21</sup> *Cooper v. Aaron* 358 US 1 (1958)

<sup>22</sup> *Ibid.*

later federalized National Guardsmen) to protect the students. This allowed the school board's plan to continue, but plans were stalled when Faubus ordered the closure of public schools for the 1958-1959 school year. However, in 1959, desegregation began once again in Little Rock.<sup>23</sup> Although there is no specific mention of the crisis in the Stolee collection, it is very likely that the incident was discussed in the course of his graduate studies in educational administration, especially since some of those studies focused on the implementation of educational law. Additionally, Stolee later worked to ensure continuing desegregation through his efforts as consultant in Little Rock from 1987-1989.

Stolee's graduate studies also marked his first real experiences with integrated education. One day during lunch with a group of students, he learned that several of the African American students were from Virginia. Stolee recounted, "I, in my naiveté, assumed that they had come to Minnesota for summer school because it was cooler than in Virginia. Then I learned that their summer expenses were being paid by the state of Virginia...so that they [black graduate students] wouldn't have to be admitted to the University of Virginia."<sup>24</sup> It was through repeated exposures to the problems and inequality faced by African Americans, especially in the realm of education, that Stolee began to consider the privilege of his own experiences. The experiences of black students forced Stolee to confront the reality of things that "have often been invisible to those who benefit from it the most...seemingly trivial, every day, taken-for-granted privileges."<sup>25</sup> This would have likely been difficult for Stolee, especially considering the value he

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<sup>23</sup> "School Desegregation in Little Rock, Arkansas: A Report of the U.S. Commission on Civil Rights," June 1977, [law.maryland.edu/marshall/usccr/documents/](http://law.maryland.edu/marshall/usccr/documents/) accessed May 20, 2017.

<sup>24</sup> The Papers of Michael J. Stolee.

<sup>25</sup> Paula S. Rothenberg, *White Privilege: Essential Readings on the Other Side of Racism*. New York: Worth Publishers, 2008, p. 3-4.

placed on education. This experience's profound impact is evident in the examination of Stolee's career.

The practice of sending African American students out-of-state was fairly common in certain Southern states. In the 1920s, after more African Americans started to gain access to secondary education, the demand for higher education increased. However, in states that practiced segregated education, there were not any public institutions that were open to black graduate students (although some states did have some private black colleges and universities). Instead of ending segregation at the college or professional school-level, some states created publicly-funded grants to educate black graduate students in other states. Missouri was the first state to establish this type of fund in 1929 and several other states followed suit. These programs, however, were usually insufficient, as they only covered tuition expenses and were severely limited in amount.<sup>26</sup>

When the Supreme Court announced its decision in *Brown v. Board of Education* on May 17, 1954, Stolee's professors in his educational administration classes discussed the issues leading up to the decision and what it meant for schools. Stolee continued to lunch with a group that included black students from southern states and they described their experiences of living in segregation. It was also during this time that he took a class entitled "The Legal Aspects of School Administration," which was taught by Robert Hamilton, who had previously been the Dean of the School of Law at the University of Wyoming. During his time at the University of Wyoming, Hamilton began a project to educate school administrators about laws that were relevant to them. He was concerned with the number of lawsuits against schools and the amount of money it cost to fight

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<sup>26</sup> Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. New York: Oxford University Press, 2004, p. 148-149; 204-205.

them. Hamilton's idea was to create "an experimental law letter" that covered a variety of topics that would be of interest to school administrators and to help them avoid costly legal mistakes. His effort became very popular, securing subscriptions to his letter from teachers and school administrators all over the country.<sup>27</sup> In fact, Hamilton is the only professor mentioned by name in Stolee's memoirs.

Stolee's doctoral studies focused on school law, administration and educational psychology. The *Brown* decision was a key issue in all of these areas of study, as the students would be largely responsible for helping the desegregation process in their role as educational administrators. In the second year of his doctoral program, Stolee worked with the Bureau of Field Studies and Surveys. The program was created to assist school districts in the state in areas such as pupil assignment, school operations, building needs, and curricular offerings. Stolee believed the experience in these four areas was of crucial importance, because the same areas of concern were vital to his plans to desegregate schools, both in his work with the Florida School Desegregation Center and later as a desegregation consultant and expert.<sup>28</sup> These four areas were integral in Stolee's creation of desegregation plans that would best serve the community. In this manner, Stolee's background and experience in educational administration were vital because he understood the challenges that administrators would face in implementing his desegregation plans.

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<sup>27</sup> "Education: Law for Schoolmen," *TIME Magazine*, May 21, 1951.  
[www.content.time.com/time/subscriber/article/0,33009,859208,00.html](http://www.content.time.com/time/subscriber/article/0,33009,859208,00.html)

<sup>28</sup> The Papers of Michael J. Stolee.

## CHAPTER II

### **The South Florida School Desegregation Consulting Center**

Upon completion of his doctoral studies at the University of Minnesota in 1963, Michael Stolee accepted a faculty position at the University of Miami's School of Education. This appointment changed Stolee's life and marked the beginning of a long career in school desegregation. This chapter will explore the beginning of Stolee's career in higher education and the series of events that led him to become recognized as one of the nation's first desegregation experts. Additionally, the chapter exposes the difficulties Stolee faced working as a desegregation expert, both professional and personal in nature. Furthermore, the actions of both Stolee and the Florida School Desegregation Assistance Center are examined in-depth, especially as they relate to the desegregation of Dade County Schools.

By the time Stolee began teaching in Miami, the university there had desegregated. However, this was a relatively recent change. The University of Miami had begun to consider its own policy of segregation, beginning in the 1950s. According to a history written for the university's 50<sup>th</sup> anniversary in 1976, "the attitude of the University administration was conservative, but caution seemed justifiable in a community where social custom and municipal and state laws sanctioned segregation."<sup>1</sup> However, Dr. Charlton Tebeau, the author of the work and a history professor at the university argued that, in general, the university was more open to desegregation, at least on a small scale, than the rest of the Greater Miami area. In 1952, the University of

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<sup>1</sup> Charlton W. Tebeau, "Chapter XI: Desegregation, Integration, and Minority Issues," in *The University of Miami: A Golden Anniversary History, 1926-1976*, p.11-1.  
<http://scholar.library.miami.edu/umdesegregation/pdfs/dlp00190000030001001.pdf>

Miami began to offer off-campus graduate-level education courses for African American teachers. After the *Brown* decision in 1954, the university administration opened the law school at the university to black applicants over fear that the American Bar Association would “withdraw approval from any law school which practiced racial discrimination in admissions.”<sup>2</sup> Similarly, the university opened admissions to the School of Medicine in 1956. Yet progress for the rest of the university moved along at a very slow pace. It was not until 1961 that the university officially opened its admissions to all schools without regard to race. The number of black students at the private university would remain relatively small. These students reported no hostility, but admitted to feeling isolated from their white peers. And even as students made progress on the campus, they still had to deal with the Jim Crow segregation in Miami. Despite the slow pace of desegregation at the University of Miami, Stolee believed that “the university was supportive of desegregation, and gave its faculty not only the freedom to combat racism, but also the encouragement to do so.”<sup>3</sup> Stolee attributed this, at least in part, to the private status of the university, which meant it did not have to rely on the funds of the state government.

In the 1950s and 1960s, racial prejudice and segregation were not issues that Miami wanted to acknowledge. Miami preferred to present itself as a southern anomaly. It was much more urbanized than most southern cities, had a diversified economy that did not center on agriculture, had a high population of northerners, and was a major tourist destination. Despite these differences, racial discrimination and Jim Crow laws exposed Miami's true southern status. By the mid-1950s, Miami had surpassed Jacksonville as the largest city in Florida, with a population of around 500,000 people. Less than 20% of the

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<sup>2</sup> Ibid., 11.5

<sup>3</sup> The Papers of Michael J. Stolee.



population was African American. In 1954, Theodore R. Gibson, a local pastor, took over the Miami chapter of the NAACP. Prior to this the NAACP chapter was small, unorganized, and not very effective. Under Gibson's leadership, membership expanded and the chapter became very politically active and began working to attain equal rights.<sup>4</sup>

Stolee began working at the University of Miami in 1963 in the Education department. He served at the school until 1975, in various capacities, including professor, associate dean of Education, director of Cuban Teachers (a program designed to re-train teachers who had fled Cuba to work in the United States), director of Graduate Studies, and most importantly to this work, director of the Florida School Desegregation Consulting Center. Under the direction of the associate dean of Education, Dr. Herbert Wey, Stolee was responsible for the typical assignment of teaching classes on educational administration and school law and research, but his duties also included the direction of "self-studies being done by secondary school facilities in Dade County as they prepared for accreditation evaluation by the Southern Association of Colleges and Schools. This assignment gave Stolee the opportunity to connect with many school superintendents and board members of Florida schools. During conversations with these administrators, Stolee came to the conclusion that most of the administrators did not think that desegregation would actually occur. At the end of the 1950s, four-year secondary schools were not readily accessible to most African Americans in Florida. With the announcement of the *Brown* decision by the Supreme Court in May 1954, "the state opted to act on the issue [of segregation] as slowly as it could to preempt the intervention of the

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<sup>4</sup> Chanelle Rose, "The 'Jewel' of the South?: Miami, Florida and the NAACP's Struggle for Civil Rights in America's Vacation Paradise." *The Florida Historical Quarterly* Vol 86, No 1 [Race and Civil Rights in Florida] (Summer 2007), pp. 39-69. <http://www.jstor.org/stable/30150099> accessed November 16, 2015.

