

A HISTORY OF INTEGRATION OF THE WACO PUBLIC
SCHOOLS: 1954 TO THE PRESENT

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ABSTRACT

American public schools were segregated racially in most of the nation for more than a century after the first public school system was established in 1837 in Massachusetts. Desegregation and integration of the public schools nationwide began in 1954 when the United States Supreme Court made its historic decision in the case of *Brown v. Board of Education of Topeka*. The process of desegregation in the Waco Independent School District (WISD) actually started in 1963 after many problems and obstacles. By 1968, the WISD had completed desegregating its schools. In order to comply with the new integration laws and later court orders, however, the WISD began fully to integrate teachers in its schools in 1971 and students in 1973. By 1976, integration of both teachers and students was virtually completed.

Although blacks and Mexican Americans in Waco strongly opposed the WISD's integration plan of 1973, the plan was approved by U. S. District Judge Jack Roberts on 27 July 1973. Dissatisfied with the integration situation and Roberts' order, some blacks and Mexican Americans lodged an appeal to the Fifth Circuit Court of Appeals in New Orleans,

Louisiana. The case was returned to the District Court. As a result, the school integration plan of 1973 remained largely intact.

Now, thirty-three years after the Supreme Court's 1954 decision, both de jure and de facto segregation in the Waco schools are issues of the past. The American public schools as a whole are practicing desegregated education. The issue of school integration, though no longer a main civil rights issue, still demands further attention of both the American people and the American government.

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PREFACE

Racial integration in American public schools has been one of the major civil rights issues in American history. In the past decades many books have appeared dealing with the subject on both national and state levels. However, there has not been a book, a thesis, or a dissertation on the subject of integration of the Waco public schools. Not one has been deposited in the Moody Memorial Library or the Texas Collection at Baylor University. In consideration of the significance of the subject, a study of integration in the Waco schools seems worthwhile.

This thesis consists of an introduction, three chapters, and a conclusion. The introduction briefly surveys public education in the United States from colonial times and summarizes the process of racial integration at the national and state levels since 1954. The first chapter discusses desegregation of the Waco schools from 1954 to 1969, with emphasis being given to the reactions of the Waco school board and the general public. The second chapter traces the integration process since 1970. The third chapter is devoted, in the main, to the discussion of the controversy over the integration proposal of 1973 by the WISD. A brief

conclusion offers the Wacoan's and my thoughts on school integration in Waco and in America as a whole.

The entire paper is aimed at presenting an objective account of school integration in the WISD. In so doing, I hope that it will be helpful to those people who would like to have some knowledge of the integration of Waco schools in the past thirty-three years.

I acknowledge my thanks to Mrs. Dorothy Walker, Mrs. Florence Carlson, and Mrs. Ellen Chalkley, administrative personnel of the WISD and Mr. Richard Veit, assistant to the librarian of the Texas Collection, for their many courtesies and for their efficient service. I would like to express my special gratitude to Dr. Rufus B. Spain, my thesis advisor; Dr. J. R. LeMaster, and Dr. Stanley W. Campbell, my thesis readers; and to Mr. Samuel W. Newman, retired social studies specialist of the WISD, who read the entire manuscript and made helpful suggestions and whose appraisal led to its improvement in many ways. Defects and short-comings in the paper, however, are solely my own.

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INTRODUCTION

The American public school system has developed over a long period of time. Early in 1642 a law passed by the General Court of Massachusetts required the town authorities to make certain that children were trained to "read and understand the principles of religion and the capital laws of this country." This law was ignored; so in 1647 the General Court passed another law entitled the "Old Deluder Satan Act," which required that "each township of 50 families engage a teacher to instruct children in reading and writing" and that "each township of one hundred families establish a 'grammar schoole,' capable of fitting youth for the university." In this law may be found three principles typical of the present public school system: the obligation of the community to establish schools, local school administration, and the distinction between secondary and elementary schools.¹

Almost two centuries had passed when the first public school system established after independence was inaugurated in 1837 in Massachusetts through the efforts of Horace Mann, who was appointed the first secretary of the Massachusetts

¹Louis Bilebof Ketz, et al., eds., Dictionary of American History, revised ed., Vol. II. (New York: Charles Scribner's Sons, 1976), p. 393.

School Board in the same year.² Thereafter public schools grew rapidly in the North, although very few public schools existed in the South until the Civil War. By 1870, however, the Reconstruction governments in the southern states, greatly aided by the Freedman's Bureau, had succeeded in establishing school systems in every state. Both elementary and secondary education expanded greatly for the remainder of the nineteenth century, and by 1920, public education in the United States had reached its modern stage.

In principle, public schools existed for the benefit of all children regardless of race or color. In reality, the vast majority of funds appropriated for education went to support schools for white children while only a pittance of tax money was used to sustain a separate and inferior system for Negro children. In 1896 in the case *Plessy v. Ferguson* the United States Supreme Court made a historic decision which in effect legitimated the segregated system of education in the South. Mr. Justice Henry B. Brown delivered the Court's opinion and stated that "in the nature of things it could not have been intended to abolish distinctions based on color" and that "laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the

²Frederick Eby, The Development of Education in Texas (New York: The Macmillan Company, 1925), p. 47.

other." Justice Brown cited the establishment of separate schools for white and black children as "the most common instance of this" and said the separate school system had been held to be a valid exercise of the legislative power even by courts of States. He also declared that "legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation."³ As a result of the Court's decision, the doctrine of "separate but equal" became the law of the United States and stood as the principal legal obstacle to civil rights for the American Negro.

In the South school segregation came to be supported by law. A Tennessee act of 13 March 1901 prohibiting the co-education of the white and the black students was "typical of the Jim Crow legislation enacted throughout the South."⁴ Consequently, Negroes were denied many of the benefits of the developing public school system. As Bullock commented, "The biracial society in the South limited the education of Negroes to a special kind considered suitable for their status . . . and, most important of all, it directed the development of Negro children out of the mainstream of American culture into

³Albert P. Blaustein and Robert L. Zangrado, eds., Civil Rights and the American Negro: A Documentary History (New York: Trident Press, 1968), pp. 305-6, 308.

⁴Ibid., p. 314.

the bayous."⁵ Assigned to separate and inferior schools, the educational achievements of Negro children were extraordinary only in comparison with the almost total deprivation of their educational opportunities under slavery. Every school district in the South practiced this dual public school system until 1954.

On 17 May 1954, the United States Supreme Court in its historic *Brown v. Board of Education of Topeka* decision outlawed racial segregation in public schools. In delivering the opinion of the Court, Mr. Chief Justice Earl Warren declared:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and the other "tangible" factors may be equal, deprive the children of the minority group of equal education opportunities? We believe that it does.⁶

He continued:

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.⁷

⁵Henry Allen Bullock, A History of Negro Education in the South: From 1619 to the Present (Cambridge, Massachusetts: Harvard University Press, 1967), p. 74.

⁶Richard Kluger, Simple Justice (New York: Alfred A. Knopf, 1976), p. 781.

⁷*Ibid.*, p. 782.

Thus came to an end the legal basis for the racial segregation in education practiced for more than three quarters of a century.

No document in the history of the civil rights movement in America approaches the significance of the unanimous 1954 Supreme Court decision which struck down all state-imposed racial discrimination in the field of education. The 1954 decision marked the opening of a new era in the legal struggle for Negro equality.

In keeping with the Supreme Court's 1954 decree, several school districts began almost immediately to desegregate their schools. Bullock recorded: "Within one year after the order was handed down, two districts in Arkansas, nine in Delaware, one in Maryland, two in Missouri, two in Texas, and the District of Columbia had abandoned their separate school policy either voluntarily or in direct response to a specific court decree."⁸

Compliance of and resistance to desegregation existed nationwide. While the people and school officials in some states vigorously searched for ways to desegregate their schools, others searched with great efforts for ways to keep their schools segregated. Also according to Bullock's research, "during the period from 1954 to 1958, eleven states

⁸Bullock, A History of Negro Education in the South, pp. 234-35.

passed 145 laws in defense of the maintenance of their segregated schools."⁹

In order to speed up the process of implementing the Supreme Court's 1954 decree, the Court, on 31 May 1955, issued another unanimous decision. It reads:

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles.¹⁰

It was obvious that the Court ordered good faith compliance with the 1954 Brown decision at the earliest practicable date and "made the lower federal courts guardians in the enforcement of this order and arbiters as to whether good faith is being practiced by school authorities."¹¹

Although a few school districts in the South made some small progress in desegregation, the desegregation record as a whole had hardly improved by the end of 1964, ten years after the Brown decision. According to the Segregation-Desegregation Status Table for 1964-65, prepared by the Southern Education Reporting Service, of the public

⁹Ibid., p. 260.

¹⁰Albert P. Blaustein and Clarence Clyde Ferguson, Jr., Desegregation and the Law (New Jersey: Rutgers University Press, 1957), p. 286.

¹¹Blaustein and Zangrado, Civil Rights and the American Negro, p. 449.

school enrollment in the South 26.8 percent were black and 45.8 percent of the South's black students were in desegregated districts, but only 2.14 percent of the black students actually attended schools with whites.¹² James S. Coleman, in the summary of a comprehensive report that he and his associates submitted to the United States Office of Education, said that the great majority of American children attended schools that were largely segregated. More than 65 percent of all Negro pupils in the first grade in the United States were attending schools that were between 90 and 100 percent Negro. Most public school children in the South were attending schools that were 100 percent white or Negro.¹³

In a civil rights address delivered on 11 June 1963, President Kennedy stressed the disastrous consequences of continuing a dual system of education:

The Negro baby born in America today, regardless of the section or the state in which he is born, has about one-half as much chance of completing a high school as a white baby, born in the same place, on the same day; one-third as much chance of completing college; one-third as much chance of becoming a professional man; twice as much chance of becoming unemployed; about one-seventh as much chance of earning \$10,000 a year; a life expectancy which

¹²Statistical Summary of School Segregation-Desegregation in the Southern and Board States (Nashville, Tennessee: Southern Education Reporting Service, 1964), p. 2.

¹³James S. Coleman, et al., Equality of Educational Opportunity (New York: A New York Times Company, 1979), p. 3.

is seven years shorter and the prospects of earning only half as much.¹⁴

He also pointed out that difficulties over desegregation and discrimination against blacks existed in every city and every state of the Union.

On 2 July 1964, however, Congress enacted the most comprehensive piece of the civil rights legislation ever proposed and set the course for implementing the Brown decision. Title IV of the Civil Rights Act of 1964 condemned segregation in public education. The act clearly defines desegregation as follows:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.¹⁵

With the enactment of this law and the issuance of the 1966 Desegregation Guidelines by the Department of Health, Education, and Welfare, school desegregation and integration proceeded at a faster pace. By the early 1970s, most of the public schools in the nation had worked out integration plans and were in the process of implementing them.

In Texas the State Board of Education on 5 June 1955 asked Commissioner of Education J. W. Edgar to study

¹⁴Blaustein and Zangrado, Civil Rights and the American Negro, p. 485.

¹⁵Ibid., p. 533.

desegregation in Texas schools and appointed a committee to help him. When pressed for legislative action, Governor Allen Shivers responded that further study of the Texas schools was needed before he could call a special session of the legislature to consider the question.¹⁶

It was against this national and state background that the Waco public schools started and underwent its long and perplexing process of implementing the Supreme Court's 1954 and 1955 decisions. The desegregation of the Waco public schools began in the fall of 1963. By fall of 1968, de jure segregation in the Waco school system was eliminated. But, de facto segregation was still practiced. The racial composition of both faculty and student still did not meet the criteria set forth by the late court orders. To meet the new integration criteria, an even more dramatic move in both faculty and student bodies occurred in the early 1970s. Now, integrated education is practiced in the Waco public schools.

¹⁶"State Board of Education Asks Desegregation Study," Waco Tribune-Herald, 5 June 1955, p. 1.

CHAPTER 1

DESEGREGATION OF THE WACO

PUBLIC SCHOOLS: 1954-1969

The period from 1954 to 1969 witnessed the beginning of school desegregation in the Waco Independent School District (WISD). The Board of Trustees of the WISD responded to the United States Supreme Court's 1954 and 1955 decisions by drafting a desegregation plan to begin in the fall of 1963. After many delays, the desegregation schedule was completed by 1968. How the Board of Trustees proceeded with its plan will be discussed in detail in this chapter. However, in order to understand better the racial situation in the Waco schools, this chapter starts with a brief discussion of the development of the Waco public schools.

The Waco Public School System

The Waco public school system developed through opposition and struggle. Although the Texas legislature authorized the establishment of public schools in 1854, opposition to the concept of free public schools continued for the remainder of the century. A few county schools were established in compliance with the 1854 act, and in 1875 the City Council of Waco started "to assume control of the public schools within their limits." The council adopted the name

"Waco Public Free Schools," appointed an education committee, and made the mayor "ex-officio superintendent of schools." By 1882 the system was developed. The City Council controlled the finances of the system while the education committee controlled its general operation.¹

From then to the present, the Waco public school system has developed rapidly. In 1882 there were only two white schools and three "colored" schools. The educational facilities and accommodations for pupils were very poor and the enrollment of students in the schools was small. Waco had a scholastic population of 2,213, but only 716 white pupils and 604 black pupils were in attendance. In the following school year the total number of pupils increased from 1320 to 1846, a gain of 40 percent. Three more white schools were established while the number of black schools remained the same.

When the school year 1886-1887 began, there was a major change. Mr. Jessy Newton Gallagher became the first full-time Superintendent of schools, replacing the mayor as ex-officio superintendent. But, the school system was still under the jurisdiction of the City Council and the Education Committee continued to be the members of the council. In 1888, the name "Waco Public Free Schools" was changed into

¹[Samuel W. Newman], History of the Waco Public School System (Waco, Texas: Waco Independent School District, 1976), pp. 14-15.

"Waco Public Schools," a title which was used from then until the Waco Independent School District was established in 1948. The public school system continued to grow. By the school year 1888-1889, there were eight white schools with 3,247 pupils but only two black schools with an enrollment of 1,944 black pupils.

