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To Disturb the People as Little as Possible: The Desegregation of Memphis City Schools

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To the Graduate Council:

I am submitting herewith a thesis written by Kira Virginia Duke entitled "To Disturb the People as Little as Possible: The Desegregation of Memphis City Schools." I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.

Robert Norrell, Major Professor

We have read this thesis and recommend its acceptance:

Cynthia Griggs Fleming, George White

Accepted for the Council:

Dixie L. Thompson

Vice Provost and Dean of the Graduate School

(Original signatures are on file with official student records.)

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To Disturb the People as Little as Possible:
The Desegregation of Memphis City Schools

A Thesis
Presented for the
Master of Arts
Degree
The University of Tennessee, Knoxville

Kira Virginia Duke
May 2005

Dedication

This thesis is dedicated to my wonderful parents, William and Barbara Duke, who have always pushed me to do my very best, and my brother, Joshua Duke, and my fabulous best friends, Jennifer Marshall and Jessica Steward, who have been pillars of strength and support, and the rest of my family and friends who have always supported and encouraged me to reach my goals.

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Abstract

This study will look at how school desegregation in Memphis unfolded according to the phases of desegregation as argued by J. Harvie Wilkinson in *From Brown to Bakke* and in relation to the evolution of the Supreme Court's interpretation of *Brown's* meaning. This study will also examine how mob violence was avoided as desegregation took place in the city. Evidence for this study was gathered from the oral histories of Judge Robert McRae and Maxine Smith, executive secretary of the Memphis chapter of the NAACP, newspaper coverage, NAACP records, and John Egerton's report to the Southern Regional Council as well as secondary works on school desegregation.

School desegregation in Memphis occurred in three phases: absolute defiance, token compliance, and massive integration. The Memphis Board of Education as well as city leaders were committed to fighting desegregation in the courts and avoiding mob violence in the streets. In the phase of massive integration, busing proved to be the tool capable of creating a unitary school system. Opposition to busing caused over thirty thousand students to flee the public school system creating an African American majority school system. The Court's retreat from strong support of school desegregation and white flight counteracted the successes made toward creating an integrated school system in Memphis. In the end, Memphis failed to create an integrated school system.

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Introduction

On May 17, 1954, the Supreme Court ruled in *Brown v. Board of Education* that segregation in public schools violated the Fourteenth Amendment rights of African American students and was therefore unconstitutional. The impact of this decision ignited one of the most controversial issues of the Civil Rights Movement. School desegregation was an issue that touched almost every corner of the country and has proved to have lasting implications for our nation's educational system. Although the Supreme Court set the general course for school desegregation in their various decisions, desegregation played out differently in every community. From violent mobs to peaceful compliance, public reactions varied across the nation and influenced the course of desegregation in each community.

In *Brown to Bakke*, J. Harvie Wilkinson argues that desegregation in the South occurred in four stages: absolute defiance, token compliance, modest integration, and massive integration.¹ Each of these periods corresponds with federal action on the issue primarily through the Supreme Court and its decisions. The period of absolute defiance began immediately after the *Brown* decision and ended with the fall of the larger white resistance movements. The stages of token compliance and modest integration stretched from 1960 to 1968. Modest integration applied only to the areas under the supervision of the Department of Health, Education, and Welfare. This department oversaw school desegregation in areas not under a court-ordered plan. Finally, massive integration began

¹ J. Harvie Wilkinson III, *From Brown to Bakke: The Supreme Court and School Integration: 1954-1978* (New York: Oxford University Press, 1979), 78.

in 1968 with the *Greene v. New Kent County School Board* decision and concluded with court-ordered busing.

This study will examine how school desegregation played out in Memphis according to Wilkinson's phases and in relation to the evolution of the Supreme Court's interpretation of *Brown's* meaning. Memphis experienced absolute defiance, token compliance, and massive integration. Because of litigation occurring during the phase of modest integration, Memphis did not fall under the supervision of the Department of Health, Education, and Welfare and thus did not experience this phase. As desegregation unfolded in each of these phases, the major problems and pitfalls of the major Supreme Court's decisions were demonstrated. The Memphis story also demonstrates how a deeply segregated Southern city handled the profound social changes that *Brown* mandated.

While Memphis fits into the broad pattern of desegregation, it did not experience the problems of violence that many communities endured during this struggle. Opposition to school desegregation ran strong in the white community, yet those opposed did not resort to mob violence as a tool to fight the implementation of the various court rulings. How did Memphis avoid the violence that cities such as Little Rock experienced? By examining the actions and rhetoric of city officials especially in the early phase, a pattern of calming the people while maintaining their support for segregation emerges. Even as the city faced controversial busing orders, the leaders used politics and legal maneuvers to thwart desegregation instead of inciting the public to take violent actions to maintain segregation. Although committed to fighting desegregation,

Memphis city leaders opposed the use of violence and instead took their fight to the federal courtrooms where they could fight desegregation through legal means.

Chapter One:

Absolute Defiance (1954-1960)

By striking down the doctrine of “separate but equal” that had been established in 1896 by *Plessy v. Ferguson*, *Brown* was seen as the beginning of the end for segregation. *Brown* would go no further than this simple pronouncement, however, because it left implementation up to a later time. The Court cited various local conditions that needed to be considered before a plan for desegregation could be formulated. The Court went as far as to invite affected states to submit briefs to help formulate plans for implementation.

Chief Justice Earl Warren wrote the brief eleven-page decision. From the beginning, the Court understood that its decision would have a profound impact on American society. The impact of this decision on the South and the anticipated resistances prompted the short decision. The other key reason was the need for a unanimous decision. With such a controversial topic, a unanimous decision carried more weight than a decision reached by a divided Court. “To speak with one voice was to speak with force and finality; to speak otherwise was but to lend comfort to an enemy already in prey,” J. Harvie Wilkinson III argues.² The South and all those supportive of segregation latched onto anything in their fight to retain their racially divided society. Many Southern politicians noted that they were surprised if not shocked by the unanimous decision. The unanimity of *Brown* stressed to those opposing factions that the Constitution and the Supreme Court would no longer uphold segregation.

As news of the decision hit the presses across the country, response in the South varied from outright opposition to a calmer wait-and-see approach. Memphis was caught

²Ibid. 30.

in the middle of these two responses. Located at Tennessee's borders with Mississippi and Arkansas, Memphis has strong Deep South connections. The city is also the home of a large African American population. Because of the combination of these factors, the city was presented with a decision. Would city leaders follow the lead of Tennessee state officials who advocated a calm and cautious approach or their Deep South neighbors who declared their outright opposition to any attempts to desegregate public schools?

The response of Memphians can best be described as a compromise of these two stances. Milton Bowers Sr., president of the Memphis Board of Education, remarked that "we have been expecting this to happen a long while, but at the same time, we've made no plans because we feel none will be needed."³ Bowers argued that black schools were located in black neighborhoods and he believed that everyone would continue using their own schools because of the convenience of location.⁴ He also claimed black schools were "fully equal to and in some instances better" than white schools. When asked if he believed white schools would ever be opened up to black students, Bowers replied that he "did not believe such would ever be the case here."⁵ The response by Bowers does not imply support for *Brown* nor does it even acknowledge the existence of a segregated school system in the city. In order to subvert the decision while also assuring white citizens that they had no intentions of changing the school system, city officials adopted a plan that denied any misconduct.

Both the *Commercial Appeal* and *Press-Scimitar* advised Memphians to remain calm while asking for time from the federal government to deal with this issue. The

³ George Sisler, "Ruling Fails to Shock City; Officials See Little Difficulty," *Commercial Appeal*, 18 May 1954, 1.

⁴ Ibid.

⁵ Ibid.

Appeal told its readers that this was no time for extremist sentiment.⁶ The *Appeal* ended its editorial with this statement: “The main thing is for the American people to face this squarely as an accomplished fact, and work out our destiny for the general good and the greater glory of our nation.”⁷ The editorial cartoon for that day also addressed this issue. A Supreme Court justice, representing the entire Court, was pictured pushing the head of a horse, representing non-segregation, into a water trough.⁸ The title of the cartoon “Relax! He’ll Drink When He’s Ready” is an excellent example of this plea for time and patience in the implementation of desegregation. The *Press-Scimitar* echoed the sentiments of the *Appeal*, telling its readers that the decision would have to be accepted.⁹

Despite the reassurances of city officials and the advice of city newspaper editorials, Memphians still had plenty to say in opposition of *Brown*. In the Sunday paper following the *Brown* decision, the Letters to the Editor echoed widespread opposition throughout the region. M.Y. Peel of Paris, Tennessee, pointed to the hard work and money given to black citizens by Southern white people and claimed that black citizens should appreciate what had been given them.¹⁰ Peel alleged that communist influence contributed to the NAACP’s success in the *Brown* case. “The Communist propaganda machine, working through the United Nations and the World Council of Churches has immeasurably helped in this project, for no nation has long remained

⁶ “A Decision Expected,” *Commercial Appeal*, 18 May 1954, 6.

⁷ *Ibid.*

⁸ “Relax! He’ll Drink When He’s Ready,” Editorial Cartoon, *Commercial Appeal*, 18 May 1954, 6.

⁹ Hugh Davis Graham, *Crisis in Print: Desegregation and the Press in Tennessee*, (Nashville: Vanderbilt University Press, 1967), 41.

¹⁰ M.Y. Peel, “Decision Called Blow at Liberty: Governors Called on to Protect Citizens,” Letter to the Editor, *Commercial Appeal*, 23 May 1954, Sec. V, p. 3.

powerful where mixed races exist,” Peel argued.¹¹ Individuals opposed to desegregation often alleged Communist influence in their criticism of both *Brown* and the NAACP. This letter was typical of the anti-Communist rhetoric used by individual’s opposed to Memphis desegregation.