federal courts."<sup>5</sup> Florida Governor LeRoy Collins, who took office in January 1955, condemned the decision, "mak[ing] it abundantly clear that he believed the Supreme Court had overstepped its boundaries when rendering the *Brown* decision."<sup>6</sup> Though Collins openly supported segregation, he was considered a moderate segregationist among his Southern political counterparts, as he spoke out in favor of improving educational opportunities for African Americans in ways other than desegregation. Under Collins' leadership, state officials elected to delay integration for as long as possible without provoking federal intervention.<sup>7</sup> Collins was typical of the southern moderates discussed in David L. Chappell's *Inside Agitators*, which chronicles the roles played by non-radical white southerners who helped enable desegregation efforts through their willingness to compromise on issues regarding race. This is not to say that "inside agitators" were supporters of desegregation, rather, these people had pragmatic reasons to negotiate with civil rights protesters. LeRoy Collins is described by Chappell as a "reluctant moderate" despite his stance on segregation.<sup>8</sup> However, in *The Ghosts of Jim Crow*, Anders Walkers presents Collins as a shrewd realist, who embraced legality as a means to extend segregation. Collins was able to do this by expanding the power of the state government through the use of "special powers" which he used to stop direct action in Florida by black civil rights activists. Unlike other southern governors, he rejected massive resistance, instead choosing to couch his concerns over desegregation in

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<sup>5</sup> Godfrey Oliver Cross, "Desegregation of Miami-Dade County Public Schools, 1954-1959." (Dissertation, The University of Southern Mississippi), ProQuest Dissertation Publishing, 2006.

<sup>6</sup> Deirdre Cobb-Roberts and Barbara Shircliffe, "The Legacy of Desegregation in Florida," in *Education Reform in Florida: Diversity and Equity in Public Policy*, Kathryn M. Borman and Sherman Dorn, editors. Albany: SUNY Press, 2012, p. 26.

<sup>7</sup> Cross, 77-114.

<sup>8</sup> David L. Chappell, *Inside Agitators: White Southerners in the Civil Rights Movement*. Baltimore: Johns Hopkins University Press, 1994, p.95-97.

paternalistic arguments regarding what was in the best interests of black children.<sup>9</sup> Collins' cabinet came up with a variety of tactics to maintain segregation in Florida schools, but the most effective method, by far, was the Pupil Assignment Law, signed into law in 1956. The law allowed school boards to have the ultimate say in student placement. "Under the Pupil Assignment Law, county school boards could place students in schools based on sociological, psychological, and like intangible socio-scientific factors." The process of applying for a school transfer was daunting and included a very long application, which would allow the school boards to try to find a reason, other than race, to deny a student's admission to a segregated school.<sup>10</sup>

In response to the state's delay tactics, NAACP chapter president, Pastor Theodore R. Gibson, and five other parents of African American children brought suit against Miami-Dade County Public Schools in order to force integration of Orchard Villa Elementary School. The students lived in close proximity to Orchard Villa, but were bused out of area to separate schools for black children, under Florida's dual education system.<sup>11</sup> In the ruling, U.S. District Court Judge Joseph J. Leib declared that the "sections of the Florida constitution and the Florida statute that requires the segregation of public schools were in violation of the 14th Amendment of the Constitution of the United States." He did not, however, order the admittance of the plaintiff's children because they had not gone through the administrative processes of appeals that were part of Florida's Pupil Assignment Law. The NAACP and plaintiffs appealed to the Fifth

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<sup>9</sup> Anders Walker, *The Ghost of Jim Crow: How Southern Moderates Used Brown v. Board of Education to Stall Civil Rights*, Oxford: Oxford University Press, 2009, p. 85-89.

<sup>10</sup> Cobb-Roberts and Shircliffe, p.27.

<sup>11</sup> *Gibson v. Board of Public Instruction of Dade County, Florida*, 170 F. Supp. 454 (S.D. Fla. 1958). December 22, 1958. [www.law.justia.com/cases/federal/district-courts/FSupp/170/454/2360422](http://www.law.justia.com/cases/federal/district-courts/FSupp/170/454/2360422) Accessed November 16, 2015.

Circuit Court of Appeals, which found that Florida's Pupil Assignment Law was not in compliance with the *Brown* decision and ordered that students be admitted to "schools they were eligible to attend" without regard to their race. The Fifth Circuit's opinion clarified that Florida's Pupil Assignment Law was definitely not a desegregation plan to integrate the school system, as the state had claimed. In September 1959, four African American students were admitted to Orchard Villa Elementary School. Dade County Public Schools continued to try to work around integration. By October, all but one white student was removed from the school and the district bused in other black students to keep the school open and replaced the faculty and staff with African Americans teachers and administrators.<sup>12</sup> The school had transitioned from entirely white to entirely African American in the span of one school year due to desertion by white parents. It was very clear to those involved that even court-ordered desegregation of Miami-Dade School would not come easily.

The passage of the Civil Rights Act of 1964 strengthened school desegregation efforts and shifted the direction of Stolee's career. The Civil Rights Act of 1964 banned discrimination based on race, religion, color, sex, or national origin.<sup>13</sup> Two specific parts of this legislation that greatly impacted school desegregation were Titles IV and VI. Title IV allowed for federal funding to assist in desegregation efforts, while Title VI allowed the government to withhold funds from schools that were not in compliance with the law. Title VI finally provided a consequence for those schools that were not enforcing the Supreme Court's order to desegregate in the *Brown* decision.

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<sup>12</sup> David Smiley, "Miami students, teachers, principals remember *Brown v. Board* 60 years later," *The Miami Herald*. May 17, 2014. <http://www.miamiherald.com/news/local/community/miami-dade/article1964609.html>

<sup>13</sup> Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964).

Along with colleague, Dr. Sam Ersoff, Stolee submitted and received funding to hold a conference for school board members and superintendents in Florida, from Dade County southward, to explain how to comply with the law so they would not lose funding. The funding for this conference was the first allocation of funds for desegregation assistance under Title IV. During these initial conferences and workshops, Stolee learned that many of the school boards members believed that they did not have to actively pursue integration, as long as they had voluntary plans to allow students to transfer. Despite his frustrations with their refusal to accept that meaningful desegregation would mostly likely contain mandatory elements, Stolee reflected that his work on these initial workshops allowed him to create working relationships with both school board members and superintendents from all over Florida, which served him well upon his return to Florida in 1966.<sup>14</sup>

In the spring of 1965, Dr. Herb Wey encouraged Stolee and his colleague, Dr. Harry Hall, to submit a proposal to fund "a campus-based center to provide technical assistance to desegregating school systems under the provisions of Title VI."<sup>15</sup> Their proposal to aide schools in "Florida, south of Orlando" was approved by the federal Department of Health, Education, and Welfare (HEW) and the South Florida School Desegregation Center became the first federally-funded desegregation assistance center in the country. The center opened in the summer of 1965, under the direction of Stolee's colleague Harry Hall, as Stolee had accepted a teaching position at the University of Massachusetts. In the first year of its existence, the center held regional workshops for both elementary and secondary teachers on issues of desegregation, conducted a small

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<sup>14</sup> The Papers of Michael J. Stolee.

<sup>15</sup> The Papers of Michael J. Stolee.

scale teacher exchange program in which black and white teachers were partnered and switched classrooms for a day, held various meetings for school districts, including faculty meetings, PTA meetings, and provided speakers to other groups, and led an advisory council made up of educators from the center's service area, center staff, and other representatives from the University of Miami.<sup>16</sup>

Stolee was not very content with his new position, so when he received a phone call from his old boss, Dr. Herb Wey, inviting him back to the University of Miami, Stolee agreed to return if Wey would meet five conditions. Those conditions included a "promotion to associate professor, an increase in salary, moving expenses, a grant of tenure, and some administrative responsibility." The administrative responsibility was the direction of the desegregation center, which Stolee took control of in 1966.<sup>17</sup> While the initial HEW grant provided funds to the desegregation center for use in aiding desegregation in counties south of Dade, the center eventually received funding to expand their services to all of Florida and other states requesting assistance.

As Title IV allowed the federal government to withhold funds from schools not complying with desegregation efforts, the Dade County Board of Public Instruction instituted a "freedom of choice" plan for the 1964-1965 school year and began working to institute further measures. The southern division of Dade County schools began making announcements regarding future desegregation efforts in South Dade County. The "freedom of choice" plan was commonly used in the South in the 1960s. According to this plan, students would initially be assigned to a school based on their race, but had the

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<sup>16</sup> Harry O. Hall, "Annual Report of the South Florida School Desegregation Consulting Center," August 1, 1965-June 30, 1966, ERIC, <http://files.eric.ed.gov/fulltext/ED028228.pdf>

<sup>17</sup> The Papers of Michael J. Stolee.

ability to "choose from among at least two public schools" other than the one assigned.<sup>18</sup> These plans placed the burden of desegregation on the black community and did not generally create meaningful integration for many reasons. While it allowed black students the right to pick a "white" school, it did not do the same for "black" schools. Furthermore, "few blacks chose to attend a white school. The reasons included lack of information, intimidation, lack of space or seats at the alternative school, and a lack of free busing or transportation."<sup>19</sup>

Additionally, in 1964, Dade County schools announced that the district would be closing nearly all of the majority-black high schools in the area. The students would be integrated into existing white high school and new schools would also be built. This plan was not well-received by the black community of Dade County, as it would again bear the burden of integration efforts and lose schools in their neighborhoods. For several years, Dade County operated with the freedom of choice plans, but in the fall of 1966, the Board of Public Instruction announced that the high school portion of the black Mays Junior-Senior High School in the Goulds neighborhood would be closed. Goulds was a primarily black neighborhood situated within the Overtown District. The Overtown District was largely populated with immigrants from the Caribbean. Goulds and other areas of the district suffered from the flight of middle-class African Americans leaving the area as suburban areas of Miami began to desegregate in the 1950s.<sup>20</sup> Mays High School students would then be distributed among the existing white South Dade, Palmetto, and Killian High schools. Mays would be converted to a junior high school

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<sup>18</sup> Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: The American Experience*. (Westport, CT: Greenwood Press, 1998), 108-109.