In 1893, another important change took place. The City Council ceased to control the operation of the Waco public schools and a Board of Trustees was elected. Mr. A. C. Pendergrast became the first Chairman of the Board. As the new Waco public school system evolved, the Board of Trustees worked actively in improving the educational facilities and the accommodations for pupils. In the same year when the Board was established, additional rooms were added to the Columbus Street School, South Eight Street (Sul Ross) School, East Waco School, and some other schools. Moreover, due to increasing support from the taxpayers of Waco, schools were provided with more comfortable buildings and better equipment. From 1899 to 1909 \$122,000 were spent on construction, almost doubling the building capacity of the Waco schools.² Clearly, the growth and the progress of the Waco public schools during those years were indeed great. During the following forty years or so, the school system continued to enjoy steady growth.

²Ibid., pp. 18-53.

On 10 January 1948, the Board of Trustees proposed to the people of Waco the establishment of an independent school district and the separation of the schools from any connection with the city government. The voters approved. Thus came to an end the dual control of the Waco public schools by both City Council and Education Committee. Under the new arrangement, the members of the Board of Trustees became liable directly to the people who elected them, and these elected members assumed control of all matters pertaining to the public schools. As a result, the administration of the schools became more flexible and more responsive to the needs and demands of the citizens of Waco.

During the more than one hundred years that have passed since the establishment of the first public free schools in 1882, the Waco public school system has grown from its small and incomplete beginning to the present large, complete, and modern educational system. Now, the system consists of sixteen regular elementary schools: Alta Vista, Bells Hill, Cedar Ridge, Dean Highland, J. H. Hines, Kendrick, Lake Waco, Meadowbrook, Mountainview, North Waco, Parkdale, Provident Heights, South Waco, Sul Ross, and Viking Hills; five special elementary schools: Child Guidance Center, Dripping Springs, Early Childhood, Homebound, and Special Learning Center; five regular middle schools: Carver Sixth Grade School, G. L. Wiley, Lake Air, Tennyson, and University; five special middle schools: Career Continuing

Education Project, Career Preparation Junior, Child Guidance Center, Dripping Springs Special Education, and Prenatal Continuing Education; three regular high schools: Waco Ninth Grade School, Waco High School, and University High School; six special high schools: Career Continuing Education Project Senior, Career Preparation Senior, Child Guidance Center Senior, Dripping Springs Special Education Senior, Homebound Senior, and Prenatal Continuing Education Senior. In total, there are twenty-four regular schools and sixteen special schools.³

Waco has the honor of being the first city in the State of Texas to utilize and perfect her public school system. Nonetheless, until the United States Supreme Court's 1954 decision, the Waco public schools, like other schools in the nation, were under a dual system with white and black pupils being assigned to segregated schools.

The Board of Trustees's Response to the
Supreme Court's 1954 and 1955 Decisions

In 1954 when the Supreme Court made its decision, the Waco public school system had two racially separated districts, one for whites and the other for blacks. Of the twenty elementary schools, sixteen were white and four were

³"Statistics of Student Racial Makeup of Each School in the WISD for the School Year of 1986-87," Child Accounting Department, WISD, Waco, Texas, 16 January 1987.

black. Besides, there were five white junior high schools but only one black junior high school.⁴

The Board of Trustees of the WISD took no immediate action in response to the Court's 1954 decision pertaining to the desegregation of the public schools. The first meeting of the Board on the question of implementing the Court's 1954 decree was held more than a year later on 17 August 1955, which was also more than two months after the Court had reaffirmed its 1954 decision by the issuance of another unanimous decision on 31 May 1955. In the August meeting, the Board declared its acceptance in good faith of the Court's decisions. Upon motion by Mr. Franklin Smith, and seconded by Mr. William E. Darden, the trustees issued their policy relative to school desegregation as follows:

On May 17, 1955 the Supreme Court of the United States unanimously declared that segregation of races in the public schools is unconstitutional and that all provisions of federal, state or local laws requiring or permitting such discrimination are unconstitutional. On May 31, 1955, the decision was reaffirmed by the Supreme Court, and the responsibility of complying with the Court's decision was placed with local Board of Education.

The members of the Board of Education and Administration Staff of the Waco Independent School District accepted the decision of the Supreme Court relative to segregation in good faith and began immediately a study of practicable and feasible ways and means of implementing desegregation which would be to the best interests of all youth of the Waco Independent School District.

After careful consideration of such factors as

⁴"Waco School District Lines Face Changes," Waco Times-Herald, 18 May 1954, pp. 1, 7.

attendance areas, building facilities, teaching personnel, adaptation of curriculum to needs of children, and administration problems, it is the unanimous opinion of the Trustees of the WISD that compliance with the Supreme Court decision should start in the first grade, and that, beginning with the 1955-56 school year, no distinction in pupil attendance in the first grade shall be made by reason of race or color, and that inter-school transfers in the first grade shall be made or authorized on the basis of existing policy.

The Board is also of the unanimous opinion that the Administration Staff and School Board should, during 1955-56 school year, proceed with a detailed study of all problems inherent in desegregating as the most satisfactory means of further implementing the decision of the United States Supreme Court.⁵

However, on 31 August 1955, the Board of Trustees held another meeting to review its policy adopted on 17 August. Having studied the legal aspects of the District Court ruling in the Big Spring Independent School District's case, board member Peeler Williams, Jr., stated that the case had been appealed to the Supreme Court of the State of Texas and that in his opinion the decision would eventually be upheld, but that there was a possibility of local school revenue from state funds being jeopardized.⁶ After a brief discussion, a motion made by Mr. Darden was adopted by the board members. The motion read that the policy of 17 August 1955 relative to school desegregation by the Board of

⁵"Desegregation," Minutes of Meetings of the Board of Trustees of the Waco (Texas) Independent School District 1954-1980, meeting of 17 August 1955, Vol. IV, p. 123. (Typewritten) Administration Building of the WISD, Waco, Texas.

⁶Ibid., meeting of 31 August 1955, p. 130.

Trustees of the WISD would be reaffirmed; but the effective date for desegregating the first grade in the public schools would be postponed until the beginning of the 1956-57 school year instead of the 1955-56 school year as originally planned.

Nonetheless, a year later, on 15 August 1956, the Board once again voted to postpone indefinitely school desegregation in Waco in view of the legal issue over receiving state funds without an approving election. Trustee Peeler Williams explained the Board's policy:

The School administration and every member of this School Board has given serious thought to the problems which face us in the desegregation of the schools in Waco. The decision of the Supreme Court of the United States has been recognized by this Board as a declaration of the supreme law of the land, and this Board has made and is making diligent preparations to comply with that law. The Supreme Court itself, however, recognized that there are many problems involved, and that these problems must be solved on a local basis, in view of conditions prevailing in each locality.

The good faith of this School Board in commencing compliance with the Supreme Court's decision is shown by its action last year in determining that desegregation should start in the first grade, and in ordering such a start to be made. However, legal problems immediately arose under which the Board might have jeopardized the receipt of State funds which are essential to the operation of our schools, by allowing that plan to proceed.

We all recognize that there are many problems to be worked out before legal integration becomes a complete reality. This Board is again faced with the possibility that its action in beginning desegregation would jeopardize the legal position of our schools in connection with laws which are being proposed and may be enacted by the Legislature of this State at its next meeting.

In the exercise of its best judgment, I believe that the Board should not feel justified in taking acts which

would thus jeopardize its position to receive the money which it must have to operate the schools.

Therefore, I move that: by reason of the possibility of imminent legislative and administrative action on the part of the officials of the State of Texas, the effect which is uncertain at this time; and by reason of the need to continue our study of district lines in relation to the pupil load at individual schools throughout our system; and by reason of our need to complete a study of the educational levels of pupils in various age groups, and of the consideration of the effects of varying educational levels on the curriculum and the method of teaching to be used; and in view of the effect that numerous transfers would have on our existing building facilities, at which, in many places, temporary classrooms are now being used to meet existing demands and of the effect of such transfers on the teaching staff, and in view of the need to further inform the patrons of this school district of the changes which, with integration, will be inevitable, but which will run counter to the tradition and laws which have grown up in this State for more than one hundred years; and in view of the other problems inherent in this field; the effective date of the Board's order commencing desegregation in the first grade be postponed until further action by the Board at a time when such action is justified by a current appraisal of the problems and conditions involved.⁷

The board's statement made it clear that desegregation in the WISD had to be postponed indefinitely.

Public Responses to the Board's Desegregation Plan

During the meeting of 15 August 1956, the board members listened to twenty-six speakers who expressed views for or against school desegregation. Mrs. Florence Clark, representative of the City Council of Parents and Teachers, said that the PTA would back the school board whatever the

⁷"Integration Is Delayed," Waco Times-Herald, 16 August 1956, pp. 1, 3.

board decided and that the question of school desegregation should be accepted with "a Christian attitude." W. J. Kilgore, representative of the Waco Brotherhood, urged the board to proceed with its original desegregation decision and warned the board that tension would mount and continue if the board delayed desegregation. Stanley Goerter, a priest of the Catholic Church in East Waco, expressed the view that the sooner Waco schools desegregated the better. Mrs. Margaret Eidson, on behalf of the Waco Council of United Church Women, stated that they were in favor of desegregation.⁸

Nevertheless, Mrs. F. M. McFarland was against school desegregation. In her view, the Waco public schools should be continued on a segregated basis and she claimed that "desegregation would slow up the learning process of students." Mrs. Frank Trau, a former school teacher, was also in opposition to school desegregation. She said, "Let's continue in our same way." H. R. Smith, a taxpayer of McLennan County, expressed his own view that it took the judges of the Supreme Court fifty years to reverse themselves on the doctrine of separate but equal schools; therefore, he argued, the same amount of time should be given for the Waco public schools to be desegregated. He predicted that if the board voted school desegregation immediately, the citizens of Waco would rise up against the school board. T. S. Ogle,

⁸Ibid.

assistant pastor of St. John's Methodist Church, expressed his own opinion that the black people had made great progress and had done better in their own atmosphere and, therefore, they should be allowed to continue to do better in their own atmosphere. Rev. Marvin Griffin, pastor of New Hope (Negro) Baptist Church and representative of the Democratic Progressive League, said that the question of desegregation was not one of minority or of majority, but a "moral question of what's right and what's wrong" and whether this community would lead or linger behind. He said he believed that the Waco school board would make correct decisions. It was clear that some people approved the Board's desegregation plan while others criticized it and still others were neither for nor against school desegregation, but only hoped the school board would make sound decisions.⁹

In the meeting of 15 August 1956, Superintendent E. N. Dennard asked the people of Waco to "exercise sound judgment, understanding, and tolerance." Board president Walter B. Dossett, too, expressed his view that no matter how the school board voted or postponed the action of desegregation, the board members were trying to solve the problem in what they thought was the best way for the benefit of both white and black children in Waco. He requested that

⁹Ibid.

people stand back of the board and view with tolerance the question of desegregation.

The State Statute 2900a of 1957 and the Demands
of the Local National Association for the
Advancement of Colored People

In 1957, legislature of the State of Texas passed a statute to deprive school districts of state funds if they desegregated without an approving election. This legislation virtually brought desegregation of Waco schools to a halt.

Waco was the largest city in the State of Texas with no desegregation started, although the school system was one of the first to vote, in 1955, to comply with the historic U. S. Supreme Court decision of 1954. Desegregation in the district did not start until 1962, when Negro leaders of the Waco branch of the National Association for the Advancement of Colored People (NAACP) became convinced that the only way to make progress in Waco school desegregation was to force the school board to act. The Waco chapter of the NAACP was prepared to seek a court order to force schools to start desegregation.¹⁰

On 30 July 1962, local NAACP president Rev. M. L. Cooper and secretary Arthur Fred Joe wrote the Waco school board president Peeler Williams, Jr., a letter, referring to the Supreme Court decision of 1954 and to the fact the Waco

¹⁰"Integration of Waco Schools Likely to Hinge on Calendar," Dallas Morning News, 17 August 1962, sec. 1, p. 4.

schools still were segregated racially. In the letter, they requested a meeting with the school board on this subject.

On 7 August 1962, Waco School Superintendent Avery Downing and a committee from the Waco school board met with leaders of a committee of the Waco branch of the NAACP for an informal discussion over the issue of desegregation and a discussion of the possibility of the NAACP members' attending the school board's meeting to be held on 16 August 1962. The people who attended the meeting from the Waco schools were Peeler Williams, Jr., president of the board; Abner McCall, vice president of the board; Gordon Rountree, trustee; and Jim Ed Crews, a business manager. The people who appeared at the meeting from the Waco branch of the NAACP were Rev. Cooper, George McGrue, Rev. L. H. McCloney, Dr. John H. Adams, president of Paul Quinn College, and Arthur Fred Joe.¹¹ At the meeting, school board president Peeler Williams explained to the Waco NAACP members that the school board was powerless to desegregate under the 1957 state statute 2900a "which says no school board or other school authority shall have the right to abolish the dual system of public schools unless a majority of the electors so vote."¹² Since the school would face possible loss of state accreditation and

¹¹"New Integration Talks Undecided By NAACP Group," Waco Times-Herald, 8 August 1962, pp. 1, 2A.

¹²"Waco School Officials Meet With NAACP," Waco Times-Herald, 7 August 1962, pp. 1, 5.

state funds which made up about one-half of the Waco schools' revenue if the schools were desegregated without an election or a court order, the board decided to postpone the date for desegregation to become effective at a time to be decided. In view of the above situation, Cooper later called Downing and said his committee understood the problems the school board had to face, so his committee had decided not to attend the board meeting on 16 August 1962.¹³

Although no member of the local NAACP attended the school board meeting on 16 August 1962, they declared that it did not mean that they wanted to delay the matter. Adams stated that it was not the end but just the beginning. The members of the Waco NAACP took the position that the state statute did not apply to Waco public schools because the school board voted to desegregate two years before the state law was passed.

Later legal rulings held that schools which desegregated because of federal court orders would not lose funds, as was shown in the Houston case in which State Attorney General Will Wilson declared that state statute 2900a did not apply if school segregation was abolished by a federal judge but not by school board or school authority.

