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MANDATORY BUSING AND DESEGREGATION: WICHITA, 1954 – 1999

A thesis submitted to the Graduate School in partial fulfillment of the requirements for
the degree of Master of Arts.

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MANDATORY BUSING AND DESEGREGATION: WICHITA, 1954 – 1999

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MANDATORY BUSING AND DESEGREGATION: WICHITA, 1954 – 1999

An Abstract of the Thesis by
Pilar K. Pedraza-Bailey

Wichita opened its first officially integrated school in 1954, yet by 1965, approximately 85% of schools in Wichita were predominantly European American. After a 1966 complaint to the Department of Health, Education and Welfare (HEW) and a protracted legal battle, a federal administrative judge ordered the district to devise a plan for integration or lose federal funding in 1971. The resulting mandatory busing plan remained in effect in Wichita for more than 40 years. In 2016, nine years after the official end of mandatory busing in Wichita, 25% of the city's schools had already returned to what the federal government considers single-race status.

This thesis argues that although mandatory busing policies were the only practicable solution within the power of school districts like Wichita, they were little more than temporary stop-gaps that were constitutionally incapable of fixing the true, underlying source of school segregation in cities like Wichita that no longer practiced *de jure* segregation but still suffered from *de facto* segregation. Changing political attitudes not only hindered efforts by school districts to develop racially balanced attendance centers, but they actively blocked other local actions at the city, county, and state level that might have provided the needed permanent solution. Given these circumstances, the return to *de facto* segregation in some school buildings, once cleared of the mandatory busing order, was a pre-determined outcome in Wichita.

TABLE OF CONTENTS

CHAPTER	PAGE
I. ROOTS AND TYPES OF SEGREGATION IN THE UNITED STATES	1
II. RACE RELATIONS AND DISCRIMINATION IN WICHITA	31
III. THE BATTLELINES OVER SCHOOL SEGREGATION IN WICHITA	57
IV. CHESTER LEWIS, EDWANA COLLINS, AND ENOUGH IS ENOUGH	72
V. COMPLAINT AND COMMUNITY REACTION	90
VI. HEW INVESTIGATION AND A FORMAL HEARING	110
VII. THE RULING AND ITS IMPACT	139
VIII. CONCLUSION: INTEGRATED OR TEMPORARILY DESEGREGATED?	161
BIBLIOGRAPHY	183

CHAPTER I

ROOTS AND TYPES OF SEGREGATION IN THE UNITED STATES

“I knew that many of my white friends that I would continue to see. But I did not know how many of my black friends, whose homes I’d never been to, whose neighborhoods weren’t mine, that I would see. So, I ended up going to the after-prom party at the Zanzibar Club. My date and I were the only white folks there,” laughed Roz Hutchinson.

Although she remembers some busing began as early as her freshman year, Hutchinson’s high school senior year, 1971-72, was the first year of official mandatory busing in the Wichita school district, USD 259. She recounts tales of racial tensions in the school and of efforts on the part of the district to defuse those tensions and help the students get along with each other. She also recounts how the racial mixing generally ended at the schoolhouse door.¹ Hers was the first generation in Wichita to live the impact of mandatory busing for the purposes of integration, nearly two decades after the U.S. Supreme Court’s landmark ruling *Brown v. Board of Education of Topeka, Kansas*, which ordered the end of *de jure* segregation in schools.

¹ Roz Hutchinson, interview by Pilar Pedraza-Bailey, Wichita, KS, January 31, 2019.

Wichita was one of dozens of cities across the country affected by the order to find a way to better balance racial makeup at its various attendance centers at the risk of losing all federal funding. Unlike southern cities that had been previously ordered to desegregate, Wichita and other similar northern cities faced problems far beyond the need to legally open all buildings to all races. Race relations there had developed over many years into social hierarchies, cultural attitudes, and legal restrictions very dissimilar to the outright segregation of “Jim Crow” laws in the South. Much like other cities dealing with mandatory busing orders, which opponents labeled *forced busing*, Wichita saw some immediate progress. Not only did racial balances even out in the busing era, academic performance of all students saw improvements, and the achievement gap between the two largest racial groups tightened within those first few years.²

However, school reassignment was never meant to be a permanent fix. Even activists who had fought for school desegregation saw it as just one brick in the path to ending social and cultural discrimination, especially as pertains to employment and housing.³ As the civil rights movement lost internal momentum in the 1970s, it also faced clear setbacks in national politics and the federal court system. The landscape surrounding school desegregation was changing, and a series of presidential actions and

² U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 17-19.

³ “NAACP Executive Committee Meets,” *Salina Journal*, August 25, 1960; “NAACP Sets Voter Registration Goal of 50,000 Negroes,” *Emporia Gazette*, September 17, 1962; Darrell Yeane, Letter to the Editor, *Emporia Gazette*, June 10, 1963; “AP Survey of State Civil Rights Leaders,” *Hays Daily News*, June 16, 1963; “Desegregating Fraternities, Sororities Not a Priority,” *Ottawa Herald*, September 23, 1963; “Meeting of NAACP Leaders in Salina,” *Salina Journal*, January 26, 1964; Father Pepe, “Negro Seeks 5 Rights,” *Catholic Advance*, May 22, 1964.

court orders began to set limits on the Civil Rights Commission's and the Wichita school district's ability to remedy racial imbalances.⁴

In the late 1960s and into the 1970s, the base causes of school segregation in Wichita were connected to the human tendency to seek out lodging where one feels safe and secure. They were also the outgrowth of the desire to protect the monetary value of one's personal property, individual prejudices, the historical influences of legal segregation on socioeconomic status and contemporaneous living patterns, and federal housing laws and regulations of the era, such as redlining. True desegregation would have taken much more than just the school district's efforts to completely eradicate building-level segregation when the district relied on the concept of the neighborhood school. As the years passed, changing demographics in the city exacerbated the existing problems; a growing Latino population represented a third large racial category to contend with, one that was not a major player in the original desegregation plan. Since those who could change the underlying causes -- the city, the business community, and the voting public -- never acted, segregation returned to many of Wichita's schools once mandatory busing ended.

It is within this setting in the early 1970s that teens like Roz Hutchinson - and their younger siblings - found themselves suddenly navigating a whole new world, one that would be at times both unrecognizable and completely familiar to students in the district today. "I mean, you know, in retrospect, and looking at it through eyes different, you know, it's like you think that you're so woke for the times," Hutchinson said. "And

⁴ "The State of Black America," newspaper clipping, Eugene Anderson papers, KU Spencer Research Library, folder RH MS 654:1.3, Legislative Papers, Clippings, Minority Concerns, 1983, 1985-1986.

you're going, 'Boy...there were so many things that I didn't know or wasn't sensitive to or...' You know, everybody's doing the best they can, given the times that you live in.”⁵

SCHOOL SEGREGATION: NORTH VS. SOUTH

According to *School: The Story of American Public Education*, edited by Sarah Mondale and Sarah Patton, most historians trace the roots of the American public school system to the common schools that originated in the New England states in the mid-19th century.⁶ In the colonial era, education was “neither free nor public.”⁷ Many colonists brought with them the European idea that education was the responsibility of the family, not the government. As small towns grew and developed the concomitant moral and criminal problems of larger cities, politicians in Massachusetts enacted the first law requiring a town to form a school. The Old Deluder Satan Act of 1647 was designed to protect future generations from Satan by enabling them to read the Bible.⁸

After the Revolutionary War, leaders such as Noah Webster, Thomas Jefferson, and Benjamin Franklin pushed for government-supported and institutionalized schooling as a means of nurturing a sense of national unity. Historians would later call this “Americanization” when applied to new immigrants.⁹ Even in the late 1700s, one of the main obstacles to establishing government-supported schools was the cost to the public

⁵ Roz Hutchinson, interview by Pilar Pedraza-Bailey, Wichita, KS, January 31, 2019.

⁶ Sarah Mondale and Sarah B. Patton, eds, *School: The Story of American Public Education* (Boston: Beacon Press: 2001), 20.

⁷ Mondale and Patton, *School*, 20.

⁸ Wayne J. Urban and Jennings L. Wagoner, Jr, *American Education: A History*, 4th ed. (New York: Routledge, 2009), 34.

⁹ Mondale and Patton, *School*, 23.

purse, as James Madison told Jefferson after the Virginia legislature voted down Jefferson's plan for a second time.¹⁰ Supporters eventually sold the public school idea to business leaders as a way of establishing a common set of values, respect for authority, and basic skills in the workforce.¹¹ They sold it to working families as providing an equal chance to all at what would become the American Dream. In 1852, the first compulsory attendance law was passed in Massachusetts.¹² By the beginning of the Civil War, these "common schools" dominated in the New England states; they eventually became the model upon which states built the current American public school system.¹³

From the earliest common schools to the modern public school, the American society understood basic education as something that should be available to all. In reality, however, the concept of "all" was not all-inclusive. This ideal did not necessarily extend to working class girls beyond the basic primary schools, or to religious or racial minorities in any school.¹⁴ In the pre-Civil War South, many communities had laws that prohibited educating African American slaves, although, as historian Vanessa Siddle Walker points out, slaves found ways to educate themselves clandestinely, hiding textbooks underneath sewing kits, listening around doors as European American children learned from tutors, or 'playing school' with European American friends.¹⁵ Before and

¹⁰Urban and Wagoner, *American Education*, 74.

¹¹ Ibid., 96.

¹² Ibid., 155.

¹³ Ibid., 83-106.

¹⁴ Urban and Wagoner, *American Education*, 88.

¹⁵ Mondale and Patton, *School*, 24.

immediately after the Revolutionary War, religious groups such as the Anglicans and Quakers set up schools for African American students, even in the South. Some northern communities experimented with integrated schools in the post-Revolutionary period, but by 1820 they, too, generally either blocked African American students from attending or had segregated school systems.¹⁶

The white racial frame dominated attitudes among school leaders, teachers, and parents in both the North and South. After the Civil War, reconstructed southern communities fought to keep former slaves and their children out of public schools, in part because uneducated laborers were cheap and controllable. Congress required these states to include public schooling in their new constitutions as a condition of their re-entrance to the Union. There were attempts to force the former Confederate states to create racially mixed schools; these efforts failed, in general.¹⁷ To help former slaves transition to freedom, the Freedmen's Bureau established up to 4,329 schools with a combined enrollment of more than 247,000 by 1870.¹⁸ Southern states fought these efforts through the restoration of home rule as Reconstruction ended. Voters expelled Republicans from office and reinstated segregationist Democrats, who began passing Jim Crow laws, circumscribing the newly found freedoms of former slaves, and requiring school segregation.¹⁹ From the moment the *Plessy v. Ferguson* ruling enshrined the concept of separate but equal as constitutional under American law, not only did school districts

¹⁶ Urban and Wagoner, *American Education*, 115-16.

¹⁷ *Ibid.*, 128.

¹⁸ *Ibid.*, 124-25.

¹⁹ Urban and Wagoner, *American Education*, 133.

across the nation have separate schools for European and non-European Americans, but they primarily appropriated tax collections on European American schools, sometimes at rates of as much as three or four dollars spent on European American schools for every dollar spent on minority schools.²⁰

In his personal history of the attempt to desegregate America's schools, Charles J. Ogletree, Jr, explores the development of white supremacy in the Old South. He writes that starting in 1867, African Americans saw the rise of groups like the Knights of the White Camelia, the White Brotherhood, and the Knights of the Ku Klux Klan (KKK), all with one purpose – to push African Americans out of any positions of power they had gained under Reconstruction and put them back in their place. These groups waged a war of psychological terror on the African American population, and throughout the South, communities began to pass Black Codes, such as “grandfather clauses” in voting registration. The former slaves saw education as their way to freedom and economic prosperity within these conditions of oppression. When the European American system failed them, they turned to developing their own. That education took two basic forms: compromise on one hand, fighting back on the other. Urban and Wagoner illustrate the compromise efforts through the work of Booker T. Washington, the founder of the Tuskegee Institute. Rather than fight the majority American racist attitudes, he chose to provide vocational training, emphasizing the dignity of labor as a means of instilling racial pride in African Americans. Another African American activist of the time, W.E.B. DuBois, spent decades studying the “Negro problem” of former southern slaves. He concluded that to gain true social, economic, and political equality, African American

²⁰ Ibid., 224.

leadership needed an equalized, broad based, liberal arts higher education. His work led to the formation of the National Association for the Advancement of Colored People (NAACP) in 1909.²¹

Focusing on legal challenges, the NAACP chose segregated schools as one of its first targets in its efforts to end segregation everywhere. In initial court cases, the NAACP fought for equal funding for African American schools. Urban and Wagoner explain that African American schools were often the center of their communities and had generally better educated instructors than European American schools, many with master's degrees as opposed to simple high school teacher's certificates, because they had a lack of job opportunities elsewhere. The problem with these schools was based in the lack of equal funding and resulting inadequate facilities.²² By the time of *Brown v. Board*, the organization had realized that its best chance at successfully overturning *Plessy v. Ferguson* lay in convincing the Supreme Court that separate but equal was "inherently unequal."²³ Although argued with the best of intentions, the case's outcome would mean that more than 30,000 African American teachers in the South alone would lose their jobs in the ensuing years, and that schools around which strong African American communities had formed would close.²⁴

Despite the African American community's hope that the *Brown v. Board* ruling had rung the death knell of segregation in the United States, it had mixed success. The

²¹ Ibid., 137.

²² Ibid., 269-70.

²³ Mondale and Patton, *School*, 137.

²⁴ Ibid., 142.

Brown II (1955) ruling, ordering districts to proceed with “all deliberate speed,” left the door wide open for delaying tactics, which many districts pursued. Some districts proceeded with limited desegregation, allowing only small numbers of African American students to attend the European American schools, but claiming full desegregation. To qualify to attend the European American schools, the African American students had to be above average both academically and behaviorally. Other districts relied on *de facto* segregation and gerrymandered boundaries to keep African American students in one school building and European American students in another, and some districts used “freedom of choice” plans, which allowed European American students to flee a newly integrated school building for a still-segregated one. Another option was to segregate students within a school building into separate programs, generally college preparatory or technical education programs. These efforts kept students from mingling with and learning about each other and kept African American students from earning higher incomes once out of school because they lacked an academically rigorous education.²⁵

Border states like Kansas appeared to quickly comply with the desegregation mandates of *Brown v. Board*, while school districts employed many of the above-mentioned practices to avoid desegregating in fact.²⁶ Some communities, like Little Rock, vowed massive resistance and used police lines and riots to prevent African American students from entering European American schools. Others employed some of the various delaying tactics -- from “freedom of choice” plans to integrating only a

²⁵ Ogletree, *All Deliberate Speed*, 11-76.

²⁶ “Desegregation A Year Later,” Parts I and II, *Wichita Morning Eagle*, November 28-29, 1955.

handful of students -- or completely closed all schools in order to avoid desegregation, as happened in Virginia. A decade after the *Brown* ruling, 98% of African American students in the South remained in segregated classrooms. It was not until Congress passed the Civil Rights Act of 1964 that things began to change. This act banned racial discrimination in all federally funded projects, including schools. The Elementary and Secondary Education Act of 1965 offered southern states, many among the country's poorest states, increased federal funding for all schools.²⁷ This was an option that had been under debate since at least the early 1950s as schools nationwide struggled to find the money to accommodate the rapidly growing enrollments spurred by the post-war baby boom.²⁸

Providing additional federal funding initially had little impact on northern schools, where racist housing codes segregated the schools just as much as school segregation laws had in the South. That began to change in 1971, when the *Swann v Charlotte-Mecklenburg Board of Education* ruling inaugurated the era of mandatory busing to desegregate schools segregated by neighborhood living patterns.²⁹ European American families that could afford to leave big cities with large minority populations did so in another wave of white flight. This increased city versus suburb segregation problems that had grown with post-World War II suburbanization. School systems around the country used tracked instruction, putting European American students on a

²⁷ Mondale and Patton, *School*, 144-48.

²⁸ "Federal Aid for Schools," *Wichita Morning Eagle*, November 28, 1955; "Eisenhower Opens Conference," *Wichita Morning Eagle*, November 29, 1955.

²⁹ Mondale and Patton, *School*, 165.

university preparatory track and minority students on a vocational/technical track, to segregate within buildings. They relied on standardized intelligence assessment exams to place students, even though the racial biases of these tests had played a large role in the *Brown v. Board* arguments.³⁰ In 1974, the *Millikin v Bradley* ruling said states were not responsible for desegregating schools if inner city schools were mostly African American and nearby suburban schools were mostly European American unless the schools had used legal means to make that happen. In other words, if more affluent European American families could afford to move to all- European American towns or out into the country and if minority families wanted to live near each other, that was all a personal choice. Desegregation laws did not apply.³¹ This ruling failed to consider the government's role in promoting these segregated living patterns. In consequence by the 1980s, southern schools were more integrated than northern schools.

HOUSING SEGREGATION

Schools were not the only institution to suffer from both *de jure* and *de facto* segregation through the second half of the 1900s. Businesses, job opportunities, and housing options were also highly segregated, and thus they complicated efforts to desegregate the nation's schools, especially in larger urban areas in the North and West.

In the 1980s, historian Kenneth Jackson began an in-depth analysis of the suburbanization of America. He traced the development of modern suburbs to the 1830s and 1840s. Up until then, suburbs were the slums of American cities, while the central cities were the province of those who had money. In 1799, the newspaper the *Aurora*

³⁰ Ibid., 67.

³¹ Urban and Wagoner, *American Education*, 290-91.

described the Philadelphia suburbs by their stench, saying visitors “are saluted with a great variety of fetid and disgusting smells, which are exhaled from the dead carcasses of animals, from stagnant waters, and from every species of filth that can be collected.”³² Those who could afford it chose to live as closely as possible to their places of work, marking the daily commute in how many minutes it took to walk to work. Jackson calls the cities that grew up around this ancient tradition “walking cities.”³³ It was not until the advent of modern mass transportation just before the Civil War, in the form of ferries, steam-powered locomotives and horse trolleys, that those with money began to move into new suburban communities recognizable to modern eyes. The American elite began to purchase country homes or estates outside of the city for respite in the summer or for holidays. These purchases were fueled by a growing social movement that valued clean, healthy air as well as by the development of mass transit.

Starting in the second half of the 1940s and continuing over the next two decades, European American GIs and their families moved *en masse* to the suburbs, turning what had been a steady trend since the 1840s into a massive upheaval in American living patterns and city design. The migration to suburbia was supported not only by the American dream of owning one’s own home in the clean, healthy country air. It was also supported by the search for economic prosperity and stability in the wake of the Great Depression as well as safety from the threat of atomic attack. Jackson argues that Americans began flooding into the suburbs by the end of World War II for three reasons:

³² Kenneth T. Jackson, *Crabgrass Frontier* (New York: Oxford University Press, 1985), 16.

³³ Jackson, *Crabgrass Frontier*, 14-20.

an extreme housing shortage, the advent of the family car and, as historian Paul Boyer points out, the nuclear bomb. From 1950 through 1979, 72% of the nation's largest 25 cities lost population.³⁴

In the process of fleeing urban areas, European Americans chose to avoid conflict as much as possible, clinging to stability over risk in both personal and work lives, and enforcing adherence to the 'norm' by all within the social circle, excluding anything that threatened that stability. Historian Elaine Tyler May refers to this as "defense through containment." The result was a dramatically increased level of segregation, supported and incited by government policies as well as personal predilections.

The move to the suburbs blurred class lines, mixing Caucasian blue-collar families with the middle class, pulling recent European immigrants out of their traditional ethnic enclaves, and allowing them to blend into mainstream American life. The migration positioned people of differing religions, from Jewish to Catholic, as next-door neighbors. It was a dramatic illustration of the American melting pot.³⁵

At the same time, racial divisions grew larger and more entrenched. Some communities legally banned the sale of land or homes to minorities, racial and religious, in restrictive neighborhood covenants.³⁶ The religious bans in neighborhoods fell away after World War II, but the racial bans continued for another 20 to 30 years, upheld by both real estate agents and residents, despite the 1948 U.S. Supreme Court ruling in

³⁴ Jackson, *Crabgrass Frontier*, 4.

³⁵ Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 2008), 9.

³⁶ Jackson, *Crabgrass Frontiers*, 241.

Shelley v. Kramer that these restrictive covenants were “unenforceable as law and contrary to public policy.”³⁷

Anti-segregation activists proved unable to successfully combat these divisions as a new slum culture developed in increasingly impoverished and primarily African American-only inner-city neighborhoods from which African American middle-class families struggled to escape. When those families did try to purchase homes in the suburbs, even after legal blocks were lifted, they sometimes met violence from European American homeowners fearing losses in property values.³⁸

Post-World War II economic factors helped the suburbs grow and left the inner cities to dwindle away. The United States had an excess of land, something not available to older cities in European countries, making suburban growth cheaper than rebuilding the inner cities. In addition, with development following the Interstate Highway Act of 1956, industry found itself increasingly freed from its historical transportation restraints. This allowed industries to move to cheaper properties on the edges of the cities, spurring the development of new working-class suburbs around those properties.³⁹ There was also a belief as the Cold War gained strength that multiple, smaller factories scattered throughout the suburbs would be safer from communist agitation than single, large factories in the central city because this would prevent the gathering of large groups of common laborers who might too easily be seduced to the communist cause.⁴⁰ These

³⁷ Ibid., 208.

³⁸ Ibid., 133.

³⁹ May, *Homeward Bound*, 183-84.

⁴⁰ Ibid., 161.

developments drained jobs from large cities and lowered the tax base available to maintain public services. The resulting lowered standard of public services further lessened the incentive to stay for those who could afford to move away. And, it increased poverty levels in the remaining urban, minority communities. Minority communities were stuck in the cities with fewer job opportunities and fewer city resources to provide services, from street repair to police protection against the growing crime rate that itself resulted from the lack of viable, legal financial options for survival.

Originally, cities could simply absorb economically stable suburbs through annexation, bringing the taxpaying population lost to the suburbs back into the cities' financial folds. The resulting mixture of classes and races within the overall city, if not within the individual neighborhoods, allowed cities to spread resources, provide jobs, and continue growing. By the 1950s, though, annexation ceased to be an option for growth for most of the largest cities in the US. Of the 12 largest cities that lost population between 1950 and 1980, all had continued to grow until then by adding land.⁴¹

Memories and fears played a big role, as well, in the sudden growth of the suburbs after World War II. Americans quickly realized that the nuclear bombings of Hiroshima and Nagasaki were a danger that could reach them, too. As early as August 7th 1945, Hanson W. Baldwin wrote in the *New York Times*, "We have sowed the whirlwind." This fear trickled through all levels of society, though those with more education and money were the ones to articulate the fear and act on it.⁴² This fear only intensified as people began to realize the likelihood that other countries would have the

⁴¹ Ibid., 142.

⁴² Boyer, *By the Bomb's Early Light*, 13

nuclear bomb within a few years. The fear came in waves, increasing with the 1949 announcement that the Soviets had successfully tested their own bomb, the outbreak and expansion of the Korean Conflict in the early 1950s, and the Cuban Missile Crisis in 1962; between events like this, it subsided to a low-level, rarely acknowledged background noise that affected all facets of daily life.⁴³

The nuclear age and the fears it raised defined and confined American life for the next couple of decades. Its presence could be felt in the topics of songs and movies, in political decisions, changing ideas about city development, the desire for earlier marriage and larger families, and an all-encompassing faith in the ability of science to solve life's problems, including finding an effective defense against 'the bomb' as well as positive uses for nuclear technology. Among those effects were the twin beliefs that dispersing American cities so 'the bomb' could not destroy as many people and that having larger families would help re-populate the country after an attack. This made moving to the suburbs, marrying, and having a large family almost a patriotic duty. It also gave the illusion of being able to do something to protect one's country, if not one's own family, in the event of a nuclearized world war.⁴⁴

One of the strands of changed thought to come out of the post-war haze of fear was the belief that to truly move forward, America must unite in a way it never had before, across racial and social boundaries. Soviet claims that the United States did not

⁴³ Ibid., 239. The first comprehensive study of American attitudes about the nuclear bomb produced ambiguous results. While 65% of Americans said they were not worried at all or not worried much about the bomb, 60% also believed the bomb was already a secret known to other countries, and nearly half feared another world war within the next generation. The numbers fearing another world war only intensified in subsequent years of the study. Boyer, 23.

⁴⁴ Boyer, *By the Bomb's Early Light*, 130.

treat all citizens equally contributed to the civil rights movement in the 1950s and 1960s. For Eleanor Roosevelt, and many policymakers, the lesson of the development of the atomic bomb was clear: “social unity must replace divisiveness and conflict.”⁴⁵ They worried that racial strife and dissatisfied labor would draw the working poor and minorities to radical, left-wing political ideologies like communism.⁴⁶ For most Americans, though, this remained mainly a conceptual ideal, one that did not truly carry over into daily life and internal thought processes. They wanted to find peace by surrounding themselves with others of the same class, race, and religious beliefs, adapting to life’s circumstances and not making waves. Both beliefs were part of an overwhelming desire for peace following the upheaval of the Depression years and the dangers of the war years.⁴⁷ Idealists like Roosevelt saw peace in cooperation. But most Americans saw peace in separation, segregation, and normalization.

After decades of fewer marriages and fewer births, Americans wanted a return to the ‘traditional’ family – a working husband supporting a stay-at-home mother and three to four children, something most of their parents did not have.⁴⁸ This held true for all Americans, regardless of race or religious persuasion. The average age at marriage for both men and women, which had been falling slowly but steadily since 1890, reached its lowest point in about 1950. At the same time, the numbers of divorces fell in the post-war years. Even those couples that did eventually split up generally did so some 20 years

⁴⁵ Ibid., 139.

⁴⁶ May, *Homeward Bound*, 9.

⁴⁷ May, *Homeward Bound*, 199.

⁴⁸ Ibid., 39-57.

later, after children had been raised and set loose on the world as full-fledged adults.⁴⁹

Most couples married in their early twenties and had completed their families within the decade.

With the increasing number of new marriages and families coming after the Depression and war years that had nearly halted home construction, Americans experienced a severe housing shortage after World War II.⁵⁰ By 1945, there were not enough houses in 98% of U.S. cities and a shortage of apartments in 90% of them. The solution became the modern pre-planned subdivision, filled with a new balloon-style frame home that could be built on the assembly line model as pioneered by Abraham Levitt and his sons.⁵¹ Even the design of the homes reflected the new priorities of Americans. Easily expandable with a growing family, the designers put the kitchens near the front entrance and giant picture windows in living rooms facing backyards so mothers could keep an eye on their children while keeping up with their household chores.⁵²

Made quickly, with low-cost materials, the new suburban homes cost less than traditionally built homes. Once federal financing policies were added to the cheaper construction, they even cost less than renting.⁵³ The Servicemen's Readjustment Act (GI Bill) of 1944 expanded the Federal Housing Authority's programs, providing mortgage insurance at lower rates to millions of European Americans. This, combined with federal

⁴⁹ Ibid., 3.

⁵⁰ Jackson, *Crabgrass Frontier*, 232.

⁵¹ Jackson, *Crabgrass Frontier* 234.

⁵² May, *Homeward Bound*, 163.

⁵³ Jackson, *Crabgrass Frontier*, 235.

tax deductions for mortgage interest and real estate taxes, made purchasing and owning a home cheaper than it ever had been before.⁵⁴ Over the next two decades, 83% of the nation's growth took place in the suburbs, doubling the number of Americans living in these planned communities.⁵⁵ Access to these advantages, though, was difficult for minorities, not only because of restrictive covenants banning sale of the new homes to minority buyers but also to federal mortgage insurance practices and transportation policies.

In the 1930s, President Franklin Roosevelt signed legislation creating the Home Owners Loan Corporation (HOLC). Meant to protect homeowners from foreclosure by helping banks to better determine what properties would maintain their value and be a good investment for a mortgage, it ended up essentially barring African Americans from purchasing homes in certain neighborhoods and at reasonable interest rates for decades. The implementation of these loan standards came to be called redlining for the color coding HOLC used to determine the quality of neighborhoods. Brand new, all- European American neighborhoods were considered the best investments and thus guaranteed mortgages. These neighborhoods were coded green. Second rate neighborhoods were still all- European American, still at their peak but beginning to age. Following that came declining neighborhoods beginning to see some incursions by minorities, and, finally, all minority neighborhoods, regardless of age or quality of the homes. This last group was coded red. To maintain their top ratings and thus their property values, all- European American neighborhoods fought to keep Jews, African Americans, and other minorities

⁵⁴ Ibid., 190-91.

⁵⁵ May, *Homeward Bound*, 162.

and immigrants out.⁵⁶ As May points out, this also meant that once a single home in the neighborhood fell into the hands of an ‘undesirable’ family, European American families in the area quickly sold out, fleeing a feared property-value drop that their own departure precipitated. In some cases, as in Wichita, real estate agents initiated this evacuation by deliberately fanning the flames of fear. This practice of redlining and white flight kept African Americans in deteriorating inner cities and European Americans moving ever farther from the core of the city, out into the deepest suburbs.

To help families living in the suburbs get to work every day, the federal government began to build highways. With the sudden spread of the automobile culture in the early 20th century, both motorists and motor companies began to lobby the government for better roads.⁵⁷ In the post-nuclear world of the 1950s, the concept of defense through decentralization also took hold of the American public’s psyche, encouraging urban sprawl.⁵⁸ Thus, in 1956, Congress passed President Dwight Eisenhower’s Interstate Highway Act. The Act authorized a 41,000-mile interstate highway system for which the federal government would pay 90% of the cost.⁵⁹ These highways were often built at the expense of poor, mostly minority, neighborhoods in the city that city leaders wanted gone, anyway. In Wichita, the construction of Interstate 135 split the traditionally African American McAdams neighborhood in two. Overall, this

⁵⁶ Jackson, *Crabgrass Frontier*, 198.

⁵⁷ Jackson, *Crabgrass Frontier*, 166-67.

⁵⁸ Boyer, *By the Bomb’s Early Light*, 326.

⁵⁹ May, *Homeward Bound*, 161; “Eisenhower Signs Federal Aid Highway Act, *American Statesman*, July 1, 1956; “35th Anniversary of First Interstate Highway Act,” *Austin Daily Herald*, August 2, 1956.

practice just forced more poor people who could not afford to purchase homes in the suburbs to further crowd the remaining available inner-city housing.

Other government policies designed to help the poor and minorities living in the inner cities made things worse. In 1937, Congress passed and President Roosevelt signed into law the United States Housing Act. It created the United States Housing Authority (USHA) to develop publicly funded housing available to the poor. The money was to be given to local governments to build and maintain these projects. While it was meant to be used everywhere, suburbs declined to form the necessary committees to develop these projects. This meant that municipalities could not use cheaper land on the edges of the suburbs, only the high-priced land in the center of the cities. Meanwhile, big cities were more interested in clearing out slums and protecting real estate values than in developing safe, sound new housing. This led to the new ‘projects’ going up in the same place as the old slums, usually with cheap, shoddy work and little to no maintenance or security. Though the ‘projects’ started out as a plan to help poor people, such low-cost housing developments just packed them into tighter quarters, often ugly high rises in unwanted parts of town, with fewer options for escape. Thus, even as more African Americans were moving to the big cities because mechanization had replaced them on cotton and sugar plantations in the South, there was less affordable housing available for them.⁶⁰

With the federal government paying for more than 90% of the of the interstate system’s construction costs, the tax deductions for homeowners and the federally subsidized mortgage insurance programs of the FHA and the VA, more taxpayer money provided social welfare to middle- and upper-class families living in the suburbs than to

⁶⁰ Jackson, *Crabgrass Frontier*, 219-30.

the poor living in the inner cities.⁶¹ This is just one of many ways in which governmental policies combined with new attitudes toward racial mixing, the development of the family and proper housing, to push European Americans into the suburbs in unprecedented numbers in the post-World War II years while packing the poor and minorities into underfunded inner-city neighborhoods. These attitudes and governmental policies combined with fears of a possible nuclear war engendered by the developing Cold War to convince all Americans regardless of income, race, or religion, that the best places to live were the suburbs.

TARGETING SCHOOLS FOR DESEGREGATION

Desegregation was a short-lived movement in American education that produced startlingly effective results, but quickly lost momentum as the attendant difficulties left the American desire for a quick fix unsatisfied. Schools that saw successful desegregation, even if only temporarily, also saw an increase in minority student performance, a lessening of the performance gap between European American and minority students, and lower operating costs. Simultaneously, the greater communities often saw an increase in integrated neighborhoods and a decrease of criminal behaviors and social welfare reliance as a greater percentage of the population had the necessary education to successfully provide for themselves, and an increase in the local tax base. However, discomfort in middle-class suburban communities over the up-front additional tax burden of providing support services to students coming from impoverished systems and educational traditions or of having their children endure long bus rides to school combined with an growing belief that the American public school system was broken.

⁶¹ Ibid., 294.

This resulted in a push for a return to neighborhood schools, despite the fact that this would lead to a resegregation of the American school system.