A year later the Supreme Court issued its implementation order. It ruled in *Brown II* that no definite date would be set for school desegregation. Instead desegregation was to take place with “all deliberate speed.” Wilkinson argues that *Brown II* only served to encourage Southern resistance: “The Court thrice suggested that varied local problems and obstacles might require a varied pace of school desegregation, an encouragement to volatile racial feelings in rural, black belt communities in every southern state.”¹² The South received almost exactly what they wanted out of *Brown II*. The only deadline they had been given was infinity. Another victory for the South in *Brown II* was the identity of those in charge of implementing desegregation. Primary responsibility lay with local school boards under the supervision of local federal district courts. This meant that those individuals opposed to school desegregation were the very ones given the job of formulating plans for *Brown*’s implementation. The Supreme Court had issued its decree and left the rest up to the South.

In the years following *Brown*, Memphians and Tennesseans in general watched anxiously as the state government vacillated between taking steps to desegregate or to impede the process. Governor Frank Clement spoke out for moderation on this issue and vetoed pro-segregationist legislation. Pro-segregationists, however, had several ways in

¹¹ Ibid.

¹² J. Harvie Wilkinson III, *From Brown to Bakke*, 64-65.

which they could argue for defensive state legislation. Clinton, a small community in East Tennessee, experienced an outbreak of violence when five African American students attempted to desegregate the public high school in September 1956. Following that, the supreme court of Tennessee declared unconstitutional the provision in the state constitution calling for racially segregated schools.

White resistance to desegregation took other forms as well. In *Crisis in Print*, Hugh Davis Graham cites newspapers coverage of rioting in Tennessee, Kentucky, and Texas; a report by the Southern Education Reporting Service stating that integration had begun in border states which heightened anxieties and resistance in the Deep South; and the state supreme court's ruling against segregation as several key examples of news items used to incite pro-segregationist sentiment.¹³ The best weapon in the arsenal of pro-segregationists was a hearing inspired by a few powerful southern congressmen. The hearing examined the impact of integration on District of Columbia schools. William Gerber of Memphis served as counsel for this committee. Pro-segregationists claimed that the hearings had ““exposed evidence of delinquency, sex irregularities, increasing discipline problems, and shocking reverses in academic standards since integration was made the rule within the District of Columbia.””¹⁴ The *New York Times* correspondent for the hearings noted in his coverage that “the phrasing of the questions seemed to be keyed to develop the view that desegregation had lowered scholastic records and increased disciplinary and sex problems.”¹⁵ By speaking to some of the greatest fears of the white community, the alleged findings of the committee along with the other issues

¹³ Hugh Davis Graham, *Crisis in Print*, 115-116.

¹⁴ *Ibid.* 116.

¹⁵ “Integration Setbacks,” *New York Times*, 23 September 1956, 186.

used by pro-segregationists served as attempts to unite Southerners against desegregation and inspire state legislatures to pass laws in defense of segregation.

In 1957, Governor Frank Clement signed five ambiguous bills dealing with school desegregation. Each of these bills allowed for school boards to desegregate at their own pace while maintaining as much segregation as possible. The Tennessee Pupil Placement Act gave school boards full power to assign students to their respective schools as long as those assignments were not based solely on race. If a student disagreed with his or her assignment, the student could appeal to the board, but the process for appeal was long and complicated. The law worked under the assumption that most schools would be racially segregated while a limited number would be integrated. Furthermore, the law placed the burden of desegregation on African American students. A student had to submit an application to the board in order to be considered for a transfer. In the best case scenario, the Pupil Placement Act would allow for only token desegregation. Intimidation and fear of retribution prevented most African Americans from using the Pupil Placement Act to desegregate public schools.

The Memphis School Board began taking steps to ensure the continued segregation of public schools. The Memphis School Board, like other school boards across the South, began taking steps to equalize segregated schools instead of preparing plans to desegregate them. In 1955, the board initiated plans to build Lester High School. Lester School was built less than a mile from East High School, a white school, and was constructed in a heavily black neighborhood. In Judge Robert McRae's oral history account, he stated that the building of this school was an attempt by the board to continue

separate schools for the races.¹⁶ The building of Lester School especially so close to one of the most desired white schools was the school board's attempt to placate African Americans and to keep them from pushing for desegregation. The school board would not have to wait long, however, to face its first challenges by black students pushing for admittance to white schools.

On August 4, 1958, Gerald Young, an eight-year-old African American, was denied admittance to Vollentine Elementary School, a white school. Mrs. George McFerren, Young's mother, wanted to enroll her son at Vollentine because it was closer to their home than the school her son had attended previously. The reason for the denial of admittance as stated in the *Commercial Appeal* was previous enrollment of the student at Hyde Elementary.¹⁷ The *Press Scimitar* reported that McFerren had registered her son under protest at Hyde Park following the application at Vollentine but before going to the school board to request her son's admittance to Vollentine.¹⁸ The same story also stated that McFerren was not given a reason for the denial yet the *Appeal* cited previous enrollment as well as no consideration for convenience of location as the reasons for the denial. The school board cited no consideration for convenience of location to maintain their gerrymandered attendance zones. Both articles pointed out that McFerren had lived in Memphis as a child but had only moved back to the city four years earlier. The *Appeal* ended its article with a statement from the school superintendent E.C. Stimbart: "No Negro has attempted to enroll in the white schools of Memphis for at least the 12 years I

¹⁶ Robert McRae in collaboration with The Oral History Research Office at The University of Memphis, *Oral History of the Desegregation of Memphis City Schools, 1954-1974*, 1997, 34-35.

¹⁷ Reese Wells, "Negro Mother Fails in Effort to Enroll Son at Vollentine," *Commercial Appeal*, 4 August 1958, 1.

¹⁸ "Integration Move Fails in Memphis," *Memphis Press Scimitar*, 4 August 1958.

have been here.”¹⁹ This statement following the information about the residence of McFerren implied that local African Americans were not pushing for desegregation and therefore must be satisfied with the school system as it was. This implication goes along with the statements made by the board following the *Brown* decision. The Memphis Board of Education was firm in its defense of segregation and the assertion that the African American community was happy with their schools.

In December 1959, a little over a year after Gerald Young was denied admittance to Vollentine, the African American community under the leadership of the local chapter of the NAACP sent a letter to the school board asking them to begin desegregating the public school system. On February 8, 1960, in a crowded school board meeting, attorneys H.T Lockard, A.W. Willis, and R.B. Sugarmon Jr. along with Dr. Vasco Smith Jr., a dentist, and Jesse Turner, a bank official, posed the question of whether the school board believed that Memphis schools were segregated and if so when the school board intended to end this practice. All of these men were members of the local NAACP. The board had previously refused to have any dealings with the NAACP on the grounds that the organization represented a private interest group.²⁰ Walter Armstrong Jr., board president, responded to the questions posed by saying that the board intended to comply with the laws of the state.²¹ A white attorney, Brooks Norfleet, also in attendance as a concerned citizen, asserted that many school taxpayers were opposed to desegregation

¹⁹ Reese Wells, “Negro Mother Fails in Effort to Enroll Son at Vollentine.”

²⁰ “Placement Law to Guide Board,” *Commercial Appeal*, 9 February 1960, 1.

²¹ *Ibid.*

and that, should the NAACP push the issue, “there would be a long day ahead.”²² The dawn of that long day was just around the corner.

On March 31, 1960, the NAACP sued in federal court for the immediate desegregation of Memphis public schools. The suit asked the defendants to present a plan for complete desegregation under a time frame designated by the court. Thurgood Marshall and Constance Baker Motley, working for the NAACP Legal Defense Fund, were among the eight attorneys who filed suit on behalf of the eighteen minors and their parents listed as plaintiffs. Marshall and Motley were two of the NAACP’s top attorneys in the quest for school desegregation, and both had worked on the *Brown* case. Mayor Henry Loeb responded to the suit by expressing his support for the school board and declaring that “we have bent over backwards in providing equal facilities and I further hope that all responsible people will stop, think, and consider.”²³ Memphis city officials responded to the suit by taking a firm stand in support of the status quo. They had no intention of reorganizing the school system in compliance with *Brown* and pledged to use every legal means possible to maintain their position.²⁴ It was indeed going to be a long day in the fight over desegregation in Memphis.

In an editorial on April 1, 1960, the *Commercial Appeal* spoke to both the white and black communities about the impending lawsuit. To the white community, the article spoke of the inevitability of desegregation. It was going to happen, and the news of the lawsuit should not be taken as a surprising development. Those opposed needed to realize that whether they liked it or not the wheels had been set in motion years before. In

²² Ibid.

²³ Thomas Michael, “Integration Suit Aims at Schools,” *Commercial Appeal*, 1 April 1960, 1.

²⁴ Ibid.

speaking to the black community, the many supposed gains of the African American community were listed in an attempt to urge patience in this new battle over equal rights. Furthermore, the black community was told they must earn equal rights. “Moreover, at the risk of repeating a platitude, we recall that the blessings of freedom never fell, as pennies from heaven, into the lap of any people until those people had demonstrated both the ability and the will to cherish and honor rights and privileges,” the editorial argued.²⁵ This statement demonstrated the attitude and rhetoric of many white southerners. They believed that African Americans had not earned the right to have the same rights as they did. Whites also argued that blacks should be happy with their place in society compared with other oppressed people around the world in places such as Russia and India. Of course, whites did not extend this comparison by examining the similarities between themselves and other oppressive power structures.