In the board's meeting of 16 August 1962, Williams

¹³"NAACP Won't Attend August Board Meeting," Waco Times-Herald, 13 August 1962, p. 1.

promised that the board would handle the desegregation problem the best it could for the benefit of all concerned, and any way helpful that all responsible citizens would support its actions.¹⁴

The First Desegregation Suit Against the WISD

On 7 September 1962, seventeen Negro students staged the first attempt in Waco to enter white segregated schools after the Supreme Court ruling of 1954. However, they were denied entry to the five schools where they appeared by the five principals of those schools. They were told that the schools did not have the authority to enroll them under the Waco school board's present policy of operating a dual school system. The seventeen Negro students were accompanied by their parents and NAACP officials when they appeared at the five schools: University Junior High, University High, South Waco Elementary, Waco High, and West Junior.¹⁵

On 5 November 1962, lawyers for a group of Waco black school children filed a suit in U. S. District Court in an effort to end segregation in the WISD. The petition asked the court "to grant an injunction and restraining order to prevent the Waco school board from operating a segregated

¹⁴"Integration of Waco Schools Likely to Hinge on Calendar," Dallas Morning News, 17 August 1962, sec. 1, p. 4.

¹⁵"Integration Tried Here; Suit Expected," Waco News-Tribune, 7 September 1962, pp. 1, 3.

school system."¹⁶ Board president Peeler Williams, Superintendent Downing, other school board members, and the five principals who denied the Negro children entry to their schools were named as defendants in the petition. The name of the case was George Carroll McGrue, George McGrue, et al. vs. Peeler Williams, president of board of Waco Independent School District, et al.¹⁷ Two years elapsed, however, before the case was heard on 16 November 1964 in federal court.¹⁸

The Beginning of School Desegregation in the WISD

On 20 June 1963, after the board meeting, Mr. Peeler Williams made the following statement outlining the board's policy and position in regard to desegregation of the schools:

It is a matter of record that on August 17, 1955, soon after the United States Supreme Court had reaffirmed its May 1954 decision relative to compulsory segregation based upon race, the Board of Education of WISD declared its acceptance in good faith of the decision and scheduled compliance in the first grade for the 1955-56 school year.

A few weeks later, and again in August 1956, the Board postponed the effective date of the policy because of many uncertain legislative, administrative, and financial problems. These uncertainties, plus numerous other developments, have prevented the Board of Education

¹⁶"Integration Suit Filed on Schools," Waco Times-Herald, 5 November 1962, p. 1.

¹⁷"Integration School Case Here Delayed," Waco Times-Herald, 25 February 1963, p. 1.

¹⁸"Waco Must Prove School Plan Is Fair," Waco Times-Herald, 17 November 1964, pp. 1, 7A.

from implementing its original policy, until now it is a defendant in a lawsuit filed in the United States District Court.

Feeling that the taxpayers of the WISD should not be burdened with the expense and litigation involved in contesting desegregation and also feeling that many of the legislative, administrative, and financial uncertainties have been resolved, the Board of Education once again affirms its August 17, 1955 policy relative to compulsory segregation based upon race and declares that beginning with the 1963-64 school year no distinction in pupil attendance in the first grade shall be made by reason of race or color. Furthermore, compulsory segregation based upon race is to be abolished in grade 2--12 according to the following timetable:

| | |
|-----------|--------------------|
| 1964-1965 | Grade 2 |
| 1965-1966 | Grade 3 |
| 1966-1967 | Grade 4, 7, and 10 |
| 1967-1968 | Grade 5, 8, and 11 |
| 1968-1969 | Grade 6, 9, and 12 |

The Board of Education recognizes that the desegregation of the schools in WISD will represent considerable change in the traditions and habits of the community. It is the purpose of the Board to bring the process into being with the least possible friction, misunderstanding and displacement of educational opportunities, because not only are the children and the homes represented in the schools affected, but also the total community life and population are involved.¹⁹

According to this plan, Waco public schools would be desegregated gradually by grades according to the above timetable, with full desegregation to be completed by the 1968-69 term.

By the end of 1964, in its second year of desegregation, thirty-three black first and second graders were attending four predominantly white elementary schools. At this time, U. S. District Judge Homer Thornberry requested

¹⁹Minutes, WISD, Vol. X, p. 33.

the Waco school district to prove its stair-step plan for desegregation was just and reasonable under the law in the federal court. He also asked the attorneys for the Waco school board to examine the decisions handed down by the U. S. Fifth Court and to file within two weeks a memorandum presenting its case in support of the Waco school board's plan for desegregation.²⁰

On 2 December 1964 Thornberry ordered the Waco school board to accelerate desegregation for one year. Instead of adding only the third grade in the 1965-66 school year as stated in the school board's plan, the court ordered grades three, four, seven, and ten all desegregated in the same year. In the 1966-67 school year, grades five, eight, and eleven would be desegregated and grades six, nine, and twelve would be desegregated in the 1967-68 school year. In this way total desegregation would come one year sooner than it would have under the school board's voluntary plan devised in June 1963. Thornberry further ordered that any transfer system in operation or any plan adopted in the future should apply to all persons regardless of race or color and should be administered accordingly.²¹ Superintendent Downing responded to the court order and said that he saw no great

²⁰"Waco to Defend Integration Aim," Waco News-Tribune, 17 November 1964, pp. 1, 10.

²¹"Federal Judge Orders Waco Schools Speed Integration," Waco Times-Herald, 3 December 1964, p. 3A.

changes in the school system's operation because of the court order, for the school board still had its original plan and the only difference was that it was speeded up by one year.

As has been mentioned earlier, the desegregation suit was first filed in November of 1962 and was delayed until 16 November 1964. When the case opened, the Waco school district was already in its second year of implementing its desegregation plan. Therefore, the only thing Robert L. Penrice, attorney for the plaintiffs, mentioned to the court was that the desegregation of Waco schools was too slow. When the case was first filed in November 1962, Sam Lanham was attorney for the Waco schools. At this time, November 1964, attorney John Sheehy handled the case for the Waco school district. Peeler Williams was school attorney at the time, but he could not serve as legal counsel in this case since he was named a defendant.²²

While school desegregation was in progress in the WISD, the Board of Trustees received, on 27 April 1965, the Texas Education Agency's briefing on civil rights compliance which ordered each school district to do the following things to be fully desegregated: (1) eliminate all dual services; (2) avoid discriminatory pupil assignments; (3) open wide all athletics, bands, clubs, and social activities to all pupils;

²²"Waco School Integration Case Opens," Waco News-Tribune, 16 August 1964, p. 1.

and (4) assign teaching staffs on basis of qualifications and not race. Upon hearing the briefing, Downing said he hoped the integration of faculty meetings, inservice training programs, and visiting teacher services would satisfy for the moment the faculty integration requirement.²³

In May 1965, the federal government set the target date for the public schools to be fully desegregated in order to be qualified for federal aid. The state Office of Education issued a detailed new guideline which said, "There must be a 'substantial good faith' start in the 1965-66 school year, with desegregation of at least four grades." Under this procedure, the four grades should include the first grade, the first and last high school grades and the lowest grade in junior high school. There were three ways of meeting the qualifications set by the Office of Education: (1) a certificate of compliance, (2) a final court order for desegregation of a school system, and (3) an acceptable desegregation plan. Also, the Civil Rights Act of 1964 provided that all recipients of federal aid must carry on their activities in a nondiscriminatory manner.²⁴

In May 1965, to the satisfaction of the Waco school board, U. S. Commissioner of Education Francis Keppel

²³"Schools Get Integration Information," Waco News-Tribune, 27 April 1965, pp. 1, 7.

²⁴"Centex Officials Find They Have 2 Years to Fully Desegregate," Waco Tribune-Herald, 1 May 1965, pp. 1, 3.

approved the school desegregation plan of 1963. Downing received the formal notification of approval on 2 May 1965. The plan approved provided for the desegregation of grades one, two, three, four, seven, and ten in the fall of 1965; grades five, eight, and eleven in the fall of 1966; and grades six, nine, and twelve in the fall of 1967. The desegregation schedule was actually completed in the fall of 1968.²⁵

In 1966 Waco schools began preparing for faculty integration. Downing reported that fourteen black teachers would join the faculties of ten predominantly white schools in the fall and four black schools would have six white teachers. Black first grade teachers were hired at Bells Hill and Nalley elementary schools, and black reading teachers at Brook Avenue and a black librarian would be hired at Alta Vista. Moreover, black special education teachers would be employed at Jefferson High School and at Provident Heights, Sanger, and Sul Ross elementary schools. Black schools with white reading teachers would be Hines, Kirk-Wilson, Oakwood, and R. L. Smith and Kirk-Wilson would have a white first grade teacher.²⁶

²⁵"Federal O.K. Given to Waco's Integration Plan," Waco Times-Herald, 3 May 1965, pp. 1, 12.

²⁶"14 Negroes To Fill Waco School Posts," Waco News-Tribune, 25 August 1966, p. 2B.

In September 1966, Downing told Waco school teachers that the Waco school system would be rapidly catching up with other school districts in faculty integration as soon as the court ordered student desegregation plan was completed. He also said he hoped "integration of teachers will be done without embarrassment or uncomfortable feelings for anyone" and that "integration continues to be the serene, smooth process it has been up to now."²⁷ Faculty integration in the WISD formally started in 1971.

Summary

Fourteen years after the Supreme Court's desegregation ruling, desegregation of pupils in Waco schools was completed. After many problems and obstacles the process began in 1963 and was finished five years later in 1968. Superintendent Downing said he was satisfied that the WISD was "technically integrated," that the district had "done away with the dual boundary system," and that Waco had "adopted a unit system of boundaries. Faculty integration would start when the school year 1971-1972 began."²⁸

Although desegregation had been completed technically by 1968, thirty-two of the forty schools in the district were

²⁷"School Faculty Integration Due," Waco Times-Herald, 2 September 1966, pp. 1, 10A.

²⁸"Waco Schools Trying to Plan Orders on Desegregation," Waco Tribune-Herald, 13 April 1969, p. 9A.

still predominantly black or white. De jure segregation had been abolished, yet the problem of de facto segregation still existed. The years between 1954 and 1969 may be defined as the first stage of integration, that is, desegregation in the WISD. The early 1970s witnessed even more dramatic changes when Waco school district began fully to integrate its schools.

CHAPTER 2
INTEGRATION OF THE WACO
PUBLIC SCHOOLS SINCE 1970

In the early 1970s both faculty and students in the WISD experienced dramatic changes. Also, lawsuits against the WISD's integration proposal of 1973 continued and the busing of students gave rise to public debates.

Faculty Integration

On 18 November 1970, Miss Jean Ollivierre and Mr. Craig Grenshaw, attorneys of the Civil Rights Division of the United States Justice Department, met with some of the school officials of the WISD to discuss the compliance of the WISD with the non-discrimination requirements of the Fourteenth Amendment. The two attorneys called for immediate faculty integration in each school in the district to have 20 percent black teachers and 80 percent white teachers in accordance with the overall faculty ratio of 20 to 80. On 19 November Peeler Williams, Jr., attorney for the school system, gave a report of the meeting to the school trustees at the administration building. Williams reported that the two attorneys made their request for the immediate proportionate racial mixture of the faculty in each school in "a most urgent fashion" and that the Justice Department could

intervene in the court decree or institute a new suit against the system to meet its demands, according to the two attorneys. Board president John Faulkner said the board would submit an answer to the Justice Department by the early part of December concerning the board's feelings and actions on faculty integration. In his view, the most appropriate time for faculty integration would be in January, the mid-term break.¹

In response to the two attorneys' request, Superintendent Downing said that the "exchange of bodies" in faculty integration would be "educationally very damaging" and that there were many teachers who were "one of a kind," such as the cosmetology teacher at Moore High and the planetarium teacher at Richfield High. He suggested that teachers who sponsored extra-curricular activities come under special consideration also because of the hardships on student groups created by their moving.²

As was mentioned earlier, the Waco school system completed desegregation in 1968 as ordered by the court decree, but the racial imbalance in both faculty and student bodies was still great when the 1970-71 school year began. Of the 198 black teachers in the school district, about 60

¹Renee Tweedle, "Faculty Integration Called for in Waco," Waco News-Tribune, 20 November 1970, pp. 1, 12A.

²Renee Tweedle, "Waco School System Seen as Splintering," Waco News-Tribune, 9 December 1970, p. 1B.

percent were located in five of the WISD's thirty-seven schools. These five schools were Moore Junior and Senior High, G. L. Wiley Junior High, J. H. Hines Elementary, Oakwood Elementary, and R. L. Smith Elementary. Lake Air Junior High, Cedar Ridge Elementary, Dean-Highland Elementary, and Hillcrest Elementary had no black teachers. The ten schools having no black students were Richfield High, Alta Vista Elementary, Cedar Ridge Elementary, Crestview Elementary, Hillcrest Elementary, Meadowbrook Elementary, Mountainview Elementary, Parkdale Elementary, Provident Heights Elementary, and Viking Hills Elementary. In order to keep the Waco school system up-to-date in integration proceedings, the Justice Department set 15 January 1971 as the deadline for faculty integration.³

In December of 1970, the school board received a letter from the Justice Department referring to the two attorneys' request to mix school faculty on a 20-80 basis. After mentioning the racial imbalance in Waco schools, the letter restated the faculty integration standard for each school system set forth by the Fifth Circuit in *Singleton, et al. v. Jackson Municipal Separate School District, et al.*, 419F. 2d. 1211, 1217-18, decided 1 December 1969:

. . . the principals, teachers, teacher-aides and other staff who work directly with children at a school shall

³Ibid.

be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969-70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.⁴

The letter also stated that the court required the implementation of this formula no later than 1 February 1971. The letter suggested the Waco school board call upon the Office of Education, Department of Health, Education, and Welfare, for technical assistance to insure that the student assignment in Waco schools was not only educationally sound but also met the requirements of the law with respect to student assignment.⁵

On 17 December 1970, the Waco school board offered to the Justice Department, in a letter formally approved, a 60 percent compromise on the immediate faculty integration to be completed by 15 January 1971 with the rest to be accomplished by September. Later, Superintendent Downing said the school board had not received a definite answer from the Justice Department either accepting or refusing the 60

⁴Minutes, meeting of 17 December 1970, Vol. XI, p. 13.