Much like the Reconstruction Era, the Desegregation Era lasted for only a couple of decades and, as a top-down induced reform, fell to the quiet, persistent resistance of the European American majority mostly in northern states, not to the loudly proclaimed “massive resistance” of the South that won international headlines. Although most consider *Brown v. Board of Education of Topeka, Kansas*, the beginning of desegregation, the Supreme Court’s ruling a year later in *Brown II* that desegregation must happen “with all deliberate speed” gave local communities plenty of leeway to delay making any changes. Actual desegregation did not begin until after the passage of the 1964 Civil Rights Act which allowed the federal government to withhold educational support monies from schools that did not comply.⁶² Some southern communities met that desegregation order with riots, European American parents pulling their children from public schools to send them to private schools or simply moving to European American suburbs, and even the closing of school systems entirely in an overall movement leaders called “massive resistance.” Headlines about these acts cemented national outrage against the *de jure* segregation that had existed in the South and brought state and federal forces into play to enforce the Supreme Court’s rulings.⁶³ During the years in which desegregation remained a court-controlled feature of public education, conservatives worked to fill the bench with judges who agreed with the sentiment that *de*

⁶² Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York: WW Norton, 1996), 7-8.

⁶³ David Aretha, *With All Deliberate Speed: Court-Ordered Busing and American Schools* (Greensboro, NC: Morgan Reynolds Publishing, 2011), 28-29.

facto segregation, based on housing patterns and personal choice, were a natural fact of life over which the government had no control. In the meantime, through zoning laws, site location choices for new schools, white flight, and the push for federal funding of private schools via a voucher system, private citizens and business communities who opposed desegregation managed to begin slowly undoing what the courts had ordered. Though it took more than four centuries to build the system of racism, segregation, and discrimination across the nation that the *Brown* ruling was supposed to fix, within just two decades districts had begun to drift back toward segregation. By the 1990s, the political winds had shifted away from the progressive, liberal attitudes that had enforced court-ordered integration. Conservative judges now controlled the U.S. Supreme Court as well as many of the lower federal court benches. Their rulings completed what quiet, persistent resistance to desegregation had begun.⁶⁴

Up through the 1970s, Supreme Court rulings continued to push forward with desegregation plans. *Brown v. Board*, of course, dismantled the separate but equal mandate of the 1896 *Plessy v. Ferguson* ruling. Further rulings outlawed the “freedom of choice” plans many southern schools put in place, allowing European American students to transfer out of African American schools, ordered desegregation to begin immediately, and determined that cross-town mandatory re-assignment and busing of students to new schools was a legal means of ending desegregation.⁶⁵ The 1966 federal “Coleman Report” influenced many of these decisions. David Aretha in *With All Deliberate Speed*:

⁶⁴ Orfield and Eaton, *Dismantling Desegregation*, 1-22.

⁶⁵ *Green v. County School Board of New Kent County*, 1968; *Alexander v Holmes*, 1969; *Swann v Charlotte-Mecklenburg Board of Education*, 1971; Aretha, *With All Deliberate Speed*, 28.

Court-ordered Busing and American Schools writes that a key part of that report showed quality of education had more to do with the socioeconomic background of a child's family than with how much the government spent on schooling. Theoretically, desegregation worked to improve schools because, according to the Coleman Report, "the number-one indicator of a minority or lower-class student's success was the educational level of his or her classmates."⁶⁶ This theory proved its worth a couple of decades down the road as will be evident later in this essay.

Much of the resegregation of American schools came about as the nation's leaders turned their eye from one clearly defined problem, apparently on its way to complete resolution, to another, more amorphous concern. Throughout the nation's history, America has taken periodic issue with the quality of education afforded its youth. These periods of concern have generally been in reaction to political trends. As the technological revolution of the 20th century led to greater globalization, and the American economy tanked in the 1970s, eyes turned to the educational system for answers. The 1983 federal report "A Nation at Risk" attacked the quality of education the system offered. From that point on, presidents on both sides of the aisle pursued reforms allegedly designed to improve the quality of the school system. In *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*, editor Gary Orfield points out that these "debates on the excellence movement" rarely mentioned racial inequality.⁶⁷ In this atmosphere, school systems began to make decisions on student placement, where to build new schools, and how to draw boundaries for buildings on

⁶⁶Aretha, *With All Deliberate Speed*, 32-33.

⁶⁷ Orfield and Eaton, *Dismantling Desegregation*, 23.

merits other than population balance. Business communities had gotten what they wanted out of desegregation and no longer threw their weight behind the movement, instead pursuing other school reforms that ultimately reinforced school segregation. The courts, now filled with conservative judges, began to hand down a series of rulings that dismantled desegregation, blocking efforts to desegregate schools across city/suburban lines, telling schools they could make up for segregation by spending extra money on supplementary, compensatory educational programs in segregated schools, deciding that once schools are considered unitary or fully desegregated, they can end their desegregation programs, that schools only had to partially desegregate to win unitary status, that schools do not have to fix the educational harms of segregation in their desegregation plans, and that schools could no longer consider race when making student assignments to specific buildings.⁶⁸

In *Yesterday, Today, and Tomorrow: School Desegregation and Resegregation in Charlotte*, editors Roslyn Arlin Mickelson, Stephen Samuel Smith and Amy Hawn Nelson describe the Charlotte-Mecklenburg, North Carolina, school district as a prime example of not only how well desegregation could work, but also how quickly and effectively resegregation can occur. The 1971 *Swann* decision that began desegregation in Charlotte is also the one that initiated the era of mandatory busing. The 2002 *Cappachione v Charlotte-Mecklenburg Schools* decision, also known as *Swann II*,

⁶⁸ *Milliken v. Bradley*, 1974; *Milliken v Bradley II*, 1977; *Riddick v School Board of the City of Norfolk, Virginia*, 1986; *Freeman v Pitts*, 1992; *Missouri v Jenkins*, 1995; *Parents Involved in Community Schools v Seattle School District No1 et al*, 2007; Orfield and Eaton, *Dismantling Desegregation*, 143-44, 314-15; Roslyn Arlin Mickelson, Stephen Samuel Smith, and Amy Hawn Nelson, eds, *Yesterday, Today, and Tomorrow: School Desegregation and Resegregation in Charlotte* (Cambridge: Harvard Education Press, 2015), 101.

declared the Charlotte-Mecklenburg district unitary. That decision almost immediately returned the county to a segregated system after years of slowly drifting in that direction.⁶⁹

In the 1980s and 1990s, many hailed the Charlotte schools as the poster child for integration. When Ronald Reagan, during a campaign stop in 1984, railed against forced busing as a failed social experiment, a *Charlotte Observer* editorial struck back, saying that integrated schools were the city's proudest achievement of the last 20 years. The city had a series of unique factors that made integration work so well. The first is the geographical make-up of the district – a combined county and city district.⁷⁰ This prevented serious impact from the suburbanization of America that doomed urban school districts like Detroit, Chicago, and Los Angeles with the loss of European American students and families of higher socioeconomic backgrounds.⁷¹ Second, once the legal battle over desegregation ended, the school district got to work following the judge's order without the paroxysms seen in places like Little Rock and Boston. Third, the business community in Charlotte fully and actively supported the busing plans as part of its competition for a larger piece of the globalization pie.⁷² The ultimate plan revolved around pairing majority European American and majority African Americans elementary schools. The district bused African American students to the European American schools for the K-3 grades, then bused the European American students to the African American

⁶⁹ Mickelson, et al, *Yesterday, Today, and Tomorrow*, 53-68.

⁷⁰ Mickelson, et al, *Yesterday, Today, and Tomorrow*, 2, 9.

⁷¹ Orfield and Eaton, *Dismantling Desegregation*, 148-56.

⁷² Mickelson, et al, *Yesterday, Today, and Tomorrow*, 20-21.

schools for grades 4-6. The district re-drew boundaries to fully integrate its larger junior high and high schools.⁷³ West Charlotte High School (WCHS), a formerly all-African American building, was the flagship of the district's desegregation. In studies of its students and interviews with alumni, one can see playing out the benefits of desegregation predicted earlier by the Coleman Report. Despite cultural misunderstandings and some self-segregation, students reported their time at WCHS as the most racially integrated experience of their lives. They described the ways they learned not only to make friends with students of the opposite race, but also how to navigate the inevitable misunderstandings caused by their differing backgrounds.⁷⁴ The school also saw improved test scores among African American students and a lowering of the achievement gap between African American and European American students. Other benefits included lowered truancy and drop-out rates, as well as a reduced probability of criminal behavior leading to incarceration.⁷⁵

Changes in demographics throughout the county and in residential patterns due to construction of Interstate 485, also known as the Outerbelt Highway, in southern Mecklenburg County added to court rulings that had been chipping away at desegregation plans like Charlotte's, causing the district to begin a slow drift back toward segregated, neighborhood schools in the 1990s.⁷⁶ The loss of the business community's support compounded this drift. The business community no longer needed to tout its integrated

⁷³ Ibid., 3.

⁷⁴ Mickelson, et al, *Yesterday, Today, and Tomorrow*, 42-48.

⁷⁵ Ibid., 13.

⁷⁶ Ibid., 22-23.

status to compete globally and began to choose development projects such as the interstate over desegregation. That increased status in the global business community brought many new residents to town. They mostly came from *de facto* segregated communities in the North and objected to their children's having to ride buses across town to go to school. In fact, six of the seven plaintiffs in *Capacchione* were European American newcomers to the city. They charged that the school district denied their children entrance to coveted magnet schools because the children were European American. The district vigorously defended its desegregation policies, but the judge, Robert Potter, had been a leader in the anti-busing movement in the 1960s. In 2002 he ruled that Charlotte was unitary and could and should drop its desegregation practices, returning to neighborhood schools.⁷⁷ Since attempts to desegregate the city's public housing policies had failed, a return to neighborhood schools meant a return to segregated schools. Within a school year, WCHS saw drastic changes. It moved from being an integrated school, racially and socioeconomically, with high academic achievement to being 91% African American, serving free and reduced-cost lunches to 61.9% of students, and having the lowest test scores in the district. To date, the district's efforts to deal with increasing segregation and its impacts have failed. Opponents argue that this is because those attempts failed to take into consideration racial balance. Instead, they have relied on the *Milliken II* ruling to offer compensatory programs to students in low-performing schools, which are mainly the minority majority schools in the district.⁷⁸

⁷⁷ Mickelson, et al, *Yesterday, Today, and Tomorrow*, 24-25.

⁷⁸ *Ibid.*, 54-55.

As conditions changed, support for desegregation among the business community, parents, and local politicians fragmented. By the early 2000s, Charlotte-Mecklenburg schools were no longer able to offer integrated education, no matter what the school board, teachers or students might want. This is a prime example of the resegregation researchers are finding happening all over the country. Most schools today are concentrating on educational reforms revolving around the *Milliken II*-type compensatory programs and voluntary desegregation through magnet schools. They have left attempts at racial balance behind. The history of racial politics in this country predicted this change and predicts that another push for better racial relations and more equitable conditions will come. With a nation moving toward a minority majority of the entire population, it behooves educators, parents, and politicians to look closely at what has and has not worked in the past to provide the coming generations with the best public education possible.

CHAPTER II

RACE RELATIONS AND DISCRIMINATION IN WICHITA

“My father was a businessman and so we would go to some restaurants that he could kind of get familiar with because his white clients would take him there over lunch. And so they knew him and they would accept him,” Bonita Gooch, editor of the Kansas African American newspaper *The Community Voice*, told *The Chung Report*. She moved to Wichita from Tennessee as a child in the early 1950s. She did not understand or even recognize the segregation going on in the city until she had grown up, moved away and then come back. But some things always raised questions in her mind. “I always wondered why there were no other black people in the restaurant. Why don’t these black people come and enjoy this good food? But, you know, it wasn’t a place that you could go.”⁷⁹

Wichita, like the rest of Kansas, has a mixed past when it comes to race relations and discrimination. Even as it made strides to be at the forefront of the legal desegregation of public schools, USD 259 remained highly segregated, pointing toward the problems many northern schools would have with integration throughout the second

⁷⁹ James Chung, “Wichita Segregation: Past & Present,” *The Chung Report*, December 18, 2018, accessed February 13, 2019, <https://thechungreport.com/wichita-segregation-past-and-present/>.

half of the 20th century. While primary and secondary schools in Kansas often segregated students by race, all state colleges and universities were already, in fact always had been, legally integrated. Racial segregation also took a back seat to economics in many towns and cities. The state that brought the country John Brown and George Washington Carver also brought it Quantrill's Raiders and *Brown v. Board of Education of Topeka, Kansas*. The City of Wichita officially came into being with the signatures of an African American man and a woman on the incorporation petition. When the city's school district legally segregated, the African American schools were the newest and, in some cases, best schools in the city. Although, by the time the Wichita Public Schools had fought integrated schooling all the way to the point of losing federal funding, African American schools in the district had fallen far behind their European American counterparts in facilities and curriculum. Wichita was a prime example of the racial contradictions that were and are Kansas.

In 1870, the U.S. Census recorded 689 persons living in the City of Wichita. Of those, the Census labeled 680 as "white" and 9 as "Colored," or 1.3% African American.⁸⁰ Those nine people were likely all members of the Buckner family, based on James R. Mead's personal memoir. Historians commonly consider Mead to be the founder of Wichita because he opened a fur-trading post there, likely the first European American business in Wichita, and later spearheaded the efforts to incorporate Wichita as a city in Kansas. Yet, in his memoirs, it is clear he is not the first settler in the area. He recounts his interactions with "a colored family named Buckner, from the Cherokee

⁸⁰ "Population of Civil Divisions Less Than Counties," U.S. Census, 1870, accessed February 13, 2019, <https://www2.census.gov/library/publications/decennial/1870/population/1870a-16.pdf?#>.

Nation,” who lived just up the river. He never gives Buckner’s first name, but tells how Buckner lived with his wife and “six or seven” children. Buckner acted as a hunting guide for Mead “as he knew the country well.” But Mead did not approve of Buckner’s practice of shooting just enough buffalo for his needs and letting the rest get away, likely part of the Cherokee culture Mead indicated that Buckner was from. Mead considered the behavior “impractical and useless,” and the two soon parted ways.⁸¹ The *Wichita Eagle* in 1872 identified Richard Robinson as the “first culled person” in the valley; he was also a signatory on the city’s incorporation papers, along with Billy the Kid’s mother, marking at least a public tolerance for equal political participation of minorities and women in the city’s early years, at a time when Kansas proudly upheld its service to the Union during the Civil War.⁸²

Over the next few decades, the African American community slowly grew to be a larger percentage of the city, with occasional rapid influxes of new immigrants from the South. Yet, by the 1960s, African Americans had never exceeded 10% of the city’s overall population. *The Wichita Beacon* reported in 1963, based on U.S. Census numbers, that the African American population had grown from 268 persons in 1880 to 19,861 in 1960, or from 3.5% to 7.8% of the overall population; half of that growth had come in the 1950s. The city’s African American community experienced two major

⁸¹ Mead, James R., *Hunting and Trading on the Great Plains, 1859-1875*, ed. Schuyler Jones, 2nd ed. (Wichita: Rowfant Press, 2008), 135-45.

⁸² H. Craig Miner, *Wichita: The Early Years, 1865-80* (Lincoln: University of Nebraska Press, 1982), 100; Katherine Burgess, “Wichita Has Been Home to Diverse Populations From the Beginning,” *The Wichita Eagle*, March 2, 2017.

growth spurts. The first came in 1879-1880, the second in the 1950s. At both points the African American population in Wichita essentially doubled.

In 1879-1880, an exodus of former slaves from the Confederate South fled economic conditions and the beginning of the Jim Crow Era; some 6,000 African Americans relocated to Kansas. The migrant Exodusters mainly came from Texas, Louisiana, and Mississippi, and they were generally poor, uneducated, and desperate. With its history as a free state and its rule of allowing African Americans to participate in the Homestead Act's land giveaway, Kansas became the Exodusters' Land of Opportunity, much as the United States had become for European immigrants in the 19th century. Already settled Kansans, both European and African American, feared the influx of immigrants because of their poverty and expected impact on the labor market. The majority of Exodusters, however, became farmers and settled in the state's rural communities. News about the Kansans' resistance and the realities of homesteading filtered back from this wave of African American settlers to those left behind in the Confederate South, ending the Exodus.⁸³

Incidents like one in Wichita led to this change of heart. In 1879, the City of Wichita detained nine of 14 Exodusters who came to town in search of jobs and sent them back to Topeka. The local Republican newspaper reported that Topeka had simply forwarded the refugees on because the city could no longer afford to support them, thus "dodging a responsibility of her own assuming." Wichita then instituted a quarantine

⁸³ Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West 1528-1990* (New York: WW Norton, 1998), 136-43.

“against the introduction of any more exodus.” Only later did Wichita learn that these Exodusters were not vagrants but were planning to stay with friends and family in town.⁸⁴

Kansans generally left the former slaves alone once they settled in their own communities, either in separate towns like Nicodemus, established in 1877, or within segregated enclaves in already established towns like Wichita. By the 1880s, the *Beacon* reported the beginnings of an African American settlement “in the vicinity of 13th and Wabash.”⁸⁵ This was about a mile away from the main city at the time. When the city separated into five wards for administrative purposes in the 1880s, Ward 2 was the predominantly African American community, with the rest being predominantly European American. This would have been due to personal preference and social and economic pressures at that time, as there was no legal separation of the neighborhoods.

By the 1870s, Wichita was a main stop along the Chisholm trail, the route ranchers took to get their cattle from pastures in Texas to the railroads in places like Abilene, Kansas, that would allow them to ship the animals to markets back East. This earned Wichita the title of being a cattle or cow town. For three to six months out of the year, cowboys would invade the city intent on enjoying their break from the dry, dusty job of herding belligerent cattle to market. The cowboys wanted luxuries like hot baths and good food, and fun, like gambling, drinking, and fornicating with prostitutes. The towns wanted the money that the cowboys were ready, willing, and able to spend. In Wichita, fines and license fees from prostitution, gambling, and liquor sales brought the town \$3,000 a month. In a single year, one grocery store recorded sales profits of

⁸⁴ Peavler, “The Color Line,” 224-25.

⁸⁵ *The Wichita Beacon*, Wichita, KS, December 9, 1963.

\$100,000.⁸⁶ The permanent residents of cow towns like Wichita did not want such unsavory businesses, and the crime that often accompanied them, where locals lived and found recreation. So they segregated the areas where saloons, dance halls, and bath houses might operate. In Wichita, the Arkansas River was the dividing line between permanent residents and this early, cowboy-targeted service sector. East of the river were the main business district and residential areas for permanent Wichitans. West of the river, in the Delano District, was for cowboys to have their fun and leave their money.⁸⁷

It remains uncertain how much of this segregation was also due to the high numbers of African American, Mexican, and, later, Native American cowboys as opposed to concerns in Victorian society about crime and morality. The Hollywood myth of the John Wayne-esque European American cowboy conquering the Wild West was based on only a fraction of the truth. Historians estimate that between 15% and 25% of the cowboys coming through on cattle drives would have been former slaves from Texas. Another 15%, maybe more, were of Mexican heritage. As the 19th century waned, the number of Native Americans taking up the cowboy trade increased. In Wichita, historian Craig Miner has concluded that about a third of the cowboys on each drive were either African American or Mexican and that, as the years passed, many chose to settle with their families in Wichita after their experiences in the town. Since cowboys were on one of the lowest rungs of Victorian society's hierarchical ladder and were considered

⁸⁶ H. Craig Miner and William Unrau, "Historical Background of Old Cowtown Living History Museum," Old Cowtown Museum, accessed February 19, 2019, <http://www.oldcowtown.org/Documents/Historical%20Background.pdf>.

⁸⁷ Rachel M. Wolters, "Vice and Race: Segregation in Kansas Cattle Towns," Research Papers, 2013, 7, accessed February 13, 2019, https://opensiuc.lib.siu.edu/gs_rp/331/.

transients in cow towns like Wichita, there are few actual records of the ethnic breakdown. Historians rely on census demographics and the history of the areas that cowboys came from, such as Texas, New Mexico, and Utah, to make their estimates.⁸⁸

What is certain is that the level of segregation in cow towns like Wichita was much different from that in the developing apartheid of the South. In the early years, African American Wichitans lived in integrated neighborhoods, likely due to their statistically small number as much as to the efforts of European American Wichitans. In these early years, European and African Americans shared the public streets and even ate and drank in the same bars. However, they ate and drank in separate groups, on opposite sides of the room, segregated together. As their numbers grew and the city became more “civilized,” public attitudes and behaviors of their fellow European American residents increasingly pushed minorities into their own neighborhoods, African Americans mainly in the northeast section of the city, Latinos along the railroad and industrial areas. They even began to develop their own business districts. The African American community’s main street was along North Main and Water for many decades.⁸⁹ Continuing the city’s bi-polar attitude toward African Americans, however, local political leaders encouraged the minority community to organize politically. Miner says that the Republican Party was becoming more dominant in city government, and the party believed that African Americans, in particular, would vote Republican in the wake of the Civil War and Emancipation. The local newspapers even covered African American political organization meetings. In another sign of racial progressivism in the city, as anti-

⁸⁸ Miner, *Wichita*, 100-101.

⁸⁹ Wolters, “Vice and Race,” 13-14.

miscegenation laws outlawing interracial marriages were becoming entrenched in the Jim Crow South, the *Wichita Beacon* reported in 1878 that Judge Jewett could find no law against an African American man marrying a European American woman and determined that as long as her father had nothing against the marriage, it should go ahead.⁹⁰

Things got harder for African Americans as the calendar flipped over to the 20th century. Schools, neighborhoods, and businesses that had been integrated began to segregate during the economic depression and racial backlash of the end of the 19th century in Wichita. The KKK and an infusion of Jim Crow attitudes from the Old South infiltrated into formerly liberal states such as Kansas. Shortly after the turn of the century, about 6% of the population or 6,000 out of 100,000 Wichitans, were listed as active members of the KKK.⁹¹ The KKK's activities had grown to such an extent that Governor Henry J. Allen became worried about their impact on law and order in Kansas and issued a statewide warning that "such an organization operated in defiance of the law." *The Emporia Gazette* reported that the KKK was known to be recruiting in South Central Kansas, in particular in the oil fields in El Dorado and Wichita, but did not know

⁹⁰ Miner, *Wichita*, 163-64.

⁹¹ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 2.

how successful it had been.⁹² It was just as the KKK was gaining strength in Wichita that the school district finally formalized a segregated system for the first time.⁹³

Kansas had been on a slow swing toward segregated education for several years. One of the first to take a dedicated stand in the fight was the Kansas State Teachers Association in 1866. At a July meeting in Lawrence, members voted to fight for integrated educational opportunities. They resolved “to use our best endeavors to overcome the unreasonable prejudice existing in certain localities against the admission of colored children upon equal terms with white children.” Two years later, state lawmakers passed a bill to “organize and maintain separate schools for the education of white and colored children.”⁹⁴ Then lawmakers approved the 1874 Kansas Civil Rights Law, which included the right of African Americans to attend European American schools if there was no equivalent school available in the district. The state moved closer to segregated education yet again when legislators passed an 1879 law that allowed towns bigger than 10,000 people to set up segregated school systems at the primary level.⁹⁵

When the City of Wichita opened its first public schools in 1870, it considered a segregated system but decided that given the low African American enrollment numbers, segregation did not make financial sense. The issue came up again in 1879, spurred by

⁹² “Ku Klux Klan Enters Kansas,” *Emporia Gazette*, July 23, 1921; Charles William Sloan, Jr., “Kansas Battles the Invisible Empire: The Legal Ouster of the KKK from Kansas, 1922-1927,” *Kansas History: A Journal of the Central Plains* 40, no. 3 (Autumn 1974): 393-409.

⁹³ Mitchell Schiff, “The Process of Integrating Public Schools in Wichita, Kansas 1890-1971,” *Kansas History and Life* 1 (Spring 2014), accessed February 17, 2019, <https://othercollections.omeka.net/items/show/30>.

⁹⁴ Taylor, *In Search of the Racial Frontier*, 216.

⁹⁵ Schiff, “The Process of Integrating,” 1.

fears of an Exoduster invasion. This was just one month after the city had expelled the group of immigrating Exodusters mentioned earlier. Yet, with still just 22 African American children in the district, it did not make financial sense.⁹⁶ This is in a district that did not even want to pay for building its own schools. Instead, it rented classroom space where it could, including rooms that were saloons and brothels in the evening hours. These makeshift locations were in bad shape, rundown, poorly heated, and lacking basic amenities necessary for a proper school. One horrified visitor wrote:

When the walls are green with the accumulated dust and impurity of years, the cracks and crevices are seething with poison within them when the buildings perchance were used for other purposes none too pure in their character, it is not expected that the emanations from these should be conducive to the bodily health and mental vigor of children.

The classrooms were in such horrid shape that the city tried multiple times to pass bond issues to construct its own buildings, but the population did not want to be taxed. It was not until the end of the decade that a bond issue finally passed, allowing the Wichita Public Schools to begin construction of its own buildings. This was the atmosphere of fighting spending in which segregationists failed to find support for setting up a second school system.⁹⁷

In 1889, Orsemus Hills Bentley again asked the Wichita school board to segregate schools, “in the interest of both races.” The African American community turned out in protest and not only stopped the school board’s move toward segregation, but persuaded Bentley, when he became a state senator, to sponsor legislation at the state level specifically prohibiting Wichita from forming a segregated school system. This success,

⁹⁶ Peavler, “The Color Line,” 174-75.

⁹⁷ Miner, *Wichita*, 146-47; Peavler, “The Color Line,” 332-33.

however, did not put an end to discussion of segregating the schools even that same year. Supporters simply sought other methods of segregating students, even within the same classroom. In 1889, the Wichita School Board recommended replacing dual desks with single desks in racially mixed schools so European American students would not have to share a desk with African American students, without ever explicitly mentioning race.⁹⁸

While efforts to formally segregate Wichita's schools repeatedly failed in the 19th century, the city made decisions that moved it toward a basis for neighborhood segregation that would lead to *de facto* school segregation. As discussed earlier, in the 1880s, the City of Wichita divided itself into five wards, with one school per ward. Most African Americans lived in the 2nd Ward, while the 1st Ward was predominantly European American. This trend intensified as the city became more populated. The city had one school per ward, creating the basis of a *de facto* segregation of the primary schools that would come to fruition as the African American community grew in Wichita in the 20th century. Despite repeated efforts throughout the late 1800s, it was not until 1906, as the city grew and Jim Crow sentiments increased, egged on by the KKK, that the district finally established a legally segregated system over the loudly voiced objections of the African American community.⁹⁹

Much as it was across the state, the move to segregate Wichita public schools was a slow process as attitudes coalesced and hardened and as the African American community grew, finally making a separate system economically feasible. That change in attitude can be seen in the coverage and editorials of the *Wichita Eagle*. In 1902, in its

⁹⁸ Peavler, "The Color Line," 332-33.

⁹⁹ Schiff, "The Process of Integrating," 2.

coverage of the Topeka schools setting up a separate school system for African American students, the *Eagle*'s editor wrote in an editorial that "prejudice is something which neither laws nor courts can control....and the colored man makes a mistake whenever he tries to enforce social recognition through legal channels." Three years later, the *Eagle* had moved toward a firm belief that segregation was best, writing, "The colored people take more interest in their separate schools than they do in the mixed schools, because they feel that they belong to them."¹⁰⁰

In 1905, the Kansas State Superintendent of Public Instruction published a statement supporting segregation as being the best option for African American students and families. He argued that his conclusion was "not based on prejudice, but on common sense and pedagogical principles." He wrote that all-African American schools would help the race toward economic independence, help students overcome the shortcomings of recent slavery while not holding back their European American classmates, and that African American teachers could connect with, encourage, and support African American students in ways no European American teacher ever could. On January 2, 1906, a man identified in the papers at the time solely as Mr. Hallowell or Hollowell, presented a resolution for segregation to the school board. He may have been Colonel James R. Hallowell, a Civil War Union veteran from Wichita who had run for the U.S. Congress as a Republican fifteen years previously. He may have been a member of the Wichita School Board, as the *Wichita Daily Eagle* reports that a Mr. Hallowell asked for a roll call vote on segregation when it came to a vote. Or, he may have been a separate man named Mr. Hollowell, as Sondra Van Meter indicates in her history of the school, saying

¹⁰⁰ Taylor, *In Search of the Racial Frontier*, 218.

that someone outside of academia initiated and forced segregation.¹⁰¹ Either way his resolution is what is clearly recorded. It reads in part:

Whereas, We believe that the organization and maintenance of the public schools of the city of Wichita so that provision for the separate education of the white and colored children is more in keeping with the ideals and wishes of a majority of patrons. Therefore, be it: Resolved by the Board of Education of the City of Wichita that we favor the early organization of our schools on that line.

The proposal came at the end of the board meeting, after the president asked if there was anything else to discuss. The *Wichita Weekly Eagle* says Mr. Hollowell jumped up and read the resolution, then added:

I believe it to be the best interest of the schools; I believe it to be for the best interests of the colored pupils, as well as the entire colored population of the city that this be done. A great many people have been asking that the board take this matter up as soon as possible and do something on this line.

The paper reports that two of the board members, Mr. Parrett and Mr. Kirker, spoke over each other, trying to be the first to second the motion. In the discussion that followed, Parrett said that he had been considering separate school systems for some time and felt it would be better for the African American students. Kirker added that he had been investigating which parts of the city had the highest African American population and determined that 75% lived north of Douglas Avenue, with 60% in the Fourth Ward. Most of the discussion centered around how to go about separating African American and European American children into different buildings, or at least classrooms, not around

¹⁰¹ “Colonel J.R. Hollowell Supported For the Congressional Nomination,” *The Wichita Daily Eagle*, June 15, 1890.

whether it should be done. After Mr. Hollowell asked for a roll call vote, the board unanimously approved the resolution that same night.¹⁰²

District historian Van Meter writes that this was the point at which the school board began listening to parents seriously for the first time for the direction they should take in governing the schools. Until this point, the board had followed the advice of Kansas University, the Board of Regents, and the State Board of Education in making educational decisions about students. The board's increasing reliance on parental input for making decisions about the district's direction meant that those with the most and the loudest voices would have the most input, meaning European Americans with money and organization. African Americans began to lose their ability to influence district decisions at this point. At the same time, the move toward greater reliance on parental input would eventually put its funding at risk under the Civil Rights Act of 1964, as the board put off doing what it knew was necessary in order to follow federal law because of the action's unpopularity with vocal parents.¹⁰³

The African American community of Kansas, including Wichita, was mainly populated with citizens who had had the fortitude and courage to escape slavery and oppression for the Free State of Kansas during the era of the Kansas-Missouri compromise, slipping over the border between the two states at every opportunity, or the peonage and poverty of Jim Crow as the Reconstruction Era ended in the Confederate South. They were unwilling to sit back and accept second class status from day one.

¹⁰² "Separate Schools for Wichita: Resolution Passed by Board of Education Last Night," *The Wichita Weekly Eagle*, January 5, 1906.

¹⁰³ Sondra Van Meter, *Our Common School Heritage: A History of the Wichita Public Schools* (Shawnee Mission, KS: Inter-Collegiate Press, 1977), 111-16.

That is how they got to Kansas in the first place. In 1865, representatives of African American communities across the state met in a convention in Lawrence. There, though discussing specifically suffrage rights for African American men, they sounded the clarion call that would describe the fight for civil rights in Kansas for the next 100-plus years in this warning:

Since we are going to remain among you, we believe it unwise or inhuman to...take from us as a class, many of our dearest natural and justly inalienable rights. Shall our presence conduce to the welfare, peace, and prosperity of the state, or...be a cause of dissension, discard, and irritation. We must be a constant trouble in the state until it extends to us equal and exact justice.¹⁰⁴

This spirit of fighting for equal opportunity and rights under the law was alive and well in Wichita when the school board voted unanimously to segregate in 1906. At that point, Wichita was the only city in the state with a population of over 10,000 to remain legally unsegregated, even though many smaller cities had segregated their schools in violation of state law.¹⁰⁵ At the board's February 5, 1906, meeting, a delegation saying it represented two-thirds of the African American population in the city, stood up to protest the decision. Their spokesman, a Mr. Will Bettis, gave three reasons for preferring integrated or "mixed" schools as they called them. One, there was no large enough African American population in any one location to make building an African American-only school financially sound. Two, the board could not afford to maintain two separate systems. Three, African American children looked up to European American children

¹⁰⁴ Taylor, *In Search of the Racial Frontier*, 123.

¹⁰⁵ Peavler, "The Color Line," 459.

and patterned their education after them, thus performing better. “If they are separated,” he said, “they will stand no chance whatever to advance.”¹⁰⁶

Neither this protest nor advice from the Kansas State Superintendent and the Kansas Attorney General that Wichita could not legally separate students deterred the board. That summer, members voted to set aside rooms and a part of the playground at the Park School for African American students to attend that fall. The board planned to pursue a change in state law allowing them to legally proceed with segregation after setting up the split school system.