On the same day that the NAACP sued the Memphis School Board, the *Appeal* reported on the White House Conference on Children and Youth. The speakers at this national conference spoke of the eventual end to racial segregation and the effect this would have on the future of America’s youth. The article included a quote from a marriage counselor who had addressed those attending the conference. “Racial integration, whatever anyone says to the contrary, will lead inevitably to intermarriage,” the counselor declared.²⁶ This statement spoke to the number one fear of many white Southerners. They did not want to see their children married to blacks. This violated every principle of white supremacy and was one of the largest factors motivating

²⁵ “School Test Comes,” Editorial, *Commercial Appeal*, 1 April 1960, 4.

²⁶ The Associated Press, “Victory is Seen For Integration,” *Commercial Appeal*, 31 March 1960, 26.

opposition against the desegregation of public schools. These statements, reported on the same day suit was filed against the Memphis School Board, served only to heighten white opposition and fear of what was to come.

Chapter Two:

Token Compliance (1961-1967)

Identified as *Northcross v. The Board of Education of the Memphis City Schools*, the Memphis case was heard in the United States District Court of the Western District of Tennessee beginning in late March 1961 with Judge Marion Boyd presiding over the case. On April 14, 1961, Boyd issued his first ruling in favor of the Memphis City School Board. The ruling upheld the Tennessee Pupil Placement Act as an adequate plan for desegregation. Citing the failure of the plaintiffs to exhaust completely the provisions of the Pupil Placement Act, Boyd praised the school board's goodwill on dealing with this issue. Boyd ended his ruling by asserting that "the Court hopes very much that all concerned will now cooperate to the end that the provisions of the Tennessee Pupil Placement Act will be observed in Memphis, and that we can go forward with the education of our children without discrimination."²⁷ Boyd's decision ignored the basic fact that in the seven years since the *Brown* decision had been handed down not one classroom in Memphis had been desegregated. The school board continued to operate a completely segregated school system.

The NAACP responded to Judge Boyd's ruling by walking out of court in protest. Judge Robert McRae briefly addressed the reaction of the plaintiffs in his oral history. "It is doubtful that the Negroes who came to listen to justice dispensed heard the end of the judge's ruling because *The Memphis World* newspaper carried a front page article

²⁷ Paul Vanderwood, "Judge Denies Plea for School Desegregation," *Memphis Press-Scimitar*, 15 April 1961.

pointing out that the Negroes walked out during Boyd's ruling," he recalled.²⁸ Maxine Smith, executive secretary for the Memphis branch of the NAACP, recalled her frustration with the judge's ruling. She remembered wondering how Boyd had declared schools desegregated when "it just happened that all the children are black children with one set of schools and all black teachers taught in that set of schools."²⁹

One of the weaknesses of *Brown II* was at work here. The Supreme Court had left the implementation of its decision in the hands of those opposed to the Court's decision. Judge Boyd had been given complete control over the local school cases as decreed by *Brown II*. According to Judge McRae's observations and contact with Boyd, he believed that Boyd did not believe in the equality of the races nor did Boyd support desegregation.³⁰ It was no surprise that Boyd ruled in favor of the Memphis School Board. The school board had won the first battle in retaining their segregated school system, but this victory would be short lived as the plaintiffs appealed Boyd's ruling.

To test the good faith of the school board in using the Pupil Placement Act to begin desegregation, the NAACP searched for any parent willing to let their children be the first to desegregate Memphis schools in the fall of 1961. Finding parents who were willing to put their children in that position was not easy for the NAACP. Memories of the violent scenes at Central High School in Little Rock in 1957 were still vivid in the minds of most African Americans. Those first children were warriors in the battle to desegregate, and no one could guarantee how the white community would react when black children entered white schools for the first time. Maxine Smith was one of the

²⁸ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 40.

²⁹ Maxine Smith, interview by author, tape recording, Memphis, TN, 11 March 2004.

³⁰ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 13-16.

NAACP members who searched for parents willing to put their children on the frontlines. In their search, she and other NAACP members visited over two hundred homes.³¹ The fear of white violence deterred many black families from attempting to send their children to integrate the schools. The NAACP was successful, however, in finding approximately fifty willing candidates. Those parents then applied under the guidelines of the Pupil Placement Act to have their children sent to white schools.

The school board had to begin at least token desegregation in order to convince the federal court officials that they were acting in good faith. Out of the fifty applicants, thirteen African American children were selected to enter first grade in white schools. News of the board's plan to desegregate was not released to the public until the morning that the black students began classes at Bruce, Gordon, Rozelle, and Springdale Schools. The delay in releasing news to the public was part of the city's plan to help prevent any violent outbreaks. Without prior knowledge, mobs of protestors could not gather at the schools. Also, Memphis police were posted at each of the schools to prevent any outbreaks of violence. The steps taken by the city facilitated the peaceful desegregation of the four schools on the morning of October 3, 1961.

City officials were committed to preventing any outbreaks of mob violence. In addressing the approximately two hundred policemen assigned to schools, police commissioner Claude Armour gave very specific instructions. He ordered that no congregating be allowed near the schools and that two detectives would be placed inside each of the schools giving frequent reports to police outside.³² Maxine Smith recalled

³¹ Maxine Smith, interview.

³² "Armour to Police: 'This is Our Biggest Test,'" *Memphis Press Scimitar*, 3 October 1961.

that the Chief of Police was firm in his stance that violence would not be allowed. “The Memphis Chief of Police was racist to the core, but he believed in following the law,” she said.³³ Although his beliefs conflicted with what he was protecting, Armour was committed to doing his job. Also, the Memphis Chamber of Commerce issued a statement on the day that schools were to be desegregated aimed at appealing to citizens for support. Chamber president Edward LeMaster declared that “all legal means have been fully explored and answered. There is no alternative to the action that is being taken.”³⁴ The rhetoric and actions of city officials illustrated their commitment to avoiding the fate of cities like Little Rock that had been overrun with mob violence when desegregation began. They did not like what was happening, but they were determined to fight it only by legal means. City leaders did not want to see racial violence in Memphis in the national media. They needed to protect the city and the city’s image.

The children who bravely desegregated Memphis city schools that year faced school administrators, teachers, and fellow classmates who did not want them in their schools. They faced harassment on a daily basis. As vanguards in the early struggle to desegregate public schools, these students were exposed to the harsh realities of racism. Michael Willis, one of the three black students assigned to Bruce Elementary, recalled some of his experiences in an interview in 2004. "I didn't really understand what was going on," said Michael Willis, who has since changed his name to Fombi. "I remember thinking, Why are they doing this? and Why me? The fact that my father was a lawyer

³³ Maxine Smith, interview.

³⁴ “C. of C. Appeals for Full Support of All Citizens,” *Memphis Press Scimitar*, 3 October 1961.

and seen as partly responsible for this made me a more visible target."³⁵ He also recalled "being called nigger, pushed down steps, and mocked with cries of 'you can't wash the brown off' when I went to the restroom. My teacher was mean, and the few students who befriended me were likely to turn on me suddenly."³⁶ Because of the harsh treatment he faced on a daily basis, Willis soon transferred back to his old school.

On the surface, Memphis seemed to have embarked on the road to desegregation rather smoothly, or at least in the eyes of the school board it had. On March 23, 1962, the United States Sixth Court of Appeals reversed Judge Boyd's previous ruling. The court's ruling found Boyd's decision to be "contrary to the evidence and clearly erroneous."³⁷ The Pupil Placement Act was declared unfit as a plan for desegregation. The court ruled that the burden of desegregation rested with school authorities, not African American students. Also, the court declared that Memphis was operating a dual school system. The opinion noted the statistics for the Memphis School System at the time of Boyd's ruling as evidence of a segregated school system. As of April 14, 1961, the school system served "100,000 pupils, 44% of whom were Negroes in 44 all black schools. The 56% White pupils were in 79 all white schools."³⁸ This court ruling firmly upheld the *Brown* decision.

The school board responded with shocked expressions to the court's ruling. When asked how the board would respond to the ruling, School President W.D. Galbreath answered "well, I don't know. The Court doesn't seem to have said what we

³⁵ John Branston, "School Desegregation Recalled," *Memphis Flyer*, 14 May 2004.

³⁶ *Ibid.*

³⁷ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 41.

³⁸ *Ibid.* 40.

should do.”³⁹ In the board’s response to this ruling, another problem of the *Brown* decisions was demonstrated. Neither of the Supreme Court’s rulings had given guidelines that school officials could use to help solve this problem. The principles of *Brown* would not be overturned, and the South was left to figure out how to alter their educational system to comply. The Memphis School Board now had to go back and formulate a realistic plan for desegregation.

The board adopted a plan that went into effect starting in the 1962-1963 school year. At the beginning of that school year, second and third grades were desegregated along with the continued desegregation of the first grade. The new plan provided for the desegregation of an additional grade each year until all twelve grades were desegregated.⁴⁰ The ending date for this plan was 1971. In May 1963, the board and the NAACP found themselves before Judge Boyd again. This time the board’s new plan would be the subject of debate. The NAACP argued that ten years was too long a time frame for school desegregation. The NAACP proposed a plan that would have desegregation completed in a three year period. However, Boyd upheld the grade-a-year plan. The vagueness of *Brown II*’s “all deliberate speed” was still proving to be a problem as the process of appeals began once again. The NAACP appealed Boyd’s ruling, and the case moved back into the court of appeals.

On June 15, 1964, the U.S. Sixth Court of Appeals once again overruled Boyd’s decision. The school board was ordered to desegregate junior high schools in September 1965 and senior highs by 1966. The appeal also addressed the gerrymandering of school

³⁹ John Spence, “‘Will Have to Start Over,’ ” *Memphis Press Scimitar*, 23 March 1962.