⁵Ibid.

percent faculty integration plan and the school system was going to go ahead with its plan at mid-term if no other directive was given by the Justice Department by then, and the 60 percent of teacher shifting was expected to be accomplished by 15 January 1971.⁶

On 11 January 1971, more than one hundred teachers and teacher-aides in the WISD received new assignments and about seventy more would be given new assignments by fall of 1971. The assignment was announced after a called meeting of principals and a closed session of the Board of Trustees. According to the announcement, assignments were to be effective on 18 January and the 103 teachers were given two days to assimilate to their new school buildings.⁷

Superintendent Downing, in his letter to the Board of Trustees, listed the seven criteria for selecting teacher and teacher-aides being transferred. First, a group of professional employees was prepared on a special layout and the desired percentage was applied to each faculty and the necessary in and out transfers were indicated. Second, Moore High School, Wiley Junior High, G. H. Hines Elementary, R. L. Smith Elementary, and Oakwood Elementary, the five predominantly black schools where a great number of teachers

⁶"Waco Schools Marking Time Pending Desegregation Ruling," Waco Times-Herald, 7 January 1971, pp. 1, 10A.

⁷"Teacher Transfers Effective Next Week," Waco News-Tribune, 12 January 1971, pp. 1, 7A.

were transferred out, the principals had been asked to indicate the key positions that should be maintained so that "stability and continuity" might be possible in these drastically changed situations. Third, teachers in predominantly white schools were identified by grade level and teaching field that corresponded to the position in predominantly Negro schools to which transfers had to be made. Fourth, in consideration of volunteers, very few people were affected because so many of the volunteers attached provisions that were not feasible to accommodate at the time. Fifth, the criterion dealt with sparing first graders of teacher changes during the current year and returning as many people to the five predominantly Negro schools as were transferred out. Another criterion involved avoiding where possible transferring teachers with the most years of service in Waco. Finally, the criterion stated the new assignments were made so that "a minimum of disruption" in school and pupil schedules would occur. The school board also made it clear that the final decision on transferring teachers and teacher-aides was made by the school administration, not by individual principals.⁸

Under the new assignments fifty-five teachers were affected in secondary schools while forty-eight teachers and teacher-aides were affected in elementary schools. South

⁸Ibid.

Junior High School was the only school that was racially balanced without any transfers. As was mentioned above, the greatest number of transfers appeared in the faculties of the five predominantly black schools. The actual number of in and out teacher transfers at each school was as follows:⁹

| Name of the School | Transfer Out | Transfer In |
|------------------------------|--------------|------------------|
| Moore High | 19 | 18+1(staff) |
| Richfield High | 5 | 7 |
| University High | 3 | 3 |
| Waco High | 3 | 3 |
| G.L. Wiley Junior | 8 | 8 |
| Lake Air Junior | 4 | 4 |
| North Junior | 4 | 4 |
| Tennyson Junior | 5 | 4 |
| University Junior | 3 | 3 |
| West Junior | 1 | 1 |
| Alta Vista Elementary | 1 | 2 |
| Bell's Hill Elementary | 1 | 1 |
| Brook Avenue Elementary | 1 | 2 |
| Cedar Ridge Elementary | 2 | 2 |
| Crestview Elementary | 1 | 2 |
| Dean-Highland Elementary | 3 | 3 |
| Hillcrest Elementary | 3 | 3 |
| J.H. Hines Elementary | 10 | 7 |
| Kendrick Elementary | 1 | 1 |
| Kirk-Wilson Elementary | 1 | none |
| Lake Waco Elementary | 2 | 2 |
| Meadowbrook Elementary | 1 | 1 |
| Mountainview Elementary | 2 | 2 |
| North Waco Elementary | 2 | 2 |
| Oakwood Elementary | 6 | 6 |
| Parkdale Elementary | 2 | 2 |
| Provident Heights Elementary | none | 1 (teacher-aide) |
| R.L.Smith Elementary | 9 | 8 |
| Sul Ross Elementary | none | 1 |

⁹Ibid.

At a two-day conference at Richfield High School, Superintendent Downing said to the teachers that "the compromise idea is bad; but, the board, being one in wanting to comply with the law, issued the compromise order." He also explained to the teachers Title IV and Title VI of the Civil Rights Act of 1964. He said Title IV provided technical assistance to districts that needed it to accomplish mixing of students while title VI asked HEW not to approve funds for school districts that did not comply with the desegregation laws. As to the student integration, Downing said that one reason for the Justice Department's delay in ordering student mixing was the pending decision on busing and neighborhood schools by the Supreme Court and that the clarification of these questions was expected to be decided by the Court. He also said that the faculty had showed "a most professional attitude" towards teacher transfers. He reported that he had received no resignations from the teachers being transferred, but that he had received two requests for leave of absence. He asked teachers to work closer together than before, to be patient with new student groups and to be sympathetic to the administration. In his view, the atmosphere of compassion and understanding for students who attended the schools where the most shifting occurred was "the most essential thing to be created." He

added that faculty integration had been smooth and the student integration was expected to start soon.¹⁰

Lawsuits Against the WISD

On 17 December 1970, the Board of Trustees drew proposed school boundary lines and on 15 July 1971 the school board adopted a policy for redistricting school lines which was strongly opposed by the Mexican and black Americans.

A lawsuit against the WISD was initiated on 10 August 1971 by the Mexican-American Legal Defense and Educational Fund (MALDEF) of San Antonio, representing twenty-four black and Mexican-American plaintiffs in Waco. The lawsuit demanded abolishment of all the racially and ethnically identifiable schools in the WISD.

The petition stated that the Waco School Board's redistricting policy for high schools adopted on 15 July failed to abolish system-wide segregation because it left five of the eight junior high schools and fifteen of the twenty-four elementary schools identifiable as to race. The petition argued that Jefferson-Moore High School would remain racially identifiable as a black school under the new boundary lines. The petition pointed out that of the five racially identifiable junior high schools, two, Jefferson-Moore and Wiley, were one hundred percent black while the

¹⁰Ibid.

other three, North Junior, Tennyson, and University, were predominantly white. The petition also contended that of the fifteen racially and ethnically identifiable elementary schools, three, Hines, Oakwood, and R.L. Smith, were all black while the other three, Brook Avenue, Nalley, and South Waco, were over 80 percent minority; meanwhile, Bell's Hill and Sul Ross had 60 percent minority including over 50 percent Mexican-American student population. Also, seven schools, Alta Vista, Cedar Ridge, Dean-Highland, Hillcrest, Lake Waco, Mountainview, and Parkdale, were predominantly white. MALDEF also charged the WISD with recruiting few Mexican-American teachers and the following wrongdoings:

1. drawing attendance zone lines to maintain segregation;
2. locating and constructing new schools to foster segregation;
3. creating a commission to recommend means of reducing segregation and failing to act upon its recommendations;
4. placing Mexican-Americans and blacks together in disproportionate numbers in all levels of the school system;
5. integrating Mexican-American students with blacks to avoid integrating white students with blacks.¹¹

As a result, the petition charged the Waco school district with continuing to practice a policy of segregation.¹²

In the lawsuit, the plaintiffs requested that U.S. District Judge Jack Roberts permanently enjoin the WISD from

¹¹"Lawsuit Challenges Neighborhood Concept," Waco News-Tribune, 13 August 1971, pp. 1, 12A.

¹²Ibid.

the alleged practices and order the Waco school district to create a completely desegregated school system.¹³

Plaintiffs in this lawsuit were Pete D. Arvizu Sr., Cecilia Gonzales, Alberta Mata, et al. and the named defendants were Waco Independent School District; Board of Trustees; board members Gordon Rountree, Lyndon Olson, E. L. Yant, Mrs. M. M. MacRae, Malcolm Duncan, John B. Faulkner, Clifford Knape, and Superintendent Avery Downing.¹⁴

On 10 September 1971 attorney Minor Helm filed the WISD's answer to this racial lawsuit against the school board. In the answer, WISD denied the charge that five of eight junior high schools and fifteen of twenty-four elementary schools were racially identifiable. The WISD admitted that there were few teachers of Mexican-American background in the system, but denied that it was owing to any lack of effort on the part of the Waco school administration. The remaining part of the WISD's answer dealt with the racial composition of Waco schools and it placed the blame for the disproportionate racial makeup in Waco schools on "sociological changes in the residential pattern."¹⁵

¹³Ibid.

¹⁴Ibid.

¹⁵"Waco Schools Reply To Racial Charges," Waco Tribune-Herald, 11 September 1971, p. 1C.

Later a group of blacks also filed a lawsuit against the WISD, claiming the school district violated past court orders because it continued to operate a dual school system, and charging the WISD with placing the burden of integration on black pupils. In response to this lawsuit, the school board denied that Waco schools remained substantially segregated and that black pupils were given the burden of integration. The WISD also claimed that racial imbalance among black and white faculty members did not exist in the school system. Again, the school district blamed the move in residential patterns for the disproportionate black-white ratio in Waco schools. However, the district recognized that a great number of black students were being transported by bus to schools some distance from their homes in order to "promote integration and pursuant to the court orders."¹⁶

These two lawsuits against the WISD were not heard in the court immediately. In February of 1972, U.S. District Judge Jack Roberts decided to combine the two lawsuits because of their similarity and also because the Waco school board requested it. A year passed, however, before the lawsuit was heard on 16 October 1972.

The plaintiffs in this combined lawsuit contended the WISD was still operating a segregated school system in

¹⁶"Schools Here File Lawsuit Answers," Waco News-Tribune, 14 December 1971, p. 2A.

violation of law and they demanded to convert Waco schools into a unitary school system by the elimination of the identifiable schools as to race and ethnic origin, the recruitment of more black and Mexican-American teachers, and the abolition of disparate physical facilities.

In response to the charges, the WISD once again claimed the Waco school system in operation was a unitary one and no student had been denied the right to participate in all available school activities. The school board further contended that all practical steps to end ethnically identifiable schools had been taken and facilities and staffs had been integrated in accordance with guidelines. The school district also denied that Mexican-American pupils had been treated as a separate racial group and stated that the school district had planned to develop programs to overcome "recognized language problems" of Mexican-American students.¹⁷

Witnesses the plaintiffs planned to present were Cecila Cosca of Washington, a member of the U.S. Commission on Civil Rights; Dr. Thomas P. Carter of Sacramento, California, Dean of the School of Education at Sacramento College; Dr. John A. Finger, Professor of Education at Rhode Island College in Providence; and former Wacoan Ramsey Muniz, Raza Unida candidate for governor in 1972. Witnesses for the

¹⁷"Judge Slates Waco School Racial Suits," Waco Times-Herald, 21 September 1972, p. 1.

WISD included Superintendent Downing, Lyndon Olson, school board members, and Dr. Jack Davidson of the Austin school system.

The public hearing began on 19 March 1973 with the testimony of Dr. Carter. He claimed the Waco school curriculum tended "to act as a culling device that drives minorities out of school by the time they reach an employable age." He further claimed that educators in the Waco schools whom he met were "typical of others in the Southwest who know what to do to end racial injustice but don't because they yield to a conservative power structure."¹⁸ On 20 March, Dr. Lawrence Felice, Assistant Professor of Sociology at Baylor University, took the witness stand in U.S. District Court as testimony in the lawsuit against the WISD. In 1971 Dr. Felice conducted a study of dropout rates among the black, Mexican-American, and white students in Waco schools. However, his study revealed no single cause for the dropouts. According to his study, those who left schools did so because of a complicated set of factors, including personal, family, and socioeconomic reasons.¹⁹

The result of the hearings was a court order to dismantle the dual school system in Waco. Judge Roberts, in

¹⁸"Racial Lawsuit Witness Belabors Waco School's Minority Policies," Waco News-Tribune, 20 March 1973, p. 6B.

¹⁹"School Coordinator Testifies at Hearing," Waco News-Tribune, 21 March 1973, pp. 1, 6A.

his thirteen page memorandum opinion issued on 30 April, ordered the WISD to submit an integration plan to him by 1 June 1973 so that it could be implemented in September.

In his memorandum opinion Judge Roberts stated:

We are compelled to hold that the WISD has not yet become a unitary school system. The vestiges of segregation can still be found all too often in the WISD. Most black students continue to attend racially identifiable black schools. Those schools continue to be racially identifiable not only by their student bodies, but also commonly by the race of their principals and the predominance of black teachers and staff. Certain school facilities historically identifiable as black facilities continue in their racial identifiability. Moreover, the facilities of minority-dominated schools are often underutilized, while predominantly white schools are frequently overcrowded.

Judge Roberts continued:

During the Court-ordered desegregation plan of 1964-1969, the WISD took no affirmative steps to desegregate the school system in any meaningful way. Since 1964, no black schools has lost its racial identifiability and no facilities have been fully desegregated. The school system has not, in short, been rid of the vestiges of segregation.²⁰

In the memorandum, Judge Roberts also released the figures on student racial composition in the Waco schools at the beginning of the 1972-1973 school year as follows: 10,774 white students, 58.3 percent of the total student population; 5,261 black students, 28.4 percent of the total; and 2,470 Mexican-American students, 13.3 percent of the total. Judge Roberts further listed identifiable black schools in the

²⁰U.S., Texas, Austin, U.S. District Court, Memorandum Opinion and Order, photo copy filed on 30 April 1973 in WISD.

district including Jefferson-Moore High School; South, West, and Wiley junior high schools; Brook Avenue, Hines, Nalley, Oakwood, Sanger Avenue, and Smith elementary schools. Then, Roberts stated that the only conclusion the court could draw from the above described evidence and statistics was that Waco simply had not converted its segregated dual school system into a unitary one. With respect to the freedom of choice transfer policy of the WISD, Roberts commented that it had been unequivocally rejected by the Supreme Court where it was not effective to dismantle the old dual school system. As for the neighborhood school concept, Roberts stated that the concept appeared on its face to be neutral, but it was unacceptable where it failed to counteract the continuing effects of past school segregation resulting from discriminatory location of school sites or distortion of school size in order to achieve or maintain an artificial racial separation. Roberts said that the conversion of the WISD to a unitary school system necessarily required the ten presently identifiable black schools in the Waco school system be divested of their racial identifiability and black and white students of Waco be assured the constitutionally guaranteed benefits of an education not tainted by the vestiges of State-imposed segregation. In conclusion, Judge

Roberts ordered the WISD to submit an integration plan to the Court no later than 1 June 1973.²¹

In response to Judge Roberts' Memorandum Opinion and Order, on 1 May the Board of Trustees issued a statement asserting that the Board recognized the percentage of racial mixture was not within some of the guidelines handed down by the Federal Courts, but the problem was not in the statistical facts involved but in fashioning an appropriate remedy. The statement admitted that the memorandum opinion was a "finding of fact" and "conclusion of law" and that the Board had pledged itself and the Administration to utilize all efforts and abilities within its power to devise a plan which would achieve a greater degree of racial balance with a minimum of inconvenience and hardship to the students and families in the WISD. In the meantime, the Board recognized the making of the plan was no small task owing to geographic problems, residential housing patterns, as well as natural and artificial boundaries; so the school board hoped that all the citizens in Waco would support the WISD in this undertaking.²²

²¹Ibid.