<sup>19</sup> *Ibid*, 109.

<sup>20</sup> N.D.B. Connolly, "Colored, Caribbean, and Condemned: Miami's Overtown District and the Cultural Expense of Progress," *Caribbean Studies*, Vol. 34, No. 1, Jan-Jun 2006, p. 10, 22-23.

only with white students added, which would create a nearly equal balance of white and black students there. This announcement caused major unrest in both the white and black communities of South Dade County. Mays students instituted a boycott of the school, and black parents requested meetings with the school board. Parents were especially upset with plans to close the high school at Mays, while at the same time, adding onto South Dade High School, the white school where many Mays students would be sent.<sup>21</sup>

At the height of the turmoil in 1967, Stolee intervened to offer the superintendent a field study on the best course of action. Staff at the desegregation center including Stolee and Associate Director Dr. Gordon Foster, as well as several outside consultants performed the study free of charge, with the exception of fees from outside consultants. The report was created through analysis of current population, in-migration rates, birth rates, death rates, economic activities, and the spread of suburban areas. Using these statistics, the center projected the population of South Dade County for 1971, and used those numbers in its final recommendations.<sup>22</sup> The study also included the positions of concerned citizens in both the black and white communities of South Dade County. The center reported that Goulds residents, where Mays Junior-Senior High was located, were concerned that "the desegregation and/or integration of public schools in Dade County has been a 'one-way proposition'...designed to keep white control of public schools" and continued placing the burden of desegregation onto the black community.<sup>23</sup> Their position was that Mays Junior-Senior High School should remain open until the construction of the promised new high school could be completed, as the community had

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<sup>21</sup> Pearl S. Krohn and South Florida School Desegregation Consulting Center, "A Program of Action for the Schools in South Dade County, General Accounting Office of the United States, June 1970. *ERIC* EBSCO host, accessed October 2, 2016, p. 2-6.

<sup>22</sup> *Ibid.*, p. 19-28.

<sup>23</sup> *Ibid.*, quote p. 14.



little faith in the promises of the school board. Some black community members suggested that legal action would be taken in the event of closure of Mays Junior-Senior High School. Meanwhile, the white community voiced their concerns over "significantly lower" student achievement rates of black schools, fear regarding the safety of black neighborhoods, and especially the desire to keep neighborhood elementary schools. The report attempted to answer at least one of the concerns of the white community. It stated that integration was beneficial to both black and white students in the area of student achievement. Additionally, the center cited findings from the U.S. Civil Rights Commission Report, which found that black students in integrated schools displayed not only higher achievement scores than those in segregated schools, but also "develop[ed] higher aspirations and ha[d] a firmer sense of control over their own destinies."<sup>24</sup>

The report examined the current schools and examined the population data to make their final recommendations. Mays Junior-Senior High School's campus was found inadequate for conversion into a senior high school-only facility, due to its size, and the lack of nearby land for expansion. However, the report said "the general Goulds community is in the center of the area of high school need" with an expected addition of over 3,000 high school students by 1971.<sup>25</sup> Stolee and his team argued that the population could support the expansion of the white South Dade High School, due to the availability of more land in that area. However, they also recommended that Mays remain open and in use as a junior-senior high facility until the construction of a new high school could be completed in the Goulds area. This, in their estimation, would assuage the Goulds community's fears about the school board fulfilling the promise of a new school in their

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<sup>24</sup> Ibid., p. 13-19, quote p. 17.

<sup>25</sup> Ibid., p. 59-61, quote p. 60.

area. The report also called for immediate action to be taken regarding the interior of Mays, which was in poor condition. The report recommended new interior paint and flooring immediately. The report also indicated that a neglected portion of the property of nearby Pine Villa Elementary School should be cleared to create a safe outdoor playground and physical education area. The desegregation center said the new high school should be completed no later than September 1971, at which point, a small expansion of Mays could enable it to convert to a junior high school campus, which would alleviate overpopulations at existing junior high and/or middle schools in the South Dade area. Additionally, the panel recommended the school board work with the city to create a recreational park within the Goulds area, as none existed, which they believed would be convenient for residents and would make the area more appealing. The report concluded with the conclusion that it was of utmost importance for the future of South Dade County schools to establish a "general ratio of white students to Negro students in middle and high schools," which should be used to create geographic attendance zones for middle and high schools in the area.<sup>26</sup> The hope was that maintaining such a ratio could prevent *de facto* residential re-segregation of schools in South Dade County. In addition to the proposed racial balancing, the center recommended restricting transfer requests to those students who wanted to attend a school where he or she was in the racial minority, to have access to an educational program not available in their attendance zone, or if a freeway or canal prevented safe passage between a student's home and school. This plan was accepted, with minor modifications, by the district court.<sup>27</sup>

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<sup>26</sup> Ibid, quote p. 67.

<sup>27</sup> *Pate v. Dade County School Board* (1975) 509 F2d 806.

With the 1969-1970 school year approaching, the federal government put increasing pressure on the school district to make greater strides in the desegregation process. In July 1969, the Office for Civil Rights directed Dade County schools to prepare a plan, to be submitted by August 1, 1969 "listing interim steps to be taken by September 1, 1969 toward elimination of a dual school structure."<sup>28</sup> Within the month, the center presented their interim plan to the board. The interim plan was slightly changed by the school board, rejecting the pairing of two elementary schools in South Dade County and the closing of the all-black Mays Junior-Senior High School, which was in contrast to the center's 1967 report. The interim plan was accepted by the school board, but "as the school system began making preparations for implementation of the approved plan, a number suits were filed in the State Courts, which resulted issuance of injunctions against the implementation of the plan."<sup>29</sup> The Federal Court assumed jurisdiction of the injunction cases and the center's modified interim plan was approved on July 25, 1969. The report included with the interim plan presented a racial breakdown of the district as of October 1968. This data showed that of 214 schools in the district, 64% had 90% or greater white student enrollment and 20% had 90% or greater black student enrollment. Only 33 schools in the entire district had a student racial distribution of less than 90% of a single race. The center's interim plan contained many of the same recommendations as the report conducted in 1967. The general recommendations included ending a transfer policy that allowed students to change schools on the second day of classes and again requested (as in the 1967 report) that transfers be allowed only on a strict basis to a school where they were in the racial minority. Additionally, the

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<sup>28</sup> Ibid, Enclosure I, p. 1.

<sup>29</sup> Ibid., p. 4.

report reiterated the need for closed, geographically-based attendance zones, called for race to be used as a factor in redrawing school attendance zones, and empowered the superintendent to end optional attendance zones. Furthermore, the interim plan called for "pairing" of schools, a commonly used tactic where a majority race school would be paired with a minority race school. With paired schools, a black and white school's populations were combined and then divided by grade level between the two schools. This allowed for both schools to remain open and for desegregation without long-distance busing. The superintendent and the judge who approved the interim plan felt it was reasonable and "that it resulted in very little increases in student transportation."<sup>30</sup>

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In many instances, Stolee became a target for public anger over the desegregation plans, sometimes even in instances where he had no actual hand in the creation of the plan. He was aware that his position did not make him popular, but was willing to take the criticism because he truly believed that desegregation was for the greater good. In the late 1960s, Volusia County, Florida invited him to review the desegregation plan created by the local superintendent. Stolee reviewed the plan and concluded it was workable. However, for political reasons, the superintendent asked Stolee to present the plan to the school board as though it had been created by the desegregation center. The board approved the plan, and it was implemented, allowing the superintendent and his staff to avoid blame for the situation. In Collier County, Florida, he was asked to act as the moderator for a public meeting. About 400 people attended the meeting and most of the crowd of 400 people were very upset with the locally-created desegregation plan. The

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<sup>30</sup> Krohn and South Florida School Desegregation Consulting Center, p.4.

meeting devolved into yelling and verbal attacks, including racial slurs. Stolee became the subject of some of the outbursts and was called an "outside agitator" and a "hired gun." District officials became concerned for his safety and escorted him to his car. In another instance, Stolee was asked to investigate claims of pay discrepancies between white and black teachers in East Tallahatchie, Mississippi. When Stolee arrived, he was offered the use of a government car, which bore the initials GSA (General Services Administration) and had government plates. Stolee soon found that although the district had one salary schedule, every white teacher was receiving extra pay through supplementary duty schedules, whereas no black teachers were, not even the head football coach at the majority black high school. Upon leaving a meeting with the superintendent, he found that the car was surrounded by a group of young white men. Though he was anxious, they "were not outwardly threatening" and they moved to allow him into the car. As he pulled out of the parking lot, a sheriff's squad car was immediately behind him. The car continued to follow Stolee for "the thirteen miles to I-35 and up the freeway as far as the Tallahatchie County line." Fearful of being pulled over, Stolee drove five miles under the speed limit the entire way, remembering that Emmett Till was murdered along the banks of the Tallahatchie River in Money, Mississippi. Stolee knew all too well that he was not immune to violence because of his skin color, as his former St. Olaf classmate, Reverend James Reeb, had been killed in Selma in 1965. For the rest of his career, Stolee refused the use of government cars.<sup>31</sup> In 1969, Stolee began to work on the desegregation plan for Coral Gables, the area of Dade County in which he and his family resided. Working so close to home, Stolee once again became the target for the frustrated and angry public, but this time he was not the only