African Americans had been fighting such segregation mainly through lawsuits, with mixed success. One failure was a 1903 lawsuit against the Topeka schools claiming the European American and African American facilities were anything but the equal required by *Plessy v Ferguson*’s separate but equal doctrine. The court ruled that the appearance and quality of the facility did not speak to the quality of the education one could get inside.¹⁰⁷ However, the same court ordered Ottawa, Coffeyville, and Galena to desegregate their schools because the cities housed fewer than 10,000 people and thus did not qualify for the exception in state law that permitted segregated schools.¹⁰⁸

When the Wichita school board voted to legally segregate, the African American community turned once again to the courts, hoping to put a stop to the move. *The Wichita Searchlight*, the African American paper, encouraged residents to go ahead and

¹⁰⁶ “Present Their Case To School Board,” *Wichita Daily Eagle*, February 6, 1906; Van Meter, *Our Common School Heritage*, 114.

¹⁰⁷ Peavler, “The Color Line,” 464.

¹⁰⁸ *Ibid.*, 460.

try to enroll their children in their neighborhood schools that fall. The schools turned them away. It was one such instance that led to a lawsuit against the district. Sallie Rowles wanted her 13-year-old daughter Fannie to attend the European American school, Emerson Intermediate School, just 400 feet from the Rowleses' front door. When the district turned them away at enrollment, the Rowleses filed suit against the Wichita School Board. The next summer, the Kansas Supreme Court sided with the Rowleses due to the Bentley Law banning segregated schools in Wichita and ordered USD 259 to enroll Fannie at Emerson. Instead, State Senator H. H. Stewart, backed by a petition signed by 5,000 Wichitans, pushed through a new law in 1909 to permit segregated educational facilities. In 1911, the board put the final decision in the hands of the community in the form of a \$60,000 bond issue to build two new buildings for African American elementary schools. Van Meter says that School Board President Louis Gerteis suggested that if Wichitans wanted separate schools, they would support the bond. A vote against the bond issue would be a vote for mixed schools. Wichitans voted overwhelmingly for the bond and in 1914 the district began paying to transport African American students from European American majority neighborhoods to the African American schools, sounding the death knell on attempts to prevent *de jure* segregation in the Wichita schools for the next five decades.¹⁰⁹

In continuation of Kansas' tradition of bi-polar attitudes toward race relations, when the Wichita Public Schools chose to segregate, the newest and the best school buildings went to the African American students. While most segregated schools across

¹⁰⁹ Taylor, *In Search of the Racial Frontier*, 218; Van Meter, *Our Common School Heritage*, 114-15, 148.

the country relegated African American students to sub-standard facilities which struggled to provide even a halfway adequate education, in Wichita voters approved spending \$41,000 on one new building, the new Toussaint L'Ouverture School, that many considered one of the best in the city. L'Ouverture followed some of the latest educational trends out of Germany, such as holding open-air classes on the rooftop for students suffering from tuberculosis and anemia. In addition, twice a day, teachers opened the windows to bring in fresh air and invigorate students and led them in "lung-expanding, muscle developing exercises." The school also offered night classes to adults, such as typing and English language classes. The district reported that more African Americans moved into the Fourth Ward around L'Ouverture after it opened and attendance among African American students increased. A higher percentage of African American students showed up for classes on a regular basis than of European American students. In the 1917-1918 school year, the African American average daily attendance was 56% to the 49% of European American students. The next year, the respective daily attendance averages were 59% to 47%.¹¹⁰

Segregation in the Wichita schools became even more entrenched in the 1920s. *The Democrat* reported in 1922 that the district had decided to move ninth grade into the new intermediate schools, which had formerly been called junior high schools. This cut the high schools to just three grades. The purpose? This allowed the district to segregate through the ninth grade, even though segregating high schools was illegal in Kansas. *The Democrat* quoted superintendent L.W. Mayberry as saying, "At the opening of the school year we gave the Negro children of the ninth grade the option of attending either their

¹¹⁰ Van Meter, *Our Common School Heritage*, 140-50.

own classes at L'Ouverture or at one of the other intermediate schools...The law provides for segregation of children up to the ninth grade, but not after that." He added that all 15 of the African American ninth graders had chosen to attend classes at L'Ouverture. What is missing is the option to attend ninth grade at an integrated high school. *The Democrat* ends its account by asking what will happen if African American students decide they want their own segregated high school all the way through twelfth grade, in violation of state law? Or, if a European child decides he or she wishes to attend ninth grade at L'Ouverture.¹¹¹ In 1926, Mayberry did indeed suggest, as the African American population around Ingalls Elementary continued to grow, turning Ingalls into a "colored school," converting it to an African American segregated high school. The board never acted on this suggestion.¹¹²

While the era of formal petitions, protests, and lawsuits subsided for the next few decades in Wichita, these protests did not end entirely. The African American community never conceded the fight against the status quo of segregation, either in the school district or in the city as a whole. However, as the KKK continued to gain strength, to the point that by the 1920s there were more active KKK members (6,000) in Wichita than African Americans (5,600), the danger of these protests had increased, reaching its height in the 1950s and 1960s.¹¹³

¹¹¹ "President of School Board Explains why Negro Freshmen may be Segregated as in the Grades," *The Democrat*, January 7, 1922.

¹¹² Van Meter, *Our Common School Heritage*, 185.

¹¹³ Gretchen Cassel Eick, *Dissent in Wichita: The Civil Rights Movement in the Midwest, 1954-1972* (Chicago: University of Illinois Press, 2001), 18.

This came after the second major growth spurt the African American community experienced, during and after World War II. The impact of the Great Migration of African Americans from the Jim Crow South to the industrialized North was nowhere near as great on Wichita as on cities like Chicago and Detroit. Yet, it followed much the same pattern.

The Great Migration was the result of numerous causes colliding at one point in time. African Americans who had served in World War I or World War II and experienced a more equal treatment while in Europe than at home sought better lives for themselves and their families. At the same time, factories in the North, especially during the war years, were in desperate need of manual labor. These jobs offered better pay and less obvious segregation than was available to African Americans in the Jim Crow South, where sharecroppers were routinely cheated out of their share of the profit for the harvest each year; African American children counted themselves lucky if they got to go to school just on the rainy days and learned to read; any African American man who even looked at a European American man could expect a violent, public lynching in response, and worse if he looked at a woman; where everything from parking spaces to Bibles at the courthouse was split down the color line, with the African American side of that line getting the short end of the stick every time.¹¹⁴ The mechanization of the cotton industry from the 1920s to the 1960s also pushed many African Americans to make the move either North or West in search of work. While sharecroppers in the Old South were

¹¹⁴ Nicholas Lemann, *The Promised Land: The Great Black Migration and How It Changed America* (New York: Alfred A Knopf, 1991), 17-21; Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America's Great Migration* (New York: Vintage Books, 2011), 31-35, 160-64.

reluctant to give up their mules and rarely could afford the more expensive equipment that would lead to better yields and greater profits, the New Deal's Agricultural Adjustment Act (AAA) began to pay cotton farmers to take land out of production to stabilize prices. This was just one part of the Act, but the one that attracted landowners in the Old South the most, leaving their sharecroppers to seek out jobs elsewhere.¹¹⁵

African American-owned newspapers such as the *Chicago Defender* exhorted friends and family in the South to move North, to the "Promised Land." Between the 1920s and the 1970s some 37% of the African American population in the United States relocated north of the Mason Dixon Line, mainly into urban centers.¹¹⁶ These migrants were the strongest willed of the populace and had a much clearer idea of what could be and what they were willing to put up with. It was in these years that the NAACP and other activist organizations began to blossom and grow across the country, and in Wichita. In reaction to this perceived invasion, European American resistance also grew and violence broke out across the nation with 47 U.S. cities suffering from European American mobs attacking, burning, and looting African American communities in 1943 alone. But the African American migrants had already braved beatings, imprisonment, even death to make it to the North. They were much more willing to face off with those who supported segregation in the North, as well. This was some of the impetus behind the civil rights movement of the 1950s and 1960s.

The Great Migration brought African Americans to Wichita by the thousands seeking jobs in the aviation industry during and after World War II. Defense contracts

¹¹⁵ Rivoli, *The Travels of a T-Shirt in the Global Economy*, 27-35.

¹¹⁶ Wilkerson, *The Warmth of Other Suns*, 10.

meant that the industry moved from employing 1,478 Wichitans in 1940 to 40,563 in 1942, many of them working on the B-29 Superfortress bombers that would eventually help end the war. The Cold War brought more such contracts. Many others came through the Air Force to McConnell Air Force Base. Most of the migrants came from Texas, Oklahoma, Arkansas, and Missouri in the 1950s.¹¹⁷ It was this influx that more than doubled the African American population, from 8,082 or 4.8% of the overall city's population in 1950 to 19,861 or 7.8% of the population in 1960.¹¹⁸ It was also during this period that segregation of neighborhoods and businesses in Wichita became much more pronounced.

Segregation in Wichita was never as entrenched as in the Jim Crow South, but it certainly was well-established by the birth of the Civil Rights Era. Newcomers to town found themselves forced to find housing in the same three neighborhoods in the northeast of the city where African Americans had historically been pushed. This led to the same overcrowding seen in African American neighborhoods around the country. Those who could afford to leave started filtering into the neighboring communities. But their entrance into these previously European American zones was met either with violence or with white flight. In some neighborhoods, real estate agents that had previously refused to sell homes to African Americans, now sold the homes, then used their presence in the neighborhood to spark a mass sell-out by their new European American neighbors,

¹¹⁷ Eick, *Dissent in Wichita*, 19-21.

¹¹⁸ U.S. Census Bureau, Population Division, "Historical Census Statistics On Population Totals By Race, 1790 to 1990, and By Hispanic Origin, 1970 to 1990, For Large Cities And Other Urban Places in the United States," by Campbell Gibson and Kay Jung, Working Paper No. 76, 2005, 56.

warning that their home prices would fall now that an African American family had moved in. This practice was known as blockbusting and was prevalent in Wichita in the 1950s and 1960s.¹¹⁹ At the same time, the same real estate agents would refuse to even show homes in certain neighborhoods to African Americans. Dr. Vashti Lewis, wife of the NAACP President Chester I. Lewis, recalls having to pose as the maid of a friend in 1963 in order to simply walk through and see what homes were for sale in certain parts of town.¹²⁰ When she found a place, she had her friend purchase it and then sign it over to her and her husband. Gretchen Eick recounts in her book, *Dissent in Wichita*, how the Lewises dealt with repeated violence from a group of 60 to 80 of their neighbors almost from the day they moved in. Upset neighbors set off a homemade bomb in their mailbox, threw a brick through their window, even burned kerosene poured in the shape of a cross on their front lawn and poisoned the family's cat. The group met in an area church and spoke openly to the *Wichita Eagle* of their intent to drive the Lewises out of the neighborhood. The Lewises did not move. Instead, volunteers from Temple Emanu-El and the Unitarian Church provided around-the-clock protection for the family and their home.¹²¹

Segregation was a way of life for African Americans in Wichita that ruled from birth to death. African American women could not have private rooms at Wesley Hospital when giving birth, and their infants were placed in older bassinets at the back of

¹¹⁹ Eick, *Dissent in Wichita*, 21-24.

¹²⁰ Mary Dean, *The Black Legends of Kansas* (Wichita: B. Global Entertainment, 2017), 23.

¹²¹ Eick, *Dissent in Wichita*, 79.

the nursery, separated from the European American babies.¹²² Nurse Theola Cooper remembers how sometimes African American women would be left in the hallways if there were no rooms available, rather than force a European American woman to share a room with her. She undermined that rule frequently by putting African American and European American women together in the post-partum recovery rooms, but it took a threatened lawsuit and federal Medicare legislation requiring integration to desegregate Wichita's hospitals.¹²³

Going out to eat was no easier. Bonita Gooch, editor of the *Community Voice* newspaper in Wichita, remembers her family having to drive to a restaurant on the turnpike. "I thought it was great - we'd go on a trip. But the reason you did that was because it was one of the very few places that African-Americans could eat because of the intercontinental laws."¹²⁴

Again, African Americans refused to take this segregation in silence. They demonstrated, wrote letters of complaint to lawmakers, participated in voter registration drives and signed petitions. They also, at times, set up their own facilities rather than accept sitting at the back of public majority-owned facilities. The Dunbar Theatre, which opened in August of 1941, was one such example. Tired of being relegated to the balcony of European American -owned theatres, the community built its own, state-of-the-art facility. They also used it as a meeting and banquet hall, since they were often

¹²² Eick, *Dissent in Wichita*, 39.

¹²³ Dean, *The Black Legends of Kansas*, 91.

¹²⁴ Chung, "Wichita Segregation: Past & Present," The Chung Report, December 18, 2018, accessed February 13, 2019, <https://thechungreport.com/wichita-segregation-past-and-present/>.

barred from European American -owned halls. The theatre only lasted for a bit more than a decade, losing popularity as overt segregation ended in Wichita in the 1950s. European American theaters, fighting for customers, realized that they needed to treat all movie viewers equally to make more money.¹²⁵

Recognition of this same economic imperative led Wichita youth members of the NAACP to carry out the nation's first successful sit-in at the Dockum Drug Store on the corner of Broadway and Douglas. Acting without approval from the national NAACP but with the support of the local organization, a group of high school and college students began occupying the seats at the drug store on its busiest nights, demanding seated service as opposed to the carry-out-only service provided to African Americans, and carrying picket signs outside. It took more than three weeks of persistent sit-ins before the owners of the chain broke. August 11, 1958, the manager came out and told his employees, "Serve them. I'm losing too much money." The Dockum Drug Store sit-in served as an example that spurred further sit-ins across Kansas and, in the years to come, across the country, though it never gained the public attention as some of those later sit-ins. Some NAACP youth groups even came to Wichita to train in how to handle sit-ins successfully with those who had set the standard. In 1959, the NAACP recognized the Wichita branch for its activism, including holding the Dockum sit-in, desegregating the golf course, filing complaints against employment discrimination, running a letter-writing

¹²⁵ Robert Weems and Glen Sharp, "Dunbar Theatre Was a Beating Heart of the Community," *The Community Voice*, January 24, 2019.

campaign against Bell Telephone, writing a civil rights bill for the state legislature, and more.¹²⁶

Though they lived in a segregated city, Wichita's African Americans were not doing so quietly. They fought with every tool at their disposal and invented a few new ones. It was in this atmosphere that the fight over segregated schools finally came to a head in the 1960s, leading to the federal court's mandatory busing order in 1971.

¹²⁶ Eick, *Dissent in Wichita*, 1-11.

CHAPTER III

THE BATTLELINES OVER SCHOOL SEGREGATION IN WICHITA

Wichita's African American community had been fighting the segregated school system since before the school board voted unanimously to segregate in 1906. They had won occasional battles along the way, but not yet the war. Even a formal end to *de jure* segregation didn't settle matters. Ironically enough, it would be the school board's handling of neighborhood school boundary decisions and a reliance on a "freedom of choice" plan that would lead to a federal court case and a mandatory busing order ending *de facto* segregation.

When the U.S. Supreme Court handed down its ruling in the case of *Brown v. Board of Education of Topeka, Kansas*, African American communities across the country celebrated. Leola Brown Montgomery, mother of Linda Brown, the little girl from Topeka at the middle of the case, recalls the day the ruling came down.

I was just ironing and had the TV on and listening to the news and at 12:30pm that day it came in, (a) news flash came through and the decision had been handed down that it was unconstitutional to have separate schools like that," she told KMUW's Carla Eckels in 2018. "And I said, "Oh, my God!" and tears came to my eyes. I could not wait for my family

to get home so when they got home and I delivered the message, oh, we hugged and cried.¹²⁷

Groups gathered in community centers across the country to celebrate together. In Topeka, the local chapter of the NAACP planned a celebration at Monroe Elementary, the all-African American school across town from Linda Brown and her family, complete with speeches, musical numbers, and food. Many told the local paper that day that the ruling made them feel like complete American citizens for the first time. “It will enable me to sing ‘My Country ‘Tis of Thee, Sweet Land of Liberty’ without making myself a hypocrite,” M.L. Burnett, president of the Topeka NAACP chapter told the *Topeka Journal* that day. He believed the ruling had “broken the back of segregation.”¹²⁸

While legal change came comparatively quickly to most schools in Kansas, in all the ways that mattered little changed for African American students in the classroom across the state, not just in the Wichita Public Schools district. By 1954, most schools in Kansas’ largest cities were *de facto* segregated not *de jure* segregated. That year the state estimated that the U.S. Supreme Court’s ruling would impact about 8,000 African American students and expected that many cities would be able to eliminate official dual school systems based on race when the next school year began that September. “Every city now under a segregation program should be able to make the change-over in two years,” Kansas Attorney General Harold R. Fatzer predicted the day of the Supreme

¹²⁷ Carla Eckels, “A Reflection of History: Brown v. Board Mural Unveiled at Kansas Capitol,” KMWU, May 17, 2018, accessed February 26, 2019, <https://www.kmuw.org/post/reflection-history-brown-v-board-mural-unveiled-kansas-capitol>.

¹²⁸ Mona Milliken, “Negroes to Mark Court Victory Tuesday Night: Ruling by High Tribunal Hailed by NAACP Leaders,” *Topeka Journal*, May 17, 1954.

Court's ruling. The state considered Wichita to be unaffected by the *Brown v. Board* ruling because it had eliminated *de jure* segregation two years previously.¹²⁹

After decades of parent protests, petitions, and lawsuits, the district acceded to a group of African American parents who packed a Board of Education meeting in 1945 to demand that the district allow their children to attend their neighborhood kindergarten at an all- European American school, Emerson or Park Elementary, instead of being bused across town to one of the African American schools. They were asking only for the rights that European American families had to send their children to the nearest to home. The board spent the next year studying the proposal and agreed. In court filings in 1971, the district said, "Negro pupils did begin to attend Emerson in 1946 and... by the year 1951 they were also attending Park." This resolution also affected two formerly all-European American junior highs, referred to originally as intermediate schools and later as middle schools, Horace Mann and Central. That same fall the attendance at those schools became, respectively, 22% and 10% African American. Further petitions challenging the district's policy of busing African American students from all over town to the African American schools came in 1947 and 1948. The board reported to courts later that it had made informal efforts to begin desegregating other schools in the late 1940s but aborted the efforts when confronted with backlash from European American parents. This concern with parent support would halt district attempts to desegregate repeatedly, until the federal government finally intervened. The district tried again, successfully this time, with one more school, Skinner, in the 1951-1952 school year.

¹²⁹ "8,000 Students Affected: State Officials See No Trouble Adjusting Schools to New Rule," *Topeka Journal*, May 17, 1954.

With that success, the district made an official decision to formally end its dual school system in favor of neighborhood attendance centers.¹³⁰ “For the school year 1952-1953, all pupils of elementary school age in the Wichita Public Schools shall be admitted to and attend the school district in which they reside.” However, in making that decision, the board provided an escape for European American families who did not want their children attending schools with African American children. Families in schools that would have mixed-race enrollment for the first time in 1952 would be able to choose between attending that school and a designated alternate, all- European American or all- African American, school. Despite this option, some European American families sold their homes and moved out of the district entirely. The board, however, stuck with the plan as, on the surface, it adhered to the board’s overall policy of neighborhood attendance centers.¹³¹ It later defended this move to HEW, writing that offering optional attendance areas was a standard practice in the district when changing boundaries and that it also “made European American schools available to many Negro pupils who would otherwise have been zoned into the areas of the former segregated schools.” With this change in policy, in the fall of 1952, 23% of the Wichita Public Schools’ African American students were attending integrated facilities.¹³²

¹³⁰ Donald R. Newkirk and Thomas D. Kitch, “Unified School District 259 Brief of Respondent,” Administrative Proceeding in the Department of Health, Education, and Welfare v Wichita Public Schools, Kansas State Department of Education, and City of Wichita, 6-8, box 5, folder 12, Edwana Denning Collins Collection.

¹³¹ Wichita Board of Education Agenda, October 3, 1960, 14-15, box 1, folder 1, Edwana Denning Collins Collection.

¹³² Donald R. Newkirk and Thomas D. Kitch, “Unified School District 259 Brief of Respondent,” Administrative Proceeding in the Department of Health, Education, and Welfare v Wichita Public Schools, Kansas State Department of Education, and City of Wichita, 10-12, box 5, folder 12, Edwana Denning Collins Collection.

The superintendent at the time, Dr. Wade C. Fowler, was pleased with this solution, writing, “Now it seems to be an accepted principle that the make-up of a particular community decides the kind of school that will be maintained, and the question of racial background is not the factor that decides who shall attend a given school.”¹³³ This was the official point of view the Wichita School Board would take toward school attendance assignments for the next two decades. Given the segregated nature of Wichita’s residential structure, most school buildings remained highly segregated, *de facto*. The district defended this policy saying it was what parents wanted. The district superintendent, in a report to the board on October 3, 1960, explained that neighborhood attendance centers, close enough to students’ homes for them to be able to walk to and from school and to return home for lunch, was a long-standing policy and a big reason why parents bought homes where they did. He added that this proximity increased the ability of students to participate in after-school activities “and still get home without having to ride a bus or be too late in the afternoon.” The district also believed that this neighborhood school policy fostered greater parental involvement in the schools. This would be a part of the district’s defense of its *de facto* segregated status when the issue would later come to an administrative court hearing.¹³⁴

In the 1950s and early 1960s, the school district didn’t worry overmuch about whether its neighborhood school format would be a problem. In *Brown II*, the 1955 follow-up ruling on how to implement the desegregation ordered in 1954’s *Brown v.*

¹³³ Van Meter, *Our Common School Heritage*, 272.

¹³⁴ Wichita Board of Education Agenda, October 3, 1960, 14-15, box 1, folder 1, Edwana Denning Collins Collection.

Board, the U.S. Supreme Court justices determined that schools should dismantle segregation “with all deliberate speed,” but left it up to individual school districts, under the oversight of the U.S. district courts, to figure out how to go about desegregating and just how fast “all deliberate speed” should be. In Kansas, similar plans to Wichita’s new neighborhood attendance centers with options for students to transfer out of newly integrated schools and into buildings that remained single race had found quick opposition among African Americans. Parents in Topeka and Kansas City immediately headed to court. The courts disagreed. By December of 1955, a panel of three district court judges, Walter A. Huxman, Arthur J. Mellott, and Delmas C. Hill, had already ruled on the Topeka case. They did not like the option feature of the Topeka plan, especially for kindergartners, because it showed a lack of “good faith,” but determined that *de facto* segregation in schools because of residential segregation was not the district’s responsibility. “Desegregation does not mean there must be intermingling of the races in ALL [*sic*] school districts. It means only that they may not be prevented from intermingling because of race or color,” they wrote.¹³⁵

At the same time, school districts across the country were facing classroom shortages as children of the Baby Boom era reached school age while the nation was still dealing with post-war materials shortages. In Wichita, the school had resorted to using individual homes, churches, and portable classrooms to find room for all of its students after the national production authority denied pleas for an allotment of more steel for

¹³⁵ “Five of State’s First-Class Cities End School Desegregation,” *Topeka Capital*, December 4, 1955.

construction, halting the work on the district's new West High School and plans for several other buildings.¹³⁶

This was the time when schools across the country were beginning to look to both their state governments and the federal government for financial aid. In 1954, the Kansas GOP added a plank to their political platform favoring the establishment of “an ‘equitable’ system of state aid to high school districts.”¹³⁷ In the ongoing political battle over state versus federal control, the question of whether the federal government should provide aid to schools became a political hot potato. Since Reconstruction, states had eschewed federal financial aid for schools because the federal government could then make demands on what was taught, when, where and how, endangering the segregated system the South was developing. But the need for money to build new schools and hire new teachers for the incoming Baby Boom children was so fierce that many districts and states began to demand it. The question took over a White House conference on education in Washington D.C. in 1955, even before President Eisenhower told the attendees in his opening address that the “federal government will have to step in, if necessary, to prevent ‘a lack of schools in certain important areas.’” He added, though, that “if we depend too much...on the federal government, we will lose independence and initiative.”¹³⁸ In the 1950s, the Wichita Public Schools began to consider looking for

¹³⁶ Van Meter, *Our Common School Heritage*, 227; “Steel for New Schools Denied,” *Wichita Eagle*, September 5, 1951.

¹³⁷ “Kansas GOP Endorses Aid to High Schools,” *Wichita Eagle*, March 4, 1954.

¹³⁸ “Aid Question Rages Before Talks Begin,” *Wichita Eagle*, 28 November 28, 1955; “Ike Tells School Conference U.S. Help May Be Needed,” *Wichita Eagle*, November 29, 1955.

financial aid from the federal government.¹³⁹ By 1971, that federal aid accounted for some \$5.5 million of the district's annual budget.¹⁴⁰

This all began happening in the same decade that saw the second round of explosive growth in the African American community in Wichita. As the African American population grew, they began to push out of the traditional northeastern zone in the city, into nearby neighborhoods. As African Americans moved in, European Americans fled the neighborhoods, even selling their homes at a loss to get away faster. Local real estate agents eager to make more money fanned the flames of latent racism to an open fire in the city. The U.S. Civil Rights Commission called out the Wichita Real Estate Board in a 1977 report on desegregation in schools for not controlling its more avaricious and less scrupulous members.¹⁴¹ Restrictive covenants began appearing in Wichita's records as early as the 1920s. One example reads: "No persons of any race other than the Caucasian race shall use or occupy any building or lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant."¹⁴² The National Association of Real Estate Board's code of ethics, as established in 1924 and in use well into the 1950s, kept realtors from "introducing members of any race to a neighborhood that would threaten property

¹³⁹ "Between Two Extremes," *Salina Journal*, November 28, 1960.

¹⁴⁰ "Wichita School District May Lost Federal Aid Funds," *Manhattan Mercury*, February 22, 1970.

¹⁴¹ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 2.

¹⁴² Deon Wolfenbarger, "African American Resources in Wichita, Sedgwick County, Kansas," Abstract of Title, Lot 22, Block 1, Paul's Addition, Three Gables Preservation, National Register of Historic Places Multiple Property Documentation Form, United States Department of the Interior, National Park Service, approved June 28, 2011.

values.” In Wichita realtors continued into the 1970s to push segregation of neighborhoods, by refusing to show homes in European American neighborhoods to minorities -- remember Vashti Lewis’ story earlier -- warning European American homebuyers away from mixed neighborhoods by telling them “that the school was going Negro,” and even inciting white flight in neighborhoods where African Americans finally managed to buy a home. In her history of Wichita’s civil rights movement, Gretchen Eick records that real estate agents in Wichita would reach out to European American homeowners in neighborhoods with new African American residents and ask if they wanted to sell out because their property values were about to drop precipitously as a result of their new neighbors. This not only encouraged white flight from some neighborhoods, but it also contributed to the degree of segregation in the city. Sociologist Donald Cowgill reported in 1960 that while the growth in the African American population had enlarged the area of the city where African Americans could find homes, the degree of segregation from European American areas had, at the same time, increased, from 91.5% segregated to 95.3% segregated.¹⁴³

It was in this atmosphere that more of Wichita’s elementary and intermediate schools were becoming *de facto* segregated African American schools. Take for example the cases of two schools opened in 1954, Isely Elementary and Little Elementary. The district experimented with the concept of an integrated school at Little, drawing the attendance boundaries to include both African American and European American

¹⁴³ US Department of the Interior, National Park Service, “African American Resources in Wichita, Sedgwick County, Kansas,” National Register of Historic Places Multiple Property Documentation Form, June 28, 2011, accessed March 7, 2019, 10-16, https://www.kshs.org/resource/national_register/MPS/AfricanAmericanResourcesinWichitaKS.pdf; Eick, *Dissent in Wichita*, 22.

students. With a European American principal, William T Ward, and a balance of seven each of European American and African American teachers, the district expected the school to enroll about 425 students that fall, with a 65% to 35% ratio of African Americans to European Americans. Even the staff was evenly split racially. This time the district did not give parents the option of transferring to a non-integrated school.¹⁴⁴ The result? Between the natural expansion of the African American neighborhood and white flight, within three years Little had become 90% African American. At the same time, Isely Elementary moved from 5% African American to 35% African American within one year due to shifting residence patterns. By the spring of 1958, Isely, too, was almost completely African American. Yet, as will be seen shortly, the district was not an innocent bystander in all of this. It fully participated in the transition of mixed schools to de facto segregated by complying with parental wishes on where to draw boundary lines. Remember, European American families comprised 91.7% of the community, according to the 1960 U.S. Census, giving them the most power to sway the board in their direction.¹⁴⁵

Many of the Wichita parents who had spent so much time fighting for equal access to school facilities and other civil rights in town, were no happier with *de facto* segregation than they had been with *de jure*. They continued to fight the district with petitions, protests, lawsuits, even school boycotts, well after the state supreme court's ruling that the district wasn't responsible for attendance patterns caused by residence

¹⁴⁴ "7 New Elementary Schools Added to Public System," *Wichita Eagle*, September 3, 1954.

¹⁴⁵ Van Meter, *Our Common School Heritage*, 271-73; "Historical Census Statistics On Population Totals By Race," 56.

choices.¹⁴⁶ Others simply found a way around the district's new neighborhood attendance center policy. Jo Gardenhire, a civil rights activist in Wichita in the 1950s and 1960s, describes the mostly *de facto* segregated schools of the time as dated and in need of repair and replacement. To find something better for their children, after Wichita left behind *de jure* segregation in the 1951-1952 school year in favor of neighborhood schools and *de facto* segregation, Gardenhire and her husband "decided to drive them several miles" across town to a majority European American school. She considered it a "marvelous experience" and that they had done "every white family in that school a favor."¹⁴⁷ Many African American activists argued that mixed or integrated schools provided a better education for European American children as well by preparing them to live and work in a multi-racial society.¹⁴⁸

Throughout the 1950s and 1960s more and more African American parents began requesting transfers to other, integrated, schools from the *de facto* segregated elementary schools in Wichita. A 1960 report to the school board on integrated schools says that the district had ended the optional territory practice the previous year and limited transfers to three reasons: child care needs, health reasons, and special education requirements. The report indicated that the limit on transfers was meant to help prevent overcrowding in any one school building.¹⁴⁹ Yet, African American families were finding ways around these

¹⁴⁶ "Steel for New Schools Denied," *Wichita Eagle*, September 5, 1951; "NAACP Studying Possibility of Wichita School Boycott," *Hays Daily News*, February 28, 1966.

¹⁴⁷ Dean, *The Black Legends of Kansas*, 19.

¹⁴⁸ Hugh Jackson, "Another Side: For Quality Integrated Education," *Catholic Advance*, December 9, 1966.

¹⁴⁹ Wichita Board of Education Agenda, October 3, 1960, 14-15, box 1, folder 1, Edwana Denning Collins Collection.

rules to get their children into racially mixed schools. In a 1962 school board agenda, the superintendent reported to the board that a number of parents in the African American community around Mathewson Junior High were requesting transfers out of the *de facto* segregated building to racially integrated or European American attendance centers. Since the rules didn't allow transfers for racial integration purposes, the district was denying the requests. Instead, parents were getting transfers through what the superintendent termed "subterfuge" by signing over guardianship of the child to a family who did live in the neighborhood of the desired school.¹⁵⁰

The uptick in transfer requests came as part of an ongoing fight over boundary lines between two junior high schools. In 1951, Wichita USD 259 built a new junior high school called Mathewson Intermediate School, at 1847 N. Chautauqua.¹⁵¹ When it opened, it was predominantly a European American school. By 1958, it was 50/50 African American/ European American in enrollment. Its attendance district straddled Hillside Street, which was a general demarcation line between the two communities. When the district opened a new junior high school, W.C. Coleman at 1544 N. Gouverneur, in 1966, a group of European American parents took advantage of the drawing of new boundary lines to demand the school board draw the new boundary between Wm. Mathewson, 1847 N Chatauqua, and L.W. Brooks, 3802 E 27th N, along Hillside, keeping their children, about 150, out of Mathewson and in Brooks. The board

¹⁵⁰ Wichita Board of Education Agenda, August 20, 1962, 1-3, box 1, folder 1, Edwana Denning Collins Collection.

¹⁵¹ "Explains School Financial Plight: Woods Puts Blame on Enrollment Hike," *Wichita Eagle*, March 4, 1951.

acquiesced to these demands, and Mathewson, which would have been racially mixed, became 98.6% African American by 1966.¹⁵²

Yet, Wichita Public Schools continued its hypocritical attitude toward desegregation. While giving in to the demands of European American parents by drawing boundary lines that increased the segregation of elementary and middle schools, the district was also fostering the Fairmount School Project and removing race from its official record keeping.