²²"Statement," Board of Trustees, WISD, Waco, Texas, 1 May 1973.

The WISD's Integration Proposal of 1973

Upon receiving the court order to submit an integration plan to Judge Roberts, the school board met almost nightly trying to work out a plan that would meet the court's request with the least amount of inconvenience to the students and their families and with the minimum disruption of the educational process. Having studied every possible approach to the problem of complying with Roberts' order, on 24 May 1973 the Board of Trustees approved an integration proposal which was also to be presented to the attorneys for the black and Mexican-American plaintiffs in the lawsuit. According to board president Mrs. M. M. MacRae, the proposal would not "jeopardize the quality of education or any existing programs in Waco schools."²³

Although school attorney Minor Helm secured an extension on the 1 June deadline to 6 June 1973, the school board decided to submit its plan on June 2. On 1 June 1973 school attorney Minor Helm went to Austin, carrying the Waco school integration proposal with him. Helm said there were still a couple of points in the proposal that all parties had not agreed to, but that he was going to meet the attorneys for the plaintiffs to iron out the problems. Also according to Helm, if the last few matters to the point where the plan

²³"Waco Will Submit School Plan to Plaintiff Attorneys," Waco News-Tribune, 25 May 1973, p. 9A.

was palatable to all, then the plan would be delivered to Judge Roberts; if there were other difficulties, he would notify the judge and would possibly seek more time; and if the judge demanded that a plan be submitted, the school district would submit that version. School board president Mrs. M. M. MacRae hoped the people of Waco would be receptive to the judge's order. She said that the school board had been working very hard to reach a solution to this problem and that the goal of quality education was the paramount objective in the school board's decision-making in spite of some difficulties encountered.²⁴

On 3 June 1973 the school integration proposal was announced. As was stated in the proposal, "It is not a plan completely favored by any of the parties in the litigation, but felt to contain a minimum of features objectionable to all." The plan also stated that "To achieve the best degree of racial mix, the initial portion of the plan is aimed at school attendance zones and then to promote the interaction of students of all races and ethnic backgrounds appropriate to a unitary system, attention is drawn to collateral guidelines, programs and goals."²⁵

²⁴"Waco will Deliver New School Plan," Waco Times-Herald, 1 June 1973, p. 1.

²⁵"School Desegregation Proposal Announced." Waco Tribune-Herald, 3 June 1973, pp. 1, 10A.

The proposal was based on a four high school sector concept, meaning all four of Waco high school sectors would remain open as graduating institutions with elementary and junior high schools feeding them. Under the plan, eight elementary and junior high schools would be closed in 1974, including Nalley, Oakwood, Kirk-Wilson, Sul Ross, R. L. Smith, and Barron Spring elementary schools as well as West and G. L. Wiley junior high schools. As was suggested in the plan, students living in the areas served by the closed schools would be divided among the other elementary schools in their respective high school sectors while in other cases they would attend the schools in their neighborhoods.

Under student assignment in the plan, the University High School sector would consist of students living in the Alta Vista, Bells Hill, Gurley, Kendrick, Kirk-Wilson, Meadowbrook, Nalley, Oakwood, and Sul Ross elementary school areas. The elementary schools remaining open with the exception of Sul Ross would handle grades one through five. Sul Ross would house all sixth graders living in the sector. South Junior High School would house the seventh grade and University Junior High would offer grades eight and nine. Grades ten through twelve would be offered at University High School. In the Waco High sector, first through fifth graders would attend Cedar Ridge, Lake Waco, and North Waco elementary schools. Brook Avenue elementary school would house the sixth grade and North Junior High would handle

grades seven through nine. Grades ten through twelve would be offered at Waco High. Besides, students from portions of the Carver area would be assigned to the Waco High sector. In the Jefferson-Moore High sector, first through fifth graders would attend Parkdale, Crestview, and Provident Heights. Grade six would be held in Sanger Avenue Elementary and grades seven through nine would be offered at Tennyson. The tenth grade would be deleted and those students would attend the tenth grade at Richfield. Grades eleven and twelve would be offered at Jefferson-Moore. Also, Carver children would be assigned in the Jefferson-Moore sector. In the Richfield High sector, grades one through five would be held at Dean Highland, Hillcrest, Mountainview, and Viking Hills elementary schools. J. H. Hines Elementary would serve as the sixth grade center and Lake Air Junior High would hold grades seven through nine. Students living in the Carver area would also be assigned to the Richfield sector. English courses for the eleventh grade and civics courses for the twelfth grade at Richfield would be offered on the Jefferson-Moore campus. Tenth graders at Richfield, but living in the Jefferson-Moore sector, would be eligible to participate in all University Interscholastic League extracurricular activities at Jefferson-Moore High School. As a result, about 6,000 students would be bused to attend school.

With respect to site selection and construction of new schools, the proposal set forth the board's desire to

construct new facilities that would lend themselves to integration patterns. On the question of existing facilities, the plan stated that as the current facilities became inadequate, new schools would be built in areas where racial balance could be maintained with a minimum of inconvenience. On the question of extra curricular activities, the plan stated that the district had and would continue to make available the opportunity to participate in all extra-curricular activities to any students who were interested and qualified, regardless of race, color, or ethnic background. As to the question of a tri-ethnic committee, the proposal declared:

The District recognizes that the Court may want some review of the implementation of the plan and its order by citizens representing all races to report to the Court either at regular intervals or as the Court may deem proper. To this end, the District will cooperate with such Committee as the Court may appoint, including the furnishing of data by the Administration which is pertinent and relevant to review the District's progress and the opportunity of said Commission to appear before the regularly constituted school Board at reasonable times and places to make its findings known when appropriate.²⁶

On the issue of jurisdiction and litigation, the plan stated that "it is contemplated and agreed that no further litigation will be instituted or proceedings brought by the parties or members of their classes for a period of two years from the date of the approval of this plan, save and except

²⁶Ibid.

notification to the Court of a material deviation from the plan or violation of an order of the Court." The plan also dealt with some special programs such as bi-lingual and bi-cultural programs and programs in special education and kindergarten. Relative to the problem of transportation and transfers, the plan proposed that all students who were assigned to schools more than two miles distant from their home would be provided transportation at no cost to them and that, except as provided in this plan, no students would be permitted to transfer out of the school to which he was assigned. The plan exhibited the projected enrollment of students in each high school sector as follows:²⁷

PROJECTED ENROLLMENT OF UNIVERSITY SECTOR

| School | Enrollment | | | | |
|------------------------|------------|-----|-------|-------|------|
| | Grade | M-A | Black | Anglo | Ttl. |
| University Senior High | 10-12 | 329 | 132 | 686 | 1147 |
| University Junior High | 8-9 | 292 | 201 | 514 | 1007 |
| South Junior High | 7 | 160 | 95 | 252 | 507 |
| Sul Ross Elementary | 6 | 152 | 98 | 244 | 494 |
| Alta Vista Elementary | 1-5 | 24 | 67 | 310 | 401 |
| South Waco Elementary | 1-5 | 217 | 136 | 53 | 406 |
| Gurley Elementary | 1-5 | 115 | 39 | 98 | 252 |
| Kendrick Elementary | 1-5 | 72 | 100 | 334 | 506 |
| Bell's Hill Elementary | 1-5 | 248 | 28 | 165 | 441 |
| Meadowbrook Elementary | 1-5 | 84 | 84 | 250 | 418 |

PROJECTED ENROLLMENT OF WACO HIGH SECTOR

| School | Enrollment | | | | |
|-------------------------|------------|-----|-------|-------|------|
| | Grade | M-A | Black | Anglo | Ttl. |
| Waco High | 10-12 | 106 | 127 | 638 | 871 |
| North Junior High | 7-9 | 63 | 197 | 622 | 882 |
| Brook Avenue Elementary | 6 | 24 | 98 | 209 | 331 |

²⁷Ibid.

| | | | | | |
|------------------------|-----|----|-----|-----|-----|
| Cedar Ridge Elementary | 1-5 | 17 | 169 | 228 | 414 |
| Lake Waco Elementary | 1-5 | 24 | 153 | 287 | 464 |
| North Waco Elementary | 1-5 | 56 | 146 | 238 | 440 |

PROJECTED ENROLLMENT OF JEFFERSON-MOORE SECTOR

| School | Enrollment | | | | |
|---------------------------|------------|-----|-------|-------|------|
| | Grade | M-A | Black | Anglo | Ttl. |
| Jefferson-Moore High | 11-12 | 45 | 480 | 27 | 552 |
| Tennyson Junior High | 7-9 | 83 | 271 | 571 | 925 |
| Sanger Avenue Elementary | 6 | 27 | 88 | 193 | 308 |
| Parkdale Elementary | 1-5 | 13 | 195 | 315 | 523 |
| Crestview Elementary | 1-5 | 64 | 230 | 321 | 615 |
| Provident Hts. Elementary | 1-5 | 63 | 98 | 229 | 390 |

Note: The Richfield students attending English and civics courses will tend to equalize the imbalance at this school by providing 800 Anglo students in Jefferson-Moore each day.

PROJECTED ENROLLMENT OF RICHFIELD SECTOR

| School | Enrollment | | | | |
|--------------------------|------------|-----|-------|-------|------|
| | Grade | M-A | Black | Anglo | Ttl. |
| Richfield High | 10-12 | 50 | 439 | 1316 | 1805 |
| Lake Air Junior High | 7-9 | 31 | 63 | 780 | 1274 |
| J.H.Hines Elementary | 6 | 9 | 158 | 237 | 404 |
| Mountainview Elementary | 1-5 | 2 | 38 | 343 | 583 |
| Dean-Highland Elementary | 1-5 | 26 | 214 | 286 | 526 |
| Viking Hills Elementary | 1-5 | 4 | 174 | 250 | 428 |
| Hillcrest Elementary | 1-5 | 6 | 173 | 244 | 423 |

After the announcement of the integration proposal, the Waco community's reaction to the plan was generally favorable, according to school board members.²⁸ The executive board of the Waco City Council of PTA issued a resolution in support of the Board of Trustees of the WISD in its efforts to integrate Waco schools.²⁹ Three of Waco's four high school

²⁸"Majority Said Favoring Plan," Waco Times-Herald, 5 June 1973, pp. 1, 4A.

²⁹"School Board To Meet," Waco Times-Herald, 18 June 1973, p. 1.

principals said the citizens of Waco would have to work together on whatever plan was adopted in compliance with federal court orders. E. B. Jones, principal at Richfield High School, told his faculty "to be prepared to do whatever the courts and school board tell them to do" and "he will do his best to see that every student assigned to Richfield gets provided with a good education and is made to feel welcome." Two other principals also stated that all the citizens of Waco should work together for the common good because no matter what kind of plan the school board had proposed, it was to disappoint some people and to make some people overjoyed. Views of the fourth principal were unknown.³⁰

In spite of the controversy over the plan arising immediately after its announcement, which will be discussed in the next chapter, the integration plan of Waco schools was approved by Judge Roberts on 27 July 1973. Roberts said that the plan was an effective one which would eliminate all the vestiges of the segregated school system in Waco and would assure all students in the WISD of an equal opportunity for quality education. The statement by Judge Roberts read as follows:

After careful consideration of all school plans submitted, the Court has found that the Proposed School Plan of the Waco Independent School District is an effective desegregation plan which will eliminate all

³⁰"3 Principals Agree To Cooperate on Plan," Waco News-Tribune, 8 June 1973, pp. 1, 2A.

vestiges of the old dual school system in Waco, will fulfill the District's legal and educational obligation to assure to all students an equal opportunity for qualitative education, and presents a workable method of desegregation which promises to achieve a maximum of desegregation with a minimum of hardship on the school children of Waco. This plan will, to the greatest extent possible, preserve the concept of "neighborhood school" in Waco. "Feeder" systems will be maintained, so that children from a given school and neighborhood will proceed together through the educational system, from the first through the twelfth grades.

All parties to this litigation have acted in utmost good faith in an effort to aid the Waco Independent School District to meet its legal obligations with a minimum of difficulty and disruption. The parties have all submitted their preferred methods for the school district to meet its legal and educational obligations. We have reviewed these plans fully. The Supreme Court of the United States, in Swann v. Board of Education, 402 U.S. 1 (1971) and a majority of the Fifth Circuit Court of Appeals, in United States v. Texas Education Agency (Austin Independent School District), 467 F.2d. 848 (5th Cir. 1972) (Bell Jr., specially concurring), have made clear the board power of school authorities in formulating and implementing educational policy. Only in case of default by school authorities of their obligation to proffer acceptable remedies should the Court overturn the judgement of the School Board. This is a view which this Court fully endorses. School authorities in Waco have not defaulted or abdicated their legal responsibilities. They have, on the contrary, discharged faithfully the obligation we all share in this free society--the obligation to live under and faithfully execute the laws of our Nation. For this they are commended by the Court, and should likewise be commended by the responsible citizens of Waco.

Entered by the Court this 27th day of July, 1973

Jack Roberts

United States District Judge³¹

Upon the court's approval of the plan, the school board directed the administration to start implementing its

³¹U.S., Texas, Austin, U.S. District Court, Statement by the Court, photo copy filed on 30 July 1973 in the WISD.

plan though the plan was still controversial among citizens of Waco. The school board also held a closed-door meeting to discuss possible busing patterns to be used in transporting students who lived two miles or more away from their assigned schools. However, student busing had given rise to some controversy and appeared to be no small task for the school board.³²

Student Transportation

Transportation concerned the school board most. Under the plan, about 6,000 students would be bused to attend their assigned schools and the school district, according to Superintendent Downing, would need forty to fifty buses altogether. Downing promised that the school administration would seek every possible means to obtain the badly needed buses. The school administration worked full time formulating bus schedules and neighborhood pickup routes. The person actually in charge of this task was Jesse Flewellen.³³

At the time, Waco schools needed thirteen buses. County School Superintendent Joe Hatcher, transportation officer for Waco schools, requested buses from Superior Coach

³²"Officials Move To Implement School Plan," Waco Times-Herald, 31 July 1973, pp. 1, 2A.

