THE INDIANAPOLIS STORY

SCHOOL SEGREGATION AND DESEGREGATION IN A NORTHERN CITY

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CONTENTS

PREFACE

This is a book about Indianapolis, capital of the state of Indiana. I have tried to present its central theme, the history of school segregation and desegregation, in its social and political context and relate it to changes and development in the community at large. Indianapolis was long known as "the most southern city in the North," or, sometimes, "the most northern city in the South," an appellation due primarily to the pattern of race relations in the city, which was similar to that in cities in the upper South.

Custom, more than law, segregated the black and white communities. Blacks lived in rather clearly defined sections of the city, worked in occupations which were designated "for colored," attended their own churches, and organized and supported their own fraternal, philanthropic, and social institutions. In spite of a nineteenth century law prohibiting discrimination in public accommodations, they seldom ventured into "white" hotels or restaurants, and when they attended concerts or motion pictures, they sat in the "Jim Crow" galleries. In the political realm blacks had voted freely since the adoption of the Fifteenth Amendment, but few were elected to public office, and black political leaders were usually selected because they were acceptable to the white party organization. Before 1949, a state law permitted, though it did not require, school corporations to maintain racially segregated schools. Indianapolis, unlike some

other cities in the state, followed a policy of maintaining a dual school system. In the years before World War II, blacks appeared to accept their separate status as established and accommodated themselves to it. Indianapolis had a reputation for "good race relations."

In state and national politics Indiana was usually regarded as a Republican state, but there were few ideological differences between the dominant wing of the Democratic Party and the Republicans. Indiana early turned away from the reforms of the New Deal era, and in the years after World War II, gained a national reputation for its repudiation of "federal interference" and any form of federal financial aid.

The power structure in the state capital shared these views, actively supported them, and often initiated measures to carry them into effect. It was generally recognized that the Indianapolis Chamber of Commerce was the most influential institution in the city. Its power was reflected in the leadership of both political parties. In local elections, as well as state and national, candidates ran against Washington and federal control, Indianapolis refused federal funds for public housing and other programs. Local control, economy, and low taxes were regarded as the criteria for good government.

The Indianapolis Public School system (IPS) reflected the philosophy and influence of the same groups who controlled city government. For almost half a century, a self-perpetuating group, the Citizens School Committee, selected candidates for the Indianapolis Board of School Commissioners who were always elected without

significant opposition. The school board receives rather extended coverage in the following chapters because the members determined policies with regard to racial segregation, policies which finally led to the prolonged suit begun in 1968 by the United States Justice Department, the subject of much of this book.

During World War II and the post war years the black population of Indianapolis, as in other parts of the United States, became more assertive and determined to break down racial barriers and eliminate discrimination. A growing number of whites, aware of the contradiction between the professed aims of the United States in World War II and the Cold War and second class citizenship for American blacks, supported their efforts. The local branch of the National Association for the Advancement of Colored People and the state conference of that organization took the lead in a campaign to abolish segregation in the schools, strengthen the law against discrimination in public accommodations, and win equal employment opportunities for blacks. Their greatest victory was a state law enacted in 1949 which abolished segregation in all public schools.

The Indianapolis school board, which had successfully opposed an earlier bill to end segregation, announced that they would comply with the 1949 law and abolish the dual school system. But in the following years, while insisting that they were carrying out the intent of the law, they followed policies which left many schools that were racially identifiable and failed to deal with

the problem of de facto segregation resulting from a sharp increase in black enrollment. As a result, in 1968 the United States Justice Department initiated a suit against the Indianapolis Board of School Commissioners. At the first trial, in 1971, IPS was found guilty of practicing de jure segregation. But as the result of addition of new parties, appeals, court ordered stays, and other legal maneuvers, litigation continued until 1980, when the Supreme Court once more refused to review the case and the defendants agreed to comply with court orders for desegregation. But Judge S. Hugh Dillin of the Federal District Court for Southern Indiana, whose plans for desegregation were finally upheld, continued his jurisdiction and has not relinquished it more than twenty years after the suit was begun.