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<sup>31</sup> The Papers of Michael J. Stolee.

one who was targeted. Coral Gables had two middle schools, Ponce de Leon, which served as the school for white students, and George Washington Carver for African American students. Local residents suggested several ideas for the desegregation of this area. The first idea was to use a major roadway, Le Juene Road, as the dividing line for the school attendance zones. This plan put Stolee's children in the zone for de Leon and he was accused of "using my influence with the school board to keep my children out of Carver." The next plan used the Coral Gables Canal as the dividing line. When this plan was announced, "people in my neighborhood then said that I was such a zealot for school desegregation that I convinced the board to place my children and my neighbors in the Carver zone. It was almost a 'heads you win, tails I lose' situation." Being much closer to home, Stolee received harassing phone calls and hate mail. More disturbingly, Stolee was not the only target for such abuse. A bank teller confronted Stolee's wife as she tried to conduct her business and loudly complained about her daughter being assigned to Carver. Stolee's daughter, Meg, was ten when her father first received funding for the center and does not recall thinking much about his job until he was working on the plan for Coral Gables. Meg, who was a high school sophomore in 1969, still recalls "when my Latin teacher announced to my class that 'we have to stop Meg Stolee's daddy from ruining our school.' Word got out about what she said and so my French teacher later announced to our class that 'Meg Stolee's daddy is the best thing that ever happened to our school'. I felt somewhat buffeted!"<sup>32</sup> The plan implemented for Coral Gables ended up pairing the middle schools, with all 7<sup>th</sup> graders in the area attending Carver and all 8<sup>th</sup> and 9<sup>th</sup> graders attending de Leon. Stolee was often questioned, especially by opposing counsel in court, about where his children went to school. He joked with his family "that he

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<sup>32</sup> Quoted from e-mail from Meg Stolee to Stacey Blackstone, October 20, 2016.

hoped she would fail and have to stay longer at Carver to benefit him during cross-examinations."<sup>33</sup>

In 1969, Stolee was promoted to Associate Dean of the Department of Education and the direction of the center was turned over to Dr. Gordon Foster, although Stolee remained heavily involved. After the successful pairings of de Leon and Carver Middle schools, much of the local harassment of Stolee stopped, and many parents reported to the Stolees that their children had enjoyed the time they spent at Carver. However, this was not the end of the problems for Stolee in Miami. Very soon, it became clear that Stolee and the desegregation center were under attack from U.S. Representative William Cramer, a conservative Republican who was beginning a campaign for the Senate seat that was to be vacated by Democrat Spessard Holland, who had decided not to seek re-election. Though Stolee was no longer the director of the center, Cramer's accusations focused on the actions of the center at the time when Stolee was in charge. In February 1970, Cramer claimed that the desegregation center had misused federal funds and was in violation of the "anti-busing amendment," which he had authored for the Civil Rights Act of 1964. In reality, the amendment did not necessarily prohibit busing and no such amendments were passed. He further claimed that the center created desegregation plans that were "much broader and go further" than the Supreme Court required.<sup>34</sup> Cramer likewise argued that the desegregation center no longer served a purpose since desegregation was occurring in Florida and that some plans created by the center had

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<sup>33</sup> Ibid.

<sup>34</sup> William Mansfield, "Close Desegregation Center---Cramer," *The Miami Herald*, February 28, 1970 in The Papers of Dr. Michael J. Stolee, Special Collections and University Archives, Patricia W. and J. Douglas Perry Library, Old Dominion University Libraries, Norfolk, VA 23529.

been rejected by the courts in favor of plans created by school boards. Cramer wanted the center to be defunded and closed.<sup>35</sup>

In April 1970, Cramer wrote a letter to the Comptroller General of the United States spelling out his charges against the desegregation center and requested that the General Accounting Office investigate the center for creating plans that violated "provisions of the 1964 Civil Rights Act." Furthermore, he charged that the center "has pushed school desegregation plans requiring massive busing to achieve an arbitrary racial balance...in clear violation of the Cramer anti-busing amendments to the Civil Rights Act as contained in Section 401 and Section 407."<sup>36</sup> Section 401 clarifies the difference between *de facto* and *de jure* segregation and prohibits forced "racial balancing" across district lines, while section 407 prohibits transportation of students in such areas where *de facto* segregation exists to achieve racial balance. Cramer also charged that the center's plans were in violation of President Nixon's "recently outlined school desegregation policy, which flatly opposed mandatory busing of students."<sup>37</sup> Drs. Stolee and Foster were confident that the center was following the guidelines set forth by HEW, and Stolee felt that Cramer was attacking the center in order to draw attention to his political campaign.<sup>38</sup> Nonetheless, in June 1970, the General Accounting Office informed Cramer that it would be opening an investigation into some of the center's activities.

In a meeting between Cramer and representatives of the General Accounting Office (GAO) in May 1970, the GAO agreed that the investigation should focus on

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<sup>35</sup> Ibid.

<sup>36</sup> Letter to the Honorable Elmer B. Staats, Comptroller General of the United States, from Representative William C. Cramer, April 2, 1970, included in "Review of Certain Activities of the Florida Schools Desegregating Consulting Center."

<sup>37</sup> Letter from Representative William C. Cramer to Comptroller General of the United States Elmer Staats, April 2, 1970, included in materials found in "Review of Certain Activities of the Florida School Desegregating Consulting Center."

<sup>38</sup> The Papers of Michael J. Stolee.



certain activities of the desegregation center in Manatee, Pinellas, Volusia, Seminole, and Dade Counties. Qualifications of staff members, time and money spent on desegregation plans, and adherence to court and federal guidelines were examined. The investigators would also decide whether or not the desegregation plans created by the Center had caused educational or administrative problems. Lastly, it would also look into “what instructions, if any, HEW has given the Center with respect to busing of students and establishment of unitary systems.”<sup>39</sup>

The school officials from both Pinellas and Seminole reported that their desegregation plans had not been created by the center, only reviewed by them, so the counties were dropped from the investigation. However, the Comptroller also decided to add six additional counties whose desegregation plans had been "implemented essentially as presented" by the center. Those counties included Collier, Dixie, Leon, Levy, Nassau, and Sumter. In all, the investigation covered nine Florida counties and the results of the inquiry were published in an almost fifty-page report. During the inquiry, the Comptroller General contacted the school officials in each county. In response, only Manatee and Duval Counties criticized the efforts of the desegregation center. Manatee County was upset that only fifteen man-hours had been spent within the county before the center crafted its plan. The center's director, Dr. Gordon Foster, rebutted this criticism by saying that the man-hours spent in any given county did not reflect the actual time spent on crafting the plan, as the center very commonly studied county data at its location in Miami. Duval County school officials complained that the desegregation center's final plan differed greatly from what school officials had expected from discussions with the

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<sup>39</sup> Letter from Staats to Cramer, June 8, 1970, included in “Review of Certain Activities of the Florida School Desegregating Consulting Center.”

center's staff. They also claimed they were not given a chance to review or discuss the plan before it was presented to the court.<sup>40</sup>

Regarding Cramer's charge of the center's overuse of busing, the report stated, "We have found no pattern of increased student transportation resulting from implementation of the Center's plans."<sup>41</sup> Three counties, Manatee (30%), Volusia (40%), and Nassau (50%), experienced large increases in the amount of student transportation. The report pointed out that in the instances of Manatee and Volusia; original recommendations by the desegregation center were not used. In the case of Nassau County, the superintendent reported that the school board made recommendations that the center followed in crafting the plan. Furthermore, it was found that all plans after December 1969 had been submitted to a committee of HEW and Justice Department officials, who "would not approve a plan which required a significant increase in student transportation."<sup>42</sup>

The report also stated that directives to create the plans had come either from the court or from the school systems involved. Manatee County was the only one which said that educational problems were tied to the implementation of the center's desegregation plan. School officials said that different elementary schools used different methods to teach reading and that the plan, when implemented mid-year, had resulted in problems. The investigation revealed that the center had recommended that the new methods not be implemented mid-year. As for administration issues arising from the plans, Manatee and Nassau had issues with acquiring the number of buses needed, but again this issue did not arise from the center. Most counties were glad that the center's plan removed the pressure

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<sup>40</sup> Ibid., p.2

<sup>41</sup> Ibid., p.3

<sup>42</sup> Ibid., p.4

from local officials to create plans, which were "a necessary, but unpopular task."<sup>43</sup> Similarly, Cramer's other complaints were also found invalid. The investigation report stated that the staff of the desegregation center all had the education and experience necessary to create desegregation plans. Furthermore, in answer to Cramer's claim that the center was not accountable; the director told the Comptroller General that it would be a waste of the center's time and resources to craft plans that would not be approved by the courts. Furthermore, it was noted that the major criteria for all plans created by the center were that they be both "educationally sound" and acceptable to the governing body, be it the courts, HEW, or another government agency. The report does acknowledge that no accounting was done on a by-county basis, so it was impossible to know the cost of any particular desegregation plan. Additionally, the report also acknowledged that while the center's plans had to be approved by the courts, and after 1970, by a committee of HEW and Justice Department officials, the daily operation of the center was largely autonomous and it did not directly report to any governmental body. It was noted that the Department of Education, which contracted with desegregation centers, could intervene in order to make sure the terms of the contract were met.