By 1959, Fairmount Elementary School was the only remaining attendance center in the northeastern portions of Wichita to still have a sizeable European American enrollment, 47%. Many of the European American students' parents were faculty and staff at Wichita University, later to become Wichita State University. Families from both sides of Hillside got together and asked the school board to keep Fairmount Elementary as an integrated school by creating the forerunner of the magnet schools the district relies on to offer integrated classrooms in the 21st century. With strong parental and community involvement, the school was able to offer both remedial and advanced learning classes, a racially inclusive curriculum, and advanced courses taught by Wichita University faculty. To keep the racial mix balanced, the district opened up enrollment to any European American families in the city interested in the accelerated learning program. Volunteers from both sides of the color line also ran a pre-school similar to later Head Start programs, designed to give disadvantaged children a running start on education. In the five years the program operated, it had great success. However, by

¹⁵² "Coleman Boundary Dispute," January 10, 1965, box 1, folder 2, Edwana Denning Collins Collection; Eick, *Dissent in Wichita*, 33-34; Van Meter, *Our Common School Heritage*, 60-64, 272-73.

1964, the founding parents had begun to age out of the school along with their children, and new parents weren't as active in the school's programs. Due to overcrowding concerns, the school board moved the accelerated learning program, and much of the incentive for the active parent/community collaboration with the school, to Murdock Elementary School, in another neighborhood. This move effectively ended the effort at maintaining a model integrated school, but it did succeed in slowing white flight from the community, which remained a highly diverse, integrated neighborhood into the 21st century.¹⁵³

During the years of the Fairmount Project, school board president Edwana Collins got the board to agree to remove racial identification from school records. She also proposed a committee she later served on to study how *de facto* segregation was impacting Wichita Schools. In 1962, that committee brought a policy statement to the board on racial integration, which the board passed. It read, in part, "In respect to desegregation the Board of Education sees the public school system as an agency to give leadership in developing attitudes and understanding which are compatible to race integration for a democratic form of society." This policy statement included a commitment to equality of building maintenance, curriculum and instruction, discipline, and administration. It did not include a commitment to preventing residential segregation from segregating public school buildings.¹⁵⁴ That lack of commitment would lead to a formal complaint to the federal government four years later of school-administered

¹⁵³ Eick, *Dissent in Wichita*, 60-63; Van Meter, *Our Common School Heritage*, 320.

¹⁵⁴ Eick, *Dissent in Wichita*, 63-64; "Proceedings of the Board of Education," June 4, 1962, in Integration Board Minutes, 1946-1966 Notebook, McCormick School Museum, Wichita.

segregation, followed by an investigation, an administrative court hearing and a judge's order mandating student busing to counteract the impact of residential segregation.

CHAPTER IV

CHESTER LEWIS, EDWANA COLLINS, AND ENOUGH IS ENOUGH

The slow slide toward the federal order to bus students for desegregation in Wichita began to quicken in the early 1960s, in part because of the actions of two people who would play key roles in filing the complaint and helping HEW to prove its case against the district. One was a highly educated African American activist with generational roots in South Central Kansas, the other a European American high school dropout and transplant to the city from Louisiana, a man and a woman in an era of high gender-role stereotyping, these two community leaders were unlikely allies who came to the issue from different worlds but attacked with the same goal, providing a good education for all of Wichita's children.

CHESTER LEWIS

Chester I. Lewis, Jr, spent his life fighting for equal rights for African Americans in Wichita and across the state of Kansas. A native son of Hutchinson and a graduate of the University of Kansas law school, Lewis was a lawyer who settled with his first wife in Wichita in 1953. He almost immediately jumped into civil rights work, beginning with suing Wesley Hospital for segregating his infant son into an inferior bassinet at the back of the nursery after the nurse told him, "*All the colored babies are kept in the back of the nursery.*" The hospital desegregated its nursery. He followed that with a lawsuit the next

month against the City of Wichita to desegregate its public pools. A year later, the city desegregated its pools. Lewis served as president of the NAACP for several years, from 1957 until the late 1960s, leading the organization toward a more active approach to the civil rights fight, helping an NAACP youth group to design, organize, and execute the first successful sit-in in the nation at the Dockum Drugstore in downtown Wichita, leading demonstrations at and boycotts of businesses that discriminated against African Americans, either in hiring or in service practices, fighting for fair housing rules, and pushing for desegregation of both faculty and student bodies in the Wichita Public Schools.¹⁵⁵

In December of 1957, Lewis began pushing the Wichita Public Schools to desegregate their hiring practices for teachers and administrators. He began with a letter to the Board of Education requesting a conference with members. At this time, no high school in Wichita employed an African American teacher. When it learned of Lewis' request, the *Wichita Beacon* published an editorial with racist undertones, implying that African American teachers were inferior.¹⁵⁶

When Lewis brought the issue before the board on January 6, 1958, he said he understood that the district had a policy of assigning "Negro teachers only to all-Negro schools or where Negro pupils were in great attendance." Superintendent Fowler disagreed, saying that while the staffs at Dunbar and L'Ouverture Elementaries were "all-Negro," the staffs at nine other elementary schools were mixed, with anywhere from one to twelve African American teachers in each building. There were also six African

¹⁵⁵ Eick, *Dissent in Wichita*, 32-51; "Chester Lewis," *Manhattan Mercury*, 24 June 1990,

¹⁵⁶ Eick, *Dissent in Wichita*, 32; Van Meter, *Our Common School Heritage*, 284-85.

American teachers at what the superintendent termed the secondary level, all in the intermediate schools. The superintendent and the Board president, Harry Little, Jr, told Lewis that the community was not ready for a higher level of integration. “We...will continue to proceed on it, but the speed at which we proceed on this program will be determined by what the community is ready to accept,” Little said. Board member Edra Weathers told Lewis, “We have made a considerable amount of progress. Perhaps that progress has been slow, but when you are dealing with social questions as important as these are, you need to go slowly.”¹⁵⁷

Though the board members promised Lewis that they would continue to work toward desegregation, four years later the segregation of teachers remained an issue in the district. At the April 16, 1962, board meeting, in response to Lewis’ continued demands, Superintendent Lawrence H. Shepoiser presented the board with a survey of 2,202 district teachers on integration. Of those teachers, about 79% would agree to teach in a school building where a minority of the students were of a different race. However, only 39% would accept an assignment in a school building where most of the students were of a race different from the teacher.¹⁵⁸ At Mathewson, the district’s only 50/50 integrated junior high or intermediate school in the early 1960s, about 75% of the teachers asked for transfers to different buildings in the spring of 1962 for the following school year. The district attributed this to race relations causing difficulties in student/teacher relationships. The district was slowly hiring more African American teachers and nurses,

¹⁵⁷ Proceedings of the Board of Education, January 6, 1958, Edwana Denning Collins Collection, Wichita State University, Ablah Library Special Collections, box 1, folder 1.

¹⁵⁸ Proceedings of the Board of Education, April 16, 1962, Edwana Denning Collins Collection, Wichita State University, Ablah Library Special Collections, box 1, folder 1.

however. By 1968, Van Meter reports, African Americans taught in 50 of the district's 113 buildings.¹⁵⁹

Lewis and others continued to bring up the issue of segregation, of teachers more than students, in the Wichita Public Schools through the late '50s into the early '60s. However, desegregation of schools was not a priority for civil rights activists in the state at the time. Lewis was busy spreading the methods of direct action protest through sit-ins, demonstrations and boycotts, that had worked so successfully in Wichita, to other cities and states, as well as holding voter registration drives and working toward fair housing and employment legislation.¹⁶⁰ In September of 1963, the Associated Press (AP) reported Lewis as saying that the breaking of racial barriers in fraternities and sororities at universities "is the furthest thing from the Negro thinking right now, what with other problems they face." Other regional NAACP officials reported that "the Negro feels being admitted to previously all-European American schools was a big enough step for the present." While this dealt with universities, not K-12 schools, it does point to activists' thought processes at the time, indicating that they were more concentrated on the fight to get access to their child's neighborhood school, something they already had in Wichita. However, another line in the article points to dissension about that priority among younger activists, whose militancy Lewis would soon side with over the established NAACP. The AP quotes Laplois Ashford, the national director of the

¹⁵⁹ Van Meter, *Our Common School Heritage*, 321.

¹⁶⁰ "NAACP Executive Committee Meets in Lawrence," *The Kansas Sentinel*, August 25, 1960; "Registration Goal of 50,000 Negroes Set for Kansas," *Emporia Gazette*, September 17, 1962; "Explains NAACP Plans for 1964 at Salina Meeting," *Salina Journal*, January 26, 1964; "Poison of Racism Must End, NAACP Speaker Says," *Salina Journal*, February 26, 1965

NAACP's youth and college division as saying his group "was planning some type of activities through which we eventually hope to integrate these fraternities and sororities."¹⁶¹

Two months later, the *Wichita Beacon* published a series of three articles dealing with racial integration that papers throughout the state re-published. In it, Lewis told reporters he had never seen such an attitude of "keen militancy" among the African American community, with more people coming out for change. While housing and employment issues dominate the series of articles, they did also touch on school segregation. Lewis accused the school district of practicing "token integration" by putting just a handful of African American teachers in predominantly European American schools, rather than simply placing teachers based on skill and experience. School board member Robert Arnold defended the district, saying its hiring practices gave equal opportunity to all. Board president Kent Frizzell told the *Beacon* that Wichita schools were not as bad as schools in other cities. But added, "As long as one person is not afforded equal opportunities we should strive to do away with inequalities – to do away with our own problem rather than pointing to other cities and saying we aren't as bad."¹⁶²

It was this same school board that the next summer agreed to re-open discussions of its transfer policy after a European American mother, Mrs. D. H. Merriman, Jr, complained. In 1962, in response to demands for desegregation from the African

¹⁶¹ "Fraternities Shun Negro," *Ottawa Herald*, September 23, 1963.

¹⁶² "Negroes In Wichita Feel They Are Well Off and Want to Stay," *Hays Daily News*, December 24, 1963; "Thirty-eight percent of Sedgwick County Relief Pay Is to Negroes," *Hays Daily News*, December 27, 1963.

American community, the district allowed pupils to transfer from Matthewson to another school because of restricted housing. They had to go to a school that had enough room for them, no more teachers would need to be hired nor overcrowding of classrooms caused. It was a very limited transfer policy used as a visible means of mediating the impact of residential segregation on neighborhood schools, though African Americans grumbled it allowed only a small percentage of students to leave what many referred to as the “ghetto school.” Another limitation of the policy was that students could only transfer out if they were of the majority race in the school they were leaving and would be in the minority race of the school they were going to. Mrs. Merriman argued that that limitation discriminated against her children who wanted to transfer from a school where they were the minority race to one where they were the majority.¹⁶³

On both sides of the race line, dissatisfaction was increasing with the way things were moving. For many European American families, the change was too drastic, too fast. For African American families it was too little, too late. Schools at all levels found themselves trying to balance these two sides, often running afoul of both. By 1965, the attitude among activists of leaving schools mostly alone was falling away across Kansas. In March, at least 110 protestors crowded into the University of Kansas chancellor’s waiting room, holding a sit-in protesting discrimination in the Greek system and other university-sanctioned off-campus housing, as well as the advertisement of segregated housing in the school paper, and discrimination in the placement of student teachers. So many students filled the room that the chancellor later testified, “I had to pick my way

¹⁶³ “Race Policy Reviewed,” *Ottawa Herald*, July 31, 1964; Van Meter, *Our Common School Heritage*, 321.

through, arms, legs and bodies...I told my secretaries to lock their desks and leave. They were unnerved.” When they refused to leave the office at closing time, police arrested 110 of the protestors for disturbing the peace. Chester Lewis defended them in court later that spring, arguing that the sit-in was a tasteful expression of views – using his cross-examination to prove that they “threatened no one, were not noisy, and generally behaved peaceably.”¹⁶⁴

Lewis had not forgotten nor given up on changing things for K-12 students in the City of Wichita, either. That November, he wrote a letter to the editor, printed in the *Wichita Evening Eagle*, pointing out that there was no call for any school in the Wichita Public School system to be segregated, since African Americans made up just 8% of the population. At that point, the district had eight segregated schools, seven elementary and one intermediate, that were 90% or more African American.¹⁶⁵

From the Dockum Drugstore sit-in, carried out against the direct orders of the NAACP, to his push for equal treatment in the school system, Lewis’ actions were becoming increasingly separated from the conventional priorities of the NAACP civil rights leadership. In 1962, historian Gretchen Eick reports, he and other younger members of the NAACP became friendly at the organization’s national convention in Atlanta and bonded over their frustrations with the direction of NAACP president Roy Wilkins and his supporters. These critics became known as the Young Turks, and, over the next few years, moved beyond spoken criticism to outright attempts to replace the NAACP’s governing board with new leadership and, finally, in 1968 with a split from the

¹⁶⁴ “KU Boss Tells of Demonstration,” *Ottawa Herald*, May 18, 1965.

¹⁶⁵ Chester Lewis, Letter to the Editor, *Wichita Eagle*, November 11, 1965.

NAACP. Lewis resigned both his presidency of the Wichita chapter and his membership in the NAACP entirely.¹⁶⁶

It was under these conditions that the argument over segregated schools came to a head in the Wichita Public School district.

EDWANA DENNING COLLINS

Edwana Denning Collins was a member of the Wichita Public School Board of Education from 1955 until 1971, from the year of the *Brown II* decision ordering desegregation “with all deliberate speed” to the year the district officially fully desegregated.¹⁶⁷ She was an unlikely, unexpected proponent of racial parity and desegregation in the district. Without her work, HEW might never have ordered a desegregation plan that ended with Wichita operating a mandatory busing program for four decades.

Collins was born Edwana Denning in New Orleans in 1921 to a European American family. They moved to Wichita between her sixth and seventh grade years. She dropped out of Wichita’s East High School at the age of 16 to elope with Edwin Collins. She became an active parent in the school system when her first child began school in an old one-room school building she described as having no running water or way to communicate with the main school building across the street. She began to work with the League of Women Voters, lobbying for school bonds, serving on citizens’

¹⁶⁶ Eick, *Dissent in Wichita*, 90-94; “Young Turks Want Control,” *Manhattan Mercury*, July 12, 1967; “Reforms Battle NAACP,” *Manhattan Mercury*, June 24, 1968; Austin Scott, “Young Negro Militants Deserting NAACP,” *Salina Journal*, July 2, 1968.

¹⁶⁷ Eick, *Dissent in Wichita*, 63-65; Edwana Collins, speech at Rea Woodman Elementary School, 1966, box 1, folder 2, Edwana Denning Collins Collection.

committees to promote various candidates for the school board. When her youngest child started school in 1955, she took the next step and ran for the board herself.¹⁶⁸

In March of 1955, Edwana Collins was the fourth top vote getter in the primary for the Wichita School Board behind Herbert P. Lindsley, Harrie S Mueller and Mrs. Edra Weathers, all three of whom were incumbents, in an election with 34% voter turnout. The top six candidates moved on to the general election.¹⁶⁹ Collins ran on a platform of ability, integrity and experience, pointing to her years of advocacy work for the school system as an active parent.¹⁷⁰ Once elected, she told the *Wichita Evening Eagle* that she was “pleased by the results of the voting and sobered by the thought of the responsibility. I hope the school board, working with the community [*sic*] can provide the kind of educational facilities Wichita needs,” she said.¹⁷¹

While Collins named no particular project that she wanted to become involved in after her election, she quickly became the board’s primary, and often only, advocate for desegregation. Her frustration with the situation began to show up in her own records by 1960. A handwritten summary that year notes what she termed a lack of progress toward desegregation over the previous three years after a board review of the issue with the superintendent. She noted that the school population shift at Little from 50/50 African American/ European American to 90% African American was apparently due mostly to

¹⁶⁸ Edwana Collins, “Untitled,” box 4, folder 7, and Edwana Collins, speech to Rea Woodman Elementary School, 1966, box 1, folder 2, Edwana Denning Collins Collection.

¹⁶⁹ “18,000 Ballot in City Primary: Field Narrowed to 18 Candidates,” *Wichita Evening Eagle*, March 23, 1955.

¹⁷⁰ “Vote for Mrs. Edwana Collins,” *Wichita Evening Eagle*, April 1, 1955.

¹⁷¹ “Two Winners at City Polls ‘Likely’ to Start Terms Early,” *Wichita Evening Eagle*, April 6, 1955.

white flight – children leaving the public school system mostly for private schools, not moving out of the area. In 1961 and 1962, as board president, she served on a three-person committee studying ethnic problems in the district along with board members A. Price Woodard, Jr, who would later become the city's first African American mayor, and Robert Arnold. The committee returned an anti-discrimination policy which the board passed on June 4, 1962, stating the district would treat all students alike regardless of race, color, religion, or national origin when it came to enrollment, instruction, even building maintenance, curriculum and activities.¹⁷² It was this same policy that the district's lawyers would point to in 1970 during the hearing with HEW, to prove that Wichita Schools were not illegally segregated. But they did not count on Collins in that defense.

In January of 1966, Collins was the primary defender of setting new school boundaries with the opening of Coleman Intermediate School in such a way that they would return the increasingly all-African American Mathewson Intermediate School to being at least partially integrated. When the board overruled her, keeping 150 European American students east of Hillside St in the Brooks Intermediate School, which was only 25% African American, multiple members of the community wrote letters commending her for her defense. Alan M. Cress wrote, "We do appreciate your efforts to keep the Board and Dr. Shepoiser honest and to keep before the Board the concern for the children who are affected by the actions of the Board." Ray Anderson, the chairman of the Wichita Fair Housing Committee, wrote, "...we thank you for your stand on the

¹⁷² Eick, *Dissent in Wichita*, 63-64; "Proceedings of the Board of Education," June 4, 1962, in Integration Board Minutes, 1946-1966 Notebook, McCormick School Museum, Wichita.

Mathewson School issue. We thank you not because you agree with us, but because with insight, you saw an opportunity to better our educational system for all children by true integration.” It was the ending of this fight that would spark the beginning of the district’s biggest fight yet for integration.

THE COMPLAINT

The issue that led to a formal complaint to HEW of deliberate segregation in the Wichita Public Schools by the district began more than a year before Lewis mailed his complaint to Washington, D.C. The district was building an additional intermediate school, Coleman, and had to redraw attendance boundaries to account for the new building. Almost immediately, the question of where to draw the new boundary between Brooks Intermediate and Mathewson Intermediate on the northeast side of town became a point of contention among parents. Mathewson had been 50% African American until Brooks opened in 1958, at which point it became 99% African American, according to Eick.¹⁷³

With the looming opening of Coleman, the superintendent proposed moving the boundary to enlarge the Mathewson attendance district, moving 150 European American students from Brooks to Mathewson and creating a more racially diverse student body. At that time, Mathewson was the only intermediate school with an enrollment of over 40% African American students in Wichita. Under this plan, students of both races would be able to transfer out “using a computer to decide who is sent where.” Superintendent Shepoiser also suggested that if 60% or more of parents requested a transfer for their child(ren), the district would financially be forced to close Mathewson.

¹⁷³ Eick, *Dissent in Wichita*, 109.

Meanwhile, a vocal group of European American parents whose children would be moved into Mathewson under this plan demanded that the district draw the boundary between the two schools so their children, in homes to the east of Hillside Street, could stay at Brooks, which had only a 25% African American student body.¹⁷⁴

Cornelius P. Cotter, Chair of the Political Science Department at Wichita State University and a former member of the United States Commission on Civil Rights, wrote to Peter Libassi in D.C., deputy staff director of the Commission, to suggest that he use the situation in Wichita as a test for the effectiveness of sending a federal investigator to develop a “case study” of the process, “ostensibly to make the experience of one community available to others similarly established with similar experiences,” but with the ultimate goal of subtly influencing the situation through the investigator’s mere presence. Later that month, the board of education was set to determine the new boundary line and Cotter feared that the superintendent’s proposed boundary “will intensify segregation in a *de facto* segregated school system, and in doing so predictably will extend our Negro ghetto...” Cotter described district leaders as having a “high degree of hypocrisy” in their handling of the situation and a “smug sense of security” that the federal government would not apply Title VI to the district.¹⁷⁵

The new Title VI of the Civil Rights Act of 1964 outlawed discrimination on the grounds of race, color or national origin in any program or activity receiving federal

¹⁷⁴ Cornelius P Cotter, “Coleman Boundary Dispute,” box 1, folder 2, Edwana Denning Collins Collection.

¹⁷⁵ Cornelius P Cotter, letter to F. Peter Libassi, January 10, 1965 or 1966, box 1, folder 2, Edwana Denning Collins Collection; U.S. Congress, Senate, Special Committee on the Termination of the National Emergency, National Emergency: Hearings, 93rd Congress, 1st Session, Part 1 – Constitutional Questions Concerning Emergency Powers, April 1973, 11-12, 18.

funding, upon pain of losing that funding.¹⁷⁶ But, there was some doubt that the Commission on Civil Rights would enforce this provision against schools in the North dealing with *de facto* segregation as opposed to the still-ongoing issue of *de jure* segregation in the South. On January 24, 1966, the district's attorney J. Ashford Manka, reviewed court decisions on segregation and the role of school leadership in pushing integration. He told the board that, in his opinion, the district was not racially segregated and "that the Board of Education had endeavored to go beyond the legal mandates prescribed by the courts in order to foster integration in the schools." He told the board that legally the district was not responsible for correcting for segregation caused by housing segregation or to change boundaries to account for population shifts. He also opined that African American students had no right to attend or refrain from attending a particular school because of its racial make-up, although the district could take racial make-up into consideration when setting school attendance boundaries and such an act would not be discriminatory toward European American students.

At the January 24th school board meeting in 1966, the boundary change was the main topic under discussion, drawing hundreds of parents. Among the speakers that night were Mrs. Mary Ellen Lewis, president of the Mathewson PTA; Rev. Ray Anderson, chairman of the Fair Housing Committee; Chester I. Lewis, president of the Wichita NAAC; Dr. Maurice Weinberger, associate professor of education at Wichita State University, and district parents Mr. L.L. McNulty and Mrs. Edgar (Jo) Gardenhire.

¹⁷⁶ U.S. Department of Education, "Education and Title VI," September 25, 2018, accessed October 1, 2019, <https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

Mrs. Lewis asked the board to consider integration “as one of the basic facts in quality education.” She also referenced the superintendent’s suggestion that if 60% or more of the parents requested transfer, the district could just close Mathewson. She spoke of the survey that the Mathewson PTA had circulated. It showed that 430, or 80%, of Mathewson seventh- and eighth-grade parents wanted their children moved to other schools. Lewis suggested that Mathewson be discontinued as a junior high and instead operate as an intermediate school for grades four through six. She pointed out that parents were not asking the district to provide transportation to these other schools. Thus, it would carry no additional cost for the board.¹⁷⁷

However, at a board meeting earlier in the month, the superintendent had dismissed the petition. When the *Wichita Beacon* first asked him about the petition for its January 7th article, he said he had not seen it yet, but added, “I don’t put my stock in petitions.”¹⁷⁸ The next day he called the petition “irrelevant,” saying that there was not enough room for all of the African American students at the other schools mentioned in the petition.

“This is out, it just couldn’t be done,” Shepoiser told the *Wichita Eagle*. “When a school gets beyond 30 per cent (Negro enrollment) people begin to move.” The schools named in the Mathewson petition were adjacent to the junior high school in question.¹⁷⁹

¹⁷⁷ “Proceedings of the Board of Education,” January 24, 1966, box 1, folder 2, Edwana Denning Collins Collection; Carol Zook, “Mathewson Students’ Parents Petition Children’s Transfer,” *Wichita Beacon*, January 7, 1966.

¹⁷⁸ Carol Zook, “Mathewson Students’ Parents Petition Children’s Transfer,” *Wichita Beacon*, January 7, 1966.

¹⁷⁹ “Mathewson Plea Called Irrelevant by Shepoiser,” *Wichita Eagle*, 8 January 1966.

Cotter's letter to a member of the Civil Rights Commission reports that the superintendent's response to the petition "confirms Negro suspicion that such an optional plan would be subject to manipulation against them."¹⁸⁰

The Rev. Anderson, who was fighting housing segregation in the city, asked the board to "assume responsibility for eliminating a segregated" school caused by unfair housing problems. Dr. Maurice Weinberger agreed that the segregation issue was not one necessarily of the district's making but urged the board to "deal with the issue of integration squarely" and include it in the new boundaries. And Mrs. Edgar Gardenhire spoke about the experiences of her children, who had been lucky enough under the limited transfer option to "escape the ghetto." She asked the board to allow other children the chance at the "experiences her children had been enjoying in an integrated school."

Well aware of the district's financial concerns due to rapid growth, both of local population with the Baby Boom generation now in school and through expansion of area caused by the city's land annexations of outlying areas in recent years, most of those who supported the closing of Mathewson as a junior high for integration purposes repeatedly pointed out to the board that parents, not the district, would bear the cost and responsibility of transporting the students to the more distant schools. This followed the pattern of those who had already managed to transfer out of Mathewson in recent years, like Mrs. Gardenhire's children. The minutes from that January 24th board meeting record Chester Lewis as saying, "There wasn't one group that made one demand either

¹⁸⁰ Eick, *Dissent in Wichita*, 109; Cornelius P Cotter, "Coleman Boundary Dispute," box 1, folder 2, Edwana Denning Collins Collection.

by letter or by voice or orally for any subsidized transportation, and any proposal recommended to this Board by anyone that was couched in any kind of language that contained a subsidized transportation plan would fall by its own weight.”¹⁸¹

Within the group recorded in the official meeting minutes as speaking at that January 24th meeting, the only one to support keeping Mathewson open was Mr. L.L. McNulty. He liked the suggestion of board member Evelyn Whitcomb of keeping Mathewson as a junior high, but transferring all successful, or “A” and “B,” students to other junior highs and turning Mathewson into a Junior High Development Center, a remedial school of sorts for struggling students from across the district. The district would provide special help and services as needed to ensure those students’ future success.¹⁸²

The board’s digest of the January 24th meeting states, “the agenda was short, but discussion was long as the Board attacked related problems of junior high boundaries, pupil transportation, integration, and the transfer policy.”¹⁸³ In the end, the board voted to set the boundary between Brooks and Mathewson at Hillside, keeping Mathewson a segregated school. The vote came after midnight and was seven to five, with Edwana

¹⁸¹ Eick, *Dissent in Wichita*, 108; “Proceedings of the Board of Education,” January 24, 1966, box 1, folder 2, Edwana Denning Collins Collection.

¹⁸² “Proceedings of the Board of Education,” January 24, 1966, box 1, folder 2, Edwana Denning Collins Collection.

¹⁸³ “Digest of the Regular Adjourned Meeting of the Board of Education,” January 24, 1966, box 1, folder 2, Edwana Denning Collins Collection.

Collins, Dr James M. Donnell, Dorothy Goodpasture, John M Michener, and Dr Charles M. White voting against it.¹⁸⁴

While Wichita area civil rights leadership stewed over what to do next, the district moved forward with trying to figure out what to do with Mathewson. The January 24th meeting had left the junior high's future in limbo. Would it even re-open the next school year? Disregarding the fact that 80% of the parents at Mathewson had already requested that their children be transferred to another junior high, above the 60% level the superintendent had originally set as the point between keeping the school open and closing it, Shepoiser decided to run his own poll. In a letter dated February 7, 1966, Shepoiser asked Mathewson parents with children in sixth, seventh, and eighth grades to go to their child's school to fill out a new survey. This survey asked them to pick their top five choices for a junior high for the following year while reminding them that there would be "only limited space available" at Brooks, the next closest junior high, and that transportation "is a parent responsibility and is not a satisfactory excuse for being absent or tardy."¹⁸⁵

All of this coming just a few years after the board ruled, prior to the construction of Coleman, that "It is not feasible to change the boundaries of the junior high schools...in order to effect any meaningful integration in the Mathewson School." Instead the board implemented an extremely limited transfer-out policy to compensate for housing segregation, a policy that many African Americans in Wichita felt was little

¹⁸⁴ "Proceedings of the Board of Education," January 24, 1966, box 1, folder 2, Edwana Denning Collins Collection; Eick, *Dissent in Wichita*, 111.

¹⁸⁵ "Letter to Parents from Lawrence H Shepoiser, Supt.," February 7, 1966, box 1, folder 2, Edwana Denning Collins Collection.

more than lip service to integration. This move was the final straw for the city's NAACP president, Chester Lewis.¹⁸⁶

Just a few days later, Eick records, Lewis flew his personal plane to Washington, D.C., to begin investigating a formal complaint against the district. On February 10th, he officially mailed that complaint to HEW's Office of Education. He charged that the district was practicing racial discrimination in the public school system, as evidenced by gerrymandering of attendance boundaries, discriminatory assignment of teachers based on race, and inferior curriculum materials and buildings. The complaint asked the federal government to withhold funds under Title VI of the Civil Right Act of 1964.¹⁸⁷

¹⁸⁶ "Agenda: Board of Education," August 20, 1962, box 1, folder 1; "Memo to Board on Results of Study of Mathewson Enrollment Growth," February 1, 1963, box 1, folder 1; "Agenda: Board of Education," August 5, 1963, box 1, folder 1, Edwana Denning Collins Collection.

¹⁸⁷ "NAACP Complaint is Filed in Wichita," *Great Bend Tribune*, February 13, 1966; Eick, *Dissent in Wichita*, 112.

CHAPTER V

COMPLAINT AND COMMUNITY REACTION

When Chester Lewis filed a formal complaint of segregatory practices by the Wichita Public Schools with the federal government, he had years of issues to present to HEW, but the recent decision on attendance boundaries between Brooks and Mathewson junior highs was the final straw. What he did not know then was what HEW would make of his complaint or that prosecutors, in the end, would find on the Board of Education itself a key ally in determining that the district was illegally segregated.

The complaint Lewis mailed to the Assistant Secretary of HEW, David Seely, was 76 pages long. It began:

The Wichita Board of Education has deliberately segregated the city's public school system. This conclusion was sustained from the examination of:

- (1) Intentional racial discriminatory gerrymandering of school attendance boundaries as to discriminate against Negro pupils solely because of their race or color.
- (2) The deliberate appointment and assignment of teachers and administrators on a racial discriminatory basis.
- (3) The assignment of inferior curricula to the Negro schools.¹⁸⁸

Lewis' complaint was only the second filed against a northern school district, after Ferndale, Michigan. The Office of Civil Rights' Annual Report for 1969 says that it "initiated its first formal Title VI enforcement against a northern school district in

¹⁸⁸ Van Meter, *Our Common School Heritage*, 322; *Wichita Eagle*, February 1, 1966.

Ferndale, Michigan.” The following year’s report stated, “OCR initiated a second formal administrative enforcement proceeding against a northern school system (Wichita, Kansas).” The Wichita case would, by default, be breaking new ground in the fight to integrate public schools across the country.¹⁸⁹

With knowledge the Lewis had filed this complaint, the superintendent moved forward with presenting the results of his attendance preference survey of February 7th. The very language he used confirmed to African Americans that Shepoiser was looking for ways to circumvent integrating the junior highs as much as possible. Shepoiser did not inform the board of how many parents listed a junior high other than Mathewson as a first choice. Instead, he informed the board that “326 Negro pupils or 32 per cent of those Negro pupils living in the optional attendance area” did NOT (emphasis added) list Mathewson as ONE of their five choices while 68% or 689 pupils DID list Mathewson as ONE of their five preferences. The preference cards showed that 589 pupils, just eleven shy of the 60% point for closure, listed another junior high as their first choice. Just 418 listed Mathewson as their first choice.¹⁹⁰

The following week, February 28th, Shepoiser officially recommended the district keep Mathewson open over the protests of African American parents and students. Along with the recommendation he warned the board that closing the school would leave it with, “I believe... a moral responsibility on the part of the Board to provide free transportation for all the pupils who have chosen to remain at Mathewson.” This, after

¹⁸⁹ U.S. Department of Labor, Office of Civil Rights, “HEW Annual Report for 1969,” and “HEW Annual Report for 1970.”

¹⁹⁰ “Summary of Preference for Junior High Schools,” February 22, 1966, box 1, folder 2, Edwana Denning Collins Collection.

leaving board members, in an age when they were fighting for every nickel and dime to accommodate expanding enrollment needs, with the impression that 68% of students wished to remain at Mathewson. The board failed to take any action that week after three tied votes on continuing to operate Mathewson as is, closing it, and even holding a closed session of the board to further discuss the issue.¹⁹¹ The board again tabled the issue of Mathewson's future at its next two meetings, finally voting on March 21st to keep Mathewson open as a neighborhood junior high while implementing "an experimental pilot program of compensatory education."¹⁹²

Local civil rights groups derided the board both publicly and in letters to the board for its actions. The Reverend Everett Reynolds, president of the Wichita Ministerial League, wrote, "...we must protest your continued lack of integrity as a Board" for leaving the parents of Mathewson students hanging for so long, not knowing their children's educational future and then for supporting the "Preference Card" survey. Reynolds added, "The matter is race and then some, to this extent YOU KNOW THE SCHOOLS ARE BELOW CITY STANDARDS [*sic*]..." His letter included information pulled from the district's own records showing that students at the five elementary schools with 97% African American enrollment tested among the lowest tenth of the district's schools and that the majority of the students were a year below grade on the sixth-grade test. In 1964, according to the district's own board presentations, African

¹⁹¹ "Agenda of the Board of Education" and "Proceedings of the Board of Education," February 28, 1966, box 1, folder 2, Edwana Denning Collins Collection.