Much of this book deals with the history of this suit, which began as an action by the Justice Department against the Indianapolis Board of School Commissioners and expanded into a class action on behalf of all black pupils in IPS and to include as added defendants the State of Indiana and a long list of suburban school corporations. Because it dealt with significant and distinctive issues the Indianapolis case merits examination, quite aside from its length.

The public viewed the case as a contest between state and federal authority. In a state which cherished its image as a defender of states rights, the fact that the action was brought by the United States Justice Department was particularly offensive. The defendants claimed that the Justice Department exceeded its

statutory authority, and lawyers framed their arguments in terms of the sancity of local control of education. At one point the school board elected under the auspices of the Committee for Neighborhood Schools (successor to the Citizens Committee) appealed to Supreme Court Justice William Rehnquist on the grounds of the Tenth Amendment to avoid complying with a court order to apply for a federal grant to fund a human relations course. The two white newspapers, The Indianapolis Star and the Indianapolis News condemned decisions of the federal courts as unwarranted "judicial legislation." But despite various gestures of defiance and efforts in the state legislature to nullify actions of the federal court, the state government, though continuing to protest, submitted to the authority of the government of the United States as represented by the courts and ultimately paid the costs of desegregation.

The most distinctive and significant aspect of the case was the remedy fashioned by Judge Dillin under his equity powers - the dispersal of some black pupils from the inner city to white suburban schools in outlying townships. This remedy, interdistrict busing, which the Supreme Court had rejected in other desegregation cases, was upheld because of Uni-Gov, the peculiar quasi-metropolitan system of government which the state legislature had created for Indianapolis and Marion County. While consolidating some city and county government agencies, the law expressly omitted school corporations. Ironically, this provision, intended to win support of the bill from the white suburbs, was held to be racially discriminatory in intent and grounds for busing black

pupils to the suburban schools. The Uni-Gov issue makes the Indianapolis case unique among school desegregation cases.

The Indianapolis case was also probably the first in which the judge recognized the relationship between the sites for public housing and segregation in the schools. Years before the much publicized Yonkers case, Judge Dillin, recognized that the practice of locating all housing projects within the boundaries of IPS, with none in the suburbs, increased segregation in IPS. As the result he enjoined building of more family type public housing units within the city limits.

The prolonged litigation over the Indianapolis schools, extending over so many years, reflected changing attitudes in Washington and the Justice Department toward civil rights and school desegregation. The suit against the Indianapolis Board of School Commissioners was begun in 1968, during the administration of Lyndon Johnson, when Ramsey Clark was Attorney General. During the Nixon-Ford years enthusiasm for prosecuting the case obviously declined. Justice Department lawyers were particularly opposed to involving the white suburban school corporations in the remedy for school segregation in IPS. In later stages of the litigation they were frequently accused of siding with the defendants. In 1971, after the suit against IPS became a class action in behalf of all black pupils in the school system, two obscure local black lawyers bore the principal burden of continuing the case to the conclusion which they sought - interdistrict busing to the suburbs.

In Indianapolis some politically liberal whites had supported school desegregation for years. They had lobbied for adoption of

the 1949 law abolishing segregation and worked actively, if unsuccessfully to see it implemented. They supported Judge Dillin's decisions, although many of them would have preferred a remedy which included two-way busing, bringing pupils from the suburbs into the city, rather than one-way busing. A much larger part of the white community would probably have accepted desegregation without protest if their fears had not been aroused by the protests of a minority and the attitudes of politicians and civic leaders.

In Indianapolis, as in other northern cities, overt opposition focused on busing "to achieve racial balance," rather than desegregation itself. Protestors always carefully insisted that they were not racially motivated - that they believed in racial equality and racially integrated schools, but that this should be achieved "naturally," and not by "forced busing." They lauded the virtues of "the neighborhood school concept" and deplored federal intervention and "social engineering" by "Washington bureaucrats."