⁴⁰ “Integration Test Due in Louisiana,” *New York Times*, 4 September 1962, 26.

zones, pupil transfer, and faculty desegregation. In defending their school zones, the board reasoned that the current zones were drawn “to disturb the people as little as possible.”⁴¹ The court ruled that this was not a proper factor in determining school zones and remanded the issue back to the district courts. The next issue the court addressed was a clause in the board’s plan concerning pupil transfers. This clause allowed for the open transfer of students to a predominately white or black school when the student was currently enrolled at a school affected by desegregation. The board cited the 1963 *Goss v. Knoxville School Board* opinion to support this clause. The court ruled, however, that Memphis was not following the decision because the transfers were based solely on race. The clause would allow for the continuation of segregation and was therefore illegal. The desegregation of faculty was put off until a later date though the court did note its recent opinion in a Chattanooga pupil case that “ruled that the assignment of teachers by race may impair the students’ right to an education free from any consideration of race.”⁴²

The school board went back to work rezoning schools to comply with the court’s ruling. School boundaries had been drawn to ensure the maximum amount of segregation. This included overlapping zones that kept black students in black schools. Now the board was faced with the challenge of creating a unitary set of boundaries. The board remained firm in its stance to allow only limited desegregation, however, as districts still existed that were composed of only one race. By January 1965, twenty of the city’s eighty-three elementary schools were integrated, and thirteen of the thirty-five

⁴¹ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 43.

⁴² *Ibid.* 45.

junior high schools were integrated.⁴³ Also, a lenient transfer policy was adopted. Students could apply for transfer for a variety of reasons as long as race was not mentioned. The board cited convenience of location as a valid reason for transfer.⁴⁴ Previously, the board had denied that convenience could be used as a reason for transfers when Gerald Young was denied admittance to a white school in 1958. The board had made its ruling then in order to preserve segregation. Now, the board relied on such reasons as a way to avoid complete desegregation. White parents could move their children out of schools that were integrated based solely on reasons of convenience. The board remained committed to preserving segregation as much as they possibly could.

On May 13, 1966, the NAACP issued a complaint to Judge Boyd asking him to reject the proposed school boundaries. The NAACP charged that these new boundaries were gerrymandered and in violation of the Sixth Circuit Court of Appeals 1964 ruling. An order was issued on July 29, 1966, that divided the school system into separate geographic zones. Pupils would attend schools in the zones where they lived and free transfers would be permitted. After this order, Boyd retired and Judge Robert McRae took his place on November 10, 1966. McRae cited two reasons for Boyd's sudden retirement. One was the reversal of each of his decisions in the *Northcross* case. Also, McRae believed that Judge Boyd "felt he had to leave rather than to enforce the Constitution in a manner that was foreign to his beliefs."⁴⁵ The other reason was a failed opportunity to be appointed to the court of appeals. With a new judge presiding over the case, the *Northcross* case moved into a new phase. This new phase would see major

⁴³ Ed Dunn, "Segregation at Schools Officially Ends in Fall," *Memphis Press Scimitar*, 15 January 1965.

⁴⁴ *Ibid.*

⁴⁵ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 16.

changes enacted and the effects of these changes would have widespread consequences on the make-up of the city.

Chapter Three:

Massive Integration (1968-1974)

By the mid-sixties, federal courts were moving towards more specific decrees in school cases. The fallback positions of Southern school boards were time and time again tested in federal courts. As each one from pupil placement to freedom of choice was tested in court, it became clear that the courts were moving from token desegregation to massive integration. Integration would prove to be more controversial as it aimed to erase all remnants of segregation. This move became clear once freedom of choice plans were challenged in the court system. Freedom of choice was widely supported in the South. It allowed for a parent to choose what school their child would attend and proved an effective way to avoid desegregated schools. Wilkinson discusses the obvious drawbacks of freedom of choice. He argues that in theory this plan might have allowed for some degree of desegregation, but in practice, only the opposite was true.⁴⁶ White children did not choose to go to black schools, and because of fear of retaliation, few blacks would choose to go to white schools. White employers and school boards made it clear to the black community that if they pushed for integration there would be negative consequences. Those supportive of freedom of choice and the limited amount of desegregation that this plan allowed argued that *Brown* had never intended for massive integration.

In the spring of 1968, the Supreme Court settled this debate in *Green v. New Kent County School Board* and *Monroe v. Board of Commissioners of Jackson, Tennessee*. Lower level federal courts had been chipping away at freedom of choice, but the Court's

⁴⁶ Wilkinson, *From Brown to Bakke*, 108-110.

ruling in these cases would be the final blow in the debate. The *Green* decision stated that the only purpose of freedom of choice “was to preserve some semblance of the old segregation.”⁴⁷ *Monroe* applied the same principles of *Green* to systems that had adopted freedom of transfer plans. *Green* not only struck down freedom of choice, but it emphasized reliance on statistical evidence, actual results, and it reaffirmed that school boards were responsible for desegregating schools not black students. In these decisions, the Supreme Court reinforced what the lower courts and the Health, Education, and Welfare Department had been working towards. Token desegregation would no longer be the final goal. Massive integration was now the goal.

Memphis had been working under a freedom of transfer plan. The NAACP filed a motion of further relief as a result of the *Green* and *Monroe* decisions. They sought to have all transfers cancelled, additional faculty desegregation, and a report setting forth modifications to the July 29, 1966 desegregation plan.⁴⁸ After a three-day hearing, McRae ruled on May 15, 1969, that the transfer policy did not have a major effect on the continued segregation of students because of segregated housing patterns in the city.⁴⁹ He did give majority to minority transfers priority in the ruling. Students who were of the majority race in a school could easily transfer to a school in which they would be part of the racial minority. This type of transfer accelerated the rate of integration. Also, the ruling called for the board to file maps and revised boundary lines along with racial statistics for the school system. The board was required to appoint a full-time Director of Desegregation and to continue working on faculty desegregation with a system-wide goal

⁴⁷ Ibid. 116.

⁴⁸ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 49.

⁴⁹ Ibid. 51.

of twenty percent of teachers assigned to racial minority positions by 1969-70. One of the most interesting developments in the ruling was the first mention of busing. Neither the NAACP nor the board had mentioned busing, but the court included a comment in its ruling that busing would be a way to further desegregation efforts in the city.⁵⁰ Judge McRae recognized that segregated housing in the city that had been designed to segregate schools and communities made busing the city's best option to achieve an integrated school system. The NAACP was not satisfied with the ruling and immediately appealed.

In the meantime, in October 1969, another major issue that the NAACP had been fighting for came to a head. Since the early 1960s, the NAACP had been making requests to the school board to have an African American appointed to the school board. With each vacancy that came open, a request was placed by the NAACP and dismissed by the school board. As the pattern continued, Maxine Smith said that the requests of the NAACP came to be demands, which prompted the onset of the Black Monday protests.⁵¹ On October 9, approximately 25,000 black students either walked out of class or did not attend in what the NAACP called a "spontaneous demonstration."⁵² The school board was scheduled to meet with the NAACP to discuss some of their demands at a public meeting on October 10. After the student walkout, the board cancelled their meeting with the NAACP. The cancellation prompted 45,000 students to stay out of school in protest on October 10. When the school board used armed police to bar attendance to the open meeting, the NAACP began preparations to have a massive boycott of black students and teachers from city schools starting on October 13. The purpose of a student boycott was

⁵⁰ Ibid. 50.

⁵¹ Maxine Smith, interview.

⁵² David Vincent, "Threat of Negro Boycotts Looms as NAACP Bolts School Meeting," *Commercial Appeal*, 16 October 1969.

“to pull at the purse strings” of the school board.⁵³ School funding was based on average daily attendance. By having massive numbers of students absent, the city would receive far less funding and would be more willing to listen to the demands of the NAACP.

The first Black Monday protest saw 63,000 students and 500 teachers absent from school. Many of those participating in the boycott picketed the board of education throughout the day. This first protest prompted a meeting between the NAACP and board two days later. At this meeting, the NAACP issued fifteen demands. These demands included the pairing of schools so that white students would be sent to all-black schools and vice versa, the inclusion of African Americans in administrative positions, more black teachers hired, courses and textbooks that include African American history, all school board meetings be open and televised, and a program for free lunches be provided by the school board.⁵⁴ The board denied action on each of the demands. This response prompted the NAACP to walk out of the meeting. Reverend Ezekiel Bell, NAACP president, described the board’s responses to the NAACP demands as “vague, negative, utterly ridiculous and an insult to the intelligence of anyone concerned with education.”⁵⁵ As the protest escalated and negotiations between the city and the Black Coalition stalled, Gordon Hanna, editor of the *Commercial Appeal*, pleaded with both sides for “patient exploration of matters” in order to prevent another crisis from arising in the city.⁵⁶

⁵³ Maxine Smith, interview.

⁵⁴ “NAACP Demands,” November 1969, Maxine Smith Collection, Special Collections in the Memphis and Shelby County Room, Memphis/Shelby County Central Library, Memphis.

⁵⁵ David Vincent, “Threat of Negro Boycott Looms As NAACP Bolts School Meeting,” *Commercial Appeal*, 16 October 1969.

⁵⁶ Gordon Hanna, editor, “Keep School Talks Open,” *Commercial Appeal*, 17 October 1969, 6.