As for the legal questions regarding the Civil Rights Act of 1964, the report found that the act does confer authority for the center to provide technical assistance in matters of school desegregation, as outlined in Section 403. In addition, Section 404 allows for such centers to aid school districts with issues related to desegregation, even if not directed specifically by the court to do so. The Comptroller General stated "we do not think it would be reasonable for the Center to refuse any request for assistance when

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<sup>43</sup> Ibid., p.6

made by local school authorities."<sup>44</sup> The report did not specifically mention Section 407, which was brought up in the letter from Cramer, but did mention that the center has the authority to create plans to move Florida schools toward unitary status, and none of the schools had met the criteria at the time of the investigation. Additionally, Dr. Foster refuted Cramer's claim that the center's plans had violated President Nixon's policy. Foster noted the plans under review were created before Nixon's policy was announced, and assured investigators that future plans would take those policies into consideration. Overall, the investigation turned up nothing that indicated that the South Florida School Desegregation Consulting Center had violated the law and announced to Cramer that no further action against the center would be considered, nor would the report be made available, unless the Comptroller's office received specific requests to do so. Cramer went on to lose the race for Florida's Senate seat in the 1970 election. He remained active in Florida and national Republican politics, but took no further public action against the desegregation center.<sup>45</sup> The South Florida School Desegregation Consulting Center was the first federally funded desegregation center and remains in existence today, as the Southeastern Equity Center. The purpose of the center is to provide technical assistance in the "adoption and implementation of policies, practices, and procedures which result in equal access to high quality education for all students."<sup>46</sup>

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<sup>44</sup> Ibid., p.12

<sup>45</sup> Obituary of William C. Cramer from *The New York Times*, October 27, 2003.  
<http://www.nytimes.com/2003/10/27/us/william-c-cramer-81-a-leader-of-gop-resurgence-in-south.html>

<sup>46</sup> "About Us," The Southeastern Equity Center [www.se-equity.org/SEC/About\\_us.html](http://www.se-equity.org/SEC/About_us.html)

## CHAPTER III

### **Benton Harbor, Michigan and *Berry***

Although Michael Stolee officially left the Florida School Desegregation Center in 1969, he remained active in the educational realm, having gained a reputation as an expert in the field. He continued to work at the University of Miami as the Associate Dean of the School of Education from 1969-1975. In the fall of 1975, Stolee left the South to become the Dean of the School of Education at the University of Wisconsin-Milwaukee. Stolee's extensive knowledge and experience in matters of school desegregation led him to the final stage of his career, as the special court master for the desegregation in *Barbara Jean Berry v. School District of the City of Benton Harbor*. *Berry* was a complex school desegregation case in the North that would end up lasting for 35 years. As special master for the case, Stolee played a crucial role in the implementation of desegregation in Benton Harbor and three neighboring townships in Michigan: Coloma, Eau Claire, and Sodus.

Throughout his career, Stolee continued to be an advocate for desegregation of schools and became a sought-after expert, consulting and advising districts about desegregation, creating desegregation plans and as an expert witness, often testifying in court on the subject. In an unidentified newspaper article about his testimony for the South Park Independent School District (Beaumont, Texas), Stolee was touted as "a national rarity" for his work as a desegregation expert. According to his testimony in the South Park ISD case, Stolee identified himself as one of only three such experts in the country. At the time (most likely 1981, when a federal court judge ordered South Park

ISD to create a desegregation plan),<sup>1</sup> the case was reportedly the 64<sup>th</sup> desegregation case Stolee was involved with and the 28<sup>th</sup> case in which he testified as an expert.<sup>2</sup> During the course of his career, Stolee acted as a consultant to the Civil Rights Division of the US Department of Justice, various divisions of the United States Department of Health, Education, and Welfare, various local and state government educational departments, the NAACP, the NAACP Legal Defense Fund, the American Civil Liberties Union (ACLU), and many other organizations, including several university-based centers for desegregation and/or human rights and relations. According to a biographical sketch written by Stolee, he was involved in more than 250 cases and delivered testimony in at least 46 of these cases.<sup>3</sup>

The *Berry* case began in 1967, at the same time Stolee embarked on his second year as director of the South Florida School Desegregation Center. It was during his time as a both an independent consultant and as special master in the *Berry* case that Stolee turned away from busing toward methods that were not as controversial as busing, such as magnet and other special programs, and voluntary transfers.

Located in Berrien County, Benton Harbor served as an industrial and manufacturing hub for a large rural region in southwestern Michigan during the 1980s. Whirlpool had its base of operations there,<sup>4</sup> as did other foundries and auto part

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<sup>1</sup> Patrick Michel, "Race to the Bottom: How Beaumont's Racial Divisions Created the Most Dysfunctional School District in Texas," *The Texas Observer*, November 14, 2014, online <https://www.texasobserver.org/beaumont-isd-race-to-the-bottom/>

<sup>2</sup> Terry Wallace, "Desegregation expert a national 'rarity'", unknown newspaper, undated, but likely from 1981, from The Papers of Michael J. Stolee.

<sup>3</sup> The Papers of Michael J. Stolee.

<sup>4</sup> Whirlpool Corporation website, [www.whirlpoolcorp.com/contact/](http://www.whirlpoolcorp.com/contact/)

manufacturers.<sup>5</sup> The state of Michigan and its attractive manufacturing jobs lured many people to the state in the late 1940s and 1950s. Michigan experienced massive population growth in the 1950s, increasing the total population of the state by about 23%. As the area experienced rapid growth, it also began to experience white flight from Benton Harbor to surrounding rural areas, which caused a major effect on the level of segregation in Benton Harbor schools.<sup>6</sup>

Benton Harbor and surrounding Benton Township had a long history of residential segregation, and public housing in the area was segregated into the mid-1950s.<sup>7</sup> This residential segregation, coupled with the policy of neighborhood schools in Benton Harbor and surrounding communities, led to segregated schools. In the early 1960s, there were many small school districts in the area of Benton Harbor, but a change in Michigan State Board of Education policy made consolidation with larger districts desirable. As a result, several smaller local districts considered consolidating into the Benton Harbor school system. Consolidation of the districts was not an easy feat and required the approval of voters in each of the individual districts, as well as by the voters of the City of Benton Harbor.

The leadership of BHASD assumed the incorporation of the districts would help the district desegregate the existing mostly black schools within Benton Harbor; however, the situation worsened. In 1965, when the federal government began to make plans to withhold funds from schools that were not integrating, the State Board of Educators in

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<sup>5</sup> Grant Pick, "Benton Harbor, MI: the city on the bottom is looking up," *The Chicago Reader*, September 6, 1990, available online <http://www.chicagoreader.com/chicago/benton-harbor-mi-the-city-on-the-bottom-is-looking-up/Content?oid=876276>

<sup>6</sup> Tiffany Anne Loftus Butzbaugh, "A Socio-Historical Analysis of the Benton Harbor, Michigan Desegregation Case Between 1967-1981," Western Michigan University (2003) Dissertations. Paper 1213, p. 56-59. <http://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=2215&context=dissertations>

<sup>7</sup> *Ibid.*, 67.

Michigan directed school districts to "consider racial balance when picking school sites, reorganizing boundaries, and transferring students."<sup>8</sup> The consolidation of nearby white enclaves that formerly had independent districts should have been able to help Benton Harbor ease this problem, but that is not what occurred. Almost immediately after consolidation, major problems began to plague BHASD. On November 11, 1967, Barbara Jean Berry, a concerned parent of a black Benton Harbor student, along with other parents, filed a suit against the Benton Harbor Area School District with the aid of the NAACP. This was six months after Twin Cities NAACP President Mary DeFoe presented a study to the Benton Harbor Area Schools, conducted by Dr. Robert L. Green of Michigan State University. The study described segregation of students and faculty, the gap between the achievement scores of black and white students, and the psychological effects of segregated education. The suit alleged that Benton Harbor schools were "continuing to maintain racially segregated, educationally, and psychologically detrimental schools." Furthermore, the suit accused the school board of making decisions about construction of new schools, distribution of educational material, and more, in order to maintain segregation.<sup>9</sup> When the school board made no effort to do anything about the report, the suit was filed.

During the late 1960s, while the lawsuit was making its way to court, several small white-majority areas requested to be transferred out of the BHASD and into nearby school districts of Eau Claire or Coloma. These types of small area groups were generally allowed.

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<sup>8</sup> Quoted in Butzbaugh, 82.

<sup>9</sup> *Berry v. School District of Benton Harbor* 442 F. Supp. 1280 (W. Dist. Mich. 1977)



However, in early 1970, a small, predominantly white enclave called the Eaman area was initially denied a transfer from the Benton Harbor Area Schools into the majority white Coloma School District. Benton Harbor argued that the loss of the Eaman area would increase the levels of segregation in Benton Harbor schools. The Eaman area appealed the request to the State Board of Education, who then approved the transfer, despite widespread objections from school and political leaders in Benton Harbor, Berrien County, and even the State Board's "own hearing officer."<sup>10</sup> This approval triggered a wave of both individual and area-wide transfer requests out of Benton Harbor, which was under desegregation orders, to the neighboring majority-white districts of Coloma and Eau Claire, seemingly to escape desegregated schools.<sup>11</sup>

In July 1971, Judge W. Wallace Kent's decision in *Berry v. Benton Harbor* (1970) was announced. Kent agreed that the BHASD had engaged in acts of discrimination, including the policy of assigning teachers to schools based on race and through use of a school district "tracking system." The tracking system "involuntarily assigned black students to generally lower achievement level groups from which it was difficult to escape."<sup>12</sup> Additionally, the school district was guilty of unequal per-pupil spending, with less money spent per student in identifiably black schools. All of these instances of discrimination were violations of the equal protection clause, but the judge did not believe that these practices were enough to amount to *de jure* segregation.