Social scientists and psychologists who have attempted to study motives and attitudes of persons opposed to busing as a remedy for segregation, have not reached a consensus as to the extent to which opposition was the expression of traditional race prejudice or other factors, but they are in agreement that the stance taken by community leaders was critical in shaping responses to desegregation and busing. In Indianapolis for years civic and government leaders held aloof or openly opposed court decisions

which required busing as a remedy. The Indianapolis News and the Star supported school board candidates who ran on a platform against busing, while they shunned those who urged acceptance of court mandates. Candidates for local and state office also exploited and inflamed opposition to "forced busing." But as the Seventh Circuit Court of Appeals continued to uphold decisions of the lower court, and the Supreme Court repeatedly refused review, members of the "establishment," the white "opinion makers" in the community began to recognize the futility of continued opposition and the damage being done to the image of Indianapolis as a progressive and "revitalized" city. The Greater Indianapolis Progress Committee, an advisory body with ties to the Chamber of Commerce, first sought an out of court settlement, and, when that failed, urged peaceful and orderly acceptance of court orders as a matter of civic pride. The tide turned, and thereafter the final steps in desegregation were carried out with little opposition.

Blacks, in whose behalf the suit was begun but who were often relegated to the side lines in the long legal battle, were divided in their response to the final remedy - intra-city busing of both white and black students and busing of blacks to the township schools. Black leaders had taken the initiative for desegregation in IPS and in the enactment of the state law abolishing segregation, and black citizens had applauded the removal of racial stigma by that measure. A small group of NAACP leaders took the first steps which led to the intervention by the Justice Department and the

suit against IPS, but as the litigation progressed, divisions arose within the black community. Blacks, like whites, were devoted to their neighborhood schools and suspicious of busing. Some saw the closing of some of their schools and the dispersal of pupils to predominantly white schools as a threat to black institutions and black culture. They considered the remedy a doubtful blessing, but others saw the final settlement, won by black lawyers, after years of struggle, as a victory which they hoped would finally bring equality in education and enlarged opportunities for black children.

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Acknowledgements

Chapter 1

A SEGREGATED CITY IN A SEGREGATED STATE

There is a tradition, given credibility by frequent repetition in the press, that a racially segregated public school system in Indianapolis, and, in particular, a black high school, were the product of a school board dominated by the Ku Klux Klan. This version of the past, which gained acceptance in the 1950's, was comforting to a white community faced with the obligation, under a recently enacted state law, to abolish segregation. It seemed to suggest that segregation had been foisted on unsuspecting white citizens by a Klan which was an alien, sinister force, and hence to relieve them of moral responsibility. However this version does not square with historic facts.

Racial exclusion, segregation, and discrimination had existed in Indiana even before statehood. Negro slavery and slavery in the guise of long term indentures persisted in Indiana Territory until the adoption of the state constitution of 1816 in spite of the clause in the Northwest Ordinance of 1787 prohibiting slavery and involuntary servitude. The 1816 constitution, modelled on the black laws of the slave states of the upper South, denied political rights to blacks and imposed a variety of legal disabilities based on race. In 1851 the convention framing the second state constitution incorporated Article XIII, which barred Negroes from coming into the state

to settle and imposed penalities on persons who aided or employed them.[1]

In spite of an article in the first state constitution declaring that it was the duty of the General Assembly, as soon as circumstances permitted, "to provide by law for a graded system of education ascending in a regular gradation from township schools to a State University, wherein tuition shall be gratis and equally open to all" (Article IV, section 2), before the Civil War public education for whites lagged, while blacks were entirely excluded from such schools as existed. A school law of 1837 stated that the "white inhabitants of each congressional township" were to constitute a body politic for carrying out the provisions of the law, while an 1841 law permitting a special local tax for school purposes exempted property of Negroes from taxation for school purposes. In 1842, in response to a petition asking for a law "to prevent negro [sic] and mulatto children from being forced into the district schools contrary to the will of the people concerned," th education committee of the state senate made an extensive report which reflected dominant contemporary racial attitudes. Stating that Negroes "are here, unfortunately for us and them, and we have duties to perform in reference to their well-being. It is out duty to elevate and happify [sic] their condition so far as we can," but it is not our duty to do so by adopting any means calculated in its nature to degrade our own race. God in his wisdom has caused us to differ; this difference, too, consists in more than the color of the skin...." The report

continued that admitting blacks to public schools would ultimately threaten to bring about amalgamation of the races, while at the same time speaking of the opposition of a large marjority of whites "to anything like a close intimacy with the African." The committee admitted blacks should be educated in some way, but that it was not the committee's task to recommend the means; they simply said blacks and mulattoes should be barred from public schools. The Revised Laws of 1843 declared that public schools were open to white children of the state between the ages of five and twenty-one.[2]