¹⁹² "Proceedings of the Board of Education," March 21, 1966; "Committee of the Whole Meeting," March 17, 1966; "Proceedings of the Board of Education," March 9, 1966; "Digest of the Regular Meeting of the Board of Education," March 7, 1966, box 1, folder 2, Edwana Denning Collins Collection.-

American youth were 12.4% of elementary enrollment, 10.8% of Junior High enrollment, but only 5.2% of High School enrollment. In fact, the dropout rate of African American youth figured highly in Lewis' complaint to HEW. Reynolds called on the district to restudy its position, saying, "...you have failed to properly educate the Negro community child."¹⁹³

The fight over the future of Mathewson combined with the results of an NAACP study of the educational standards of the town, comparing the educational status of African American students with European American students, led the organization to begin mulling over a school boycott to show its displeasure. The NAACP study showed that at least a quarter of African American students were "two grades below comparable students in other schools," found out-of-date textbooks at the African American schools, broken down equipment, lower quality teaching, and fewer subjects offered to students. It also determined that 75% of the high school dropouts in 1963-64 and of the senior dropouts in 1964-65 were African American. Lewis told the Associated Press, "Something is wrong with the school system which permits this to happen...What you really need are the best teachers in the worst schools."¹⁹⁴

During this same period, the board had been arguing over how to accommodate expanding enrollment at some of the district's African American majority elementary schools as well. At the center of the issue was what to do with Isely Elementary. It

¹⁹³ Rev. Everett Reynolds, Letter to the Board of Education, March 18, 1966, box 1, folder 2, Edwana Denning Collins Collection.

¹⁹⁴ "NAACP Studying Possibility of Wichita School Boycott," *Hays Daily News*, February 28, 1966; "Wichita School Still a Question on Integration," *Manhattan Mercury*, March 1, 1966.

needed more classroom space. Should the district move boundary lines to send some of the students to other, majority European American schools? Or, should it put up more portable classrooms at an African American school when more than two-thirds of the portables already in use in the central city area of Wichita were already at African American schools? After several weeks of discussing the issue and hearing from African American parents asking for the boundary shift, the board voted six to five to put 10 more portable classrooms at Isely.¹⁹⁵ Vashti Lewis chaired the NAACP Education Committee in Wichita. In that position, she gathered data on this decision which Lewis sent on to HEW to add to the NAACP's formal complaint.¹⁹⁶

By mid-March it was public HEW was considering an official investigation into the Wichita Public Schools. Lewis had received a response to his formal complaint in the form of a letter from Herbert C. Kane, area director for the Office of Education, which Lewis had shared with the media. According to newspaper reports, that letter told Lewis, "You may be assured that the complaint will be carefully evaluated together with other material on this school system. As soon as our staff and priorities permit, we hope to start a full-scale investigation of the Wichita school system."¹⁹⁷

Finding the staff to complete the investigation was indeed a concern. It was not until April 27, 1966, that the school board got official notice of the investigation. That

¹⁹⁵ "Proceedings of the Board of Education," March 21, 1966; "Committee of the Whole Meeting," March 17, 1966; "Proceedings of the Board of Education," March 9, 1966; "Digest of the Regular Meeting of the Board of Education," March 7, 1966, box 1, folder 2, Edwana Denning Collins Collection.

¹⁹⁶ Eick, *Dissent in Wichita*, 112; Lloyd R. Henderson, Education Branch Chief, Office for Civil Rights, letter to Lawrence Shepoiser, April 16, 1968, box 1, folder 4, Edwana Denning Collins Collection.

¹⁹⁷ "Wichita School Probe Planned," *Salina Journal*, March 16, 1966.

was when the superintendent received a letter from David S. Seeley, the Assistant Commissioner of the Equal Educational Opportunities Program, announcing that his office had received Lewis' original complaint from February. The letter said, in part, "The allegations of non-compliance (with Title VI of the 1964 Civil Rights Act) are serious ones, and apparently have not been made without considerable thought and analysis." It then cites as staffing shortage in explaining why the office was not sending investigators to Wichita, but instead asking the district to cooperate with the investigation by sending any requested materials to their D.C. offices. In this first contact, Seeley asked the district to provide: a narrative description of all boundary changes affecting Mathewson and the impact on its racial make-up; a description of any parent opinion sampling and who took it; total enrollment at each school by year, broken down by race; planned capacity of each school; hiring practices; an ethnic breakdown of provisional, probationary and substitute teachers by race, and the curriculum offered at each school, including the number of classes given in each subject.¹⁹⁸

Two months later, on June 22, 1966, the district officially responded to this request, shipping off two packages of paperwork to Kane. Shepoiser writes, "I believe that the answers to the questions asked and the exhibits offered as evidence give support to our contention that the Wichita Public School System during the years in question did

¹⁹⁸ David S Seeley, Equal Educational Opportunities Program, letter to Lawrence Shepoiser, Wichita Schools Superintendent, April 27, 1966, box 1, folder 2, Edwana Denning Collins Collection.

not, nor does not,” violate the Civil Rights Act of 1964 as accused in Lewis’ complaint.¹⁹⁹

At stake were millions of dollars in federal funding. In the wake of the Sputnik launch and America’s fear of falling behind the Soviets in the Great Space Race, more federal money had become available to public school systems. The district, struggling to accommodate a rapidly enlarging enrollment due to both population growth and urbanization, had taken part in many of the federally funded programs as they became available, everything from Project Head Start pre-school programs to vocational training. In the last year, the biggest chunk of dollars yet had become available through the Elementary and Secondary Education Act (ESEA) of 1965. Even the board’s conservative members who worried about the included federal controls generally approved taking advantage of the money, rather than letting it go to another district. That money would now be held over their heads to force compliance with HEW and its segregation investigation.²⁰⁰

HEW and the African American community were not alone in paying attention to how the district handled racial matters. The Wichita City Teachers Association (WCTA) began drafting an integration resolution. It sent a preliminary draft to its members in May of 1966, asking them to read, discuss and provide input on the final resolution. WCTA President F. Robert Hollowell wrote in the introductory letter, “We as educators are long over due [*sic*] in making our thoughts known to the community and providing

¹⁹⁹ Lawrence H Shepoiser, letter to Herbert C Kane, June 22, 1966, box 1, folder 2, Edwana Denning Collins Collection.

²⁰⁰ Van Meter, *Our Common School Heritage*, 309-13.

the leadership in the integration of our schools... We must not give token support any longer.” The resolution demanded immediate integration of all teachers, saying that present numbers would allow a ratio of “Negro teachers to white in the same proportion as the total population,” and a change in attendance boundaries so as to fully integrate all school buildings in the district. It promised to lobby for fair housing laws in the city and against the use of portable classrooms as a means of retaining segregated schools.²⁰¹

However, in the face of resistance from membership, the original resolution ended up tabled, essentially killing it. The WCTA tried again later in the year with a modified version of the resolution, using the argument that it would help the district in its case with HEW, and members reluctantly approved it. It was not until the spring of 1969 when, during another contract dispute with the district, a national union leader visited Wichita to help. Samuel Ethridge defended HEW’s position on the district’s segregation status, and that defense helped push teacher sentiment firmly against segregation and into active promotion of integration policies.²⁰²

Lobbying efforts by groups like the Wichita Urban League and the NAACP to swing public opinion on the issue of integrating schools moved into high gear. From speaking at community meetings discussing other civil rights topics, such as fair housing laws, to letters to the editor, it was mostly a grassroots effort and often led by local ministers. One of the arguments used to urge integration as a good idea for European American families was that it would provide their children with an advantage in the

²⁰¹ F Robert Hollowell, in letter to membership of the Wichita City Teachers Association, May 16, 1966, box1, folder 2, Edwana Denning Collins Collection.

²⁰² Eick, *Dissent in Wichita*, 171-72.

economic world as adults. Hugh Jackson, president of the Wichita Urban League, wrote in an Op-EGd piece in the *Catholic Advance* that parents cannot avoid a multiracial future and that, “Integration provides an opportunity for white [sic] citizens to help prepare their children in a natural, diversified setting for the world they are going to live in.” In other words, it would provide European American children with an economic advantage as adults.²⁰³

As early as 1966, activists also started pushing for some form of busing as a relief from segregated neighborhoods creating *de facto* segregated schools, even as the school district was entrenching itself in fighting the accusation that it was segregated at all. Jackson argued that the benefits to both African American and European American children of integrated education made a compelling argument for busing. “Busing can cut across existing residential segregated housing patterns and help to end *de facto* segregation.”²⁰⁴

By August of 1966, several African American students who had requested and received transfer to Coleman and/or Robinson Junior Highs, found that they could not afford the transportation. F. Doyle Fair warned the board at its August 1st meeting that there might be a rush of students requesting transfer back to Mathewson due to transportation problems that fall. By the end of August those requests were coming in,

²⁰³ “Knights Slate Discussions on Civil Rights,” *Catholic Advance*, October 14, 1966; “Ecumenical Meet on Fair Housing Sponsored by Knights’ Council,” *Catholic Advance*, March 11, 1966; “Bishops Look to Future at Episcopal Conference,” *Catholic Advance*, November 25, 1966; Hugh Jackson, “Another Side: For Quality Integrated Education,” *Catholic Advance*, December 9, 1966.

²⁰⁴ Hugh Jackson, “Another Side: For Quality Integrated Education,” Hugh Jackson, *Catholic Advance*, December 9, 1966.

and the board was denying them. That is when an interdenominational, interracial foundation formed to raise the money to buy those students bus passes for the school year. Forty-five dollars would pay to transport one student for the year. One of the trustees of the organization was school board member and integration advocate Edwana Collins.²⁰⁵ The new organization cited the district's failure to follow its own policy No. 2250 in dealing with the transportation needs of students who transferred out of the Mathewson "optional attendance area." That policy stated:

The Board of Education wishes to cooperate with other community agencies in helping eliminate the conditions that bring about de facto segregation. This community cooperation is believed to be essential in that residential patterns as well as cultural and social attitudes of the people have an impact on segregation. In respect to desegregation, the Board of Education sees the public school system as an agency to give leadership in developing attitudes and understandings which are compatible to race integration for a democratic form of society.

The Board of Trustees of the Operation Transport Foundation blamed the school for not paying for buses to transport the students transferring out of Mathewson. The district had told all families that the cost was theirs to bear and, while students and their families were willing to deal with the time lost every day to traveling farther to get to and from school, most found that they could not sustain the cost for long.²⁰⁶ In a handwritten note dated August 25, Collins wrote that Operation Transport was designed to fight the view in the African American community that the entire "optional attendance area" policy for Mathewson was little more than lip service to integration. That it was, in fact, a sneaky

²⁰⁵ "Operation Transport," *Pilgrim Log* 10, no. 32, August 21, 1966, box 1, folder 2, Edwana Denning Collins Collection.

²⁰⁶ "Operation Transport Foundation," box 1, folder 2, Edwana Denning Collins Collection.

way to limit integration without saying that that was what they were doing. She hoped that if the fundraising efforts were successful, Operation Transport would not only help integrate Coleman Junior High but also make the compensatory program at Mathewson more successful and “aid other efforts being made to stabilize the entire northeast area of the city.”²⁰⁷

In January of 1967, the Board of Education had created a new committee to study the issues of socioeconomics and race in the city and their impact on the district. The Low Economics Area Problems (LEAP) committee was made up of some thirty Wichitans including educators and laypeople. Among the members were several African Americans, including Hugh Jackson; Clyde Phillips, the principal of Ingalls Elementary; Rev. Kelsey Jones, pastor of St. Matthew Christian Methodist Episcopal Church, and Frank Carpenter of the board’s intergroup relations staff. Three members of the Board of Education, including Edwana Collins, and Superintendent Lawrence Shepoiser were also on the committee. Carl Bell, a former school board member, city commissioner and mayor, chaired the committee. Eick says the district chose him for his proven consensus-building abilities throughout the community, a needed first step in building support for desegregation in the district. Bell had rallied the community behind several major civic projects, including building a civic center and a library. He also had experience working with African American leaders due to his participation in the fair housing fight. This new committee Bell headed would spend the next two years and \$20,000 studying how socioeconomics, race, housing segregation and schooling intertwine with and correlate to

²⁰⁷ Edwana Collins note, August 25, 1966, box 1, folder 2, Edwana Denning Collins Collection.

each other in the City of Wichita, concentrating on the historically segregated northeastern sector of the city, before making recommendations to the school board on actions that body should take toward desegregation.²⁰⁸

The superintendent kicked off the study with a memo to committee members explaining the situation from his perspective, telling them that a superintendent's time in the late 1960s was taken up with an "endless effort" of dealing with "social, economic, and political forces beyond the limits of the public school domain" and warning that the "flood waters of social unrest, group conflict, racial strife, personal prejudices, and political ferment threaten the very foundation ... of public education." He described these issues as forcing him to spend his time "listening to unruly forces in the community" rather than concentrating on staff improvement and curriculum innovations. In his view, the most pressing issues facing the district that the committee needed to find solutions for included how to secure a quality education for all pupils, regardless of race or socioeconomic status, how to deal with a concentration of disadvantaged students in any one location, how to find the money to provide adequate compensatory education for those areas, how to secure integrated education free from prejudices and artificial controls, and how to determine the district's role in race integration "without making the school the sole political instrument for change."

Bell charged one subcommittee with studying the characteristics of teachers on staffs at low-socioeconomic and at minority dominated schools. Discrimination in hiring and assigning teachers was one of the main charges of Lewis' complaint to HEW. The

²⁰⁸ Eick, *Dissent in Wichita*, 114, 164; Van Meter, *Our Common School Heritage*, 327; Lawrence Shepoiser, Memo to LEAP Committee Members, January 10, 1967, box 6, folder 7, Edwana Denning Collins Collection.

study broke schools down into groups, Low Socio-Economic, Negro; Low Socio-Economic, Integrated and Low Socio-Economic, Caucasian. The committee both studied the district's own records for those schools and had teachers at each school fill out a questionnaire. Committee members looked at number of credit hours, degrees obtained, age, gender, and total professional experience of all the teachers at the schools in question. A year and a half later, in April of 1968, the sub-committee presented its findings.

At the elementary level the committee determined that African American schools had the most teachers with the highest levels of education at all levels - undergraduate, graduate, and post-Masters. Lower socio-economic integrated schools did better on teacher education than European American -only schools and lower socio-economic schools in general did better than middle and upper socio-economic schools. This aligned with the district's efforts to provide compensatory education at low-performing schools. However, when it came to retention, the opposite was true. The European American -only schools did much better at both hiring teachers with experience and at keeping them on the staff. And the ratio of African American to European American instructors was directly related to the student population's racial make-up with the highest proportion of African American teachers at African American schools, 95% at each school, and the lowest proportion at the European American schools, 3% at the lower socio-economic schools and 0.5% at the upper socio-economic schools.

At the junior high level, though, things changed. The preponderance of professional training moved over to join the level of professional experience, benefiting European American children much more than African American children. And, while

there had been some mixing of races amongst teachers at the elementary level, that dove toward zero at the junior high level, the more European American and affluent the school got. The one advantage African American students retained was in class size, still averaging about 16 students per teacher, the lowest in the district. This contrasted with the 26-student average at the richest European American -only schools.

The sub-committee concluded that there was no “consistently clear pattern” of differences among teachers between different types of segregated and integrated schools, suggesting that “perhaps there will be less of a tendency to generalize or make categorical statements about staffing patterns or conditions in different types of schools.”²⁰⁹

By May of 1968, the idea of busing students in and out of the “optional attendance area” was commonplace. The LEAP committee queried the superintendent on a series of issues, from “What is the value of a racial mix?” to “How does USD No. 259 finance a totally integrated program within present budget limitations?” The superintendent’s first response to the financing question immediately referenced the cost of busing students to and/or from Mathewson. The answer, at a time when the district was already cash-strapped, ranged from \$40,000 for just busing out of the Mathewson zone all the way to \$8,764,420 for busing elementary students from the seven segregated elementary schools, including the additional costs of moving portable classrooms, purchasing additional portables, expanding cafeterias, and providing special, compensatory educational services at their new schools. Shepoiser also listed out issues that would likely increase that number, such as probable increase in enrollment of

²⁰⁹ “Characteristics of Staff in Selected Wichita Public Schools,” LEAP sub-committee #3, April 16, 1968, box 1, folder 4, Edwana Denning Collins Collection.

students requiring transportation and where to find the money to pay for the idea. Though the idea was present already, the district itself appeared resistant to the concept of busing students for purposes of integration. The superintendent was certainly not convinced that integrating solely for the purpose of integration was a good idea. Telling the committee that “there is no evidence” that integrating would help improve student performance differences which came about because of differences of ability, socio-economic levels, and neighborhood influences. He pointed to an analysis of the Coleman Study showing that integration impacted only what he called “conditions of learning” not the goals of learning.²¹⁰

Despite these reservations on the part of the superintendent, the superintendent and administrative staff recommended to a new committee, the Civil Rights Compliance Committee, cross-busing of students between majority African American and majority European American schools to achieve a racial balance of students in all schools equivalent to the overall city racial mix. While the LEAP Committee was still digging through reams of data to determine its recommendations, the Board president on July 15, 1968, after meeting with HEW representatives and getting a January 1, 1969, deadline for a desegregation plan, had formed the new Civil Rights Compliance Committee, headed by board members Dorothy Goodpasture and Dr Gary N Pottorf. The committee’s purpose was to “coordinate information necessary for Board decisions on issues in the

²¹⁰ Lawrence H Shepoiser, Response to LEAP Committee questions, May 8, 1968, box 1, folder 4, Edwana Denning Collins Collection.

area of civil rights” as it worked to respond to HEW’s investigation and demands for change.²¹¹

On December 2nd, the committee made its recommendations to the Board. Admitting that the superintendent, et al, had recommended cross-busing, the committee chose instead to advise the board to draw new attendance boundaries within the African American community for junior and senior high school assignments. “The nucleus of the black community would be sub-divided into geographical divisions for the purpose of assigning pupils to various schools (other than Mathewson Intermediate School).” At the same time, the committee rejected even redistricting for the city’s seven all-African American elementary schools, calling it “unrealistic and impractical” because it would require busing 320 African American children out of the segregated neighborhoods and 642 European American children into those neighborhoods. Instead, the district would operate a “freedom of choice” plan for the elementary schools, students who chose could volunteer to be bused out of the area to other schools. This same plan had increased the percentage of African American students enrolled at Mathewson Junior High over the previous two years.²¹²

African Americans in the community were incensed. Chester Lewis called the plan a violation of the law and accused the Board of putting the wants of European American parents over the needs of African American schoolchildren. He wanted cross-busing, arguing that the district already bused 5,000 students, so why not a couple of

²¹¹ “Proceedings of the Board of Education,” July 15, 1968, box 1, folder 4, and Lloyd Henderson, letter to Patrick Thiessen, box 1, folder 6, Edwana Denning Collins Collection.

²¹² Eick, *Dissent in Wichita*, 164-65.

thousand more? Other African American parents, speaking out at school board meetings, were upset because the plan put the burden of movement only on their children. They wanted cross-busing, too. However, not even the African American community was unified in its desires regarding integration. A group of African American teachers in the district was in favor of greater compensatory spending and an increase in other resources for the African American schools over desegregation efforts. While a small group of European American parents favored complete desegregation, the majority fought against busing for their students and one group of South High parents demanded that the district reject federal funding and keep things the way they had been, wanting the district to refuse to bus African American students to their high school, which had just 18 African American students, about 0.7% of the enrollment, in the 1967-68 school year. It was the second most- European American high school in the district, behind West High, at that time.²¹³

As this was going on, Wichita Public Schools, and the city in its entirety, began to deal with outbreaks of race-related brawls and riots. By 1967, the newspapers routinely referred to East High School, with a 29.7% African American enrollment the most integrated high school in the district, as racially troubled. Van Meter records that trouble had been brewing at East High for several years. Despite its high percentage of African American students, none were in leadership positions.²¹⁴ In May of 1967, the district asked Wichita Police to provide extra officers both inside and outside the school after a

²¹³ Eick, *Dissent in Wichita*, 166-67; “Characteristics of Staff in Selected Wichita Public Schools,” LEAP sub-committee #3, April 16, 1968, box 1, folder 4, Edwana Denning Collins Collection.

²¹⁴ Van Meter, *Our Common School Heritage*, 324.

brawl at a drive-in across the street broke out, injuring three people including a KTVH (KWCH) TV photographer. Police said it started when a European American man “put his hand on the shoulder of a Negro girl.” Investigators told the paper that they believed it started as a “typical loud-mouth brawl” over controversy involving the cheerleaders at East High. None of the African American students who had tried out for the squad had made it to the final round. No African Americans were cheerleaders at the school. The African American community protested that the decision was racially motivated, not about abilities. The superintendent announced that the cut-off was “lowered to permit a Negro candidate for the cheerleaders final election Friday.” Police believed that a group of drunk European Americans, non-students, sparked the fight that eventually involved some 200-250 people.²¹⁵

In August of 1967, the city slapped a curfew first on the African American community, then on the entire city, after a shooting incident sparked off days of violence. Don Kendall of the Associated Press reported that the violence started when someone in a car fired at the Sedgwick County Sheriff, Vern Miller, and three African Americans he was speaking with, hitting them with shotgun pellets. Officers eventually arrested four European American men and prosecutors charged them with the original attack, but not before the shooting sparked off several days of confrontations, rock throwing and other disturbances across the city. After the mayor ordered the curfew in just the African American neighborhood, “large groups of Negroes” faced off with police. “Youths hurled bottles, rocks, bricks and other debris,” Kendall wrote, injuring at least 13 people. The violence continued even after the citywide curfew went into effect. A sniper, firing

²¹⁵ “Non-Students Involved in Wichita H.S. Brawl,” *Great Bend Tribune*, May 4, 1967.

what the paper described as 20-caliber rifle, injured a European American man who lived in the African American neighborhood and six police officers, as well as damaging two squad cars. Firebombs destroyed a dry goods store and damaged a church.²¹⁶

The following summer, more violence broke out in the city. As race riots rocked cities across the nation in the summer of 1968, unrest returned to Wichita. In August, several days of rioting led to the mayor's ordering another curfew and even calling in the Kansas National Guard to restore order. The Associated Press reported that "a Negro boy was shot and seriously wounded" on the second night of confrontations. Investigators believed that the shooter was speeding by in a car with Oklahoma plates when he shot the 19-year-old Lawrence Hytche. Police and fire crews both reported someone shooting at them as they drove through the city responding to calls. Someone firebombed a restaurant, service station and paint store. Others looted an all-night grocery store. Dozens of guns were stolen. Overwhelmed by the incidents, the city asked the governor to activate the National Guard, which he did on August 22. Some 458 guardsmen deployed throughout the northeastern sector of the city in three- to four-man groups, each group working with a two-man police unit. It still took the troops another couple of days to end the disturbances.²¹⁷

²¹⁶ Don Kendall, "Mayor Slaps Tight Curfew to Halt Wichita Race Strife," *Salina Journal*, August 6, 1967; "NAACP Prexy Puts Riot Blame on City Officials," *Manhattan Mercury*, August 6, 1967; "Violence Flares in Wichita," *Manhattan Mercury*, August 7, 1967.

²¹⁷ Brian Fowles, "Avoiding the Bloody Confrontation: The Kansas National Guard's Experience with Civil Disturbances," *Heritage of the Great Plains* 19, no 4 (1986): 29-38; "Tense Wichita Closes Taverns," *Salina Journal*, August 22, 1968; "Gunfire Is Aimed at Wichita Police," *El Paso Herald-Post*, August 22, 1968; "Rioting Subsides After 4 Nights: None Killed Despite Fire Bombings, Gunfire," *Emporia Gazette*, August 24, 1968.

This was the atmosphere in which the Wichita Public school board was working as they answered HEW's questions about their role in the impact de facto segregation was having on school assignments in the city. While riots ended in the city after the summer of 1968, fights, brawls, and other racial confrontations would continue for the next few years in the school buildings and at the school board meetings, especially once the public realized that there would be only one way to keep their public schools open while still relying on federal funds, and that was to accept some form of busing.

CHAPTER VI

HEW INVESTIGATION AND A FORMAL HEARING

The increasing discussion on busing African American students only and cross-busing both African American and European American students to achieve integration came as the district was quarreling with HEW over the investigation into its segregatory status. Since receiving that first request for information in April of 1966, various HEW investigators came to Wichita in April, June, and July of 1967 to verify the information the district had forwarded and to seek out additional details on the situation. In February of 1968, carrying the investigative team's recommendation that the district was in violation of the Civil Rights Act of 1964, a team of attorneys, social workers, and consultants from HEW, led by Frederick Cioffi, met with the superintendent on February 6th, then visited department heads and schools before meeting with the school board president and Shepoiser in a closed meeting on February 9th. In a report to the full board after these meetings, Shepoiser was confident that HEW would clear the district of the charges against it if the board simply passed a public policy statement on desegregation and a time table for Mathewson Junior High and all the segregated elementary schools or for teachers and staff.²¹⁸

²¹⁸ "Superintendent's Meeting with Civil Right Commission Team, Title VI," February 13, 1968, box 1, folder 4; Lloyd R. Henderson, Education Branch Chief, Office for Civil Rights,

However, in March of 1968, Lloyd Henderson, Education Branch Chief of the Office of Civil Rights, informed the superintendent that the district was in violation of federal law on all three of Lewis' main charges: segregation of African American students by school building, segregation of African American teachers, and gerrymandering of attendance boundaries to maintain segregated status at Mathewson. Despite the opinions of the district's lawyer in 1966, Henderson informed the district that the "school system has the affirmative duty under law to take prompt and effective action to eliminate segregation or other discrimination based on race, color, or national origin, and to correct the effects of past discrimination." Henderson told the superintendent that the investigation showed that Wichita Public schools had failed to eliminate ongoing discrimination or to correct for the results of past discrimination within the district. He suggested that in order to come into compliance with federal law, the district should close Mathewson as a junior high and redistribute its students to other buildings, accelerate the district's desegregation program for teachers, suspend construction plans for a new Isely Elementary School, and develop a plan to terminate segregation at the district's seven African American elementaries.²¹⁹ Of these suggestions, OCR expected only the closure of Mathewson and the acceleration of the faculty desegregation program to be implemented by that September.²²⁰

letter to Lawrence Shepoiser, April 16, 1968, box 1, folder 4, Edwana Denning Collins Collection.

²¹⁹ Lloyd Henderson, Education Branch Chief, Office for Civil Rights, letter to Lawrence Shepoiser, April 16, 1968, box 1, folder 4, Edwana Denning Collins Collection.

²²⁰ Lloyd Henderson, Education Branch Chief, Office for Civil Rights, letter to William Busch, Wichita School Board President, box 1, folder 4, Edwana Denning Collins Collection.

The district responded in May, telling OCR that the school board was evaluating its suggestions while at the same time working on an alternate solution through the LEAP committee. The board president requested time to complete the evaluation and to get study results back from the committee. He also informed OCR of a court decision in March invalidating the district's most recent bond issue, suspending all projected major construction in the district. Board President William Busch also wanted to know if the district would be responsible for the cost of transportation in any busing or cross-busing plan and if reassignments should be made "without regard to the preference of the teachers and students necessarily affected."²²¹

In response to these requests, Henderson said, yes, the district would be expected to bear the cost of transporting students "required to attend schools at substantial distances from their residences." However, his answer about whether student and teacher assignment should be mandatory or voluntary or somewhere in between was more vague. He wrote, "...we can only repeat that your school system has an affirmative duty, under law, to take prompt and effective action to eliminate segregation and other discrimination...and to correct the effects of past discrimination."

There were some conflicts between the HEW position on desegregation and both Kansas and federal law, according to the district's new attorney, Donald Newkirk. He believed some of HEW's guidelines went beyond the constitutional requirements and would open the district up to lawsuits by both the African American and the European American communities. He worried about the result of inadvertent reverse

²²¹ William Busch, Wichita School Board President, letter to Lloyd Henderson, OCR, May 15, 1968, box 1, folder 4, Edwana Denning Collins Collection.

discrimination resulting from any decisions the board made to desegregate, questioned HEW's right to demand the district provide transportation for reassigned pupils, and said that the Kansas Civil Rights Act did not give the board the right to "compel a teacher to transfer for purposes of integration." He told the board that HEW was judging the district not on intent, but on effects and that the department was experimenting on the district. There had been 100 cases of HEW's cutting off funds to segregated schools, all south of the Mason-Dixon line. "We are number one," he told the board, the first northern school facing these actions.²²²

But HEW remained adamant about the changes that needed to be made. After a face-to-face meeting in July 1968, Cioffi and Henderson approved a year's delay in closing Mathewson due to the district's overcrowding problems at junior highs, the construction program already in place, and the delays caused by the court's reversal of the bond issue. For that reason, the issue of building a new Isely Elementary, HEW considered moot. The district simply dropped the school from its future construction plans. HEW also accepted as reasonable the district's plan to reduce the concentration of African American teachers in any one building to 50% in the 1968-69 school year, 35% in 1969-70, and 25% in 1970-71.²²³ However, in September of 1968, HEW informed the district that it still needed to resolve the issue of segregation at the seven predominantly African American elementary schools. Federal funding, an increasing total every year due to the district's financial straits, remained in jeopardy. Failure to submit a detailed

²²² "Meeting with HEW," July 23, 1968, box 1, folder 4, Edwana Denning Collins Collection.

²²³ "Meeting with Civil Rights Team from Washington, D.C.," July 25, 1968, box 1, folder 4, Edwana Denning Collins Collection.

plan by January 1, 1969, and implement it by September 1, 1969, would lead the government to take the next step in proceedings against the district. HEW would either ask counsel to cut off funds or ask a judge to set up a desegregation plan for the district.²²⁴

The board re-designated the formerly optional attendance area around Mathewson as the Assigned Attendance Area (AAA) with its closure. Students and their families would no longer be able to list their first, second, third, and so on choices for a junior high. Instead, the district would decide which school they attended, by address, and bus the students there. The AAA remains in use in the Wichita School District as of 2019, despite the ending of court-ordered busing. African American students remain the only students required to bus out of their neighborhood to attend school in the intermediate grades, something both the African American community and HEW fought against in the 1960s and 1970s.²²⁵

At the same time, the school board was checking with other school districts across the nation dealing with desegregation cases with HEW, to see how they were handling responses and what their lawyers thought of current law both in the U.S. legal code and via court decisions. Among the responses was a 1968 letter from the Baltimore City solicitor's office to David Glenn in the Baltimore Community Relations Commission outlining their reading of the impact on desegregation plans of the *Green vs County*

²²⁴ Lloyd Henderson, letter to Patrick Thiessen, Wichita School Board President, September 25, 1968, box 1, folder 6; "Meeting with Civil Rights Team from Washington, D.C.," July 25, 1968, box 1, folder 4, Edwana Denning Collins Collection.

²²⁵ "Boundary Changes 1968-1969," November 11, 1968, box 1, folder 6, Edwana Denning Collins Collection.

School Board of New Kent County U.S. Supreme Court decision outlawing so-called “freedom of choice” plans, such as the one Wichita had been operating with Mathewson. The letter noted that prior to the *Green* ruling HEW had accepted “freedom of choice” plans “so long as in operation such a plan effectively promoted integration.” However, the Court ruled that “freedom of choice” plans were acceptable when implemented immediately after *Brown II* to effectuate integration and when they were effective. However, in cases such as Kent County, Virginia, where the district had waited several years to implement the plan and in the three years under the plan not a single European American child had chosen to attend the African American school, while 85% of African American children remained at that school, such plans were unconstitutional. This aligned very closely with the Wichita district with one exception. Wichita had never been segregated by state law. However, it had waited several years after the *Brown II* ruling to implement even a limited “freedom of choice” plan, for Mathewson alone, ignoring the segregated elementary schools, and the plan had failed to desegregate even Mathewson. The court ordered that where “freedom of choice” plans do not work, re-zoning of attendance boundaries is an acceptable option. But that was in application to a district segregated originally by state law as opposed to a district segregated by a combination of housing segregation and the resistance of European American parents to integration. The *Green* ruling provided little additional guidance, ending with an admonition that there is no one plan that will work everywhere and that, “It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress....” Meanwhile, the White House was signaling a sea change in attitude toward desegregation policies. During his presidential campaign in 1968,

Richard Nixon had come out in opposition to busing plans, saying it was counterproductive to send “slum” children to rich schools. Instead he favored the “freedom of choice” plans ruled out by *Green*.²²⁶ All of which left the Wichita Public Schools back where they started, trying to figure out what no one else really had at that point, how to desegregate a school system built primarily around neighborhood schools to please a federal agency that could be changing its enforcement policies soon.²²⁷

That was the question tackled by district representatives and a six-man team from HEW at a meeting in Washington, D.C., on March 27, 1969. Despite this meeting, HEW insisted that the board submit a supplement to its overall compliance plan, laying out how the board planned to desegregate the seven remaining African American elementary schools in Wichita. The board voted on the 31st to deny that request. In open defiance of HEW, the board said instead that it would stick with its original plan, though allowing that it would also report to HEW “by June 1, 1969, and from time to time thereafter, the extent to which black elementary students are assigned and transferred out of the seven elementary schools as a result of the present plan.”²²⁸ In a letter to Leon Panetta, then head of the Office for Civil Rights, announcing its decision, Board President Patrick Thiessen wrote that the board would not “make a present commitment to abandon the neighborhood school concept and completely ‘desegregate’ the seven elementary schools

²²⁶ Eick, *Dissent in Wichita*, 168.