³³"Waco Purchases 13 School Buses," Waco Times-Herald, 21 August 1973, p. 1.

Inc. of Dallas several months before the school integration plan was approved, but the request was rejected by the State Board of Control because Superior Coach had left some contracts with other school districts unfulfilled. The requisition for buses was resubmitted when Judge Roberts' ruling in the Waco integration case was handed down to the school board. This time Hatcher attached a cover letter explaining the Waco school district's situation to the State Board of Control and his requisition was accepted. According to Hatcher, the thirteen new buses, added to the sixteen already operating in Waco, would be enough to handle the needs in the WISD. However, bus drivers turned out to be in great demand. Having been authorized by the school board, Hatcher promised to "offer the prospective bus drivers \$45 more than the county salary of \$135 per month."³⁴

The bus pick up and the delivery schedules for eligible school children were announced successively in the Waco Times-Herald of August 22, 23, 24, and 25. Under the schedules, all buses began to roll on 27 August, the first day of school for the Waco school district. It was predicted that the schedule would have some rough edges the first few days, but that the routes would become smoother as time went on. According to the busing schedule, four buses were used in the Waco High School sector; ten buses in the Richfield

³⁴Ibid.

High School sector, which had the most complicated and difficult busing schedules in the district; seven buses would operate in the University High School sector, which was the largest geographical sector in the district; and six buses would be used in the Jefferson-Moore High School sector. All buses were scheduled to start at 7:15 a.m. and to take students home when school was out in the afternoon. About 6,000 students were transported by bus on 27 August, and "the day passed without any serious incidents" although a few of the students in some areas of town experienced "sluggish bus routes." Superintendent Downing was satisfied with the situation and said bus schedules were running fairly well considering the size of the new operation.³⁵

School busing schedules evoked some controversy and a petition, with names of more than 1,000 persons, against busing was initiated in early June of 1973.³⁶ However, the operation of busing had been smooth.

Some Developments in Waco School Integration after 1973

After 1973, some changes relative to school integration occurred in the Waco schools. On 20 June 1974 the school board approved a motion making the following

³⁵"School Busing Starts," Waco Times-Herald, 27 August 1973, pp. 1, 2A.

³⁶"P-TAs Offer Anti-Busing Petition Here," Waco Times-Herald, 1 June 1973, p. 1.

changes in student transfer policy as to racial balance for the 1974-75 school year:

1. Students now in the Crestview School area that live south of Valley Mills Drive and west of Lake Air Drive and north of West Waco Drive will attend Parkdale School.

2. Those students living in the R. L. Smith area that have been assigned to Crestview School will now attend Parkdale School.

3. Transfer of additional students from J. H. Hines district and from Mountainview to Viking Hills. The area includes both sides of Paul Quinn Street and all area south to the south boundary of the J. H. Hines district.³⁷

Besides, the WISD was, for the most part, in compliance with its integration plan according to a Texas Education Agency report submitted to the U.S. Clerk's Office in Waco. Nonetheless, the report also pointed out that there were still four schools in the district which showed racial imbalance. According to the report, "the total school enrollment as of May 1975 was 5,013 (31.8 percent) blacks, 2,299 (14.6 percent) Mexican-Americans, 28 (0.2 percent) Oriental-Americans and 8,444 (53.5 percent) whites, comprising a total of 15,784 students." However, the latest figures released by the Child Accounting Office of the WISD were "2,345 (15 percent) Mexican-Americans, 5,004 (32 percent) blacks and 8,362 (53 percent) white," comprising a total of "15,749 students in the WISD." According to the Texas Education Agency's report, the district consisted of

³⁷Minutes, Vol. XI, p. 186.

thirty-four non-identifiable and four identifiable schools. The Agency suggested the following techniques to lessen or eliminate this identifiability:

- 1) Schools with high percentages of minority students could be paired with schools having high percentages of majority students.
- 2) Attendance zone lines could be adjusted so students of one ethnic group are rezoned with another zone where their ethnic group is in the minority.
- 3) Schools could be clustered so that a larger zone encompassing several smaller neighborhoods could be joined into a larger neighborhood concept.
- 4) Students already being transported to one school campus could be reassigned to another school campus.³⁸

Another development occurred in June of 1977 when U. S. District Judge Jack Roberts dismissed a fifteen-year-old racial discrimination case against the WISD which was brought in 1962 by George Carroll McGrue charging that fourteen black students were denied entry to University High, Waco High, University Junior High, West Junior High, and South Waco Elementary School on the basis of their race. In dismissing the action, Judge Roberts said the decisions rendered in two subsequent suits, *Pete D. Arizu and Patricia Ann Baisey v. the Waco schools*, solved the problems.³⁹

³⁸"Only Four Waco Schools Show Imbalance in Races," Waco Tribune-Herald, 30 January 1976, p. 1.

³⁹"'62 Discrimination Suit On WISD Dismissed," Waco Tribune-Herald, 29 June 1977, p. 13A.

Current Racial Makeup

Now almost fourteen years have passed since the implementation of the Waco school integration plan of 1973. Recent figures exhibit the racial makeup at each school in the WISD for the 1986-87 school year as follows:

| Name of the School | Ttl. | Black | Asian | Hispanic | Anglo |
|-----------------------------|------|---------------|------------|---------------|----------------|
| <u>Regular Elementaries</u> | | | | | |
| Alta Vista | 398 | 149 37.44% | 4 1.01% | 95 23.86% | 150 37.69% |
| Bells Hill | 246 | 42 17.07% | 1 0.41% | 170 69.11% | 33 13.41% |
| Cedar Ridge | 421 | 239 56.77% | 1 0.24% | 63 14.96% | 118 28.03% |
| Crestview | 717 | 330 46.03% | 9 1.26% | 148 20.64% | 230 32.08% |
| Dean Highland | 360 | 130 36.11% | -- -- | 50 13.88% | 180 50.00% |
| J. H. Hines | 316 | 237 75.00% | -- -- | 64 20.25% | 15 4.75% |
| Kendrick | 654 | 228 34.86% | 3 0.46% | 198 30.27% | 223* 34.10% |
| Lake Waco | 419 | 255 60.86% | 5 1.19% | 38 9.06% | 121 28.88% |
| Meadowbrook | 358 | 131 36.59% | -- -- | 98 27.37% | 129 36.03% |
| Mountainview | 444 | 155 34.91% | 1 0.23% | 19 4.27% | 269 60.59% |
| North Waco | 552 | 312 56.52% | -- -- | 129 23.36% | 111 20.11% |

| Name of the School | Ttl. | Black | Asian | Hispanic | Anglo |
|-------------------------|------|---------------|-------------|---------------|-----------------|
| Parkdale | 404 | 185 45.79% | 10 2.48% | 48 11.88% | 161 39.85% |
| Provident Heights | 720 | 329 45.69% | 5 0.69% | 187 25.97% | 198** 27.50% |
| South Waco | 300 | 95 31.67% | 2 0.67% | 172 57.33% | 31 10.33% |
| Sul Ross | 594 | 62 10.44% | 2 0.34% | 467 78.61% | 63 10.61% |
| Viking Hills | 209 | 71 33.97% | 1 0.48% | 6 2.87% | 131 62.68% |
| Special Elementaries | | | | | |
| Child Guidance Center | 4 | -- -- | -- -- | 1 25.00% | 3 75.00% |
| Dripping Springs | 57 | 27 47.37% | -- -- | 12 21.05% | 18 31.58% |
| Early Childhood | 57 | 22 38.60% | -- -- | 16 28.07% | 19 33.33% |
| Homebound | 1 | 1 100% | -- -- | -- -- | -- -- |
| Special Learning Center | 24 | 14 58.33% | -- -- | 6 25.00% | 4 16.67% |
| Regular Middle Schools | | | | | |
| Carver Sixth Grade | 993 | 417 41.99% | 5 0.50% | 235 23.66% | 336 33.84% |
| G. L. Wiley | 430 | 258 60.00% | 5 1.16% | 51 11.86% | 116 26.98% |
| Lake Air | 526 | 209 39.73% | 4 0.76% | 51 9.69% | 262 49.81% |

| Name of the School | Ttl. | Black | Asian | Hispanic | Anglo |
|----------------------------------------|------|---------------|-------------|---------------|---------------|
| Tennyson | 547 | 237 43.33% | 6 1.10% | 106 19.37% | 198 36.20% |
| University | 586 | 198 33.79% | 3 0.51% | 240 40.95% | 145 24.74% |
| Special Middle Schools | | | | | |
| Career Continuing Education Project | 18 | 12 66.67% | -- -- | 5 27.77% | 1 5.56% |
| Child Guidance Center | 11 | -- -- | -- -- | -- -- | 11 100% |
| Career Preparation Junior | 17 | 7 41.18% | -- -- | 6 35.29% | 4 23.53% |
| Dripping Springs Special Education | 8 | 5 62.50% | -- -- | 1 12.50% | 2 25.00% |
| Prenatal Continuing Education | 6 | 1 16.67% | -- -- | 5 83.33% | -- -- |
| Regular High Schools | | | | | |
| University High | 911 | 297 32.60% | 2 0.22% | 322 35.34% | 290 31.83% |
| Waco Ninth Grade | 653 | 291 44.56% | 12 1.84% | 70 10.71% | 280 42.88% |
| Waco High School | 1739 | 713 41.00% | 26 1.50% | 148 8.51% | 852 48.99% |
| Special High Schools | | | | | |
| Career Continuing Education Project | 11 | 8 72.73% | -- -- | 2 18.18% | 1 9.09% |
| Child Guidance Center Senior | 15 | 1 6.67% | -- -- | -- -- | 14 93.33% |

| Name of the School | Ttl. | Black | Asian | Hispanic | Anglo |
|-------------------------------------------|------|--------------|----------|-------------|-------------|
| Career Preparation Senior | 13 | 7 53.85% | -- -- | 2 15.38% | 4 30.77% |
| Dripping Springs Special Education Senior | 18 | 8 44.44% | -- -- | 4 22.22% | 6 33.33% |
| Homebound Senior | 1 | 1 100% | -- -- | -- -- | -- -- |
| Prenatal Continuing Education Senior | 36 | 25 69.44% | -- -- | 9 25.00% | 2 5.56% |

SOURCE: "Statistics of Student Racial Makeup for the School Year of 1986-87," Child Accounting Department, WISD, Waco, Texas, 16 January 1987.

* two American Indian, 0.31% of the total.

**one American Indian, 0.14% of the total.

Summary

It is obvious that the most dramatic changes in the faculty and student bodies occurred in the years between 1971 and 1973. In order to comply with the integration law and the court orders, the Board of Trustees had worked hard and had proposed a plan approved by Judge Roberts. With the effort of the school administration and the cooperation of citizens of Waco, the integration plan was implemented. Nevertheless, the fact that the plan evoked a great controversy among citizens of Waco should not be ignored and will be discussed in the next chapter.

CHAPTER 3
THE CONTROVERSY OVER THE WISD
SCHOOL INTEGRATION PLAN OF 1973

The integration plan for Waco schools evoked a great controversy among citizens of Waco, particularly among blacks and Mexican Americans. They set forth their own criteria for school integration and were opposed to the school district's plan. Black and Mexican Americans filed lawsuits against the WISD and drafted their own alternate plan. Later, they lodged an appeal to the Fifth Circuit of Appeals in New Orleans for they thought U. S. District Judge Jack Roberts was wrong in approving the school district's plan. All these arguments about the school integration plan of June 1973 are discussed in this chapter.

Integration Criteria by the Minority Group

On 28 May 1973, about 300 blacks attended the meeting of "Concerned Citizens on Education" held in the George B. Young Auditorium on the Paul Quinn College campus. In the meeting, Bishop John Adams, presiding bishop of the Tenth Episcopal District of the African Methodist Episcopal Church, said that the purpose of the meeting was to unite blacks of "all interests and persuasions" in dealing with the current school integration issue facing the residents in Waco. Robert Gilbert, one of the principal plaintiffs in the

racial discrimination lawsuit against the WISD, gave a brief historical background of school integration. Gilbert criticized the school board for drawing a plan exclusively by board members. Adams blamed school leaders for placing the "biggest burden of desegregation on minorities" and claimed too many black administrators and teachers had become "psyched" during the integration shuffle. He insisted that black employees of the school district would get fair treatment when the final version of the plan was adopted.¹

On 1 June 1973, just before the school integration plan was announced, the newly-founded education committee of the Black Federation of Waco issued a set of recommendations concerning the integration plan for Waco schools. The statement read:

The primary objective of the Education Committee of the Black Federation of Waco is to obtain for the children of Waco the best possible education. To accomplish this objective the Black Federation of Waco thereby sets forth the following statement of principles regarding the impending desegregation of Waco schools:

1. That a tri-ethnic committee be developed in Waco which is truly representative of and accountable to each ethnic group and citizenry of Waco. The responsibility of this committee will be to produce a check and balance system for the school board. The black representatives must select black members of tri-ethnic committee from roster of persons presented by Federation.

2. That fair and objective personnel policies be developed, adopted and made public by the school board. These policies set forth criteria of hiring, promotion, transfer, demotion and dismissal. We are extremely

¹"Blacks Attend Strategy Session To Discuss Desegregation Suit," Waco Times-Herald, 29 May 1973, p. 1.

concerned about the future of black faculty, administrators and other school district personnel.

3. That a more expanded and community-wide preparatory training program be mandatory for all personnel in the school system to equip them to cope with a different set of children, different schools, different communities with same kind of preparation.

4. That a fair and unbiased set of criteria be developed and then utilized in re-assigning teachers, students and administrators and students who are transferred out of and into the black community. The handicaps of past practices of removing strong teachers from black schools and sending weak teachers must be corrected.