The next Black Monday protest on October 20 would see 67,000 students and 674 teachers taking part. The agenda of the protest expanded to cover not only the educational issues but also the union struggle at St. Joseph's Hospital and police brutality. A coalition was formed that included the NAACP, the American Federation of State, County, and Municipal Employees, Committee on the Move for Equality, Shelby County Democratic Club, Bluff City Council of Civic Clubs, Concerned Teachers, Welfare Rights Organization, Memphis Mobilizers, and ministerial alliances.⁵⁷ The purpose of the coalition was to place economic pressure on the city government by organizing marches, picketing, and selective buying campaigns. The board responded to this second protest by threatening to fire any teacher who was absent because of participation in the protest.⁵⁸ They also reported that steps were being taken to enforce truancy laws, which could lead to the arrest of parents and suspension of absent students. The NAACP responded to the board's threat by warning school officials, especially black principals, not to take action against students and teachers absent because of participation in the Black Monday protest. Reverend Bell warned that "if any black principal is suspected of threatening anyone absent, then he will be visited by us and the wrath of the black community will be brought down upon him."⁵⁹

On October 22, representatives for the board and the NAACP met for a televised debate of the NAACP's demands. Edgar Bailey, board president, suggested that the board would consider appointing black advisers to the board. Reverend Bell replied that

⁵⁷ David Vincent, "New Coalition of Negro Groups Plan Mass March As First Step," *Commercial Appeal*, 17 October 1969, 1.

⁵⁸ "Board Warning Given Teachers For Absences," *Commercial Appeal*, 22 October 1969, 1.

⁵⁹ Robert Kellett, "'Black Monday' Leaders Denied Instant Hearing at City-County Meeting," *Commercial Appeal*, 21 October 1969, 1.

such appointments “could only be considered on a temporary basis while legislation to change the school board structure is considered.”⁶⁰ In the meantime, the NAACP promised that demonstrations would escalate until their demands were met. Maxine Smith said that “the NAACP felt it had no choice except to use the tactics of demonstrations and boycott in the struggle because of its distrust of the school board.”⁶¹ Two days later, the school board agreed to appoint a biracial advisory committee by December 1. The NAACP responded that they were pleased with the decision but would not call off the demonstrations until all their demands were discussed.

On October 27, the third straight Black Monday protest took place with 45,000 students absent from school. A series of three secret negotiations sessions were held between the NAACP and the school board in an effort to work out the dispute and end the demonstrations. At the same time, the City Council began working to pass an ordinance that would regulate marches and parades in an effort to halt the success of the Black Monday protests. Calmer voices in the council pointed out that such a move would build support for the Black Coalition. Since secret negotiations seemed no closer to ending the dispute, the *Commercial Appeal* editors and civic leaders pleaded with the school board to enter into third-party mediation with the NAACP to resolve the dispute. A mediation committee consisting of white and black civic leaders was set up to help negotiations in the dispute.

As the fourth Black Monday approached, secret negotiations were still producing no resolutions to end the dispute. A work stoppage was called for in order to gain

⁶⁰ “New Step Will Be Considered in School Crisis,” *Commercial Appeal*, 23 October 1969, 1.

⁶¹ *Ibid.*

additional support for the protest. On November 3, a total of 1,995 city employees walked off their jobs to join the protest. In addition, all black insurance companies and several other black businesses closed to join the protest. Approximately 68,000 students, 561 teachers, and 900 cafeteria workers participated in the protest. The widespread support of the fourth Black Monday protest prompted the school board and the city to seek an injunction against “those responsible for student boycotts, picketing, and absenteeism of pupils, teachers, and other employees.”⁶² In response, the Black Coalition threatened a continuous boycott if such an injunction was served.

On November 11, the fifth Black Monday met with police resistance as the marchers were told they would not be able to march, but a meeting between the Black Coalition and the police worked out an arrangement in which a march to City Hall could be held. A total of 20,176 students and 135 teachers stayed out of school in support of the protest. As tensions mounted in the city, the effect spilled over into the black schools on November 13 when disruptions forced twenty-two schools to close. Principals at the schools blamed the disruptions on “pickets, demonstrators, and parents worried about their children.”⁶³ Black Coalition members went to the schools in an effort to help restore order to the schools. Jesse Epps, union leader and member of the Black Coalition, explained that “we have asked them (the students) to be cool. We are trying to find out who’s in charge and get them (students) off the streets as quickly as possible.”⁶⁴

In response, the NAACP issued a statement urging parents to send their children back to school, and they called for a ten-day cooling off period. Maxine Smith said the

⁶² “Full-Time Boycott Poised If Board Gains Injunction,” *Commercial Appeal*, 5 November 1969, 1.

⁶³ David Vincent, “Principals Describe Fear, Chaos of Disruption as 22 Schools Are Closed,” *Commercial Appeal*, 14 November 1969, 31.

⁶⁴ *Ibid.*

ten-day suspension “was designed to determine if our school board had good faith. It was a test of their honesty.”⁶⁵ Smith also said that the suspension of the school boycott was prompted by concern for the safety of the black students. The ten-day suspension proved to be a controversial decision as the NAACP leadership split over the decision. Approval of the ten-day suspension resulted in the resignation of Reverend Ezekiel Bell as NAACP president and the appointment of LeRoy Clark. Reverend Bell proclaimed that “the suspension represents ‘a shameful retreat’ because ‘no meaningful discussion’ has taken place with the board of education or the hospital.”⁶⁶ The decision to halt school boycotts split the leadership of the Black Coalition. The split was caused by the debate over the use of students in the hospital strike. Bell and other members of the Black Coalition did not want to end the Black Monday protests until all of the demands to the school board were met and the strike settled at St. Joseph’s Hospital. The NAACP continued voicing their support of demonstrations and a boycott of downtown merchants until the hospital strike could be resolved but ended their call for a school boycott.

On November 16, the board voted to implement the proposals suggested by the mediation committee. Those suggestions involved the inclusion of African Americans on the board including two interim black advisors, the appointment of a black assistant superintendent and black coordinator, and a promise to intensify the recruitment of quality black teachers.⁶⁷ Although the NAACP asked that students return to school, the Black Coalition continued to encourage their participation in the protest against St.

⁶⁵ “‘Concern For Black Students’ Called Factor in NAACP Action,” *Commercial Appeal*, 15 November 1969, 4.

⁶⁶ *Ibid.*

⁶⁷ “School Board Gives Ok to Proposals Outlined By Mediation Committee,” *Commercial Appeal*, 17 November 1969, 1.

Joseph's Hospital. The Black Coalition would not call an end to the boycott until the board filed a ten million dollar lawsuit against coalition leaders on November 21. At this point, the NAACP officially called an end to the Black Monday protest just as the ten-day moratorium was coming to an end. They had accomplished several of their goals including black representation on the school board, which would come to full realization a little over two years later.

By the beginning of 1970, the *Northcross* case was back in the courts. Both the court of appeals and the Supreme Court had remanded the case to the district courts. The major question of this round of hearings centered on whether or not the Memphis school system was maintaining a unitary system. The question of what defined a unitary system and whether that meant massive integration had plagued the Court since *Green*. In *Alexander v. Holmes*, the Supreme Court ruled that "if a school system's plan of desegregation effectively excludes any person from a school because of race or color, the system was not unitary."⁶⁸ Looking at the statistics, McRae ruled that the board was not maintaining a unitary system. In the 1969-1970 school year, Memphis had 133,350 pupils composed of 45.6 percent black students and 54.4 percent white students in 166 schools in which 54 were all black, 18 all white, 25 predominately black, and 68 predominately white.⁶⁹ The next school year was expected to see a huge jump in enrollment due to the annexation of additional Shelby county land. These new students would swing the racial majority of the system to black students.⁷⁰ Because of segregated housing patterns in the city, the court found that the use of zoning could only have a

⁶⁸ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 55.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

limited effectiveness in integrating schools. To counteract this, a transfer policy was put in place to encourage transfers from majority to minority schools. Also, transfers from majority to majority and minority to minority were allowed. The ruling did not address faculty desegregation though it did note that as the board was implementing the court-ordered twenty percent ratio, Superintendent E.C. Stimbert had publicly encouraged teachers to resist their transfer plan.⁷¹ As was the pattern, the NAACP and the board appealed the ruling.

On the same day that McRae issued his ruling, the Supreme Court issued their rulings in five school cases. Among these were *Swann v. Charlotte-Mecklenburg Board of Education* and *Davis v. The Board of School Commissioners of Mobile County*. These were some of the most monumental school decisions since *Brown*. *Swann* affirmed that busing could be used as a tool for school desegregation, and the *Davis* decision reaffirmed this decree. Wilkinson argues that “on the surface *Swann* was a great liberal victory, perhaps the greatest since *Brown*.”⁷² Like *Brown*, it did not give guidelines for implementation and offered some comfort to conservatives opposed to busing. The Court had placed limits on the extent that busing could be used. The Court declared that “not every school need ‘reflect the racial composition of the school system as a whole’; the presence ‘of some small number of one-race, or virtually one-race, schools within a district’ was not *per se* forbidden” and time and distance especially for younger students being bused should be limited.⁷³ Wilkinson stresses that the Court ignored addressing

⁷¹ Ibid. 57.

⁷² Wilkinson, *From Brown to Bakke*, 147.

⁷³ Ibid. 148.

the monumental issue of segregated housing in this decision.⁷⁴ Segregated housing practices had been used nationally to create segregated schools. As monumental as it was, the decision barely scratched the surface of what it could have done because it avoided the housing question that would have made school desegregation a national issue instead of a primarily southern issue. These decisions caused the court of appeals to remand the *Northcross* case back to the district courts and set off a wave of public protest against busing in Memphis.