²²⁷ Baltimore City Solicitor’s Office, letter to David Glenn, November 25, 1968, box 1, folder 6, Edwana Denning Collins Collection.

²²⁸ “Digest of the Regular Adjourned Meeting of the Board of Education,” March 31, 1969, box 1, folder 5, Edwana Denning Collins Collection.

by the fall of 1970.” Only Edwana Collins and Dr. James Donnell dissented from this stand.²²⁹

Over the summer, discussions would continue with HEW via letters, phone calls and visits. These discussions covered topics such as the next year’s ratio of European American to African American students at various schools, when each of the seven segregated elementary schools achieved segregated status, and how the district put portable classrooms into use. In an August visit, the federal team refused to socialize with the board.²³⁰ In September, the board again invited HEW representatives to again visit Wichita, see the schools, and speak with board members and administrators about the district’s unique issues and concerns.²³¹

As the district continued to play what critics saw as a delaying action with the federal government, waiting to see if enforcement rules would change, the LEAP Committee finally came back with its long-delayed recommendations. General reaction to the committee’s recommendations was shock. “Way, way out there,” board member Evelyn Whitcomb responded when she heard them. Fellow board member Ruby Tate

²²⁹ “Proceedings of the Board of Education,” April 8, 1969, box 1, folder 5; Patrick Thiessen, letter to Leon Panetta, Director of Office for Civil Rights, April 8, 1969, box 1, folder 5, Edwana Denning Collins Collection.

²³⁰ Eick, *Dissent in Wichita*, 169.

²³¹ Dean Stucky, letter to Walter Patterson, Dept. of Health, Education, and Welfare, August 12, 1969, box 1, folder 8; Paul Longhofer, letter to Walter Patterson, Dept of Health, Education, and Welfare, September 12, 1969, box 1, folder 8, “Proceedings of the Board of Education,” September 15, 1969, box 1, folder 6, Alvin Morris, letter to Leon Panetta, Office for Civil Rights, September 22, 1969, box 1, folder 6, Edwana Denning Collins Collection.

called them “a sociologist’s dream.” New superintendent Alvin Morris, however, liked at least the general concept of the recommendations.²³²

The 40-member committee had considered both a cross-busing plan and the possible creation of “education parks” in the district. Education parks would toss out the district’s preferred neighborhood schools in favor of collecting all students from a sector of the city onto one campus. Model Cities, a federal program designed to alleviate the problems associated with large, poverty-stricken urban populations, had already endorsed the idea of education parks and indicated a delay in funding for Wichita because of its failure to deal with the seven segregated elementary schools.²³³ But the school board was adamantly opposed to education parks, preferring the long-standing neighborhood school system. The board did not release the committee’s report until July, after board members had had a chance to read the book-length report of 247 pages. It included more than 35 recommendations “with several alternatives under each proposal.” It also included an 18-page “minority” report from committee members who disagreed with the majority’s final recommendations in one form or another.²³⁴

Among the recommendations, the LEAP committee said that the district should work to “achieve total socio-economic integration of students.” By default, this would include total racial integration, as well. It recommended no more than 20% minority students at any one school building, the immediate establishment of a teacher training

²³² Van Meter, *Our Common School Heritage*, 328.

²³³ “Half of Funds Held Up in Model Cities,” *Wichita Beacon*, September 24, 1969; “Plan to Free Model Cities Funding Told,” *Wichita Beacon*, September 25, 1969.

²³⁴ “Committee Reports on Integration,” *Wichita Eagle*, June 9, 1969; “LEAP Asks ‘Total’ Integration,” *Wichita Eagle*, September 22, 1969.

program, a feasibility study of education parks, a pilot compensatory education program for disadvantaged students, provision of textbooks for free, and establishment of a district-wide transportation system.²³⁵

It was not until August that the public finally got a look at what community leaders thought was the best course for the district moving forward. In September, the *Wichita Eagle* published a six-part series looking at the LEAP recommendations and making its own suggestions for what the district should do. The purpose was to give “all interested citizens...a chance to look over the recommendations...along with some of the reasoning that led to the recommendations.” It quoted liberally from the actual committee report, outlining both the report’s recommendations and the reasoning behind the recommendations. For example, the report recommended complete socio-economic integration of schools because “inadequate skills of the poor, insular environments of the affluent and the ineffectiveness of compensatory programs” failed to provide the equality of educational opportunity that was the district’s goal, to poor European American students as much as to African American students.²³⁶ Toward that end, better teacher training and complete racial integration would be big first steps.

The minority report, the *Eagle* said, mostly criticized the overall committee for the report’s “lack of demonstrated financial feasibility, lack of objectivity, and lack of credible bases to support the majority’s study and recommendations.” Bell, the

²³⁵ “LEAP Asks ‘Total’ Integration,” *Wichita Eagle*, September 22, 1969; “Racial Desegregation Right Now,” *Wichita Eagle*, September 23, 1969; “No Grade Levels, Ability Groups,” *Wichita Eagle*, September 24, 1969; “Urban Teacher Corps Urged,” *Wichita Eagle*, September 25, 1969; “Educational Parks Advocated,” *Wichita Eagle*, September 25, 1969; “LEAP Fractured Complacence,” *Wichita Eagle*, September 27, 1969.

²³⁶ “LEAP Asks ‘Total’ Integration,” *Wichita Eagle*, September 22, 1969.

committee's chairman, had answered some of those criticisms while meeting with the media to discuss the report's recommendations in late August. He said it was not the committee's job to "investigate cost of the LEAP proposals" and added that the committee had pointed out in its report that the district would need to find additional funds to do what was needed to provide a better education for all. The committee knew that implementation of the plan it presented would depend on the actions of the Wichita Board of Education.²³⁷

Dorothy Wood, who wrote most of the *Eagle's* series on the LEAP report, ended the series by saying, "Something has to be done. The question Wichita and the Board of Education must answer is whether the LEAP recommendations can and should be put into effect. If not, some other answers must be found, quickly."²³⁸ On September 29th, the board told Superintendent Alvin Morris to begin studying what portions of the LEAP recommendations could be implemented in time for the 1970-1971 school year.

There was an immediate rush to take positions on the report's recommendations. While some school board members had called the report unfeasible and pie-in-the-sky idealization, Collins pushed the board to follow up on an education park feasibility study. The Wichita Urban League came out on October 6th with a statement urging the district to "take steps to immediately implement the recommendations of the LEAP REPORT [*sic*] beginning with the immediate desegregation of the seven black elementary schools by means of cross bussing [*sic*]...." League chairman Daniel Sawyer made the presentation

²³⁷ "Report Says City Schools Provide Unequal Educational Opportunities," unidentified newspaper clipping, August 31, 1969, box 6, folder 7, Edwana Denning Collins Collection.

²³⁸ "LEAP Fractured Complacency," *Wichita Eagle*, September 27, 1969.

to the board, with supporting statements from Hugh Jackson. The League's position statement pointed to the Catholic Diocese as precedent for the benefits of cross-busing. "For the second year in a row white children are being bused to Holy Saviour [*sic*] School... from the parish that includes Church of the Magdalene...The very latest word on this experience is that it continues to be a wholesome and profitable educational experience for all involved." Holy Saviour was a predominantly African American school and Church of the Magdalene was in a predominantly European American community.²³⁹ Parents of thirty of the European American children participating in that voluntary program signed a letter of support to the district calling the Diocese voluntary program "beneficial" not only to both sets of children, but to their parents as well.²⁴⁰

Later that month, the Board of Education got word that members of the HEW team would be returning to Wichita, as invited, on November 4th. In addition to their normal visits with administration and tours of schools, the team wanted "a private audience" with the Board of Education the night of the team's arrival in town. The board rented the Walnut Room at the Radisson Hotel for the meeting and rounded up key staff and the Civil Rights attorney.²⁴¹

²³⁹ "Report Says City Schools Provide Unequal Educational Opportunities," unidentified newspaper clipping, August 31, 1969, box 6, folder 7; "Wichita Urban League Position Statement," September 25, 1969, presented to the Wichita Board of Education, October 6, 1969, box 1, folder 6, Edwana Denning Collins Collection.

²⁴⁰ Mr. and Mrs. Paul Farmer, et al, Letter to Robert Davis, Wichita Board of Education President, October 13, 1969, box 1, folder 6, Edwana Denning Collins Collection.

²⁴¹ Leon Panetta, Letter to Alvin Morris, October 17, 1969, box 1, folder 6, Alvin Morris, Memo to Board of Education, October 22, 1969, box 1, folder 1, and F. McDonald, Memo to Board of Education, October 29, 1969, box 1, folder 6, Edwana Denning Collins Collection.

Just days before the HEW team was to arrive for this meeting, bad news for the district came in the form of another U.S. Supreme Court ruling. This ruling ordering the immediate desegregation of all Mississippi schools struck down the “all deliberate speed” doctrine of *Brown II*. The justices wrote “the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.” The government had argued that the Mississippi schools needed time to overcome “logistical” problems related to desegregation, much as the Wichita School Board had been arguing in the case of its seven segregated elementary schools. The Supreme Court justices unanimously disagreed, saying that 15 years since *Brown II* was plenty of time to deal with the logistics of desegregating.²⁴²

This decision in the *Alexander v Holmes Board of Education* case put the Wichita school board’s delaying tactics on the wrong side of federal law just as board members were about to sit down with federal investigators to argue their case for not immediately desegregating. Local African American leaders were quick to point this out. Rev. Wallace Hartsfield, pastor of Tabernacle Baptist Church and the new president of the Wichita NAACP, told the *Wichita Beacon* the *Alexander* ruling had stripped the board of its “last hiding place.” Chester Lewis was less sanguine about the ruling. He told the paper that it would not change the attitude of the Wichita school board at all. “I have no hope this school board - this city [*sic*] will do anything meaningful. It has never once kept its word on anything having to do with the elevation of the black community.” The district’s attorney, Newkirk, declined to comment on the ruling, saying he had not read it

²⁴² “*Alexander v. Holmes County Board of Education*,” Oyez, accessed October 14, 2019, www.oyez.org/cases/1969/632; “Court Strikes Down Nixon School Policy,” *Wichita Eagle*, October 30, 1969.

yet, while pointing out the differences between the Mississippi and Wichita school systems. “They have a clear dual system that we don’t have here.”²⁴³

Several board members hoped that the limited busing plan proposed would be enough to hold off HEW legal action against the district. Even that plan had already raised a protest among district parents. Two separate groups had met in recent weeks, in the northeast and southwest corners of the city, to protest the plan. Parents of elementary-aged children feared that kids living across the street from one school might be bused to another school. Board president Robert Davis tried to placate them, telling the *Beacon*, “I don’t know of any proposal now before the board that would do that.” Edwana Collins, however, continued to push the board toward more radical changes that would eliminate segregation in the city’s schools. She put a proposal for a feasibility study of educational parks, or mega-campus, on the board agenda for discussion the same week that the HEW investigative team was to return to town. It was an idea that HEW supported, but that the board had at least twice rejected in votes to continue supporting the neighborhood school concept that had dominated in Wichita for decades.²⁴⁴

Edwana Collins kept nearly transcription-level notes, all handwritten, of the meeting between district administrative staffers, including the superintendent and the board’s attorney, and four HEW representatives, Frederick Cioffi, the Region V Director, Marlina Kiner, attorney, Christopher Hagen, attorney, and Harold Blackburn, Kansas

²⁴³ “Hartsfield Says School Board Loses Its Last ‘Hiding Place,’” *Wichita Beacon*, October 30, 1969.

²⁴⁴ “Federal Team to Inspect School, Integration Plan,” *Wichita Eagle*, November 1, 1969.

City Region VI Director. In the meeting, the district's attorney, Newkirk, repeatedly made the case for more time and a slow, step-by-step plan pointing to both financial and political difficulties surrounding immediate and total desegregation. Board members denied district responsibility for the segregation, saying it was *de facto*, a result of residential patterns outside of their control. But, Cioffi warned the district, HEW considered the segregation in Wichita to be *de jure* because the board had never taken any steps to remove the vestiges of its legally segregated system when it changed the rules in 1952. Collins records him as saying that "when school opened [that fall, the] same three schools opened black." By the time of this meeting, investigators were clear that they considered Wichita guilty, that they were just trying to figure out how much guilt the board shouldered for perpetuating an unequal school system.

When Cioffi spoke about the board's reaction, or lack thereof, to the LEAP report, one can almost read his exasperation through Collins' notes, perhaps augmented by her own frustration. He told those gathered that he "couldn't quite believe it," and that he "didn't see how that board can read that document and maintain (the) position contained in (its) last correspondence" with HEW, refusing to commit to further desegregation plans for the seven elementary schools in question. He told the board that any one of four suggestions from the LEAP report for complete desegregation would be acceptable and would end the investigation. Throughout the meeting, he asked several times for a commitment from the board to come up with a plan to completely desegregate. The board refused.

Cioffi ended the meeting with a warning, send a plan for complete desegregation to HEW, received no later than December 31, 1969, to be completed by the beginning of

the 1970-1971 school year, or the case would go to court. He admitted that HEW was pushing the timeline because of the Alexander ruling, saying that it changed how much time could be allowed. Then he added that HEW teams had been in and out of Wichita for the last three years, and it was obvious that they had reached an impasse. Cioffi admonished that lack of a plan by the end of the year would send Lews' request for a cut-off of federal funds to Wichita Public Schools "up the administrative route."²⁴⁵

At the board's December 1st meeting, the superintendent reviewed the issues discussed at the meeting with HEW and proposed that the Board of Education consider several actions, including requesting aid from HEW in promulgating a new desegregation plan, that the Board forwarding to HEW for review the current plan that administrators were working on, issuing of a "carefully worded" statement to the public, holding a series of public meetings to explain what was going on to parents, contacting the Kansas congressional delegation, and changing its present position on integrating the district. Morris added, "The conclusion might be drawn that the Wichita Public Schools may be a target system to be used by federal officials to demonstrate how integration can be achieved in a large metropolitan area. During the meeting, he and Newkirk both had asked about whether districts like Denver, Omaha, and Oklahoma City were facing the same deadlines. Cioffi said they were not, as the cases against them were neither as old nor as developed as the case against Wichita."²⁴⁶

²⁴⁵ "Meeting With visiting Civil Rights Team," handwritten notes by Edwana Collins, November 24, 1969, box 1, folder 6, Edwana Denning Collins Collection.

²⁴⁶ Alvin Morris, Notes to the Board of Education on meeting with HEW, December 1, 1969, box 1, folder 8, and "Meeting With visiting Civil Rights Team," handwritten notes by Edwana Collins, November 24, 1969, box 1, folder 6, Edwana Denning Collins Collection.

Yet, on December 23rd, Morris received a telegram from Leon Panetta warning that the deadline for submitting a new plan for complete desegregation was fast approaching, and the district had not yet submitted anything. “I have carefully reviewed the file in this case and...have concluded that although progress has been made in the secondary schools and systemwide teacher segregation, adequate steps have not been taken to desegregate the 8 [*sic*] Negro elementary schools.”²⁴⁷

Six days later, on December 29, the district submitted a compliance plan that “reassert(ed) its intent to continue full implementation of the Compliance Plan adopted January 6, 1969, with the addition of closing two of the segregated elementary schools, L’Ouverture and Dunbar, starting in the 1970-1971 school year and, as with Mathewson, busing the students to other, European American-dominated school buildings. The district also promised to have a plan in place by September of 1970 to upgrade the facilities and programs offered at the remaining segregated elementaries, Fairmount, Ingalls, Isely, Little, and Mueller, and to bus students in grades four through six from those schools to European American-dominated schools. They also promised to intensify compensatory educational efforts at those schools while coming up with a plan to prevent surrounding elementary schools from transitioning to all-African American segregated facilities through changing housing patterns.”²⁴⁸

Within weeks Lloyd Henderson from HEW had written back with the department’s determination that the plan, as presented, was insufficient. It failed to

²⁴⁷ Leon Panetta, telegram to Wichita Board of Education, December 23, 1969, box 1, folder 6, Edwana Denning Collins Collection.

²⁴⁸ “Principles and Plans for Continued Integration Adopted by the Board of Education, USD 259,” December 29, 1969, box 1, folder 6, Edwana Denning Collins Collection.

desegregate all the currently segregated elementary schools in Wichita, the seven historically segregated schools and Mathewson, which now operated as an African American majority fifth- and sixth-grade center. Then Henderson took time to comment on the method the district was using to desegregate even at a piece meal rate, the closing of African American schools and busing of those children to other, nearby European American schools. “It appears that these schools are not being desegregated as elementary and junior high units because of anticipated opposition from the European American community to sending their children to buildings located in Negro neighborhoods. It is our opinion that the practice of transporting only Negro children to Caucasian schools under these circumstances is discriminatory and in violation of Title VI of the Civil Rights Act of 1964.”²⁴⁹

Wichita’s African American community agreed with Henderson’s assessment. The Black United Front called a school boycott for January 15th, in conjunction with Dr. Martin Luther King, Jr’s birthday. The district did not record attendance based on race, but reported that out of 5,000 students at the eight predominantly African American elementary schools, including the converted Mathewson, only 249 showed up for classes that day, an absentee rate of 92.7%. Mathewson and L’Ouverture had the fewest pupils show up for classes with just 12 each. Absenteeism was also high at integrated schools, the percentage of no-shows corresponding roughly to the African American enrollment at each school. In the high schools, even several European American students observed the

²⁴⁹ Lloyd Henderson, letter to Alvin Morris, January 15, 1970; box 1, folder 7, Edwana Denning Collins Collection.

boycott, with about 50% of the enrolled teens at East High not showing up. The *Wichita Eagle* reported that some parents kept their children home for fear of trouble that day, not out of support of the boycott. There were instances of vandalism to school buildings and buses. The district also reported that a majority of the African American teachers did not show up that day, with zero reporting to work at Ingalls, Little, and L'Ouverture elementaries. The boycott even extended to the buses, operated by a private contractor. According to the *Wichita Beacon*, the African American community set up liberation schools for the day, though there were no attendance records available, and the media was not allowed in. The *Eagle* reported that those schools expected about 2000 students but were "sparsely attended." The Black United Front planned a second school boycott for February 2nd or 3rd "unless the school board develop(ed) a plan to cross-bus school youngsters" the following year.²⁵⁰

One African American woman shared her own experiences with one-way busing to explain why the African American community opposed the idea. When Doris Jean Larkin was a child in the 1940s, the district had bused her from her mostly European American neighborhood, with a neighborhood school just three blocks from her home, to the all-African American L'Ouverture Elementary on the other side of town. She recounted to an *Eagle* reporter what happened if she or her sister missed the bus. "If we missed the bus, we had to catch a city bus at 13th and Mosley, go clear downtown, make two or three transfers, and of course we were late for school." Besides the time and effort

²⁵⁰ Jacque Stringer, "All Black Elementary Schools Virtually Emptied by Boycott," *Wichita Beacon*, January 15, 1970; Jack Kennedy, "End Sought to Racial Rift: Coalition Proposed as Classes Boycotted," *Wichita Eagle*, January 16, 1970; "Report of School Boycott," Alvin Morris memo to members of the Wichita Board of Education, January 15, 1970; box 1, folder 7, Edwana Denning Collins Collection.

involved, she explained the emotional toll it took on them, entering schools in strange neighborhoods. “I think this busing will make kids resentful...I was resentful; when we got off the bus, they were lined up to meet us with, ‘Here they come, boy!’ They made us feel different because we were different...And now they’re doing it again to a whole bunch of kids.”²⁵¹

At the same time, many European American families across Wichita were incensed at the idea of sharing the busing burden. They started a massive letter-writing campaign against the idea of busing their children. Edwana Collins kept some 330 postcards and letters expressing opposition to the various plans the district was considering. Many of them bore the signatures of multiple sets of parents. Out of that total, 107 letters opposed cross-busing but supported voluntary busing, another 82 opposed all busing, and 132 argued that the district should defy HEW and let the case go to court or just forego federal funding. Only eight postcards and letters supported the idea of moving children to desegregate schools and one opposed the one-way busing of African American children only.

Many of the writers opposing cross-busing specifically argued that it was a violation of their “freedom of choice” and constitutional rights. Mrs. Thomas Sawyer wrote, “To be forced to participate in a program such as this is a violation of our constitutional rights as stated in the 1964 Civil Rights Act.” Mr. and Mrs. Glen James argued that it would be better to eschew federal funding than to bus the children, writing, “We do not think it will benefit any child regardless of color to be bused across town to

²⁵¹ Kathy Sipult, “Wichita Woman Bused in 1946 And she Resents New Decision,” *Wichita Eagle*, January 19, 1970.

attend another school. We worked and saved for several years to buy the house where we now live, so that our children could attend the schools in this neighborhood.” Tom Clegg was more outspoken in his opposition, writing, “So called [*sic*] leaders of the N. E. community are in my opinion using the present situation to advance their own images to a few in that area ... Are we trying to raise these people out of the so called [*sic*] ghetto or trying to force everyone down to their level.”²⁵²

Board president Robert Davis said he knew that many Wichitans were skipping the Board of Education and writing directly to HEW. “People have called and wanted addresses. I’ve had petitions delivered in here, and mail from every possible point of view,” he told the *Wichita Eagle and Beacon*. “If it at all reaches the parties that are concerned (in Washington) with the Wichita situation, they must know there is considerable concern here, and turmoil.”²⁵³

NEA-Wichita, the teacher’s union, said that the superintendent had ordered teachers and administrators to follow the board’s plan, but that, regardless of HEW’s decision, the board might “have to change its mind ‘because of the deep-seated resistance.’” A few days after the boycott, the Wichita Federation of Teachers wrote to the board, urging it to revise its plan to include cross-busing. “We agree with those

²⁵² Mrs. Thomas Sawyer, letter to Edwana Collins, Mr. and Mrs. Glen James, letter to Edwana Collins, and Tom Clegg, letter to Edwana Collins, box 6, folder 6, Edwana Denning Collins Collection.

²⁵³ “Board Chief Gloomy Over Busing Reaction,” *Wichita Eagle and Beacon*, January 18, 1970.

community leaders who contend that a one-way busing plan is inequitable in its disproportionate effect on Black families.”²⁵⁴

There were also European Americans, like Edwana Collins, who worked with the African American community toward desegregation, both of schools and of Wichita’s housing and job markets. The morning of the school boycott, they met to form what the *Wichita Eagle* called an Urban Coalition to “bring the Wichita black and white communities together....” Dr. John Valusek, a psychologist and former school board consultant, chaired the meeting. He told the *Eagle* that discussion “varied from areas of agreement to areas of confusion,” but that a “sizeable minority” urged the school board to keep Dunbar and L’Ouverture open as elementary schools, not turning them into special education centers as was currently called for in the district’s integration plan. The National Conference of Christians and Jews also issued a statement supporting cross-busing, as well as keeping Dunbar and L’Ouverture as elementary schools.²⁵⁵ A small group of seven or eight European American families announced a plan for voluntary busing to Dunbar and L’Ouverture. Tom Chick, an aircraft worker, told the *Eagle* that the plan “was not intended to be a substitute or a long-range solution, but a demonstration to aid the school board in changing its policy.” The group felt that they could show the rest of the city’s European American families the advantages of integrated schools. Members pointed out that the LEAP report had shown that “white children of blue-collar

²⁵⁴ Ann Kallenbach, letter to Robert Davis, January 19, 1970; box 1, folder 7, Edwana Denning Collins Collection; Jack Kennedy, “End Sought to Racial Rift: Coalition Proposed as Classes Boycotted,” *Wichita Eagle*, January 16, 1970.

²⁵⁵ Jack Kennedy, “End Sought to Racial Rift: Coalition Proposed as Classes Boycotted,” *Wichita Eagle*, January 16, 1970.

workers...did better in integrated classrooms than in segregated, and that children of white-collar workers do just as well.”²⁵⁶

January 19, 1970, news broke that HEW had rejected the district’s latest integration plan, calling it “unacceptable.” The letter from Lloyd Henderson informing the Wichita Board of Education of this decision said that he had “no other option but to recommend enforcement proceedings be initiated.” In other words, the district’s sudden commitment to complete integration through a measured, step-by-step plan was too little, too late. They were headed to court. At stake, by then, was some \$5 million in federal funding for the district.²⁵⁷

Board members were not surprised by the ruling, but Davis told the *Eagle* that he was surprised at the forcefulness of the wording in Henderson’s letter. He “suggested HEW had listened only to ‘first reactions of militant elements of the black community, whose purpose may not be peaceful integration.’”²⁵⁸ In the board’s official response on January 26th, to HEW’s announcement, Davis wrote they were “of course, disappointed to discover that the school district’s rather considerable efforts to further integration” were “legally unacceptable” to the Office for Civil Rights.²⁵⁹

²⁵⁶ “Cross-Busing Studied: Whites Examine Voluntary Plan,” Lois Barrett, *Wichita Eagle*, date unknown, box 1, folder 7, Edwana Denning Collins Collection.

²⁵⁷ “Wichita’s School Plan Turned Down by HEW,” *Wichita Beacon*, January 19, 1970; Jacques Stringer, “Schools Could Lose \$5 Million From U.S.,” *Wichita Beacon*, January 20, 1970.

²⁵⁸ Jack Kennedy, “School Officials Study Rejection of Busing Plan,” *Wichita Eagle*, January 20, 1970.

²⁵⁹ Robert Davis, letter to Leon Panetta, January 26, 1970; box 1, folder 7, Edwana Denning Collins Collection.

Sentiment among leading Wichita citizens opposing cross-busing began to harden and several action committees formed, including the School Community Relations Council, the Committee to Save Our Neighborhood Schools, and the Committee for the Preservation of Neighborhood Schools. These groups passed around petitions protesting cross-busing, wrote letters to the school board members, packed board meetings, and held protest marches outside elementary school buildings. On January 30th, the various groups opposing cross-busing combined for a thousand-person march from Century II to the Wichita Public Schools administration building. Made up mostly of area mothers and school children, the marchers carried signs saying, “I don’t want to be bused!” Integration yes – cross-bussing no,” “Keep our kids at home,” and “Land of the Free and the Home of the HEW Way.”²⁶⁰

On the other side, Citizens for Cross-Busing, the Black United Front, the Urban League and other groups worked to get their position in front of the public’s eyes and ears. With fewer numbers, they had less success at gaining visibility. They, too, held community meetings, organized rallies, and spoke to the press. But, as had been proven the case in other civil rights fights, their true power lay in their economic impact on the city. Organized by the Black United Front, the community called for another school

²⁶⁰ Lois Barrett, “Citizen Groups Set Line in Black, White of Busing,” *Wichita Eagle*, January 24, 1970; Jack Kennedy, “Committee Protests Busing,” *Wichita Eagle*, January 26, 1970; “Cross Busing Meeting Called,” *Wichita Beacon*, January 26, 1970; Jack Kennedy, “School Board Hears Groups Against Busing,” *Wichita Eagle*, January 27, 1970; Jacque Stringer, “35 Marchers Protest Cross-Busing,” *Wichita Beacon*, January 28, 1970; Jack Kennedy, “Crossbusing Plan Is Endorsed,” *Wichita Eagle*, January 28, 1970; Pat Lackey, “Marchers Protest Cross-Busing,” *Wichita Beacon*, 30 January 1970; “Blacks to Boycott, Moms March to Protest Busing of Children,” *Wichita Eagle*, January 31, 1970; “Teachers Union Backs Crossbusing, Parents Poll Rejects It,” *Wichita Eagle*, unknown date, box 1, folder 7; Jacque Stringer, “Stormy Future on Cross-Busing Seen as Opposing Forces Act,” *Wichita Beacon* adding, date unknown, box 1, folder 7, Edwana Denning Collins Collection.

boycott and, on the same day, an economic boycott of all “white merchants” in downtown Wichita, residential shopping areas, and within the African American community. This boycott included not showing up for work as well as not spending any money with European American -owned businesses. The boycott included picketing outside European American-owned businesses in the African American neighborhood. The NEA-Wichita suggested that teachers observe the economic boycott. The papers declared the second, broader boycott effective. The district said that only about 250 of the 5,000 students at the predominantly African American elementary schools attended classes. The principal of East High reported that about 95% of his African American students did not show up for classes. While European American business owners declined to say how much the boycott hurt them, a local African American supermarket said the boycott was about 95% effective, that their business was “up 500 per cent.”²⁶¹

Despite the uproar in Wichita over cross-busing, one-way busing, integration and federal funding, it never reached the levels seen in nearby major cities such as Oklahoma City and Denver. In early February, Wichitans read about explosions and a following fire at the Denver school bus yard that wrecked 38 school buses. Investigators said someone placed highly explosive charges in several buses parked in rows at an unlighted storage lot. Police and fire investigators quickly said it was a possibility the explosions were the

²⁶¹ Lois Barrett, “Citizen Groups Set Line in Black, White of Busing,” *Wichita Eagle*, January 24, 1970; “Blacks to Boycott, Moms March to Protest Busing of Children, *Wichita Eagle*, January 31, 1970; “Teachers Union Backs Crossbusing, Parents Poll Rejects It,” *Wichita Eagle*, unknown date, box 1, folder 7; Jacque Stringer, “Boycott effective as Most Black Students Skip Classes,” *Wichita Beacon*, date unknown, box 1, folder 7; “Majority of Blacks Skip Public School Classes: Store Sales Look Normal,” *Wichita Beacon*, date unknown, box 1, folder 7, Edwana Denning Collins Collection.

work of someone trying to discredit opponents of court mandated busing for integration.²⁶²

In early February, city leaders active in the anti-busing movement reached out to Kansas Governor Robert Docking, asking him to ask Vice President Spiro Agnew and Robert Finch, secretary of HEW, for help in solving Wichita's dilemma. Docking refused. His press secretary said, "this is an argument that has to be settled between HEW and the City of Wichita," and added that the governor "hopes a satisfactory solution will be reached to benefit the children." Two weeks later, Docking relented asking for a meeting with Finch in Washington. Docking said, "The controversy has reached a critical state."²⁶³ In March, six Kansas state senators from Sedgwick County wrote to President Nixon asking him to intervene in the controversy by telling HEW to "back off" on mandatory busing, opposing a proposal in the U.S. Senate to force cross-busing of students, and to propose legislation outlawing cross-busing. They told the president just the possibility of cross-busing in Wichita was "polarizing the races."²⁶⁴

The school district had to decide whether to move forward with the one-way busing plan it had sent HEW, to amend it, or to scratch it and start over with a full integration, cross-busing plan, or education park plan. At its February 9th meeting, filled with booing and shouting from some 450 Wichitans gathered to listen, the board went

²⁶² "Motive Elusive in Bus Blasts: Denver Integration Struggle Possible Link," *Wichita Eagle and Beacon*, February 7, 1970.

²⁶³ Jack Kennedy, "Governor Refuses Role in Wichita Busing Row," *Wichita Eagle*, February 7, 1970; "Governor's aides ask support for his positions," *Salina Journal*, February 22, 1970.

²⁶⁴ "Appeal on Bussing: Kansas State Senators Ask Nixon's Help," *Kansas City Times*, March 28, 1970.

round and round on four new proposed plans, three of which switched out mandatory cross-busing for some form of voluntary “freedom of choice” busing or one-way busing, which HEW had already told the board violated federal law. While the city waited to see which plan the board would pick, newspaper editorial boards and many African Americans said Edwana Collins’ plan to turn the buildings in the AAA zone into 6th grade centers that would serve all students in the city and to bus out first through fifth grade African American students to other elementary schools was the fairest. Though even it still put the majority of the busing on the backs of African American children. The Black United Front unanimously rejected all four plans. Harry Esters, a Front spokesman, told the media, “The Board of Education continues to demonstrate open hostility to the law,” which he said clearly made “freedom of choice” plans and one-way busing illegal and discriminatory.²⁶⁵

As they inched closer to a court confrontation, relations between HEW investigators and the Board of Education also deteriorated. In mid-February, a two-man investigative team returned to Wichita unannounced. When the board discovered their presence, the board’s president vociferously objected to what he called the investigators’ “cloak and dagger tactics.” The HEW investigators were both Civil Rights specialists and called their visit “an information gathering” trip. Davis speculated that maybe they were in town to collect evidence against the district for possible proceedings against the district. The *Wichita Beacon* reported that the men had met “almost entirely” with

²⁶⁵ Jack Kennedy, “Integration Plans Outlined: School Board Proposals Booed [*sic*], Cheered,” *Wichita Eagle*, February 10, 1970; “Black United Front Rejects School Board’s New Plans,” unknown newspaper clipping, date unknown, box 1, folder 7, Edwana Denning Collins Collection.

members of the African American community.²⁶⁶ On February 25th, HEW officially filed paperwork requesting a hearing with an administrative judge against Wichita Public Schools.²⁶⁷

In its response to the formal filing, the Wichita school district argued that while, yes, it had been segregated, legally, prior to 1952, all decisions made since then had been made in the best “good faith educational judgement” of the Board of Education and its administrative staff. The district denied operating a dual school system and accused HEW of violating its own rules by disapproving a plan it had suggested and then using the threat of denying other funding to the city, under the Model Cities program, to coerce the district to comply. The district argued that it had already done everything in its power to prevent the segregation of school buildings and to provide compensatory educational opportunities and resources to buildings that were *de facto* segregated.²⁶⁸

Despite the harsh language used in public and in court documents, the district’s board and administrative staff once again held face-to-face meetings with members of the HEW team over the next year to try to hammer out a compromise deal that would avoid formal proceedings. At the end of April 1970, the board approved a new integration plan. It would reassign African American students in the AAA zone to other, predominantly European American, schools as space was available. The African American students

²⁶⁶ Jacque Stringer, “‘Cloak-Dagger’ Tactics Annoy School Heads,” *Wichita Beacon*, February 19, 1970.