Judge Noel P. Fox was assigned to the case when Judge Kent passed away. In August 1974, Fox approved a motion to add the Michigan State Board of Education, the Superintendent of Public Education, the Boards of Education of Eau Claire School

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<sup>10</sup> Butzbaugh, 70.

<sup>11</sup> Ibid, 68-70.

<sup>12</sup> Berry (1977)

district and Coloma School district (due to transfers of Benton Harbor students to Eau Claire and Coloma, respectively). In November 1974, the appeals court affirmed Kent's decision that the Benton Harbor Schools had engaged in discriminatory practices.<sup>13</sup> Additionally, the Court of Appeals also found that a "prima facie" case had been made for *de jure* segregation based on the changes in case law regarding dual-system schools, including decisions by the United State Supreme Court in *Keyes v. School District No. 1 Denver, Colorado* (1973), *Swann v. Charlotte-Mecklenburg Board of Education* (1971), and *Green v. County School Board* (1968).<sup>14</sup>

In 1975, the Governor William G. Milliken, the attorney general of Michigan, the State Boundary Commission, and the Berrien County Intermediate District were also added as defendants. The plaintiffs argue that these agencies had acted in ways that led to the compromise of the Benton Harbor Area School District and that they "failed to make any affirmative action to halt the continuing trend of segregation in the Benton Harbor public schools."<sup>15</sup> Fox decided, because of the complicated matter of the case, *Berry* should be argued in two phases. The first phase would give the BHASD a chance to argue against "the prima facie case of de jure segregation."<sup>16</sup> Phase II would deal with the added defendants. Despite the two hearings, the case was interconnected and Fox allowed legal counsel for the defendants in Phase II to actively participate in Phase I.

In Phase I, Judge Fox found that Benton Harbor was "unable to rebut a prima facie showing of de jure segregation."<sup>17</sup> In addition to the issues of segregation introduced in the first trial, it was shown that Benton Harbor had practiced "intact

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> *Barbara Jean Berry v. Benton Harbor School District*, 515 F. Supp. 344 (W. Dist. Mich. 1981)

busing." When a primarily black elementary school became too overcrowded, Benton Harbor schools bused three classes of black students to a nearby primarily white school, but kept the black students segregated in their classrooms, not allowing them to be dispersed among the white student population, which was called "a classic segregative technique."<sup>18</sup> Furthermore, the court found that the physical conditions at primarily black schools were much poorer than conditions at white schools. The average age of school facilities for black schools was 43 years compared to 17 for white schools. In one instance, in order to relieve overcrowding at a black elementary school, BHASD bought an old church building that needed many repairs, rather than sending the black students to a nearby white school that was under capacity. The school district also routinely approved individual transfers for students when the receiving school had room, but consistently denied them for black junior high schoolers attempting to transfer to the identifiably-white junior high. The evidence was overwhelming and Benton Harbor had not taken appropriate action to reverse any of these policies during the ten years the case was in litigation.<sup>19</sup>

The following year, the court ruled against the defendants in the Phase II trial. Judge Fox found that the various state agencies and the Eau Claire and Coloma districts had negatively impacted the desegregation of the Benton Harbor school system. The evidence clearly showed that despite public opposition to the transfer, Coloma school officials had not taken any of several actions that would have stopped the Eaman transfer completely and left the area with no option but to remain part of the BHASD. The Coloma district also allowed Eaman students to register in Coloma schools before the

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<sup>18</sup> *Berry* (1977)

<sup>19</sup> *Ibid.*

matter had been officially decided by the State Board of Education. Judge Kent expressed his belief that Coloma had situated itself as "a refuge for white students seeking to flee increasingly black Benton Harbor schools."<sup>20</sup>

Eau Claire school officials, on the other hand, made no secret of their approval of the Sodus II transfer. Sodus II was another predominantly white area of Berrien County served by the BHASD. Residents in the Sodus II area requested the transfer into Eau Claire schools in 1974, but the action was halted by an injunction issued by Judge Fox, which was affirmed by the 6<sup>th</sup> Circuit Court of Appeals. Eau Claire had, since the early 1970s, taken many tuition students, almost all of them white, from Benton Harbor. There was also evidence that Eau Claire school officials had coached the petitioners on what exact area the school district would be willing to take. It was especially notable that an area of the transfer that was primarily occupied by black residents was not included in the area. Lawyers for Eau Claire school officials argued that since the transfer never actually took place they had not contributed to segregated conditions in Benton Harbor, but Judge Fox was not swayed. Furthermore, State Board of Education officials had been aware of these sorts of actions all along and had violated their own policies as set forth in the Joint Policy Statement with the Michigan Civil Rights Commission, which had been released in 1971. The Joint Policy statement prohibited "property transfers that show evidence of significantly militating against the integration of a school district and/or moving in the direction of greater segregation."<sup>21</sup> Judge Fox contended that this violation and continued inaction to correct segregation in Benton Harbor had created even more strife in an already tenuous situation.

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<sup>20</sup> *Berry v. Benton Harbor School District* (1978) 467 F. Supp. 630 (W. Dist. Mich)

<sup>21</sup> Joint Policy Statement of the Michigan State Board of Education and the Michigan Civil Rights Division of 1971, quoted in *Berry* (1978).

In November 1979, Judge Fox approved a remedy plan that would strip the independence of the Coloma, Eau Claire, and Benton Harbor districts and combine them into one district that could not contain any racially identifiable schools. Shortly after this decision, Judge Fox became ill and doctors recommended that he reduce his workload. In February 1980, the courts notified Judge Douglas Hillman that he would take over the Benton Harbor case. Hillman was discussing the complexities of this assignment with his mentor, a federal judge from Delaware. Hillman's mentor recommended he find an expert in school desegregation to help him with the case and recommended Stolee, as Stolee had consulted with the judge regarding a desegregation case in Wilmington.<sup>22</sup>

Stolee became one of the expert witnesses on the case. His first assignment was to informally gauge the public reaction to Judge Fox's consolidation order in Benton Harbor, Eau Claire, and Coloma. Stolee reported that people were very willing to give him their opinions and that generally the residents of Benton Harbor were okay with the merger, but predictably, the residents of Eau Claire and Coloma were not. Judge Hillman moved the court proceedings to the Berrien County Courthouse because he did not want the people to feel "that some distant court 'way up there in Grand Rapids' would arrive at a decision without any knowledge of the local area."<sup>23</sup> In preliminary hearings for the remedy plan, the defendants' attorneys voiced their opposition to Stolee as the court's sole expert on desegregation. They argued that he "was too much in favor of school racial desegregation, based on their analysis of my previous federal court appearance." They did not move to have Stolee removed, but wanted to be able to pick a second desegregation expert since Judge Hillman had chosen Stolee. This became problematic

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<sup>22</sup> "Benton Harbor Beginnings" in Stolee Memoir Draft in The Papers of Michael J. Stolee.

<sup>23</sup> The Papers of Michael J. Stolee.

for the attorneys when they realized that Stolee not only knew and had worked with all of the proposed experts, but had been responsible for getting several of them involved with desegregation planning through his work at the Florida School Desegregation Consulting Center at the University of Miami. Because of these connections, the defendants' attorneys withdrew their request for another expert.<sup>24</sup>

In June 1980, Judge Hillman suspended Fox's order to combine the three schools districts. Hillman believed "local control has been identified as unique to American education and essential to continuing community contribution to the quality of education."<sup>25</sup> Hillman conceded that Eau Claire and Coloma officials had acted in ways that contributed to the segregation in Benton Harbor schools, but also acknowledged that these actions were not the sole causes for the situation. Hillman asserted that the inter-district cooperation plan would create better educational opportunities for all students in the three districts. In addition, a committee comprised of educators, parents, and students from all three districts would be required to create a uniform code of conduct that could be applied universally to all of the schools within the newly created three-district system. Additionally, a Community Education Council was to be formed of concerned community members of all three districts who "are willing to abandon fears and prejudices, willing to accept school desegregation and determined to make this plan for these districts a success."<sup>26</sup> This committee would act as a liaison between the community and both the school board and the courts. Hillman's decision ordered the return of the Eaman transfer back to Benton Harbor and permanently blocked the transfer of both the

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<sup>24</sup> "Benton Harbor Beginnings," chapter of Stolee Memoir Draft in The Papers of Michael J. Stolee.

<sup>25</sup> *Berry v. Benton Harbor* (1981)

<sup>26</sup> *Ibid.*

Eaman area and the Sodus II area to any other school. Eau Claire was prohibited from accepting any tuition-based transfer from Benton Harbor, with the exception of those specifically ordered by the desegregation plan.

The desegregation plan, created by Stolee, was announced in Hillman's 1981 order. Instead of relying heavily on the wholesale busing of students throughout the districts to achieve an acceptable racial balance, this plan relied on voluntary transfers within the three cooperating districts, as well as offering incentives to attract minorities to majority white schools and vice versa. Stolee's plan used "transportation of students as a limited and necessary tool to achieve racial desegregation."<sup>27</sup> Within BHASD, Stolee's plan required the closure and reassignment of three schools, the pairing and clustering of the remaining elementary schools and a new feeder pattern for junior high school students. The pairing and clustering technique would allow for minimal transportation and allow students to remain relatively close to their neighborhoods of origin. For the inter-district secondary level, the plan required the creation of a committee comprised of the superintendents of the Berrien County Intermediate School District, Benton Harbor Area, Coloma, and Eau Claire school districts and representatives from the State Board of Education offer incentives for majority students to transfer to minority schools. Specifically, the committee would need to establish magnet, vocational, and/or work study programs that would bring Eau Claire and Coloma students to Benton Harbor. Eau Claire and Coloma were prohibited from offering any such programs in their districts. The courts recommended that the committee study the magnet programs that were in place in Boston, Dallas, Cincinnati, and Milwaukee for guidance. Additionally, for the elementary level, Benton Harbor was encouraged to create a Montessori magnet program.