As suggested by the court of appeals, McRae called in a team of educators from the Division of Equal Opportunities of the United States Office of Education. This seven-person team was charged with helping the board and the court formulate a plan for desegregation that would work in Memphis. Starting on November 15, 1971, the court began a new hearing that was to give guidelines to the team of educators on what the situation in Memphis was, the history of discrimination against African Americans in the city, and the legal precedent set by the Supreme Court in its recent decisions. Before the team could begin work, Washington officials halted the team. President Richard Nixon vehemently opposed busing and spoke out for a constitutional amendment opposing busing as well as legislation that barred the use of federal funds to pay for busing. In an editorial, the *Tri-State Defender* argued that “recent moves by HEW (Health, Education, and Welfare) officials have indicated strongly the idea that the federal agency isn’t going to aid segregation any more than necessary, which follows President Richard M. Nixon’s stand to the letter.”⁷⁵ McRae explained that members of the team had been sent a letter

⁷⁴ Ibid. 139-145.

⁷⁵ Norman Unger, editor. “HEW and Memphis...” *Tri-State Defender*, 15 January 1972.

from Washington setting forth restrictive guidelines for how they were to proceed with developing their plans.⁷⁶ McRae relieved the team of their duty since “the guidelines deprive Dr. Goldberg and the members of the Team from making objective recommendations in the manner contemplated by the Director of the Title Four Program, the members of the Team, the Board, and the Court” and ordered the board to prepare two separate plans that were to be submitted to the court.⁷⁷ McRae noted that this was the first time he had “any political interference directly from Washington” in his school desegregation cases in west Tennessee.⁷⁸ In formulating a new plan, the court and both parties involved faced opposition from all sides concerning the use of busing in Memphis.

Opponents of busing had been making their feelings known since the Supreme Court had issued its ruling in the *Swann* case. Memphis spawned a variety of anti-busing organizations. Citizens Against Busing (CAB) became the most vocal of these organizations. In February 1972, CAB along with other anti-busing organizations held a 97-car funeral procession for neighborhood schools. This demonstration was “part of a nationwide ‘day of mourning’ for the inevitable death of neighborhood schools.”⁷⁹ The white citizenry that compromised the majority of anti-busing groups argued that they did not want their children bused into ghetto schools citing that they feared for the students’ safety. John Egerton, who was sent to Memphis by the Southern Regional Council to observe and report on busing, argued that “CAB could claim the backing of virtually every white politician in the city, and the support-in principle, at least – of state

⁷⁶ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 69-70.

⁷⁷ *Ibid.* 70.

⁷⁸ *Ibid.* 69.

⁷⁹ “Busing Foes Hold Mock Funeral,” *Tri-State Defender*, 26 February 1972.

legislators, congressmen, Tennessee's two U.S. senators and the President of the United States.”⁸⁰ As the threat of busing grew, both CAB and city officials worked to keep buses from rolling in Memphis.

Those supportive of busing saw it as the only way to achieve integration in areas where residential communities were segregated. In a statement of policy printed in the *Commercial Appeal*, citizens supportive of busing, many of them members of the NAACP, responded to some of the statements made by those opposed to busing. “Due to our housing patterns, we cannot eliminate busing of students- black and white- as one approach to the solution of our school problems,” the group argued.⁸¹ Unless the country agreed to address past discrimination in housing practices, busing was the only solution to integrating city school systems. Gary Orfield argues that two alternatives were possible to promote residential integration though neither was supported by national policy. He contends that “either a major effort must be made to open up housing choices for blacks and integrate suburban housing or policies must be designed that will attract jobs and white middle class residents back to the urban core in substantial numbers.”⁸² Because of the wave of white suburbanization not only in Memphis but also across the nation, busing provided the most obvious method to achieve school integration.

On March 3, 1972, two plans, written by assigned staff personnel from the board, were presented before the court. These plans were designated Plan A, which called for minimal busing and maximum pairing of schools, and Plan B, which called for necessary

⁸⁰ John Egerton, *Promise of Progress: Memphis School Desegregation, 1972-1973*. Atlanta: Southern Regional Council, 1973, p. 9.

⁸¹ “Busing and the Schools: A Statement of Policy,” *Commercial Appeal*, 5 April 1970.

⁸² Gary Orfield, *Must We Bus?*, 77.

busing with no less than a thirty percent minority base per school.⁸³ The NAACP also submitted a plan, and the board submitted three others. The court ignored the three plans submitted by the board because they were seen as propaganda for continued segregation and emphasized the board's position against busing. The plan submitted by the NAACP suggested the busing of approximately 61,000 students, which was about twice that recommended in Plan B.⁸⁴ On April 20, McRae announced his decision which aimed for a middle ground and approved Plan A that was to be implemented by the 1972-73 school year. The polar opposite positions of the NAACP and the board, as well as the white community's opposition, prompted McRae to decide on a plan that would ease the city into busing. He wrote in his decision that "the practicalities of the existing situation in the city of Memphis limit the change in the plan of desegregation to this extent at the present time" but that Plan A "might be used as a step toward further desegregation in the future."⁸⁵ The board appealed the ruling, but Plan A was upheld by the court of appeals. Busing would soon become a reality. This would be the first time that school buses ever rolled down the streets of Memphis.

On March 22, members of CAB held a protest rally prior to Judge McRae's ruling on a busing plan. During the protest, they buried a school bus to demonstrate their opposition to busing. Immediately after Judge McRae issued his ruling on Plan A, anti-busing protests intensified, and those opposed began searching for a way to overturn the ruling. Mayor Wyeth Chandler initiated a plan to obtain a City Charter amendment that would prohibit the use of tax funds to pay for school busing. The *Commercial Appeal*

⁸³ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 73.

⁸⁴ *Ibid.* 79.

⁸⁵ Jimmie Covington, "Judge Orders Busing for 13,789, Says 'Practicalities' Limit Change," *Commercial Appeal*, 21 April 1972.

noted that such a move “would have doubtful legality.”⁸⁶ Speaking to a crowd of over 1,500 at Hillcrest High School, Mayor Chandler admitted that the only way that busing could be prevented legally was through a constitutional amendment.⁸⁷ This was just one of many mass meetings held by anti-busing forces planning their next course of action. Four days later at a CAB meeting held at East High School, Ken Keele, CAB chairman, called for a boycott of city schools for two days. Mayor Chandler addressed the overflowing crowd urging parents and all citizens opposed to busing to unite and “stand together now.”⁸⁸ CAB’s call for the boycott was heavily criticized by the majority of the school board and the Memphis Area Chamber of Commerce, yet the mayor spoke out in support saying he was “100 per cent behind their (CAB) efforts to fight this busing” and that if boycotting would stop busing “the loss of two days to a child’s education would be insignificant.”⁸⁹

As Memphians divided over this issue, the *Commercial Appeal* warned anti-busing groups to consider how their actions would affect their children and the community at large. Citing incidents in Nashville and Pontiac, Michigan, as prime examples of the futility and danger of such protests, the editorial argued that protests and boycotts had “increased racial conflicts, interrupted education, and set outrageous examples for children who should have learned that this is a country ruled by law, not by defiance of the law.”⁹⁰ The boycotts proceeded as planned however. A total of 52,717 students were reported absent and pickets were set up at 25 schools on the first day of the

⁸⁶ “Efforts Studied to Oppose Tax Funds’ Use In Busing,” *Commercial Appeal*, 22 April 1972.

⁸⁷ *Ibid.*

⁸⁸ “CAB Calls for Boycott of Schools For 2 Days,” *Commercial Appeal*, 26 April 1972.

⁸⁹ Jimmie Covington, “School Officials, Chamber Blast Boycott Plans,” *Commercial Appeal*, 27 April 1972.

⁹⁰ Gordon Hanna, editor, “Boycotts: A Mistake,” *Commercial Appeal*, 27 April 1972.

boycott.⁹¹ The next day saw an increase of 4,123 more students absent from school. The success of the boycott in disrupting city schools showed the widespread opposition to Plan A. Opposition would take a potentially more violent tone the next week as bomb threats were called into four predominately black high schools.

The NAACP responded to the boycotts by pointing out that several of their members and supporters had been arrested for their role in the Black Monday protests and were still facing charges on those arrests. Speaking before the Community Relations Committee, Walter Evans, a black attorney and member of both the NAACP and the committee, urged the committee to pursue legal action against CAB because of actions taken against blacks during school boycotts.⁹² The committee agreed that such a move would be made if CAB continued their boycotts. The NAACP complaints about uneven enforcement of the law were answered when on June 30, 1972, the charges stemming from Black Monday were dropped. Maxine Smith noted in her annual report that “ironically the District Attorney General did not dismiss these charges until a boycott of schools was sponsored by a white group, none of whose leaders were arrested or charged with any offense.”⁹³

The appeal process of the *Northcross* case delayed implementation of Plan A. On June 2, 1972, the court of appeals granted a stay on Judge McRae’s decision. On August 29, the day after school started for the 1972-1973 school year, the court of appeals dissolved the stay and reaffirmed Plan A with an implementation date of November 17, 1972. This date was pushed back to January 22, 1973, in a special hearing held in

⁹¹ Jimmie Covington, “CAB Asks Widening of School Boycott,” *Commercial Appeal*, 28 April 1972.

⁹² Norman Unger, “Black Schools Threatened,” *Tri-State Defender*, 6 May 1972.

⁹³ Maxine Smith, 1972 NAACP Annual Report, Maxine Smith Collection, Special Collections in the Memphis and Shelby County Room, Memphis/Shelby County Central Library, Memphis.