²⁶⁷ “Chronological Sequence of Events Regarding Compliance with Civil Rights Act of 1964,” Office of the Superintendent, box 2, folder 1, Edwana Denning Collins Collection.

²⁶⁸ “Administrative Proceeding in the Department of Health, Education, and Welfare: Answer of Respondent School District,” March 20, 1970; box 1, folder 8, Edwana Denning Collins Collection.

could request to continue attending a school in the AAA zone, though there was no guarantee that they would be assigned to their current school. The district would “encourage” European American students to transfer to schools in the AAA zone. Board member Dr. Gary Pottorf, acting as chairman at the meeting, said he doubted that HEW would approve the plan.²⁶⁹ The new plan certainly did not prove popular with parents. The Board conducted a card survey and found that less than 1% of parents wanted their elementary school students to transfer to a new school under the voluntary busing plan. About half of the parents, most of them African American, did not even return the cards.²⁷⁰ Pottorf’s concerns that HEW would not accept the plan proved prescient. Within days a court hearing was set to begin June 8, 1970, in Kansas City.²⁷¹

²⁶⁹ “Approves new plan for integration,” *Manhattan Mercury*, April 28, 1970; “Memorandum of Agreement,” April 23, 1970; box 6, folder 9, Edwana Denning Collins Collection.

²⁷⁰ “Few in Wichita apparently favor busing plan,” *Salina Journal*, June 3, 1970.

²⁷¹ “Notice of Opportunity to Request a Hearing,” May 15, 1970; box 2, folder 1, Edwana Denning Collins Collection; “Hearings Today on Wichita Integration,” *Council Grove Republican*, June 8, 1970.

CHAPTER VII

THE RULING AND ITS IMPACT

Going into the administrative hearing at the old Federal Building in Kansas City, 911 Walnut St, the Wichita Public Schools' attorneys were confident that they had a good case to argue, that the district was de facto segregated purely due to residential patterns for which the district had no responsibility and that the Board of Education had done its best to integrate the school buildings, mostly succeeding.²⁷² They didn't count on Edwana Collins' not only stepping up to testify against her fellow board members and the district, but handing over years-worth of meticulously detailed notes and records from her years on the board. Collins was HEW's surprise weapon in the case and, arguably, a large part of the reason Administrative Judge Irvin Hackerman ruled against the district.

After the Wichita school board, over her objections, had doubled down on a voluntary busing plan in April, Edwana Collins determined it was time to take her fight to the next level. In 1966, she had told a staff gathered at Woodman Elementary that her actions were dictated by her faith as a Protestant and could be found in the root of that word, Protestant. As a Christian she felt called to protest wrong-doing where she saw it

²⁷² "Racism Seen in a School Plan: Neighborhood Concept Maintains Segregation Expert Testifies," *Kansas City Times*, June 11, 1970.

and, based upon her own notes, she had seen plenty while on the school board.²⁷³ So she reached out to Cioffi, offering all her records and notes to the prosecution. She also offered to testify against her fellow board members at the hearing. Her testimony was damning.

Under direct examination by HEW attorney Albert Hamlin, Collins described how transfer policies were applied differently to African American and European American families, enabling European American students to “escape” from integrated schools in the northeastern section of the city, creating or accelerating their transformation to essentially all-African American segregated school buildings. Beginning in the early 1950s, the district allowed parents an exemption to transfer schools using a babysitter’s address instead of their home address, due to the needs of working mothers. Given the racial attitudes at the time, Collins testified, this was available only to European American families, and a report from the Fairmount Elementary principal, Gerald Cron, showed that those families were using the policy to transfer out of African American-dominant schools into European American-dominant schools at will. There was no restriction on which school the student could transfer into as there was in the restricted housing transfers allowed to Mathewson Junior High students starting in 1962, extended to elementaries in 1963. Those students, African Americans, would only be granted transfer if there was room in the school they asked to attend. Over Newkirk’s objections, Collins reported that she believed the other board members had voted for these transfer policies precisely because of what would happen.

²⁷³ Edwana Collins, speech to Woodman Elementary Staff, 1966, box 1, folder 2, Edwana Denning Collins Collection.

“When you see a policy or a device which is repeated with regularity, with the same result each time, and then is proposed again, then I think one has to assume that if you know what the effect is going to be in advance and you do it, that there is an intent to achieve that effect.”

She described how the board had rejected a proposed resolution presented by the Committee to Study Ethnic Problems which would have pushed the board to take an active role in desegregating schools. Instead, the board voted to “simply pledge that it would not discriminate.” This was a key difference in determining the board’s responsibility for the continued segregation of a handful of school buildings and gave credence to Chester Lewis’ accusations that the board just paid lip service to integration with no intentions of following through.

She also testified that when the state legislature began providing up to 70% of the cost of transporting students who lived farther than 2.5 miles from their school, the district took advantage of that money for all students except those living in the “optional attendance area” that then existed around Mathewson. To get to an integrated school or return to Mathewson, those students, all African American, had to continue to rely on the non-profit Operation Transport that Collins had helped organize.

Collins was very methodical in her testimony, relying on the reams of records and notes she had kept over the years rather than on her own memory. She was able to quote specific names and dates of various actions, even finding information neither HEW nor the district’s attorney had been able to find prior to the hearing. She refused to answer questions that were badly phrased, saying at one point that she could not say whether the superintendent’s actions on the transfer policy decision surrounding Mathewson at the

time of the attendance boundary change was effectively a denial of transfer requests from 80% of the student body because the board had not yet set a transfer policy. Despite Newkirk's repeated attempts to make her look confused and unable to remember information accurately, Collins' reliance upon documented information for details kept her testimony clear and reliable. It is doubtful that HEW would have been able to prove its case without her. While the investigators had certainly uncovered a pattern of *de facto* segregation based on segregated housing in Wichita, Edwana Collins' records and personal testimony provided the context that showed deliberative intent on the part of the school district to maintain the dual system, at the behest of European American parents.²⁷⁴

Though Collins was HEW's star witness, she was by no means the department's only witness. Cioffi was the first to take the stand. He testified that the district could have kept L'Ouverture as an integrated school by not allowing optional transfers out, used by European Americans to escape a growing African American enrollment as the neighborhood around the school transitioned. Cioffi argued that the failure to gerrymander attendance boundaries in favor of integration and the optional transfer policies in place until 1959 just helped stabilize transitioning neighborhoods, and thus their schools, into all- or almost all-African American, creating the segregated buildings.²⁷⁵ He added that if the district had just followed the recommendations of the LEAP committee, actively worked to desegregate all schools immediately, with no

²⁷⁴ Edwana Collins, HEW hearing testimony transcript, box 6, folder 9, Edwana Denning Collins Collection.

²⁷⁵ "Outline Issue in School Case: Federal Investigator Testifies About Districts in Wichita," *Kansas City Times*, June 9, 1970.

school having more than 20% African American enrollment, there would have been no case against the district. “We would have accepted any plan that achieved that goal,” Cioffi said.²⁷⁶

Dr. Dan Dodson, a professor of educational sociology at New York University, reported that the neighborhood school concept which Wichita was so tied to was being used nationwide as “a racist way of maintaining the segregation pattern in education,” adding that it became the preferred mode only after the original *Brown* ruling in 1954. He described three major faults in the neighborhood school system, all of which applied to Wichita both in 1970 and in 2019. Neighborhood schools cannot deal with a shifting, mobile population, they cannot control racial imbalance problems due to housing patterns, and an inevitable “silk-stocking” school will develop in wealthier neighborhoods.

Also on the witness list were Chester Lewis, Mrs. Mary Ellen Lewis, and seven principals of the elementary schools in question, four European American, three African American. When presented with evidence from HEW investigators that African American parents were never notified of the optional attendance policy between the all-African American Dunbar and all-European American Ingalls elementaries, allegedly designed to encourage integration, only the European American parents received notifications, the principals of Ingalls and Dunbar elementaries testified they could not remember if the district had sent out such notifications.²⁷⁷

²⁷⁶ Charles Hammer, “Rights Tied To School Funds,” *Kansas City Times*, June 12, 1970.

²⁷⁷ “Racism Seen in a School Plan: Neighborhood Concept Maintains Segregation Expert Testifies,” *Kansas City Times*, June 11, 1970.

Dorothy Goodpasture and Dr. James Donnell were two more members of the Board of Education to take the witness stand. Both had often, though not always, voted with Collins on desegregation issues. But in their testimony, they did not take the same attitude toward the board's actions. Goodpasture highlighted the board's efforts at integration, such as the closure of Mathewson as a junior high school. She did admit, though, that in "hindsight" the boundary decision surrounding Mathewson and Brooks junior highs was a case of gerrymandering. Donnell said "he knew of no board action designed to discriminate."²⁷⁸

The hearing lasted a week. The district expected a decision within 30 days. At stake were some \$5 million in federal funds from HEW, the National Science Foundation, the Atomic Energy Commission and the Department of Housing and Urban Development (HUD). The loss of these funds would impact every school in the district, not just the seven segregated elementary schools, eight, including the new Mathewson fifth- and sixth-grade center. It was not until March of 1971, however, that a ruling came down. Hackerman concluded that the district was operating in violation of the Civil Rights Act of 1964 and that operation of a segregated system "at the elementary level denies the Negro student equality of educational opportunity which he carries throughout his elementary and secondary education." Hackerman's ruling echoed some of the language in the U.S. Supreme Court's ruling on the Alexander case the year before. To keep its federal funding, the district would have to come up with an integration plan that HEW would approve before the next school year. Hackerman did determine that the city's segregatory practices did not impact all its programs and exempted the Community

²⁷⁸ "Wichita School Gerrymandering is Admitted," *Salina Journal*, June 14, 1970.

Action Program (Head Start and Follow Through), the Child Nutrition Act program, Manpower Development and Training Act program, and the Vocational Education program for non-traditional students to be exempt from the ruling, lowering the total amount of federal funding at stake to \$4.4 million.²⁷⁹

While the district waited for the HEW ruling to come down, the 1970-1971 school year got underway, filled with tensions over the controversial voluntary cross-busing plan the district had committed to in May. There were regular eruptions of violence at various schools starting almost as soon as classes began, almost always fights between groups of European American and African American students, at both junior highs and high schools. In multiple cases, the fights left students seriously injured. On September 18, several students and teachers were injured in a fight at a junior high. A boy suffered an eye injury after someone raked him across the face with an Afro comb, leading to a ban of the combs across the district, two girls got stabbed and three teachers hurt. After a football game that night, the Associated Press reported that a “crowd of youths in the Negro district” pelted police squad cars with stones and bottles. In another instance at least three sheriff’s officers suffered injuries while breaking up a fight involving some 300 students at Heights High School. TV news crews reported seeing the officers using mace and night sticks to “subdue” the teens. The Board of Education threatened expulsion for any student involved in the violent encounters and brought in teams of police to patrol the school halls to enforce the peace.²⁸⁰

²⁷⁹ “Wichita School Decision Due in 30 Days,” *Salina Journal*, June 16, 1970; “Wichita Schools May Lose Federal Funds,” *Springfield News Leader*, March 2, 1971.

²⁸⁰ “Wichita Students Cut Up,” *Iola Register*, September 18, 1970; “Wichita School Board Levels Violence Warn,” *Garden City Telegram*, September 22, 1970; “Violence Will Not

In the wake of the district's crackdown on students, to prevent further violence, African American parents and students had begun another boycott of the schools. A week later they packed the next school board meeting, on September 28th, to demand that the district do something to alleviate the racial tensions. The Black United Front charged that the district had created an "atmosphere of racial anxiety and hatred" with its reactions. The informal, not approved by the district, Black Student Union demanded that the district give African American students a say in the hiring of teacher and staff, the creation of a separate Black Studies program, equal treatment of African American students by all teachers and staff, that the district provide more buses, and that there be more African Americans on student councils. While the board made no decision on the demands, parents decided to end the school boycott, instead planning to patrol the halls of the schools themselves until they felt their children were safe at school.²⁸¹

In November of 1970, the district briefed the school board on its plans for responding to the upheaval. The district had begun planning to offer Swahili language classes at a high school yet to be named. The district's continuing education department was already offering afternoon and evening Swahili classes to the public. In addition, schools would begin establishing "multi-ethnic councils...to discuss problems and propose solutions." The district, however, denied the formation of a formal Black Student Union because membership would be restricted to African Americans. In

Be Tolerated in Schools," *Manhattan Mercury*, September 22, 1970; "Wichita Police, Students Battle," *Salina Journal*, September 23, 1970; "Reopening Wichita School Under Heavy Police Patrol," *Springfield Leader and Press*, September 24, 1970.

²⁸¹ "Racial Anxiety and Hatred Created in Wichita Schools," *Manhattan Mercury*, September 29, 1970.

making their request, African American students had pointed out that many school clubs were “all-white.” This calmed things for a while, but there were more eruptions of violence during the spring term and in the following couple of school years.²⁸²

The Wichita Public Schools almost immediately upon receipt of HEW’s ruling announced that it would be appealing. However, according to the U.S. Commission on Civil Rights, the board soon realized it could not continue to operate without the funds in question until an appeal was resolved. The Board of Education came back to the negotiating table and began meeting with HEW to come up with an acceptable desegregation plan that would bring USD 259 into compliance with the Civil Rights Act of 1964. It had to be done in the next few months to get all the pieces in place for the fall of the 1971-1972 school year or lose those federal funds for that year.²⁸³

The school district sent a team to Washington, D.C., for a two-day conference with HEW officials on April 5 and 6. They discussed several ways to accomplish a more equitable burden for desegregation changes and developed a Memorandum of Agreement with the federal agency on what must be done. This agreement included integrating L’Ouverture, all African American, but busing European American students into the area and African American students out of the area. The district would reverse that busing pattern with Mueller, which was all European American. It would close Fairmount Elementary, and stop using Dunbar, Little, and Isely as “elementary attendance centers,”

²⁸² “Racial Anxiety and Hatred Created in Wichita Schools,” *Manhattan Mercury*, September 29, 1970; “Move to Ease Race Tensions,” *Garden City Telegram*, November 3, 1970; “Wichita School Erupts,” *Manhattan Mercury*, February 16, 1971.

²⁸³ “Wichita School to Appeal Ruling of Discrimination,” *Iola Register*, March 2, 1971; U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 10.

transitioning them to “other educational purposes.” The district would also remove all portable units from the three segregated elementary schools being desegregated and operate at no more than the building’s capacity. In addition, the school board agreed to actively work to prevent “peripheral schools” from becoming segregated. The goal was no more than an 80/20 mix of races in any one building, preferably closer to 50/50 in L’Ouverture and Mueller. What the district called the “majority-to-minority transfer policy” would remain in effect and, in the coming years, more families would take advantage of that policy to get their children into desirable programs, to ensure that siblings in the same family could all attend the same school, or simply because they supported desegregation efforts. On April 27th, the superintendent held a public news conference to announce the details of the agreement. The Board of Education officially approved the plan on May 17, 1971, and began filing the paperwork to ask the government to dismiss the order withholding federal funds.²⁸⁴

After years of using delaying tactics with HEW over a desegregation plan, the district took only three months to begin the process of coming back into compliance once the federal government withdrew funding. Even then things did not go smoothly. Due to the hurry to meet the deadline, the district left out some details that the government wanted to know before releasing funds, such as how pupils would be chosen for the transfers. In addition, since HEW and the district had negotiated the Memorandum of Agreement, a new U.S. Supreme Court ruling had come down with direct implications on

²⁸⁴ Robert Beren, Board of Education president, letter to Stanley Pottinger, Office for Civil Rights, May 18, 1971, box 6, folder 9, “Proceedings of the Board of Education,” May 17, 1971, box 6, folder 9, and “Motion to Dismiss and Application for Orders releasing Deferred Federal Financial Assistance,” date unknown, box 6, folder 9, Edwana Denning Collins Collection.

the case. In *Swann v Charlotte-Mecklenburg Board of Education*, the Court ruled that busing was an acceptable start for integration, but the government could not set hard guidelines for how it should work. In addition, HEW had to judge an integration plan by how well it worked, and using mathematical ratios was a legitimate “starting point.” In addition, courts could accept non-contiguous attendance zones as a remedial measure for segregation. This element would have a direct effect on the transfer plan the Wichita Public Schools developed.²⁸⁵

By June the district had worked out further details for the desegregation plan to go into effect by September 1st. While it was more equitable than the one-way busing plan the board had sent HEW before the hearing, African American parents still argued that it put too much of the onus of desegregating the district on their children. The busing transfer plan would involve students from “all grade levels within elementary school,” and reassignments would be for at least one year, but the Board of Education could extend that period. In the basic principles for implementing the compliance plan administrators had developed and given to the Board of Education, they said, “It is highly desirable that the reassigned pupils complete their entire elementary school experience in the school to which they were reassigned under this plan.”

The district would first ask for volunteers for reassignment, add a series of special programs in schools to draw European American students to formerly African American schools, as had successfully worked with the Fairmount Elementary Gifted Program until the school’s closure, and, as a last resort, turn to a form of random selection to find

²⁸⁵ "Swann v. Charlotte-Mecklenburg Board of Education," Oyez, accessed October 24, 2019, www.oyez.org/cases/1970/281.

enough students to fully integrate the elementary school system. While this initial plan would impact only “Caucasians and Negroes,” the district allowed that if any other racial group became a majority at any school, that group would also be subject to the integration busing system. The district would also pair schools, as suggested by the Swann ruling, attaching each school outside the AAA zone to one inside it to “preserve the feeder school concept” for junior high schools and on into the high schools. An independent group from outside the district would be hired to make the random assignment and monitor the overall system.

African American community leaders remained skeptical about the plan. Chester Lewis said he was sure the plan had catches in it somewhere, as he did not trust the school board to “act in good faith.” “They haven’t in the past and there’s no reason to think they are now.” Willis Hockett, by then the president of the Wichita NAACP, said he would accept the plan if African American parents did although he had reservations about the unequal busing, saying it “just intensifies what’s been going on all along.”²⁸⁶

With only three elementary school buildings left in the AAA zone and with African American attendance limited to no more than 50% of the enrollment, most African American students would find themselves riding busses to schools outside their neighborhoods. While the impact of busing was more evenly spread with this plan than it had been in the one-way busing plan the district had turned in prior to the HEW hearing, it was still too lopsided in the view of many African Americans. The first year, the district selected a total of 2,925 African American pupils and 1,318 European American

²⁸⁶ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 11.

students for mandatory busing to other schools outside their neighborhoods. In total, cross-busing affected only 12% of students in the district. But since the ratio of bused students was more than two African American students for every European American student, more than 57% of all African American elementary students were cross-bused that first year, compared with just over 4% of European American elementary students. By the fall of 1974, those numbers had moved so that roughly 92% of African American students found themselves bused across town compared to less than 6% of European American students. In addition, most of the European American students would only have to be bused out of their neighborhoods for a year or two, while many of the African American children would endure busing for their entire elementary school career.²⁸⁷

When the plan went into effect that fall, Mark McCormick, future Wichita Eagle reporter, was a kindergartner and one of the first African American students bused. His family was friends with Chester Lewis' family, and his father worked with Lewis to, among other things, help integrate machine shops across the Wichita area. When Coleman Junior High opened in 1966, his family had been able to transfer McCormick's older sister to that school from Mathewson Junior High. McCormick remembers his father telling the story years later of how much trepidation he had had about her attending the European American school to integrate it. His earliest memory, though, came as busing for integration began. His earliest memories were of riding the bus from North

²⁸⁷ "Proposed Principles and Pupil Selection and Assignment Procedures for Implementing the Elementary School Compliance Plan," Alvin Morris, June 14, 1971, box 6, folder 9, and "Pupil Accounting Department," February 11, 1970; box 1, folder 1, Edwana Denning Collins Collection; *Linker v. Unified School District 259*, Wichita, Kansas, 344 F. Supp. 1187 (D. Kan. 1972), accessed October 28, 2019, <https://law.justia.com/cases/federal/district-courts/FSupp/344/1187/2303283/>; Mark McCormick, interview by Pilar Pedraza-Bailey, Wichita, KS, August 28, 2019.

Volutsia near Wichita State University some six miles to OK Elementary on North West Street, near Interstate 235. On average, students bused those first few years spent about 37 minutes on the bus one way, about an hour and a quarter round trip, every day.

McCormick remembers his parents worrying about the distance, talking about, “That’s a long way to put Mark on the bus,” and he remembers feeling not quite wanted. He does not remember any overt actions against him and the other African American students bused to the school but says, “It did seem clear that we weren’t exactly embraced there.”

He remembers only one European American student willing to befriend him that first year, Dana Farmer. She sat with him at lunch and even invited him over for dinner.

“Everybody in my family was talking about it,” McCormick recounted. In later years, he spoke with Farmer’s mother about the invitation and learned that the family had faced great criticism for it, especially when their son invited an African American boy for a sleepover. “Do you really want a black boy spending the night? You have a daughter!”

He says that if African American children in his class at OK Elementary got a hug at all it did not come from the teachers, it came from Dana Farmer.²⁸⁸

There was more unrest at the high schools, however. At East High School, Roz Hutchinson was starting her senior year. She had spent the previous two years attending the Catholic girls’ high school in town, Mount Carmel, with, among others, Chester Lewis’ daughter. She remembers a point that fall when she was walking down the hall with the journalism teacher for whom she was a student aid. They got caught in the

²⁸⁸ Mark McCormick, interview by Pilar Pedraza-Bailey, Wichita, KS, August 28, 2019; *Linker v. Unified School District 259*, Wichita, Kansas, 344 F. Supp. 1187 (D. Kan. 1972), accessed October 28, 2019, <https://law.justia.com/cases/federal/district-courts/FSupp/344/1187/2303283/>.

stairwell as a rush of kids clashed on the stairs. She recounts seeing the “fists flying, and yelling and screaming.” Stories about fights at the high schools made the news throughout the region that fall and into the spring term. In at least one case, the news reported police using mace to disperse rioting students and, later, patrolling the schools in uniform, again. Yet, this time around, the stories mostly involved fist fights as opposed to some of the more violent conflicts of the year before. The fights continued sporadically for the next few years but, while there were still arrests, there were fewer of them.²⁸⁹

The U.S. Commission on Civil Rights called reaction to enforced school integration in Wichita “noisy but ineffective.” A 1977 report credited the support of the business community, much as in Charlotte, N.C., for the success of the plan. Despite petitions and talks of boycotts, only 45 children stayed home from school in the fall of 1971 to protest integration. The Commission says that there was no violence “in or out of school,” quoting a parent who said reports of violence in the media came from “reporters inaccurately reporting such episodes.”²⁹⁰

Hutchinson credits efforts on the part of the district for this. She said that at East High they had special girl and boy student unions that East High’s staff formed, made up of the kids who had been in the fights and kids who “they thought were folks who got along well with other people.” She was one of the members of that council as part of the

²⁸⁹ “Fighting Erupts at Wichita School: Student Wounded,” *Daily Oklahoman*, September 9, 1971; “Classes Resume at Wichita School,” *Daily Oklahoman*, February 24, 1972; “80 Policemen Patrol Wichita School Area,” *Daily Oklahoman*, January 30, 1973; Roz Hutchinson, interview by Pilar Pedraza-Bailey, Wichita, KS, January 31, 2019.

²⁹⁰ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 14.

group of “get along folk.” Hutchinson says that while the council meetings began with a lot of finger pointing and accusations, eventually they were able to begin talking to each other and, as they talked, the overt racial tensions began to fade away.²⁹¹ The district had also gotten a \$332,745 Emergency School Assistance Grant in 1971 to provide training for staff, parents, students and business leaders on human relations to help smooth the way for integration. About 3,000 people across the city went through the four training sessions of about five hours each.²⁹²

In 1973, the League of Women Voters got a \$35,000 grant from HEW to hire an ombudsman to act as an intermediary between families, students, and the district. The hope was that having an uninvolved third person negotiating difficult issues, especially racially sensitive ones, would relieve some of the tensions surrounding busing in the school district. Also referred to as a grievance officer by the *Wichita Independent*, the first person to fill the position was himself a teacher, Robert Wright, who returned to teaching at North High in the fall of 1974. Rex Krieg, a new graduate of Wichita State University, followed him as ombudsman for the 1974-1975 school year. That August and September Krieg reported getting an average of 2.1 new cases a day, ranging from “inquiries about special education to four charges of alleged unfair arrests of students.” He reported that most new cases were complaints, with most complaints coming from “white parents.” He only got one suggestion in his first two months on the job.²⁹³

²⁹¹ Roz Hutchinson, interview by Pilar Pedraza-Bailey, Wichita, KS, January 31, 2019.

²⁹² U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 15.

²⁹³ “The Man in the Middle is Making Waves,” *Wichita Independent*, October 18, 1974.

While many were struggling to find ways to make the new integration plan work for students, at least three groups had not given up on fighting the mandatory busing plan in the public forum and in court. There had been African American parents who opposed cross-busing as early as January 1970, due to the loss of neighborhood schools in the AAA zone and the unequal burden of busing, among other reasons. They formed a group called Concerned Citizens, who joined with the European American group Citizens for Neighborhood Schools to act against the plan. They held joint meetings, circulated petitions for parents to sign opposing the busing movement, and staged marches in front of the district administration building. Citizens for Neighborhood Schools joined with another European American group, Parents and Taxpayers, to sponsor newspaper ads encouraging the public to “apply pressure, or harassment, or whatever you want to call it, to influence them.” In August of 1971, each group individually filed suit against the district, asking a judge to block implementation of the integration plan.²⁹⁴

Parents Billy Joe Linker, Ellis Brown, and Nancy L. Farha, filed separate suits against Wichita USD 259 on behalf of their children and all others affected by the integration plan. They wanted the court to permanently stop the implementation of the district’s new cross-busing scheme in the fall of 1971. The court combined the three cases into a single suit and assigned it to Judge Wesley Brown, who added HEW Secretary Elliott Richardson as a co-defendant. The lawsuit alleged that neither the school district nor HEW had the legal right to undertake certain portions of the integration plan, that the busing constituted a form of penal servitude enforced by the

²⁹⁴ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 13-14; Van Meter, *Our Common School Heritage*, 367.

defendants in violation of Article 6 of the Kansas Constitution and the 13th Amendment of the U.S. Constitution, that Richardson violated HEW regulations in his handling of the case and dealings with the school district. In addition, Linker contended that the selection of his children's names for mandatory busing was "accomplished in an arbitrary and capricious manner" and violated the 14th Amendment's equal protection clause. The next summer Brown ruled that the case had no standing, that the Farhas, "as parents of local school children," lacked the legal right to challenge the plan and that the integration plan did not violate the U.S. Constitution. In 1974, the Court of Appeals upheld the ruling, and the U.S. Supreme Court refused to hear the case. Thus, the final legal effort to prevent desegregation through mandatory cross-busing of students ended with a whimper rather than a bang.²⁹⁵

Yet, the court was not the only means Nancy Farha and her husband Alfred turned to. They testified before a Kansas State Senate Select Committee Wichita School Disturbances, studying the outbreaks of violence at Wichita schools over the last couple of years. The committee held four meetings in the Wichita area in the spring of 1972. At the first meeting, Alfred Farha testified that school administrators were not using the disciplinary powers they already had to control violent youth. The Associated Press (AP) reported that Farha blamed "forced busing to achieve racial balance" for most of the disturbances and said that closing the four African American elementary schools was a bad idea. "We closed their schools, but have we supplied them the means to move out of

²⁹⁵ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 14; Linker v. Unified School District 259, Wichita, Kansas, 344 F. Supp. 1187 (D. Kan. 1972), accessed October 28, 2019, <https://law.justia.com/cases/federal/district-courts/FSupp/344/1187/2303283/>.

their area? Is this proper?” the AP quoted him as asking the committee. He argued that this led to African American children entering European American schools with “chips on their shoulders, feeling they are mistreated.”²⁹⁶

The teachers’ union disagreed. At the committee’s second meeting the following week, Kevin Hughes, executive director of the National Education Association, said things were neither as rosy as the school district would have the committee believe nor as drastically awful as the bigots painted. He argued that teachers had identified several concerns that contributed to the current atmosphere, including time limits, class size, pupil ability range, lack of parental knowledge of school conditions, and a lack of support from the central administration.²⁹⁷

In the end, the committee sponsored a bill that authorized school districts to set up an alternative school for students “determined...to be unable to benefit normally from other schools of the school district.”²⁹⁸

Despite the fights, legal and extralegal, and the growing pains of two populations learning to live and study together, by November of 1974, the *Wichita Independent* announced “Busing: Seems It’s Here to Stay.” In the article, Don Nicoson points to the cause for mandatory busing, segregated housing patterns, as the reason why parents can expect busing to likely continue for decades. The LEAP report had predicted that housing would not be fully integrated until 1990 at the earliest.

²⁹⁶ “Teacher ‘Shun Disciplinary Powers,’” *Garden City Telegram*, May 25, 1972.

²⁹⁷ “Legislators Again Probe Wichita School Strife,” *Kansas City Times*, June 1, 1972.

²⁹⁸ “Solons Visit School,” *Hutchinson News*, July 12, 1973.

In the first couple of years of busing, at least two studies of its impact had already been undertaken. Dr. C. Lindal Silvertooth, who had been the principal at Mueller Elementary from 1969 to 1973, compared the “achievement, self-confidence, and environment” of bused and non-bused European American fifth- and sixth-graders in Wichita. He found no difference in performance between the two groups, other than in reading during the first year of busing, which rebounded in the second year. Nor did he find “significant differences” in “self-concept or perceived school environment.” By the third year of busing, he determined that “the white fifth-graders had significantly higher attendance.” He also discovered that in the first three years of cross busing for integration, the number of children who had to be picked by lottery based on randomly drawn birthdates, dropped. He concluded this was because students were volunteering to remain at their new school. In the first year, the district bused children with 21 birthdates, but by the third year, the district had to draw only seven birthdates to fill the enrollment lists. Charles Rankin, former assistant principal at Ingalls Elementary, studied the impact of busing for integration on African American students. He found only a small, statistically significant change in performance came in reading among African American students, but also determined that long-term busing imposed no harmful effects on students. Silvertooth disagreed with some of Rankin’s findings, saying that other studies had found busing for integration improved African American students’ classroom performance.²⁹⁹

²⁹⁹ Don Nicosin, “Busing: Seems It’s Here to Stay,” *Wichita Independent*, November 15, 1974.

A federal report in 1977 agreed with Silvertooth's analysis. That August the U.S. Commission on Civil Rights released a report detailing the history of the segregation problems and solutions in the Wichita school district and its impact on students. It, too, reported no slippage of test scores since integration began. In 1964, third-graders in the city had ranked in the 54th percentile on the Iowa Test of Basic Skills, right in the middle of all third-graders nationwide. In 1974, after two years of cross-busing for integration, they ranked in the 56th percentile. By 1975, Wichita elementary school students were consistently scoring at least a year above grade level. Remember, one of the complaints leading to the HEW order was that African American students were testing below grade level, lower than their European American peers. In its view, integration in Wichita was off to a running start.³⁰⁰

Chester Lewis was less sanguine about the success of integration in Wichita. He viewed it almost as a failure. Not only were African American students bearing most of the busing burden, but he did not see the levels of academic improvement that he had dreamed of.³⁰¹

Based on the 1975 Board of Education elections, cross-busing was no longer a driving issue in the community. The campaigns centered around more traditional education-related topics such as student responsibility, teacher and administrator training,

³⁰⁰ U.S. Commission on Civil Rights, *School Desegregation in Wichita, Kansas*, August 1977, 19.

³⁰¹ Van Meter, *Our Common Heritage*, 369.

and how to spend the district's money most wisely. None of the candidates mentioned busing or integration as a concern.³⁰²

³⁰² "Office: Board of Education," *Wichita Independent*, February 18, 1975.

CHAPTER VIII

CONCLUSION: INTEGRATED OR TEMPORARILY DESEGREGATED?