5. If busing is necessary, we insist on equality of inconvenience with regard to the ages, and percentages bused in and out of every community. All students transferred must be provided equal opportunity to participate in total life and program of school. (Extra transportation and supervision)

6. We insist that the educational facilities in the black community be continued in service as schools as a part of the desegregation plan.

7. We insist on enforcement of equal, quality educational standards in all schools, such as student performances, teaching performances and qualifications, facilities and plant and equipment and care and extra curricular and enrichment activities.

The purpose of this set of principles is to aid the WISD and Waco community to achieve quality education for all the students in the implementation of desegregation.

We stand ready and will aid in the successful achievement of desegregation in Waco schools on basis of equality and quality.²

Reactions of the Minority Group to School Board's Plan

On 4 June 1973 more than 1,000 blacks met at the George Young B. Auditorium on the Paul Quinn College campus to discuss the Waco school integration plan of June 1973. They voted unanimously to reject the plan and to take all

²"Black Group Issues School Plan Criteria," Waco Times-Herald, 1 June 1973, p. 1.

legal actions necessary to have an equitable plan made. During the meeting, John Adams, chairman of the education committee of the Black Federation of Waco, presented a committee report on the school district's plan submitted to U.S. District Judge Jack Roberts on 2 June 1973. Adams said the education committee viewed the district's plan as being both "deceptive and racist" because all black schools were wiped out except Jefferson-Moore High School and J. H. Hines Elementary. Adams claimed it was not right to bus blacks out of their community without busing whites out of their community and into the black community. He also stated that the committee would cooperate with the Waco school district provided the "equality of inconvenience" was achieved in the plan submitted by the school board.³

Pete D. Arvizu, president of the Alliance of Mexican-Americans and a principal plaintiff in the racial lawsuit against the WISD, said the plan for Waco schools lacked specificity in certain areas of vital importance to Mexican-Americans, blacks, and poor whites. Some of the features that he pointed out as essential to the plan and that the Mexican-American community would not compromise on included:

³"Blacks Strongly Nix WISD Plan," Waco News-Tribune, 5 June 1973, pp. 1, 2A.

(1) the need for renovation and-or construction of new facilities in the South Waco area so that the proper atmosphere for learning will be provided;

(2) the active recruitment of Mexican-American teachers and administrators on an affirmative action basis instead of only token gestures and efforts in this regard;

(3) establishment of a timetable for the implementation of expanded and improved bi-lingual, bicultural programs commensurate with the need for these programs in schools with a large percentage of Mexican-American students;

(4) the hiring of Mexican-American consultants to insure the success of these programs as well as the implementation of cultural days throughout the school district pertinent to Mexican-American contributions to the Southwest and to this country;

(5) sensitivity training for WISD teachers so that they will be better equipped to deal with the special needs of Mexican-Americans.⁴

John Walker and Guadalupe Salinas, attorneys for the black and Mexican plaintiffs in the lawsuit against the WISD, mailed a set of objections on 14 June to U.S. District Judge Jack Roberts and Waco school attorney Minor Helm. The statement of objections read:

1. The plan unfairly and unwisely places the burden of desegregation upon the minority community in that it closes black schools, requires black students to be transported large distances, and requires black students to be taken away from their neighborhoods for most of their school lives, while at the same time it retains all the white schools, minimizes transportation of white children and insures white children attendance in neighborhood schools for most of their school lives.

2. The proposal to tokenly desegregate Jefferson-Moore High School this year and next does not comport with the legal requirements for immediate desegregation now at all levels.

3. The Plan does not insure that black students in desegregated contexts will be treated fairly in all

⁴"School Proposal Draws Criticism," Waco News-Tribune, 5 June 1973, pp. 1, 2A.

aspects, including participation in curricular and extra-curricular activities, formulation and administration of disciplinary procedures, scholarship opportunities. A reason for these concerns is the absence of black administrative and authority figure types in the secondary schools and the deviously designed tracking procedure which begins in the elementary grades.

4. The district does not plan to vest blacks in significant numbers with decision making authority in the respective schools of the district.

5. The plan, otherwise, fails to establish a unitary school system now.

Wherefore, for the reasons set forth above, the plaintiffs respectfully move that the defendants' plan be rejected and that plaintiffs be allowed to present evidence in support of an alternative plan at an early hearing.⁵

It was obvious that the plaintiffs charged the WISD with placing the burden of desegregation on minority groups by closing black schools while all the white schools were retained and by requiring black students to be transported long distances and to be taken away from their neighborhoods for most of their school lives, whereas white students attended their neighborhood schools for most of their school lives. It was also obvious that the plaintiffs contended the WISD did not comply with the desegregation law because black students attending white schools would suffer from "the absence of black administrative and authority figure types in the secondary schools." In the plaintiffs' view, black students would not have the assurance of being treated fairly in all aspects of school lives and blacks would not be given

⁵"Text of Objections," Waco Times-Herald, 20 June 1973, p. 4A.

the power of decision-making in Waco schools. In short, the plaintiffs claimed the WISD's plan "fails to establish a unitary school system now." Therefore, the plaintiffs asked the court to reject the school district's plan and to allow them "to present evidence in support of an alternative plan at an early hearing." As a result, Judge Roberts decided to hold another hearing in Austin on 26 June 1973.

On 19 June an alternative plan drafted by plaintiffs went on file in the deputy U.S. district clerk's office, which was the first formal filing in the school integration case after Roberts ordered the school board to draft a comprehensive integration plan for Waco public schools on 30 April. In the plan, the plaintiffs criticized the school district's plan for retaining all the white schools while arbitrarily closing racially identifiable black schools such as Nalley and Oakwood in the University sector, Smith and West junior high schools in the Jefferson-Moore sector, and G. L. Wiley Junior High in the Richfield sector. Under the heading of student assignment, the plaintiffs objected to the district's student busing schedules which required approximately 5,000 black students to be bused as compared with only 640 white students. Superintendent Downing admitted that out of the 6,000 students who would be bused under the plan, more than 5,000 would be students from black communities. The plaintiffs therefore contended the burden of integration was imposed illegally against the black

students in the district. With reference to the district's plan to assign all Richfield and Jefferson-Moore juniors and seniors to required English and civics courses at Jefferson-Moore, the plaintiffs did not consider the plan sufficient to meet district's obligation to create a unitary school system. Such a move, the plaintiffs claimed, would result in Jefferson-Moore continuing to be identifiable as a black school with only part-time integration for those who would be taking the courses there.

As for faculty, staff, and administrator employment policy, the plaintiffs called for implementation of an affirmative employment policy that would hire every eligible black and Mexican-American job applicant, and the policy should continue "until such time that black and Mexican-American percentages reach a level proportionate to the percentages of black and Mexican-American students." Regarding school site selection and construction, the plaintiffs' plan called for the school district to seek to construct new schools where tri-ethnic student bodies would be served.

With reference to existing facilities, the plaintiffs asked for immediate renovation of older schools "in order to create a conducive educational climate by the opening of school in August." Schools cited for renovation by the plaintiffs were South Junior, South Waco Elementary, and the older wing of Bell's Hill Elementary School. The plaintiffs

also pointed out that they sought the establishment of a tri-ethnic committee to assist in the implementation of a majority to minority transfer plan and in the expenditure of federal funds obtained through the Elementary School Assistance Program. According to the plaintiffs, the district's former tri-ethnic advisory committee should not be allowed to serve the purposes mentioned above.

For special education programs, the plaintiffs submitted five guidelines aimed at "assuring that the discriminatory effect against minority groups is eliminated." Concerning transportation and transfers, the plaintiffs suggested that any student attending a school where his racial or ethnic group was at least ten percent more than the district as a whole be allowed to transfer to a school where his racial or ethnic group was lower, with free transportation provided. Additionally, the plaintiffs would not allow a student to transfer arbitrarily out of his assigned school. All transfers into the district would be placed in schools to promote a greater racial and ethnic balance. In order to provide Mexican-American children with an equal education, the plaintiffs further suggested that the school district provide curricular programs responsive to the unique needs of the Mexican-American students, including an expansion in the bilingual program, the creation of cultural training workshops for faculty and staff, and an intensive effort to recruit minority teachers and principals. To

determine the effectiveness of the school district's actions relative to school integration, the plaintiffs also suggested the submission of evaluation reports each 15 January and 15 June. In conclusion, the plaintiffs asked the school district to seek revenues from all possible sources for they recognized the implementation of their alternate plan meant an increased spending by the Waco school district.⁶

At almost the same time when the plaintiffs issued the alternate school plan, Rev. Arthur L. Thomas and Mrs. Lela Briscoe presented the Waco school board members with a petition containing the signatures of 4,493 persons expressing total opposition to the district's plan for Waco schools. Rev. Thomas claimed the school board's plan would not serve the best interests of the black community and demanded "an apology from the school board to the black community"⁷

On 1 August members of the Black Federation of Waco held a meeting at the George B. Young Auditorium to discuss strategy for resisting the school board's integration plan. They voted to "instruct Rev. Robert Gilbert to authorize his attorney to appeal the federal court decision" handed down by U. S. District Judge Jack Roberts on 27 July because the

⁶"Text of Alternate School Plan," Waco Times-Herald, 20 June 1973, p. 4A.

⁷"Petition Opposing Plan Presented," Waco Times-Herald, 22 June 1973, pp. 1, 2A.

decision basically left the school board's plan intact.⁸ A request would be sent, along with the appeal, to Judge Roberts requesting him to stop implementation of the school district's plan until a ruling was made by the Fifth Circuit Court of Appeals in New Orleans, Louisiana. Also, the blacks warned that they would call for a boycott by black pupils on the first day of school if Judge Roberts refused to accept their request. A committee to work out the details of holding the boycott was formed.⁹

In the meeting, Robert Gilbert, the principal plaintiff, presented an emotional speech on the ways blacks were allegedly mistreated in the City of Waco. He said he was brought up in a dual society in which he did not have the advantages that the majority of persons in this country enjoyed. He was taught that when a law or a rule was wrong, it should and could be changed through the proper court action. Gilbert claimed he was actually misguided to believe that these wrongs could be corrected if he placed his trust in the courts. He said the school integration case had reinforced his belief that freedom, justice, and democracy had no relevance for black people. Gilbert further criticized Judge Roberts for his opening remarks in the

⁸"Federation Will Hold Meeting," Waco Times-Herald, 1 August 1973, p. 1.

⁹David Weaver, "Appeal Readied By Blacks," Waco Times-Herald, 2 August 1973, pp. 1, 2A.

court's order. Gilbert questioned Roberts' remark that "all parties in the litigation acted in good faith" by asking if the school board's meeting behind closed doors and the formulation of a plan without any suggestion from the black community were acts of good faith. He also questioned Roberts' statement that the plan provided equal opportunity for all children by asking if equal opportunity was achieved when more than 5,000 black students had to be bused long distances from their homes while only about 640 white students had to. Gilbert claimed that what angered him most about Roberts' order was the judge's allegation that the plan preserved the neighborhood school concept. Gilbert contended that black students had to leave their neighborhood for twelve years while white students had to attend schools in other neighborhood for only one year, and he asked whose neighborhood schools the school board's plan preserved. Bishop Adams also stated in the meeting that the personal, institutional, and cultural climate in Waco was racist and that the black community would have to attack that kind of racial discrimination with full-scale resistance.¹⁰

Reactions of the School Board and the Public

Members of the school board were disappointed at the threat of boycott by the Black Federation. Downing said he

¹⁰Ibid.

hoped nobody would resort to that kind of thing and that the due process of court proceedings would be adhered to by all parties in the Waco community. Mrs. M. M. MacRae, school board president, said the board viewed the school district's plan as feasible and within the guidelines ordered by the court, and she expressed her disappointment at the reaction of the Black Federation of Waco. In her opinion, even though the plan was made by the school board, it was done under the court order by Judge Roberts and therefore the plan became a court order itself. Board member Lyndon Olson, Sr., said he had never seen such a situation since he had been on the school board and the school board would have to meet with school administration officials to decide what, if any, action should be taken.¹¹ A newspaper editorial made the following statement about the situation:

The people of Waco have reason to be reconciled to Judge Jack Roberts' approval of the desegregation plan. Each element of our society gained at least a partial victory. Nothing more can be expected from any compromise. Blacks and Mexican-Americans won because for the first time the old, patently unfair patterns of de facto segregation have been obliterated. Whites won because the neighborhood school concept survived largely intact and excessive busing was avoided. But the real winners are our children--black, brown, and white who now have the opportunity to pursue an education on an equal basis with a minimum of disruption.

At this point it is incumbent on all sides in this emotionally charged situation to take stock of their positions. For the plaintiffs, there is little to be gained from seeking further redress through court

¹¹"Black Stand On School Disappoints," Waco Times-Herald, 3 August 1973, p. 1.

battles. There is much to lose, especially in terms of community goodwill and tolerance. The white community must be prepared to comply fully and fairly with the provisions of the new plan. Gone are the days when the constitutional rights of racial minority could be shunted aside in the name of the status quo. For its part, the Waco School board must move to implement the plan with all the wisdom and understanding it showed in conceiving it.

It would be folly to believe that with Judge Roberts' decision our educational system is free of turbulent waters The point is, however, that these problems can be overcome, tension avoided, and solutions found--provided all concerned exercise restraint, avoid hostile rhetoric and work together for the sake of our city, our schools, and our children, we urge all Wacoans to let patience and good will guide us to a responsible handling of a sensitive issue.¹²

Some people of Waco also called for understanding in school integration problems. A man by the name of C. M. Jay said unfortunately life was filled with inconveniences, difficulties, unpleasantness and the like, but children had "a remarkable and almost unbelievable way of adjusting to life" if parents kept their own "fears and prejudices out of the picture as much as possible." In his view, busing and accepting the idea of going to schools in strange neighborhoods with different pupils were only temporary problems. In the school integration case, he thought "discipline, manners, cooperation are for everyone."¹³

¹²"Patience and Goodwill In Name of Children," Waco Times-Herald, 3 August 1973, p. 1.

¹³"Understanding Needed In School Problems," Waco News-Tribune, 1 October 1973, p. 3A.

Nevertheless, black and Mexican-American plaintiffs filed their appeal to the Fifth Circuit Court of Appeals in New Orleans.