September. The appeal process was exhausted finally on October 6, 1972, when the Supreme Court refused to delay the busing plan. The date was set for busing to commence despite the best efforts of CAB, city officials, and the school board. The school board conceded defeat on Plan A and voted to spend \$252,000 to begin busing.⁹⁴

The Memphis Chamber of Commerce began working to help ease Memphians into compliance of Plan A. In October, chamber officials led in the formation of IMPACT—Involved Memphis Parents Assisting Children and Teachers. IMPACT developed a program that hoped to gain community acceptance of busing through “newspaper and television advertisements, fact sheets, a telephone rumor control system, neighborhood meetings, a speaker’s bureau, church and organizational support, research and troubleshooting.”⁹⁵ The organization adopted one simple line of defense: “maintenance of public education as a viable institution, and maintenance of law and order.”⁹⁶ They adopted the slogan “IMPACT—not the pros, not the cons, just the facts.”⁹⁷ This slogan exemplified the stance of many involved with the organization. They did not support busing necessarily, but they had accepted the court’s ruling and understood that unless the Memphis community learned to accept Plan A, public education in the city would suffer the consequences.

As the date for implementation drew closer, tensions mounted in the city. A week before busing was to begin, the police arrested Robert Lawrence Payne, a 25-year-old white man, who was accused of attempting to hire himself out to stop the buses from rolling. Ken Keele had tipped off the police after Payne had offered his services to CAB.

⁹⁴ “It’ll Cost \$252,000...Education Board ok’s busing cash,” *Tri-State Defender*, 21 October 1972.

⁹⁵ Egerton, *Promise of Progress*. 9.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

Keele assured the community after Payne's arrest that "we have not advocated violence or even scheduled demonstrations or picketing. The only way to stop busing is not to have children on the buses."⁹⁸ Keele, like other Memphians, opposed busing but did not want to see violence used to stop the buses. Because CAB had run out of legal means to halt busing, they began setting up private schools throughout the white neighborhoods of the city and called for a total boycott of the schools.

On January 22, 1973, the buses rolled down the streets of Memphis for the first time. Plan A affected 45 of the city's 160 schools; almost all of those affected were elementary schools. A total of 25,000 students had been reassigned with 12,000 of those eligible for bus transportation. Of the 12,000 students to be bused, 7,000 were black students. Violence did not erupt that day though some white parents did picket at a few of the schools and several bomb threats were reported.⁹⁹ Egerton reported that 40,000 students were absent on the first day of busing.¹⁰⁰ Absenteeism declined slightly each day as parents began sending their children back to the city schools. Many of those absent would never return as they fled to private schools and newly formed CAB schools. Approximately 6,000 students left the public schools system after the implementation of Plan A.¹⁰¹ A month after Plan A began, CAB claimed that they were operating 28 schools with an enrollment of 8,000 students.¹⁰² Those newly formed schools were not yet accredited.

⁹⁸ Egerton, *Promise of Progress*, 12.

⁹⁹ "Memphis: The busses rolled," *Tri-State Defender*, 10 February 1973.

¹⁰⁰ Egerton, *Promise of Progress*, 14.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*, 15.

While the city had been coping with the implementation of Plan A, Judge McRae and the attorneys for the NAACP and the school board had begun working on the final phase of desegregation. On November 15, 1972, Judge McRae announced his final instructions on how the parties were to proceed in developing a plan that finally would make Memphis city schools a unitary system by eliminating the large number of one-race schools. The final plan for school desegregation was reached on May 3, 1973. Judge McRae concluded his decision by asserting that “having started with Plan A as the first truly significant, involuntary means of desegregation in this city the Court hereby designates the combined approved plans as Plan Z in hope that it would prove to be the terminal plan for this long standing problem in the City of Memphis.”¹⁰³ Plan Z called for the busing of 39,904 students beginning in the 1973-1974 school year.¹⁰⁴ The school districts were divided into satellite zones in which students from the predominately white eastern side of the city would be bused to the predominately black western side of the city and vice versa.

Plan Z did not eliminate all one-race schools. Judge McRae had selected the least extensive busing plan placed before him. In fact, the new plan left 22 schools virtually all black with an enrollment of 22,000 students, which was 30 percent of the black enrollment.¹⁰⁵ Judge McRae had rejected the NAACP’s plan which would have bused over 57,000 students citing “‘limiting factors’ of cost, busing times, preserving desegregation already accomplished, and achieving an effective plan.”¹⁰⁶ Judge McRae

¹⁰³ “McRae Calls it ‘Plan Z,’” *Memphis Press Scimitar*, 4 May 1973.

¹⁰⁴ *Ibid.*

¹⁰⁵ “School Busing Issue Still Hot One Here,” *Tri-State Defender*, 12 May 1973.

¹⁰⁶ Jimmie Covington, “Board-Supported Busing Plan Is Ordered For 39,904 in Fall; Appeal Pledged by NAACP,” *Commercial Appeal*, 4 May 1973.

acknowledged that white flight placed limitations on how expansive the school desegregation plan could be. In the implementation of Plan A, white parents had shown their refusal to send their children to certain previously all-black schools. Judge McRae argued in his opinion that “the fact remains that a system cannot effectively desegregate by the practice of involuntarily assigning members of the opposite race to certain schools if there are insufficient members of the white race available to assign.”¹⁰⁷ Busing remained a volatile issue, and few doubted that more white students would leave the city schools as a result of Plan Z. Judge McRae had sought a plan that would eliminate many of the one-race schools without inflaming any more of the white citizenry than necessary.

As the school board began planning on how it would implement Plan Z, Mayor Wyeth Chandler and the City Council began devising allegedly legal tactics to keep the buses from rolling in the fall of 1973. These tactics primarily consisted of withholding gasoline and funds to pay for busing from the school board. Mayor Chandler had been successful in amending the city’s Charter and passing a city ordinance that “made it unlawful for the City Council to levy taxes for providing funds for the board of education to transport students for the purpose of achieving a racial balance.”¹⁰⁸ Neither the amendment to the city’s Charter nor the city ordinance would stand up in court because both the district court and the court of appeals had noted that the Memphis desegregation plan was not designed to achieve racial balance. Mayor Chandler then turned to state law to stop the buses. In June 1973, Chandler announced that the city would no longer furnish gasoline for busing “because of a state law forbidding the sale of tax-exempt

¹⁰⁷ Ibid.

¹⁰⁸ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 112.

gasoline to private firms.”¹⁰⁹ The board had contracted with School Transportation Inc. of Kansas City, Missouri to provide the necessary school buses for the court-ordered plans. The board responded by changing the wording of their contract with the Kansas City company to read that “the school system is leasing the buses.”¹¹⁰ By leasing the buses, the school system would not have to pay the state tax on the gasoline.

The legality of obstructionist tactics did not stop the mayor from working to withhold gas supplies from the board prior to the implementation of Plan Z. On June 17, 1973, Maynard Stiles, a city department head who handled the gasoline contracts, wrote a letter to the board warning that “he would be unable to provide gasoline for buses for the operations to begin in September 1973.”¹¹¹ The board had been expecting the city to withhold gasoline supplies. Three days prior to receiving the letter, they had sent out invitations to bid to nineteen suppliers but got no bids. The national fuel crisis prevented most suppliers from taking on more contracts. The board took their problem to Judge McRae who issued a Memorandum Decision on July 26, 1973. The decision directed “the mayor, the city, and the board, including all subordinate top officials to make good faith efforts by all available means to obtain the gasoline necessary for implementation and continued operation of Plan Z.”¹¹² The city was directed further to remove limitations on the amount of gasoline the board could purchase and to work with Exxon who held the city contract to obtain additional supplies in light of their suspension of allocations during July and August. The board was instructed to request only the

¹⁰⁹ “No Gas Problem for Busing,” *Tri-State Defender*, 25 August 1973.

¹¹⁰ “Board Presses For Gas Answer,” *Commercial Appeal*, 18 August 1973.

¹¹¹ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 115.

¹¹² *Ibid.* 116.

minimal amount necessary for Plan Z, to begin efforts to find additional storage facilities, and to find its own source of gasoline as soon as possible.

On August 15 less than two weeks before the beginning of the school year, Mayor Chandler issued a statement that “the city had failed in its ‘good faith effort’ to obtain fuel for Plan Z school busing.”¹¹³ Exxon officials reportedly would not guarantee the city more than the five million gallons they had contracted for originally. The mayor argued that because Exxon would not guarantee additional supplies, this endangered a variety of departments such as the police, ambulance, and fire squads of running out of fuel before the end of the contract. Chandler argued that “whatever additional they sold us now might be taken off the end of the contract, and then we may run out.”¹¹⁴ The mayor suggested that Plan Z be delayed because of the gasoline shortage. The board opposed a delay citing that such a move would be “an administrative catastrophe.”¹¹⁵

As the start of the school year grew near, Judge McRae called for an evidentiary hearing on August 29 that would determine whether the city could supply the gasoline needed. Before that hearing, the NAACP added Exxon and the Secretary of Interior to the defendant list. Exxon and the Secretary of Interior were accused of conspiring with the mayor and city officials “to deprive the black students of their constitutional rights by not providing gasoline for the Court ordered Plan Z.”¹¹⁶ An agreement was reached prior to the hearing set for August 29 that made the hearing unnecessary. Exxon agreed to make available the quantity of gasoline requested by the city and not to deduct that amount from the existing five million gallon contract. The city agreed to order the

¹¹³ Leon Munday, “Chandler Says No Gas to Bus,” *Commercial Appeal*, 16 August 1973.

¹¹⁴ Ibid.

¹¹⁵ Leon Munday, “Mayor Suggests Delay in Plan Z,” *Commercial Appeal*, 17 August 1973.