Despite early rosy predictions, cross-busing in Wichita did not effectively and permanently integrate the public schools. From the beginning, the district saw busing as a temporary remedy until fair housing and employment anti-discrimination laws at the local, state, and federal level could equalize the playing field elsewhere. Leaders fully expected that segregated housing patterns would disappear over the next generation, allowing the district to return to a full neighborhood school concept. While laws changed, individual attitudes did not and enforcement was uneven at best. The same attitudes that allowed the KKK to flourish in Wichita at the turn of the 20th century lived on in the city at the turn of the 21st century. Neighborhoods remained largely segregated, with distinct swaths of African American, Hispanic/Latino, Asian American, and European American populations. In 1977, deputy superintendent Dr. Dean Stucky presciently said, “We have desegregated, but we have not completed an integration program.” Wichita Public Schools still have not completed the integration program the district set out on in 1971. Since the end of mandatory busing in 2008, the district’s schools have moved back into a segregated system, reducing the chances of achieving full integration within the next twenty years and expanding by at least three generations

the number of school children who have had to pay the price of either mandatory busing or a segregated education.³⁰³

As the 1970s became the 1980s and the 1990s, the huge, city-wide uproar over busing faded into a minor ruckus raised only at the time of the birthday lottery each year, confined mainly to a handful of individuals upset their children had “lost” the lottery. The ruckus would generally last a week or two, spawning scant news coverage, and then fade away until the next year. Yet, as was evidenced just a couple of years into the busing program, more European American families chose to volunteer their children over the decades, either because they liked the specialized programs at the new schools or wanted siblings to attend the same elementary school. So, perforce, the lottery became smaller and smaller. Busing for desegregation purposes had become a mostly non-controversial part of the Wichita educational process. Much like the court mandated integration program in Charlotte-Mecklenburg, HEW’s experiment in Wichita, only the second system in the nation to come under such scrutiny for civil rights violations, appeared to be a success. By late 1976, Wichita was the largest city in the region operating a busing for desegregation program and, much as had happened with Charlotte-Mecklenburg, other cities in the region, from Topeka to Omaha, began to call and ask for advice. Richard Upton, executive director of the Wichita Area Chamber of Commerce praised the district, saying, “Wichita does bus and it does so successfully.”³⁰⁴

³⁰³ Van Meter, *Our Common School Heritage*, 369.

³⁰⁴ U.S. Department of Labor, Office of Civil Rights, “HEW Annual Report for 1969,” and “HEW Annual Report for 1970”; Mike Iuen, interview by Pilar Pedraza-Bailey, Wichita, KS, October 18, 2019; Van Meter, *Our Common School Heritage*, 369.

The hopes for a fully integrated school district in the future did not rest on cross-busing, however. For most folks in the area, they rested on the belief that new fair housing laws at the federal and state level would create substantive changes in residential patterns. Throughout the fight with HEW and the subsequent institution of cross-busing, numerous leaders had pointed out that this was meant to be a temporary solution to a problem much larger than the school district itself. A series of *Wichita Beacon* Op-Ed pieces in 1970 stated outright, “Cross-busing can be only a temporary solution” because “it fails to solve the deeper issues – better job opportunities to enable blacks to improve their economic position so they can buy houses in every neighborhood in the area.” George Romney, then U.S. Secretary of Housing and Urban Development, called cross-busing a “superficial compromise” in a speech at a Kansas Day dinner in Topeka. He pointed to the growing suburbanization of America as a big part of the problem, exporting the funds needed for good schools away from poor and minority neighborhoods along with the more affluent European Americans who were moving to the suburbs, and “balkanizing” populations so that they did not interact in meaningful ways and could not learn to understand and trust each other. The League of Women Voters said that it supported cross-busing, not because it was the best option, but because it was “the only feasible method” at that time. When Doris Larkins, who had been bused for segregation spoke out against busing for desegregation purposes, she pointed to the need for European American support of stricter open housing laws, and a stronger, more cohesive African American community ready to support all members. As was evident in Irvin Hackerman’s ruling against the school district, it only ran afoul of HEW because the

Board of Education's actions had exacerbated the already existing housing segregation in the city.³⁰⁵

In the years following the institution of mandatory busing, the city and state made uneven strides toward equalizing the job and housing markets. The U.S. and the Kansas Commissions on Civil Rights (KCCR) powers did continue to increase when it came to enforcing job and lodging anti-discrimination laws and more laws were passed. In 1970, two years after the Federal Fair Housing Act passed, the Kansas legislature passed a statewide Fair Housing Act. That same year, the KCCR opened an office in Wichita to handle formal complaints, primarily of job discrimination. Eick reports the number of cases referred to the KCCR had increased from 41 in 1962 to 497 in 1971. Funding for enforcement, despite the KCCR's broadened investigative powers, remained insufficient for many years to come. The fight for a Wichita Fair Housing law continued, however, despite A. Price Woodard's presence as the first African American city councilperson and Jo Brown's presence as the first African American school board member. It wasn't until 1973 that Wichita established its own Civil Rights Commission. A few years later the city folded that commission and the Equal Opportunity/Affirmative Action Board into a single Civil Rights Equal Opportunity Commission (CREOC) tasked with investigating

³⁰⁵ "Where's the Funding?" *Wichita Independent*, May 19, 1975; "Paying the Price of Injustice," *Leavenworth Times*, April 14, 1977; "Some Hope," *Wichita Beacon*, January 19, 1970; Lois Barrett, "Busing Plan Criticized," *Wichita Eagle*, date unknown, box 1, folder 7, Edwana Denning Collins Collection; "Wichita Woman Bused in 1946 and She Resents New Decision," *Wichita Eagle*, January 19, 1970; "All Must Help," *Wichita Beacon*, January 22, 1970; "Romney Calls Busing to Integrate Schools a Superficial Compromise," *Wichita Eagle*, January 30, 1970.

complaints of discrimination involving employment, housing, financial institutions, and public accommodations in the state's largest city with more than 276,600 residents.³⁰⁶

Wichita had the state's largest African American population by that time.

According to KCCR records state and local governments were among the most common offenders. Often, government bodies would hold meetings in private facilities that could still legally discriminate based on race, *de facto* barring minorities from participating in the governmental process. Troy Scroggins, director of the KCCR, told the Garden City Human Relations Commission in 1971 that the state government was "the worst discriminator in the state" with a work force that was 94.6% segregated. He said the state's new fair housing law was a start, but it needed serious revision. Since the act had passed, the KCCR had received just 15 housing complaints, mostly about rental housing and half filed by "white persons living in Wichita." Meanwhile, of the 1,000 cases he said the KCCR had handled, 900 were employment complaints. Most of those, Scroggins said, "were made by whites who believe they were being denied jobs and promotions because of pressure on employers to hire minority applicants. He added that employment discrimination was no longer "blatant," it had become disguised and subtle and, thus, much harder to prosecute.³⁰⁷ The next month, Scroggins was begging lawmakers for additional funds, pointing to a backlog of some 288 complaints from the previous year with some 40 more coming in every month. He also warned lawmakers most of the

³⁰⁶ Eick, *Dissent in Wichita*, 200-202; "2020-2021 Adopted Budget: City Profile," Center for Economic Development and Business Research, Wichita State University, Prepared for the City of Wichita, August 13, 2019, accessed November 29, 2019, <https://www.wichita.gov/Finance/Operating%20Budget/City%20Profile%20V1.pdf>.

³⁰⁷ "'Nothing Really Changed,' Says Rights Unite Director," *The Hutchinson News*, October 7, 1971.

complaints were cases involving hiring or firing someone. “Once on the job, most members of minority groups won’t complain for fear of losing their jobs,” he told them. “The individual complaints just aren’t coming in from the people we feel are being victimized by failure of promotion or job discrimination.”³⁰⁸

McCormick remembers throughout his childhood how his father actively worked to desegregate unions and machine shops throughout Wichita. “He’d go into a job and see that there were no African Americans, talk to them about integrating. When they would hem and haw, he’d say, ‘Ok, I’ll just call Chet (Chester Lewis).’ And Chet would come in and force them to (integrate).”³⁰⁹ At one point the KCCR began an investigation into the *Wichita Eagle Beacon* for allegedly refusing to hire African Americans and applicants with Hispanic/Latino surnames for clerical, semi-skilled and white-collar jobs. The newspaper filed what was an early version of a reverse discrimination suit, saying the investigation violated its right to hire regardless of race.³¹⁰ In the 1984 presidential election, the Democratic and Republican Party platform planks on fair housing still made the news in Wichita voter guides.³¹¹ In 1998, Mary Dean became the first Wichitan to join a class action lawsuit against Boeing, Co, alleging a practice of racial discrimination in hiring, promotion and transfers of employees that disproportionately hurt African Americans and benefited European Americans. The case dragged through the courts for

³⁰⁸ “Rights Director Protests Cuts,” *The Parson Sun*, November 9, 1971.

³⁰⁹ Mark McCormick, interview by Pilar Pedraza-Bailey, Wichita, KS, August 28, 2019.

³¹⁰ Eick, *Dissent in Wichita*, 201.

³¹¹ “Chamber Backs Open Housing,” *Wichita Beacon*, February 10, 1970; “Let’s Try Again,” *Wichita Beacon*, February 10, 1970; “State Legislature Draws to a Close Leaving Much Undone,” *Catholic Advance*, 5 March 1970.

the next decade, with the courts coming down on the plaintiffs' side in 2008. By then, Dean had already retired from Boeing after more than 17 years of service. During the years of the lawsuit, Dean reports hearing co-workers question why she would join a lawsuit against her employer, that even if they got a judgement in their favor, they would never get any money from Boeing. She remains closely tied into the Boeing employee community and says discriminatory practices continue in hiring and pay, but that minority employees are too afraid of retaliation to complain. This report came some four decades after Scroggins made the same observation.³¹²

While attempts to integrate and succeed in the greater Wichita market were failing, attempts to revitalize the once thriving African American business district on the northeast side of Wichita appeared to be making gains in the late 1960s. In a 1968 article on his departure as president of the Wichita NAACP, the *Wichita Eagle* commended Chester Lewis' push to get African Americans to use their political and economic power to advance the community. He told the *Eagle*, "This is the only way the black community can improve its standard of living and make it stick." He pointed to a program in the city that had led to a recent increase of African American-owned businesses. Two supermarkets, a hamburger stand and a service station had all recently opened. "Similar projects ought to be started on a grander scale."³¹³ Yet, by 1971, the state began building Interstate 135 right through the traditionally African American

³¹² Dean, *The Black Legends of Kansas*, 11; Mary Dean, interviews by Pilar Pedraza-Bailey, Wichita, KS, June, July and August, 2019; Williams, et al, v. Boeing, Co, Seattle, Washington, District Court, WD Washington, 517 F.3d 1120 (9th Cir. 2008), accessed November 29, 2019, <https://www.clearinghouse.net/detail.php?id=10787>.

³¹³ "Program Makes Sense," *Manhattan Mercury*, July 5, 1968.

sector of town. Within six years, the new highway had taken out hundreds of homes and businesses along the route that bisected the neighborhood, much as happened in poor and minority communities around the country as interstates went in.³¹⁴

At the same time, more freedom in the housing market promoted by the state's new fair housing laws, allowed those with the money, like Chester and Vashti Lewis, to move out of the traditionally depressed area to which they had previously been confined by segregation practices into more mixed neighborhoods. If they could qualify for the loans, that is. When they could qualify, they often paid more through higher interest rates. In 2018, an investigation by Reveal: the Center for Investigative Reporting, showed that across the country financial institutions have routinely denied African Americans and Hispanic/Latinos conventional mortgage loans at a much higher rate than their European American counterparts. In Wichita, specifically, Reveal found that Hispanic/Latino applicants were 2.2 times as likely to be denied a home loan and that there simply weren't enough African American applicants to draw a conclusion. For example, in the center of what had been the segregated African American portion of Wichita, only two people applied for home loans in 2016, only one of which declared their race as African American. Banks denied both of loan applications. In other, more

³¹⁴ "Kansas Celebrates 50 Years of Interstates: The Canal Route," Kansas Department of Transportation, accessed November 1, 2019, https://www.ksdot.org/interstate50th/KsStory_I135.asp; "Should Kansas City's 'Last' Freeway Be Built? No!" *The People's Energy Project*, May 1, 1976; "Lessons Learned Living in the Shadow of I-275," *The Tampa Tribune*, February 4, 1987.

mixed, neighborhoods, financial institutions denied about half of African American home loan applications.³¹⁵

The loss of neighborhood schools in addition to the nearly simultaneous loss of most of the middle class leadership further led to the decline of community in the African American neighborhoods of northeastern Wichita. Loss of community led to loss of economic and political power in the city. In 2019, Mark McCormick wrote that for an entire generation, the district did not build any new schools in the Assigned Attendance Zone because of the busing agreement with HEW. As a result, home values dropped due to the lack of neighborhood schools, while their tax dollars went toward building new schools in European American neighborhoods, helping stabilize their home values. All this while banks continued to use the redlining policies for deciding who got home loans and who did not, policies that favored European American buyers in European American neighborhoods. When African Americans could get the loans, they paid much higher interest rates on them. The redlining around the northeast Wichita neighborhoods further depressed home values.³¹⁶

Better jobs they were afraid to lose and higher mortgages on new homes to pay, helped to quiet many of the voices that had combined to keep the civil rights movement strong in Wichita, much as it had throughout the rest of the country. Calls continued late

³¹⁵ Aaron Glantz and Emmanuel Martinez, “Kept Out: For People of Color, Banks are Shutting the Door to Homeownership,” *Reveal: The Center for Investigative Reporting*, February 15, 2018, accessed December 1, 2019, <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>.

³¹⁶ Mark McCormick, “As We Talk School Reform, Let’s Learn From Where Brown v. Board Fell Short,” *Kansas Leadership Center Journal*, August 14, 2019, accessed November 4, 2019, <https://klcjjournal.com/opinion-as-we-talk-school-reform-lets-learn-from-where-brown-v-board-fell-short/>.

into the 1970s for the district to begin planning educational parks, the idea originally suggested to the Board of Education as an alternative to long-term cross-busing, but as progress failed to appear, the necessary community activism to force the issue did not show up. Education parks would have bused all children to schools set up on one large campus, or one of several regional campuses, and each building within the park would be apportioned for racial and socio-economic proportionality to the overall city. This would have been like the setup in the Maize Public School district in 2019, where all the district's schools are located in one of roughly two areas, rather than scattered throughout the district's neighborhoods. Such a plan would have allowed the district a more stable integration program that could have withstood the ongoing lack of change in the job and housing markets, but, in the face of declining enrollment and other budget constrictions in the recession of the late 1970s, the idea was likely financially unfeasible. With little protest from parents in the community, the board chose not act, sticking with the cross-busing plan.³¹⁷

Overall, the African American community came out of the busing era in Wichita weaker, politically as well as economically, not stronger. By the end of busing in 2008, African Americans were no longer the largest minority in town. In 1971 Hispanics/Latinos, combined with Native Americans and Asian Americans, had made up just 3% of the student enrollment; in 2013 they made up 31% of the district's enrollment. Despite this growth, and their housing concentration in north Wichita neighborhoods, the district never included Latinos in its desegregation busing plan. In that same time span,

³¹⁷ "Some Hope," *Wichita Beacon*, January 19, 1970.

African Americans had grown from 15% to 18% of the enrollment and European Americans had fallen from 82% of the enrollment to just 36%.³¹⁸

Due to white flight, many of the European Americans with children still living in the metro were those who could not afford to move to the suburbs, with nicer housing and better schools. European American families with money who stayed in the city sought out educational alternatives. The Wichita Diocese warned city residents not to look to its extensive Catholic school network as an escape from busing or integration. But other schools opened during the years of debate over racial integration. While none of them state an escape from racially mixed schools as their *raison d'être*, the timing of their founding, and even the predominance of European Americans on their websites in 2019, speaks volumes. The Wichita Independent School opened around 1959 as the first non-parochial private school in Kansas. Robert Love, a conservative who would later oppose busing, was the chairman of the original operating board. The school said from the beginning that “it gets no aid, wants no aid, will accept no aid” from the federal or state government. Collegiate School opened in 1963. A series of Christian academies began opening throughout the city in the late 1970s and early 1980s, most of which no longer exist, with the exceptions of The Independent School (1980), Central Christian Academy (1982) and Sunrise Christian Academy (1983). As of 2019, all accept minority students, however there remains a high price for admittance that most minority families cannot afford.³¹⁹

³¹⁸ Suzanne Perez Tobias, “Attendance Area, Boundaries in Wichita to Continue Indefinitely,” *Wichita Eagle*, March 9, 2013.

³¹⁹ “Teaches in Private School,” *Fairview Enterprise*, August 1, 1963; “Desegregation and Educational Equity Plan – Pupil Assignments,” Wichita Board of Education, July 1999,

In all, busing for desegregation lasted for 37 years in Wichita, officially ending in 2008. In that time, the district's formal agreement with the federal government went through at least one change: in 1989 the district revised the agreement to accommodate a district-wide redesign, moving ninth graders into the high schools and sixth graders from elementary schools into what were now termed middle schools instead of junior highs. But, despite a surge in the Hispanic/Latino American population in Wichita in the 1980s and 1990s, the district never changed its busing plan to include this growing minority that quickly outstripped the size of the African American community and found itself relegated to neighborhoods due to a combination of language, financial and discrimination barriers. Even as the district bused African Americans to avoid schools becoming segregated by neighborhood, it did nothing to prevent segregation of neighborhood schools based on socioeconomic status or any race other than African American. The board apparently was fine with Hispanic/Latino American-dominated schools.³²⁰

This may have been in part due to changes in enforcement and the rules surrounding desegregation as court rulings began to take the teeth out of efforts to force *de facto* segregated districts to actively work against local residential patterns. From the

accessed November 1, 2019, <https://www.usd259.org/cms/lib/KS01906405/Centricity/domain/622/boe%20policies/5510%20Desegregation%20and%20Educational%20Equity%20Plan%20Pupil%20Assignments.pdf>; The Racial Dot Map, Demographics Research Group, Weldon Cooper Center for Public Service, University of Virginia, accessed November 1, 2019, <https://demographics.virginia.edu/DotMap/index.html>.

³²⁰ "A History of Wichita Public Schools Buildings: An Excerpt," Wichita Public Schools, 2007, accessed November 5, 2019, <https://www.usd259.org/cms/lib/KS01906405/Centricity/Domain/135/School%20Histories%20Updated%202007.pdf>.

1954 *Brown v. Board* decision through the 1973 *Keyes v. Denver School District* ruling, which clearly applied to the Wichita case as well, the U.S. Supreme Court, and its incumbent lower federal courts, had stayed the course on desegregation, constantly removing barriers and overriding school district delaying tactics. In *Keyes*, the Court ruled that districts were guilty of aiding and abetting segregation when their policies, such as building neighborhood schools in segregated neighborhoods and gerrymandering attendance boundaries, resulted in a racially segregated school system. However, beginning with the 1974 *Milliken v. Bradley* ruling, the Court began to pull the teeth from the federal government's desegregation enforcement. First, in *Milliken*, the Court blocked school district efforts to compensate for white flight by forcibly merging urban and suburban schools. The follow-up case, *Milliken II*, three years later, had a direct impact on the future of Wichita schools. There, the Court decided that compensatory programs or extra money from the state or district to repair the harm caused by segregation, were an acceptable alternative to actual desegregation. So, too, did the federal court ruling in *Riddick v. Norfolk*, 1986, the first that permitted a district declared unitary to return to local control, no longer subject to federal oversight, as well as *Oklahoma v. Dowell*, 1991, where the Supreme Court determined a unitary district could legally return to a neighborhood school system even if that meant a return to segregated buildings. The *Freeman v. Pitts* ruling, 1992, meant that districts no longer even had to be fully desegregated to win partial release from court supervision, and *Missouri v. Jenkins*, 1995, said school districts no longer needed to fix any of the educational harms caused by operating a racially segregated system and that compensatory moneys, per

Milliken II, should only be for a limited time. All these rulings slowly loosened the financial bonds restricting Wichita's options when it came to desegregation.³²¹

Wichita had already tried the compensatory education route to make up for segregated schools, and continued to use extra funds as an option to provide attractive programs at the formerly African American dominated buildings to attract volunteer European American students, lessening the need to draft students for busing purposes. As the years passed, the concept came to be called magnet schools and took off nationwide. One could argue that the gifted program operated at Fairmount Elementary was the district's first magnet school. School history labels Emerson Open Alternative School, opened in 1975, as the first official magnet. By the end of mandatory busing in 2008, the district had 29 magnet schools in operation, including three of the formerly segregated elementary schools at the center of the lawsuit. The next year, 2009, a fourth was added. Dunbar and Little no longer served as elementary schools. Dunbar was used for "other educational purposes" while Little had transitioned to an early childhood education center, a pre-school.³²²

³²¹ *Brown v. Board of Education of Topeka, Kansas*, 347 U.S. 483 (1954); *Brown II*, 349 U.S. 294 (1955); *Green v County School Board of New Kent County*, 391 U.S. 430 (1968); *Alexander v Holmes County [Mississippi] Board of Education*, 396 U.S. 19 (1969); *Swann v Charlotte-Mecklenberg Board of Education*, 402 U.S. 1 (1971); *Keyes v Denver School District No. 1*, 413 U.S. 198 (1973); *Milliken v Bradley*, 418 U.S. 717 (1974); *Milliken v Bradley II*, 433 U.S. 267 (1977); *Riddick v School Board of the City of Norfolk, Virginia*, 784 F.2d 521 (4th Cir. 1986); *Board of Education of Oklahoma v Dowell*, 498 U.S. 237 (1991); *Freeman v Pitts*, 503 U.S. 467 (1992); *Missouri v Jenkins*, 115 S. Ct. 2038 (1995).

³²² "A History of Wichita Public Schools Buildings: An Excerpt," Wichita Public Schools, 2007, accessed November 5, 2019, <https://www.usd259.org/cms/lib/KS01906405/Centricity/Domain/135/School%20Histories%20Updated%202007.pdf>; "Magnet School History: Who We Are," Wichita Public Schools, November 15, 2012, accessed November 5, 2019, <https://www.usd259.org/Page/11312>.

It was the success of its magnet program that the district cited to show its continued commitment to desegregation when asking the Department of Education, the offspring of the former HEW, to formally release the district from its “voluntary” busing for desegregation agreement in 2012. While the agreement was nominally voluntary, since it was reached through a negotiation between HEW and the district as opposed to court-ordered, it did not come until the district had officially lost federal funding due to its segregatory status. For all intents and purposes it was a federally mandated solution to segregation in Wichita schools. The board voted to end busing in 2008, after the 2007 Supreme Court ruling that it is illegal to assign students to schools based on race. In *Parents Involved in Community Schools v. Seattle School District No. 1*, the Court decided in a 5 to 4 vote that “preventing racial imbalance did not meet the standards for constitutionally legitimate use of race” in school assignments at the K-12 level. This ruling, on top of the series of rulings in the 1980s and 1990s, left the district with one clear route - ask to end its agreement with the federal government. Then Superintendent John Allison said, “We’re confirming with OCR our commitment to families to offer high-quality education regardless of zip code or ethnicity, and whether it’s a magnet or neighborhood” school.³²³

Yet, in the five years between the vote to end actual busing and the request to officially be released from the district’s agreement with the federal government, 20 of the district’s school buildings had quickly returned to being officially a single-race school,

³²³ Suzanne Perez Tobias, “Wichita School District Considers Contract With Feds to End 40-Year-Old Busing Agreement,” *Wichita Eagle*, November 3, 2012; Suzanne Perez Tobias, “Wichita School Board Approves New Contract That Could End Mandatory Busing,” *Wichita Eagle*, November 5, 2012; Suzanne Perez Tobias, “Attendance Area, Boundaries in Wichita Schools to Continue Indefinitely,” *Wichita Eagle*, March 9, 2013.

with 60% or more of the enrollment coming from just one race. Three schools were predominantly African American: Mueller, one of the original seven segregated elementary schools; Spaght, which had replaced Ingalls Elementary, another of the original seven, and Gordon Parks Academy, opened in 2008 in the middle of the traditional African American neighborhood in northeast Wichita. This was despite all three being neighborhood magnets, with 50% of the enrollment coming from the neighborhood and 50% from volunteers. Gordon Parks frequently was the lowest-scoring school in the district. In addition to the three predominantly African American schools, there were by then also six predominantly European American schools and 11 others that were either Hispanic/Latino American majority or minority majority schools. Perhaps part of the problem was the district's magnet assignment method, by lottery. By 2016, four years after formal release from the busing agreement, nine years after busing had stopped, nearly 25% of the district's schools were officially single race facilities. L'Ouverture, another of the original seven elementary schools, had by now also returned to segregated status. Yet, Hispanic/Latino American-dominated schools, which the district had never bothered to add to the busing agreement, were now the most segregated buildings, some of them with up to 95% of students being Hispanic/Latino American.³²⁴

A factor the architects of the busing plan in Wichita, and in other cities, did not yet understand in 1971 was the nature of how children learn about race and racism in American culture. At that time social scientists mainly saw children as empty vessels to

³²⁴ Suzanne Perez Tobias, "Nearly 25 Percent of Wichita Schools Considered Single Race, Numbers Show," *Wichita Eagle*, January 23, 2016; Suzanne Perez Tobias, "Wichita School District Considers Contract With Feds to End 40-Year-Old Busing Agreement," *Wichita Eagle*, November 3, 2012.

be filled up with the sociological training of adults. With that understanding, enforcing interaction among the races with guidance by well-meaning adults made sense as a sole means of battling racism. And it did work to some extent. But perhaps not in the way either researchers or the public might have hoped.

In the early 1980s, social science researchers began to look at how children develop within their own spheres and the role they play in interpreting what is going on around them and developing new attitudes and behaviors based on what they have observed and experienced. Multiple studies have found that by the age of three most children are aware of racial differences in appearance, the racial hierarchy within society and where they place within that racial hierarchy, even altering behavior based on interactions with people at different levels of that racial hierarchy. All of this happening long before the children enter a public school classroom, potentially with students of as yet un-encountered races. This explains the persistence of racial divisions in American society, from racial residential groupings outside of socioeconomic causes, to churches and social interactions. In a city like Wichita, with a history of a strong KKK presence and enforced segregation at many levels, it is no surprise, then, that racial animus continued despite desegregation in schools. With the mixing of races at school, children learned not to say or do certain things in public, or even, sometimes, to admit certain attitudes to themselves (implicit bias), but the attitudes continued, carried over from generation to generation.³²⁵

³²⁵ Debra Van Ausdale and Joe R. Feagin, *The First R: How Children Learn Race and Racism* (New York: Rowan and Littlefield, 2001), 1-46.

In many ways those attitudes bubbled back to the surface with the election of first President Barack Obama and then President Donald Trump. The author, a high school teacher at the time of Obama's election, witnessed this firsthand. While students in the predominantly conservative Republican school district, USD 265 Renwick, were predictably upset and always couched their objections to Obama in either political terms - he was a communist in disguise - or religious terms - he was a secret Muslim - it was always accompanied by using racial epithets to describe the new president. A few days after the election, a 16-year-old male student threatened to shoot that "nigger upstart" in the head if he ever got close enough to do so. According to the FBI, race-based hate crimes, with race being the only cause, climbed from a low of 3,081 in 2014, before the beginning of the presidential campaign in 2015, to a high of 4,832 in 2017, the most recent year numbers are available. That is a 56.8% increase and does not count hate crimes where race played a role but was not the sole cause. While consistent statistics are not available for Wichita specifically, the State of Kansas saw similar increases, from 64 hate crimes committed in 2013 to 75 in 2017. That is a 17.2% increase. 2014 numbers were not available. The Southern Poverty Law Center (SPLC) records a similar growth in hate groups, a 30% increase, in those same three years across the country. At least seven, five of which are anti-African American groups, operate out of Kansas and, specifically, Wichita. The anti-African American groups are Identity Evropa, Crew 38, White Boy Society, Traditionalist Worker Party, and The Crusaders. Although, by late 2019, the SPLC was only listing four hate groups in Kansas, two of them the anti-African American groups Identity Evropa and Midland Hammerskins. The arrests and

convictions of three members of the Crusaders in Garden City for plotting to bomb a Somali refugee community there may have had something to do with that.³²⁶

So, was the effort worth it? That depends on who one asks. European American activists who lived through the mandatory busing era in Wichita say yes, in the sense of taking two steps forward and just one step back. Many African American leaders who grew up withstanding the worst of the busing era in Wichita say their community came out of what Alvin Morris called the “experiment” on Wichita schools facing a whole new set of problems exacerbated by the solution to segregation.

In 2019, Mark McCormick’s attitudes toward the busing era echo those of Chester Lewis when the agreement was first announced. While Constance Menninger released the 1977 report from the U.S. Commission on Civil Rights, “School Desegregation in Wichita,” she said, “Wichita has reason to be proud. Yet it cannot afford to be complacent. It must remain vigilant to new forms of discrimination.” But as the 1970s marched into the 1980s and 1990s, the educated African American middle class lost its direction when it came to the civil rights fight. Many members of the civil rights leadership in town left the fight to the next generation, instead choosing to protect new, more lucrative jobs and the ability to pay their home mortgages, often in nicer

³²⁶ Federal Bureau of Investigation, “2017 Hate Crime Statistics,” Uniform Crime Reporting Program, accessed November 1, 2019, <https://ucr.fbi.gov/hate-crime/2017/topic-pages/incidents-and-offenses>; Federal Bureau of Investigation, “2014 Hate Crime Statistics,” Uniform Crime Reporting Program, accessed November 1, 2019, <https://ucr.fbi.gov/hate-crime/2014>, “Here Are All the Active Hate Groups, Including 7 in Kansas,” *KTEN-TV*, September 21, 2017, accessed November 4, 2019, <http://www.kten.com/story/36158229/here-are-all-the-active-hate-groups-including-7-in-kansas>; Southern Poverty Law Center, “In 2018, We Tracked 1,020 Hate Groups Across the U.S.,” accessed November 4, 2019, <https://www.splcenter.org/hate-map?state=KS>; “Mosque Bomb Plotters Each Get Decades in Prison,” *Manhattan Mercury*, January 28, 2019.

neighborhoods with better schools. This left the lower socioeconomic levels of the African American community alone to deal with the consequences of the changes cross-busing wrought on their neighborhoods. In an August 2019 article in the *Kansas Leadership Center Journal*, McCormick wrote that “integration efforts remain a partial failure despite noble though grudging efforts.” He argues that not only did the district put the burden of desegregating on the victims of segregation, but it did nothing to help children deal with the trauma of crossing picket lines to do so. In addition, the district’s refusal to build new schools in the AAA zone decimated property values in the area even as African Americans’ tax dollars were used to build schools in European American neighborhoods, shoring up their property values, enriching those already financially better off while simultaneously impoverishing the poorest in the city. McCormick says “there’s [sic] a lot of people feel like integration disintegrated black communities.”

“My own little personal thesis is that you think you’ve come (a long way), but then the next generation becomes almost oblivious to it to the point that they let the gains slip away,” said Roz Hutchinson, looking back on the changes over the years. A senior the year the HEW-ordered cross-busing went into effect, she remembers how things changed for the better in school and across the city with the desegregation efforts. Though, like McCormick, she mourns the loss of what could have been and the gains lost, she holds on to her hopes for a brighter, more multi-racial and equitable future in Wichita’s schools and elsewhere. She rests those hopes on the next generation. “I’ve got to tell you, the people who made a difference, it wasn’t the parents and the adults, it was the people my age....We’ve watched a generation let gains for people of color, for women, you know...we’ve watched all of that slide away,” she said, recounting a recent

conversation with her college-aged intern. “And it’s going to be the people your age who are going to bring it back.”³²⁷

In the beginning, civil rights activists hoped desegregating schools would help the next generation learn to live together instead of living in parallel worlds, one set above the other. Yet, while their efforts left the seat of that three-legged stool tilted, and uncomfortable for racists, they did not manage to destroy it entirely. The underlying attitudes, attitudes that European American culture had spent more than four centuries developing and reinforcing, remained in place. Schools like those in Wichita could never, on their own, do the job. Even in the beginning, with the full force of the federal government behind the effort, supporters knew that busing for desegregation was a temporary solution to a long-term problem, a solution that required changes in personal attitudes and overall culture, not just in laws. In the end, what they got were unevenly enforced laws that, in the case of schools at least, became less effective, one might even call them toothless, as more conservative judges found seats on the federal bench and on the U.S. Supreme Court. At the same time, activists latched on to small gains in school desegregation as well as in the job and housing markets and then became afraid to rock the boat, afraid of losing what had been gained by pushing for more. Busing was a token effort made at desegregation to pacify agitators and the federal government without making the hard, and expensive, decisions that could have completely integrated schools using education parks concomitant with increased compensatory educational spending and long-term sociocultural programs designed to help develop new attitudes toward other races throughout the community. Busing was too little, too late to integrate public

³²⁷ Roz Hutchinson, interview by Pilar Pedraza-Bailey, Wichita, KS, January 31, 2019.

schools and their surrounding communities. Wichita Public Schools may have desegregated for a time, but they never truly integrated. Whether or not that can ever happen will be up to coming generations.

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