The Fifth Circuit Court of Appeals' Opinion

On 17 May 1974, the school board received word from the Fifth Circuit Court of Appeals that ordered the Waco school board to amend its school integration plan to "include more racial integration." According to the Court's order, the Waco school district had to adopt an acceptable integration plan for the 1974-75 school year. The Circuit Court agreed with plaintiffs' objections in their appeal that the WISD's plan "failed to set standards for staff and faculty integration" and that the Waco school board "failed to integrate the 11th and 12th grades at predominantly black Jefferson-Moore High and predominantly white Richfield High." But the Circuit Court rejected another plaintiffs' objection that the district's plan placed the burden of integration on blacks, and stated that the remainder of the district court's decree would remain undisturbed.¹⁴

The reason given by the district court for approving the closing of the four schools was that Nalley and Wiley were predominantly black, while Sanger and West having racially mixed student bodies, were in racially mixed

¹⁴"More Integration Ordered for Waco," Waco Tribune-Herald, 18 May 1974, pp. 1, 2A.

neighborhoods and were not identified as historically black schools. The district court stated, "Thus, we have no impermissible closing of formerly black schools for racial reasons." However, the Fifth Circuit Court disagreed and directed the district court to "re-examine the justifications for closing Sanger, West and Wiley schools." The Fifth Circuit Court added that although a district court had wide discretion in formulating remedial decrees, such discretion was abused where a district court approved a plan that, in the hope of providing quality education to some children, had a substantial adverse effect upon the quality of education available to others. The Fifth Circuit Court also overrode school district's objections that the integration of the 11th and 12th grades at Jefferson-Moore High should be postponed another two years because it would create problems over ordering of class rings and other graduation matters. Nonetheless, the Fifth Circuit Court admitted the Waco school board and the district court had made a commendable attempt to dismantle the dual system and the WISD was in fact integrated with the exception of the 11th and 12th grades at Jefferson-Moore High School.¹⁵

¹⁵Ibid.

School Board's Reactions to the Court's Opinion

In reply to the Circuit Court's opinion, Downing said that he, other administrators, and trustees could not take any action on the Circuit Court's opinion until the Court's official decision was delivered to school attorney Minor Helm. According to Downing, the Circuit Court's opinion also would probably affect the district's current plans to shift the Lake Air Junior ninth grade to Richfield in the fall of 1974, provided district court approval was obtained and there were not objections from the plaintiffs. Downing also said he did not know what to expect in regard to the appeal.

Upon receiving the official order from the Fifth Circuit Court, the Waco school board held a special session on 22 May 1974 and voted unanimously to instruct school attorney Minor Helm to file a motion for rehearing and an application for oral argument before the Fifth Circuit Court of Appeals to explain why federal District Judge Jack Roberts' original order was correct and how the school district's past experiences upheld the correctness of Roberts' order. After the board meeting, Helm said there were areas in the Fifth Circuit Court's opinion indicating the court did not have enough information before it to understand certain aspects of the school district's plan and that was why he recommended that the school board get an oral review so that the Circuit Court could reconsider its

opinion. Helm promised to file the motion for rehearing and application for oral argument immediately and expected to get a quick answer from the Circuit Court. Because the Circuit Court wanted the district court to explore in greater depth the feasibility of using West, Wiley, and Sanger, the school board voted to postpone demolition of West Junior until a date to be determined.¹⁶

However, the request for rehearing on Waco school integration case was denied by the Fifth Circuit Court and the word reached the school board on 12 July 1974. Thus, the case was returned to U. S. District Judge Jack Roberts.¹⁷

In denying the rehearing request, however, the Court did not mention its original concern about the closing of West, Wiley, Nalley and Sanger Avenue schools which, the Court said, "deprived of minority students of neighborhood schools and heightened the need for busing of minority students." The Court stated that it had modified its opinion handed down in May to approve the provisions of the Waco school integration plan with respect to the 11th and 12th grades at Richfield and Jefferson-Moore. The only qualification to this approval was that the course pairing for the 12th grade of Richfield and Jefferson-Moore must be

¹⁶"Trustees Seek Rehearing On Desegregation Policy," Waco Tribune-Herald, 23 May 1974, p. 7A.

¹⁷"Desegregation Rehearing Denied Waco Schools," Waco Tribune-Herald, 13 July 1974, pp. 1, 2A.

applied unless the district court found this measure was impractical under the rationale of another court case. The course pairing involved 11th and 12th grade students at Richfield being bused to Jefferson-Moore to attend English and government classes.¹⁸

In response to the Circuit Court opinion, Superintendent Kenneth McGee, who replaced Downing in June of 1974, said he did not know what actions the district would take regarding that stipulation. McGee also said since school attorney Helm would have to study the matter and advise him and the school board at its meeting to be held on 18 July, he did not have any comment on the Circuit Court's decision yet. With respect to course pairing, McGee said he was not sure how the school district would do it and what subjects would be involved. Although McGee was disappointed at not being granted a rehearing before the Circuit Court, he was satisfied that the Circuit Court understood more about the school district's plan this time, and he said that was what the school board was hoping for.¹⁹

School Integration Hearing in the District Court

On remand from the Fifth Circuit Court, Judge Roberts opened the school integration hearing on 22 July 1974 in

¹⁸Ibid.

¹⁹Ibid.

federal court in Waco. During the hearing, John Walker, attorney for minority group plaintiffs in the case, suggested a revised integration plan to be implemented for the 1975-76 school year, and possibly as early as the spring semester of the coming school year. In response to Walker's suggestion, Roberts said he had serious doubts about the possibility of implementing a new plan by the beginning of the second semester of the coming school year the following January. Walker then suggested that the current integration plan be used when school opened in August "without acquiescence of the court." Consequently, course pairing would not be used for the current school year for Richfield seniors. Also, the school board's plan to use Wiley as a seventh grade center for North Junior students for the 1974-75 school year would be able to proceed.²⁰

The only witness called to testify in the court hearing of 22 July was former Superintendent Avery R. Downing, who retired in June. Downing was questioned by both Walker and Helm "in three main areas: the closing of predominantly black schools, busing of students and criteria for hiring and promotion of personnel." Regarding the inquiry of the school board's closing of West and Wiley junior high schools and Sanger and Nalley elementary schools,

²⁰"Desegregation Decision Delayed," Waco Tribune-Herald, 23 July 1974, pp. 1, 2A.

Downing said Nalley was going to be closed anyway for its enrollment had decreased to about 100 students and there were simply not enough students for the classrooms. Moreover, the University High sector did not need Nalley, which was old and badly designed. The reason for closing Sanger Avenue Elementary, built around 1914, in the Jefferson-Moore sector, Downing explained, was that other school buildings in the same sector such as Parkdale were newer, air conditioned, and more appropriate for the programs being used. West Junior was closed because it was old, badly run down and not designed for a modern junior high school program while Tennyson, built in the early 1960s in the same sector, was a very fine junior facility. Wiley was closed, Downing said, because the enrollment in that area had declined and Wiley, built in the 1930s, was a badly designed school for a modern program, while Lake Air Junior, a modern and well designed building, was available in that area. Downing claimed the decision to close these schools was a good one and was justified in terms of enrollment. Downing also said the school district was reluctant to close any school unless there was some compelling reason such as costs or decrease in enrollment. He said the total enrollment in the school system decreased by about 2,000, or more than 10 percent, in the 1972-73 and 1973-74 school years. With regard to student busing, Downing said, "Busing should be in the inverse proportion to racial proportions," and "if a black school

were to be fully integrated with about 60 percent whites, then 60 percent of the blacks in the neighborhood of that school would have to be bused elsewhere." As for employment policies, Downing said hiring procedures in the Waco school system were fair. The testimony lasted two hours and after the testimony U. S. District Judge Jack Roberts took under advisement the Waco school district's integration case and said another hearing should be held in October or November.²¹ However, it is not known whether further court hearings were even held.

Summary

The controversy over the WISD's integration plan was indeed great. Dissatisfied with the Waco school integration situation, black and Mexican-American plaintiffs filed their lawsuits against the WISD in the district court and then lodged an appeal to the Fifth Circuit Court of Appeals in New Orleans when U. S. District Judge Roberts approved the school district's integration plan of June 1973. Meanwhile, Waco school officials worked hard to defend their position and to ease the tension in the school integration situation. It was not unusual that such a move as integration of Waco public schools would evoke controversy and invite debates.

²¹Ibid.

CHAPTER 4

CONCLUSION

Almost thirty-three years have elapsed since the Waco Independent School District started implementing the 1954 desegregation decree of the Supreme Court. During these years, the Waco school district has made tremendous progress towards fully integrating its schools. Starting from the elimination of segregated education in the middle and late 1960s to the gradual implementation of integrated education in the early 1970s, the Waco school board has worked hard to comply with the Court's orders and to maintain quality education in the Waco school district. By 1968 the school system had done away with segregation and most of the schools had completed the process of integration by 1974. In spite of the debates and arguments about certain issues such as student assignments, student transportation, faculty racial makeup, and school boundary lines, Waco school integration has proceeded with considerable peace and success. Now, de jure segregation and de facto segregation are issues of the past. Pupils, white, brown, and black, all enjoy the right of receiving equal education at integrated schools in the City of Waco.

In retrospect, what do Wacoans think of school integration in general? According to Mr. Samuel Newman, retired social studies specialist of the WISD, most Wacoans are law-abiding citizens who are willing to comply with the 1954 decision, although some difficulties have existed in the process of integration in the WISD. In Mr. Newman's view, Waco schools would have started actual integration a few years earlier if the state legislature had not deprived the school districts of state funds for implementing integration without an approving election. In Newman's opinion, although some people are unhappy about school integration and some parents are afraid of sending their children to strange schools, they have cooperated with the school board since integration started. Integration, according to Mr. Newman, is a fact that is bound to happen in the development of American society and no one can stop it. Under the separate school system, black children received inferior education; but now, all children, both black and white, receive equal education in integrated schools in the WISD. In prospect, Mr. Newman said that "We can not predict exactly what the situation of school integration in the future will be, but one thing is certain: public schools will remain integrated because every child, regardless of race or color, needs as

much education as he or she can pursue in modern American society."¹

In view of the process of desegregation and integration of the Waco public schools, the author recognizes that the implementation of integration in American public schools is indeed a long and perplexing undertaking. As Gregory, Hansen, and Hypps wrote wisely:

School desegregation . . . can not be viewed as the coming of an immediate millenium. Instead, it is the beginning of social change that only starts the arduous process toward the ultimate goal of integration.²

Indeed, public school integration demands enduring efforts of both school officials and the general public. In race-conscious American society, the issue of school integration is far from being solved completely. Instead, the issue remains a national challenge. As Bullock pointed out:

Though desegregation has been instituted by legislation, racial integration must come about by socialization. This is a critical command, for the survival of desegregation is dependent upon racial integration. Without the latter, the former cannot long endure.³

¹Interview with Mr. Samuel W. Newman, retired social studies specialist of the WISD, Waco, Texas, 17 March 1987.

²Meyer Weinberg, Research on School Desegregation: Review and Prospect (Chicago: Integrated Education Associates, 1966), p. 24, quoting from Francis A. Gregory, Carl F. Hansen, and Irene C. Hypps, "From Desegregation to Integration in Education," Journal of Intergroup Relations, Winter, 1962-63.

³Henry Allen Bullock, A History of Negro Education in the South: From 1619 to the Present (Cambridge, Massachusetts: Harvard University Press, 1967), p. 279.

Also, as Jeffrey Prager, Douglass Longshore, and Melvin Seeman wrote: "School desegregation, in short, will be a feature of our lives whether or not the public or the courts express a concern for the problem." They also recognized "the endurance of this issue in American society."⁴ Indeed, as one of the important civil rights issues for blacks and other American minorities, the public school integration still requires public attention and government concern if America is to unite and not divide the next generation, and if America is indeed to live up to its doctrine that all men are created equal.

⁴Jeffrey Prager, Douglass Longshore, and Melvin Seeman, eds., School Desegregation Research: New Directions in Situational Analysis (New York: Plenum Press, 1986), p. 4.

APPENDIX I

Integration and Desegregation

The terms integration and desegregation are closely related, but they should not be equated with each other.

T. B. Maston stated:

. . . Integration involves more than the removal of barriers and the elimination of compulsory segregation. This may be accomplished by desegregation. The latter is legal and more or less formal. Integration is voluntary and social. This means that integration is a much slower process than desegregation.

Integration in the strictest sense involves a great deal more than the mere mixing of the races. There might be a great deal of this mixing with little if any true integration. In the deepest sense, integration has taken place only when those of another race or class are accepted as full and equal partners in a common task. It is based on mutual respect and on a sense of the dignity and worth of the human person. There must be a sharing with one another in the life of the community, whether that community is the school or the broader neighborhood. It is easily seen that desegregation is an essential prerequisite to the process of integration. There can be no meaningful sharing unless the barriers to contact and fellowship are removed. Their removal can be achieved through the process of desegregation.

Desegregation of the schools or of community life in general may or may not lead to genuine integration.¹

In the case of the Waco public schools, the period from 1954 to 1969 is considered as the time of school desegregation while the years from 1970 to the present are defined as the time of school integration.

¹T. B. Maston, Segregation and Desegregation: A Christian Approach (New York: The Macmillan Company, 1959), pp. 62-63.

APPENDIX II

Elected Superintendents of Waco Schools

| | |
|------------------------|-----------|
| Mr. Jessy N. Gallagher | 1885-1888 |
| Mr. A. A. McGregor | 1888-1889 |
| Mrs. W. D. House | 1889-1893 |
| Mr. C. T. Alexander | 1893-1899 |
| Mr. John C. Lattimore | 1899-1915 |
| Mr. Bruce B. Cobb | 1915-1935 |
| Mr. Roberts H. Brister | 1935-1944 |
| Mr. Irby B. Carruth | 1944-1950 |
| Mr. E. D. Dennard | 1950-1958 |
| Mr. Avery Downing | 1958-1974 |
| Mr. D. Kenneth McGee | 1974-1981 |
| Mr. Frank Kudlaty | 1981-1986 |
| Mr. Jim B. Hensley | 1986- |

NOTE: This name list is obtained from the Assistant
Superintendent For Business Department, WISD, Waco,
Texas, 25 February 1987.

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