¹¹⁶ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 118.

gasoline as requested by the board.¹¹⁷ With the gasoline crisis resolved, Plan Z was ready to begin.

On August 27, 1973, Memphis embarked on what would be the last phase of school desegregation. For the first time, busing in Memphis would affect high schools. The *Commercial Appeal* reported that there was little of the community tension that had developed prior to the implementation of Plan A.¹¹⁸ Plagued with lateness and missed stops, the buses rolled peacefully down the city streets though with fewer students. Instead of pickets and demonstrations, those opposed to busing simply fled the public city schools. Many of them chose to enroll their children at one of the eighty-five private schools in the city. Over 20,000 white students left the Memphis city school system because of Plan Z.¹¹⁹

White flight as much as busing reshaped Memphis city schools. It served as the last option for those opposed to busing and desegregation. Seeing that they no longer had any hope of keeping public schools segregated, those opposed to desegregation simply left the public school system. Parents tired of boycotts, legal decisions, and controversy affecting their children's education also withdrew their children from the city schools. In a three-year period between 1970 and 1973, approximately 37,000 students left the public school system.¹²⁰ "The root cause of white flight was the white racism syndrome which had become heavily infested in the Caucasian portion of the Memphis and Shelby County community," McRae argues.¹²¹ The *Commercial Appeal* cited "a fear of declining

¹¹⁷ Ibid.

¹¹⁸ Jimmie Covington, "Busing Plan Rolls Into Action Today," *Commercial Appeal*, 27 August 1973.

¹¹⁹ "Sad Story of White Flight," *Commercial Appeal*, 13 September 1973.

¹²⁰ Ibid.

¹²¹ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 187.

quality of education” as another reason for the high numbers of white students fleeing the public schools.¹²² The declining quality of education defense, however, was often based on racist perceptions of the alleged low academic abilities of African American students. Whatever their reasons, a large number of white students left the public city schools leaving the system with a racial makeup of 71 percent black students and 29 percent white students.¹²³ White flight caused such a reduction in student enrollment that Plan Z had to be modified. In his oral history, Judge McRae noted that white flight did have some advantages. The main advantage was the removal of potential problems “brought about by mixing black students with some white students who came from white racist homes.”¹²⁴ It also cut costs pertaining to facilities, personnel, and transportation.

The appeals process for Plan Z did not conclude until April 23, 1974. The NAACP had appealed that the *Northcross* case be sent back to Judge McRae for further review because of the large number of one-race schools left in the city school system. The Supreme Court refused to review the case. That refusal coincided with the Court’s departure from strongly supporting school desegregation. As the fight to desegregate American schools reached the North, the Supreme Court gave in to both public and political pressure and began limiting *Brown’s* reach.¹²⁵ The *New York Times* reported that “the Justices’ refusal to consider the Memphis case appeared to civil rights lawyers to signal an emerging trend toward not requiring full implementation of desegregation in the South, increasing the likelihood that future compromise plans from other cities would

¹²² “Sad Story of White Flight,” *Commercial Appeal*, 13 September 1973.

¹²³ Maxine Smith, 1974 NAACP Annual Report, Maxine Smith Collection, Special Collections in the Memphis and Shelby County Room, Memphis/Shelby County Central Library, Memphis.

¹²⁴ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 188.

¹²⁵ Gary Orfield & Susan Eaton, *Dismantling Desegregation*, The New Press: New York, 1996, xiv.

prove acceptable to the court.”¹²⁶ Regardless of the Court’s motives, both the court of appeals and the Supreme Court upheld Plan Z. Busing, though strongly opposed by many Memphians, served as the tool capable of integrating schools. After over thirteen years of litigation, Memphis had finally arrived at a unitary school system in the eyes of the court.

¹²⁶ Warren Weaver, Jr., “Memphis a Victor on Black Schools,” *New York Times*, 23 April 1974.

Conclusion

School desegregation in Memphis occurred in three of the four phases argued by Wilkinson: absolute defiance, token desegregation, and massive integration. During the period of absolute defiance, city officials used action and rhetoric to demonstrate their resistance to *Brown* while maintaining their opposition to the use of violence to prevent desegregation. The period of token desegregation began with the filing of the *Northcross* case. As the NAACP began pushing for desegregation, the board resigned themselves to fighting desegregation in the courts. By 1968, the Supreme Court began issuing rulings that set a more definite course for school desegregation. These new rulings along with Judge Boyd's retirement in 1966 marked the beginning of a new phase in the battle to desegregate Memphis schools. Massive integration saw the completion of the evolution of *Brown's* meaning. *Swann* allowed busing to be used to combat the effects of segregated housing patterns in urban areas and provided the solution that Memphis needed in order to achieve a unitary school system. Memphis experienced a series of crises but was able to weather them without mob violence taking over the city. During this period, major strides were taken to end segregation in Memphis city schools. At the same time, violence was avoided because of the commitment of the city's leadership to fight their battles in the courtroom and not in the streets of Memphis. Almost twenty years after *Brown*, Memphis finally operated a unitary school system. It had been a long fight that left lasting marks on the city and forever changed the public school system.

Ten years after the implementation of Plan Z, busing remained a controversial issue in Memphis. White flight continued after the implementation of Plan Z in 1973 and into the 1980s, though at a reduced rate. In 1982, the board and the NAACP reached a

consent agreement that modified Plan Z according to the shifting patterns of the system. The agreement reduced “busing in parts of the city, produced 23 neighborhood schools, closed 3 cost-ineffective schools, decreased transportation costs by \$1 million without decreasing desegregation in the system.”¹²⁷ Despite a reduction in busing, Memphians were still divided sharply on the issue. Those still opposed claimed that busing had been “a costly disaster” that had done “major damage to the school system and the city.”¹²⁸ Supporters argued that busing had wrought a “major improvement in attitudes and that school desegregation provided a basis for major racial progress.”¹²⁹

On November 11, 1992, the *Northcross* case was placed on inactive status. Judge McRae noted that “nineteen years had passed since Plan Z had been approved and for ten years the parties had settled and agreed upon changes and interpretations of the revised Plan.”¹³⁰ The *Northcross* case was dismissed finally on April 23, 1999. As of 2004, 3,300 students were still being bused “on routes born under desegregation.”¹³¹

As we look back fifty years after the original decision, many ask whether *Brown* and the subsequent decisions of the Court were truly successful in desegregating schools. White flight into suburbia and private schools counteracted many of the measures taken to desegregate public schools. Scholars such as Gary Orfield have questioned the Court’s commitment to *Brown*’s principles. The conservative political backlash from busing has reversed many of the gains made prior to 1974. Any successes that were made have since been reversed or are in danger of being reversed. In the 1990s, the Supreme Court

¹²⁷ Jimmie Covington, “Busing Remains Lively Issue,” *Commercial Appeal*, 2 January 1983.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 138.

¹³¹ Kevin McKenzie, “Schools emerge worlds apart, seeking an ideal,” *Commercial Appeal*, 16 May 2004.

moved further away from the principles of *Brown* issuing decisions that “established legal standards to determine when a local school district had repaid what the Court defined as a historic debt to its black students.”¹³² Once a system has been ruled unitary, it is free to revert back to neighborhood schools even if those schools are segregated. The reality of resegregation must be taken into account in the debate over the success of *Brown*.

In Memphis, the debate is split according to how one defines the objectives of *Brown*. In reflecting on the *Northcross* case, Judge McRae argued that desegregation did work because the goal was never to achieve racial balance.¹³³ He maintained that “the goal was to order the board to adopt a plan that would rid the system of separate racial systems under one board and have the board put in place a desegregation plan consistent with Supreme Court decisions.”¹³⁴ According to McRae’s argument, Memphis was successful in desegregating its public school system.

Many do not agree with Judge McRae’s assessment. In 2004, Memphis city schools consisted of 101,232 black students (88 percent) and 9,239 white students (8 percent).¹³⁵ The city is 62 percent black and 35 percent white. Half of the city schools are composed of virtually all African-American students. In an interview reflecting on *Brown* and how it affected the city, Mayor Willie Herenton argued that “if you look at the schools today, they are more racially isolated than they were in the early days of integration.”¹³⁶ A recent study by The Civil Rights Project at Harvard examined the forty

¹³² Gary Orfield, *Dismantling Desegregation*, 1.

¹³³ Robert McRae, *Oral History of the Desegregation of Memphis City Schools*, 184.

¹³⁴ *Ibid.*

¹³⁵ Kevin McKenzie, “Schools emerge worlds apart, seeking an ideal,” *Commercial Appeal*, 16 May 2004.

¹³⁶ *Ibid.*

largest school districts in the nation. Memphis ranked number one for the most segregated private schools.¹³⁷ Deborah Northcross, for whom the Memphis suit was styled, remarked after speaking before an assembly at Central High School in 2004 that “I could count the number of white students in the audience on both of my hands. It’s like we’re just doing a slow walk back to the way it was.”¹³⁸

The debate over the success or failure of *Brown* continues into the twenty-first century. Are we slowly walking back to the way things were or have we stayed true to the principles of *Brown*? The Memphis story of school desegregation highlights both the limited successes and failures of *Brown*. The *Northcross* case succeeded in dismantling the segregating school system. Opposition to busing, however, caused thousands of students to flee the city schools and created an African-American school system. In Memphis, *Brown* failed to create an integrated school system that could provide students with an ethnically diverse educational experience.

¹³⁷ Daniel Kiel, “Goal of Diversity is Elusive,” *Commercial Appeal*, 16 May 2004.

¹³⁸ John Branston, “School Desegregation Recalled,” *Memphis Flyer*, 14 May 2004.

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