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<sup>27</sup> *Berry v. Benton Harbor* (1981)

The goal was for students from Eau Claire and Coloma to make up about a quarter of the student population in Benton Harbor, which would allow for greater desegregation. This plan illustrates the shift from mandatory busing plans to an emphasis on magnets and voluntary transfer for desegregation. Mandatory busing plans had never been very popular with the public, but the political climate also shifted in the mid-1970s and caused increasing pressure for courts and school districts to tend toward plans based, at least somewhat, on choice. The Supreme Court's decision *Milliken v. Bradley* (1974) greatly limited the scope of desegregation by ruling against the use of metropolitan area desegregation plans. Additionally, the Department of Justice, which had aided districts with desegregation remedies in the past, ceased to do so during the Nixon administration due to the president's opposition to busing. Stolee's decision to use magnets as part of Benton Harbor's remedy plan was part of the nationwide trend in school desegregation.<sup>28</sup>

Additionally, any student at any level in Benton Harbor would be allowed to transfer to Eau Claire or Coloma schools as long as it "will result in decreasing racial segregation in each school system" without any cost to the parents or students. The curriculum, extra-curricular activities, and educational materials were required to be examined to make sure they reflected the multicultural status of the combined three districts. Benton Harbor schools were also required to "completely desegregate" the teachers and staff within their district, offer African American teachers a temporary two-year transfer to Coloma or Eau Claire, while white teachers were offered the same opportunity for transfer to Benton Harbor. Benton Harbor was also ordered the use affirmative action in the area of teacher, staff, and administration hiring. Teachers, staff,

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<sup>28</sup> Erica Frankenberg and Chinh Q. Lee, "The Post-Parents Involved Challenge: Confronting Extralegal Obstacles to Integration," *Ohio State Law Journal* Vol 69 (April 2012), <http://mortiz.osu.edu/students/groups/oslj/2012/04/69.5.FrankenbergLe.pdf>



and administration were ordered to attend in-service trainings for at least three years to "develop insights and skills necessary to deal effectively with conflicts related to racial desegregation and tensions between racial groups" and to "increase their sensitivity and attention to the needs of children in their adjustment to desegregated classrooms."<sup>29</sup>

The court's plan also called for the creation of the Community Education Council. This council would be made up of various members of the three communities, including local and state government officials, religious leaders, civic groups, local college and university educators, and students. This group had a four-fold purpose: they were to keep the public informed about the desegregation process, to ensure that the children of Eau Claire, Coloma, and Benton Harbor were receiving a quality public education, to allow for the public's involvement in the process, and to act as monitoring body for the court. Hillman explicitly explained that the job of the Community Education Council was to help implement the order of the court, not act as a type of school board.<sup>30</sup>

The plan also required detailed, ten-part annual desegregation progress reports be submitted to the court. These reports would break down the numbers of students by race, not only by school, but also by classroom. The reports included all manners of school administration relating to segregation, including teacher and staff in-service, hiring, teacher and staff assignment, new construction or additions to existing schools, reports of suspensions and expulsions (including the offense, reasoning, and length), student achievement scores of the Michigan Education Achievement Program (MEAP) test. Finally, the Stolee plan also included strict guidelines for the financial development and administration of programs and services required by the remedy. The cost of

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<sup>29</sup> *Berry v. Benton Harbor* (1981)

<sup>30</sup> *Ibid.*

implementing the magnet programs would come from the maximum amount of federal funding available, as well as from extra funds provided by the state and intermediate school district. The state was required to pay the home district for any students who voluntarily transferred as part of the plan, as well as the costs associated with the transfers at the new school. Each residential district was required to pay for the transportation of their own students who voluntarily transferred to other districts for desegregation purposes. The cost for the programs relating to closing the achievement gap between black and white students on the MEAP test would be borne by the state, as would the costs of psychologists hired to raise the confidence of children who had been segregated. The state was also required to pay most of the cost for in-service training, with the exception of \$100 per employee paid by each district for the 1981 school year and \$20 per employee for the 1982-1984 school years. The financial plan also included requirements as to teacher pay, especially for those who took voluntary transfers. The financial plan made no allowances for the purchasing of additional buses, as Stolee recommended staggered start times to make use of the buses the districts already owned, but Judge Hillman said that if the transportation expert found the need for additional buses, the matter could be addressed by the court to determine who would be responsible for the costs.<sup>31</sup>

The court order also cemented the last stage of Stolee's career by naming him the court's special master for desegregation in the case. A special master is defined as a person "appointed by the court to carry out some sort of action on its behalf."<sup>32</sup> The use of special court masters is governed by Rule 53 of the Federal Rules of Court Procedure

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<sup>31</sup> Ibid.

<sup>32</sup> Definition of special master, The Legal Information Institute, Cornell University Law School, [https://www.law.cornell.edu/wex/special\\_master](https://www.law.cornell.edu/wex/special_master)

and can be utilized in many, varied ways. Special masters are mostly used in instances when the case involves “an especially complex or technical area of the law” or “requires heightened, time-consuming discovery oversight, such as in multi-district litigation or when counsel are ever-bickering and overzealous.”<sup>33</sup> Because of the complexity of cases that meet this criteria, the use of the special master is a tool that allows both the plaintiff and defendant to save money on court and attorney fees and does not overburden the judge with the demands of the case.<sup>34</sup>

The precedent for using special masters in court cases was established during the 1970s. In the 1960s, the actions that would later be assigned to special masters were generally carried out by members of the Department of Justice or the Department of Health, Education, and Welfare (HEW), though the actions were not identical. Help was especially warranted in the creation of remedial orders in school desegregation cases, as they are complex and usually involve multiple parties in the violation. When the administration of these departments changed in 1969 when Nixon took office, the courts found that the new administration was not willing to aid the courts as they had in the past. It also became clear to the courts that orders must be specific and detailed because school systems frequently tried to "subvert less complete decrees."<sup>35</sup>

In other types of litigation, special masters often acted as "sub-judges" who made evidentiary-based decisions, but in desegregation litigation, the special master has acted

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<sup>33</sup> David R. Cohen, "Litigation: The Judge, the Special Master, and You," *GP Solo* (American Bar Association Magazine), Jan/Feb 2015, Vol 32, No 1, [www.americanbar.org/publications/gp\\_solo/2015/january-february/litigation\\_judge\\_special\\_master\\_and\\_you.html](http://www.americanbar.org/publications/gp_solo/2015/january-february/litigation_judge_special_master_and_you.html)

<sup>34</sup> Ibid.

<sup>35</sup> Geoffrey F. Aronow, , "The Special Master in School Desegregation Cases: The Evolution of Roles in the Reformation of Public Institutions Through Litigation," *Hastings Constitutional Law Quarterly* (Spring 1980), Vol 7:739, p.758 <http://hastingsconlawquarterly.org/archives/V7/13/Aronow.pdf>

<sup>35</sup> The Papers of Michael J. Stolee.

differently, taking "an active, aggressive, often advocacy role in the procedures."<sup>36</sup> In school desegregation cases, special masters have often been given wide latitude to act as they see fit and their role is a fusion of judge and advocate. Special masters have the ability to conduct surveys, investigate situations as they arise, and make decisions regarding the case. In examining correspondence and other records from the *Berry* case, Stolee's role as an advocacy special master is revealed. Stolee remained heavily involved in the *Berry* case from the time he drafted the proposal for desegregation in 1981 through the culmination of the case's litigation in 2002. The Stolee Collection at Old Dominion University contains thousands of pages of material from *Berry*. There are a multitude of reports on expulsion, suspension, training of teachers and staff, and correspondence to and from Stolee throughout the twenty-one years he was involved with the case. A great number of letters to Stolee represent his role as final judge determining placement of students. Stolee was seen as the last line of appeal for parents seeking both transfers to schools outside their home districts and for those seeking to contest an expulsion. The letters reveal that Stolee was firm in his commitment to desegregate Benton Harbor, Coloma, and Eau Claire schools, only rarely granting clemency when he was sure that it was warranted and that it did not negatively affect the desegregation efforts. Stolee's responses to parents seeking "better schools" than those in Benton Harbor contain flatly-stated denials, along with the facts of the case that brought him to his decision, but also contain information about magnets and other special programs offered by the district.<sup>37</sup>

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<sup>36</sup> Aronow.

<sup>37</sup> Sub-series N, Box 10, Folders 6-11 in The Papers of Michael J. Stolee.

Correspondence between Judge Hillman and Stolee reveals a mostly-cordial relationship filled with mutual respect. It is clear that Judge Hillman had great faith in Stolee's expertise and ability to handle the multitude of decisions that his job as special master entailed. However, that was not always the case. In a letter dated February 27, 1987, Stolee wrote to Judge Hillman to respectfully resign his position as special master, stating that "my effectiveness in being of assistance to the court and parties in *Berry et al v. Benton Harbor et al* has come to an end." While there was no direct response to the resignation in the files, the likely reason for the resignation was revealed in a letter from Judge Hillman to Stolee on April 16, 1987. In this letter, Judge Hillman expresses his regret about the way he reacted to Stolee's role in a survey that was being conducted in Benton Harbor, which Stolee believed "undercut" his position in front of the superintendents of the involved districts. He apologized to Stolee profusely and expresses his gratitude to Stolee for "your willingness to stick with me." Furthermore, he asked Stolee if he needed to take any action to reinforce his endorsement of Stolee to school officials. This outcome must have been satisfactory to Stolee, as he remained in his position until 2002.<sup>38</sup>

Further correspondence between the two demonstrates the reliance of Hillman on Stolee as special master. Not only do the letters document actions on transfers and expulsions, but also reveal Stolee as an active manager of many areas of the desegregation process. In various letters, Hillman requested that Stolee check up on employees who never seemed to be in their offices, to give presentations regarding Stolee's suggestions regarding the annual desegregation reports required by the court order, as well as fact-checking and refuting claims made by an angry superintendent in a

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<sup>38</sup> Sub-series N, Box 15, Folder 6 and 14.

complaint to the court about the administration of the case as it affected his district. Stolee's letters to Hillman, likewise, show his involvement. Stolee kept Hillman apprised of situations as they unfolded, made recommendations regarding policy and school actions, kept him informed when Stolee granted exceptions to policy and the reasoning behind his decisions. Additionally, Stolee was involved in meetings between the districts on a variety of subjects; he kept track of membership and made nominations for the Community Education Council; and, he was very active in financial decisions regarding the case, including negotiating and settling financial disputes for experts contracted during the course of the case. Several letters also reveal Stolee's position as peacemaker when Hillman's office erroneously told Twin Cities NAACP President Mary DeFoe that she could not attend meetings of the Superintendents Council and the Community Education Council. Stolee reacted quickly, explaining the mistake, explaining that a representative of the NAACP was always welcome at these meetings, and informing Hillman that this type of mistake, especially from his office, could cause great turmoil, as it was recommended by members of the plaintiff's legal team that representatives be allowed to attend.<sup>39</sup>

Stolee also conducted investigations into the actions of the Benton Harbor, Coloma, and Eau Claire school districts when there was reason to believe a district was violating any part of the court's remedy. In an April 1989 letter to Hillman, Stolee discussed his findings about an investigation into the On Campus Suspension (OCS) program in Coloma schools. Stolee's investigation revealed that the Coloma Schools were improperly assigning students to the OCS program. Not only were students of all ages combined in the same room, the teachers were uncertified, and there was no principal on

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<sup>39</sup> Sub-series N, Box 15, Folder 6 in The Papers of Michael J. Stolee.

the campus full-time. In fact, the aides reported to Stolee that the principal was rarely, if ever seen at the OCS campus. Furthermore, Stolee found the campus was dirty and unsafe, with wires hanging from the ceiling. Stolee found that the great majority of students in OCS were black and many should not have been assigned to OCS based on the infractions they committed. Stolee ordered the facility closed, students returned to their home campuses, and aides re-assigned. Because of this investigation, and because of complaints Stolee received from Mary DeFoe, president of the Twin Cities NAACP, he reported that he would conduct further inquiry into transfer students expelled for the 1989-1990 school year to see if similar problems were present. As part of the remedy for this situation, Stolee ordered that teachers, administrators, and board members of all three districts would be required to undergo further human relations training related to the problem at OCS.<sup>40</sup>

These are just many examples of Stolee's work as special master. It appears that he took a very active role in the administration of the desegregation remedy plan ordered by the court in *Berry v. Benton Harbor*. The correspondence reveals a working relationship of mutual respect between Stolee and Hillman, with the exception of Stolee's attempted resignation in 1987. The special master role in such cases is largely determined by the judge and it is clear that Hillman trusted Stolee to ensure that the many and varied aspects of the court's order were being followed and to take appropriate action when it was not.

Stolee remained active as the special master for *Berry* through the end of litigation in 2002. Eau Claire, Coloma, and Berrien County Intermediate School District had been conditionally removed from the case in a 1998 decision. They met these

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<sup>40</sup> The Papers of Michael J. Stolee.

conditions and achieved unitary status and returned to their full independence in November 2001, though all districts involved had to allow transfer students enrolled in 1998 to complete their education at their current school.<sup>41</sup> In April 2000, Benton Harbor Area School District (BHASD) filed motion for unitary status and the State of Michigan renewed their previously rejected request to be released from court order. Hillman's order was announced in April 2002. The burden of proof had been previously placed on the defendants to show that "current achievement levels are not causally related to past segregation." Hillman found that, for the most part, the BHASD had complied with the remedial order. The "tracking system" that had consistently placed African American students on lower-level achievement paths had been completely eliminated and the faculty, staff, and administration of Benton Harbor schools had been achieved.

Hillman found that student segregation had improved, but viewed the overall situation as a mixed outcome. One of the most successful parts of the Stolee's desegregation plan was the voluntary transfer option. This allowed African American students, of any grade level, in Benton Harbor to transfer to either Coloma or Eau Claire. This program achieved a transfer-in rate of 13%, which was the largest in the country. The magnet school programs were also a success, with a transfer rate of 1%, equivalent to the "largest inter-district transfer programs in the United States."<sup>42</sup> Hillman, however, chastised the BHASD for not seeking the maximum federal funding available for such programs, as well as not doing enough to continue to grow the program. Similarly, Hillman noted that BHASD also failed to carry out the Comer plan after the 1991-1992 school year. This portion of the desegregation remedy was crafted by Yale's Dr. James

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<sup>41</sup> *Berry v. Benton Harbor* 195 F Supp 2d 971 (W Dist Mich 2002)

<sup>42</sup> *Ibid.*



Comer in order to raise the confidence, self-esteem, and achievement of African American students who had attended BHASD during the time in which they had been actively encouraging segregation. However, in his decision, Hillman concedes that while he was disappointed in these instances, it was not required that BHASD follow the remedy order with 100% accuracy and found that despite these missteps, they had acted in good faith. Additionally, Hillman accepted the conclusion of the defendant's expert witness, Dr. David J. Armor. Dr. Armor, a prominent sociologist and desegregation expert, testified that the achievement level of BHASD's black students had risen significantly and had a dropout rate that was equivalent to the state level, when the factors were controlled for poverty. Armor further noted that "even without controlling for SES [socio-economic status], the achievement gap between black and white students in the BHASD is one of the smallest Dr. Armor has ever studied."<sup>43</sup> It was also noted that no child in the Benton Harbor schools had ever been a student during the timeframe in which Benton Harbor had engaged in "segregative" practices. Hillman's last justification for his decision to release BHASD from the court-ordered remedy was based on the fact that he stated his belief that the issues continuing to plague the Benton Harbor schools were a function of the high level of poverty, which had risen steadily in the area between 1980 and 1990. He declared that "the current racial composition [95% percent African American enrollment] is not causally related to the earlier constitutional violations found by this court, but rather is the result of demographic and economic forces that are not unique to Benton Harbor and that both predated and continued through this litigation."<sup>44</sup> Benton Harbor schools had proved to Hillman that they were providing

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

the same educational opportunity to all students "regardless of race" and were not expected to "return to segregative conduct."<sup>45</sup>

Stolee had retired from his professorship at the University of Wisconsin-Milwaukee in 1995, but the end of the *Berry* case and his assignment as special master, allowed him to enter full retirement. While the outcome of *Berry* was surely disappointing, it marked the end of a 39-year career serving students of all levels in communities throughout the United States.

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<sup>45</sup> Ibid.

## CONCLUSION

In the last decade of his life, Michael Stolee began writing a memoir, which he ironically titled *Hired Gun: A Journey Through School Desegregation*. "Hired gun" and "outside agitator" are terms that were hurled at Stolee during a public meeting regarding the desegregation plans for Collier County Florida schools. Stolee did not see himself in this manner, nor does he come across as an unfeeling outsider only out to get the job done. This research has revealed Stolee to be an impassioned educator with a true belief in the transformative power of education. His life experiences taught him the value of education and he truly dedicated his life to creating equal access to education for all children, regardless of race.

Throughout his career, Stolee faced both criticism and acclaim from the public, advocacy groups, and school officials, including an investigation launched by Florida Representative William Cramer regarding the South Florida School Desegregation Consulting Center. His vast experience led him to be recognized as one of the nation's first expert witnesses on desegregation. His plans were not always successful, and he attracted a lot of criticism for desegregation plans that led to very long bus rides. However, he should be remembered for his vast contributions to education. He was a pioneer in the world of educational desegregation. It was his innovative idea to create university-based centers to aid in the desegregation process and it was the proposal he co-authored with Harry Hall that led to the establishment of the nation's first desegregation consulting center. Furthermore, while his plans, especially regarding his early use of busing for desegregation purposes, were not always popular, they were effective in bringing about change, even if for a limited time, to areas in the South that had remained

entrenched in segregation even a decade after the *Brown* decision. These methods helped to increase African American children's access to equal educational opportunity. As his career progressed, Stolee became more conservative in his approach, reflecting national trends on desegregation, though this is likely due to factors that were beyond his control, including a shift in the political support for busing and limitations created by state and federal policy.

Stolee did not expect people to blindly agree with his methods and he held himself to the same standards as he did the public, as his children attended the same desegregated schools in Miami that he was assigning others to attend. In 2005, Stolee acknowledged that "desegregation has not worked as well as many of us had hoped, but it worked!"<sup>46</sup> Additionally, he believed that desegregation had helped to improve the quality of funding and other opportunity even in schools that continued to be comprised predominantly of minority students. Stolee's initial desegregation methods were a bold experiment, and while successful at least for a limited time, they did accomplish greater levels of desegregation, particularly in the south, than had been seen previously.

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<sup>46</sup> E-mail from Michael Stolee to Marc Hequet, April 1, 2005.

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