In spite of these clear statements of public policy, black children occasionally attended public schools, particularly in the Quaker communities in counties in the eastern part of the state. In a school in Wayne County black pupils were in attendance for several terms, paying their own tuition since state law barred them from the benefits of tax-supported schools. One parent, having sought their removal from local authorities without success, appealed to the Indiana Supreme Court, which ruled that the law limited attendance in public schools to white students and that blacks could not attend even if they paid their own tuition, explaining that the state legislature had not excluded them "because they did not need education, nor because their wealth was such as to render aid undesirable, but because black children were deemed unfit associates of whites, as school companions." This reason operated with equal force, whether the children paid their own tuition or were educated at public expense. A school law of 1855 provided

that Negro and mulatto children should not be counted in enumeration for school purposes and that school taxes should not be collected from Negroes and mulattoes.[3]

In the years immediately following the Civil War the most obvious and onerous legal disabilities imposed upon blacks were removed. Article XIII of the state constitution was declared void by the state supreme court; the law barring Negroes from testifying in a court case in which white persons were parties was repealed; the Fifteenth Amendment to the United States Constitution opened the way for political participation.

The end of slavery and an influx of black settlers from the upper South gave an impetus to efforts to open schools to them. A Convention of Colored Men, meeting in Indianapolis in October 1865, declared: "We pledge ourselves to do all in our limited power to secure the intellectual and moral worth necessary to sustain a Republican form of government; and for the encouragement of our race we will petition the Legislature of this State at the next session to grant us access to the public school funds."

Meanwhile private efforts by black churches and friendly white groups increased. The city of Indianapolis contributed an old school building on the west side of the city for use as a colored school taught by Moses Broyles, minister of the Second Baptist Church, long recognized as a leader among blacks. In 1867 the school had an enrollment of over one hundred. About the same time another school, sponsored by the African M.E. Church and white Quakers, was opened in a neighborhood in the

east part of the city. A third school was taught by Rufus Conrad, minister of the Second Christian Church, which had begun as a mission church for blacks, sponsored by the Disciples of Christ. Other schools of which no records survive were also founded.[4]

Before the war a few groups and individuals, usually Quakers or members of anti-slavery societies, had protested to the state legislature about the injustice of the school laws. Now they were joined by leading politicians and educators. Among the strongest and most persuasive advocates of publicly supported schools for Negroes were Thomas B. Elliott, president of the Indianapolis school board, and Abram C. Shortridge, the superintendent of Indianapolis schools. In asking for legislative support, Elliott praised the efforts which Negroes were making on their own behalf, pointing out that of an estimated population of 1,653 nearly three hundred were attending schools supported out of tuition and private funds. "The large proportion of colored children attending pay schools is very creditable to this people, and indicates an earnest desire for improvement," he said. "The ratio of school attendance to the total population is almost without precedent....In our judgement [sic] humanity, justice, and sound public policy, demand this class of our citizens shall receive the benefit of our common school system."[5]

At successive sessions of the legislature governors Oliver P. Morton and Conrad Baker called for the lawmakers to open the public schools to blacks, not only as measures of

justice and humanity and out of gratitude to black soldiers for their part in preserving the Union, but also out of self interest. They and their supporters emphasized that it was not good policy for a state to have in its midst an ignorant and illiterate people. To this some members responded with time-worn arguments that the government was established by white men, for white men and women, and children and their posterity, and that opening public schools would be an inducement which would cause the state to be overrun with blacks.

Finally, at the special session which ratified the Fifteenth Amendment, an act was passed which required school trustees to organize separate schools where there was a sufficient number of Negro children to justify a school and permitting several districts to be consolidated to maintain a school. If there was not a sufficient number of children within a "reasonable distance," trustees might "provide such other means of education for such children as shall use their proportion, according to numbers, of school revenues to best advantage."[6]

In towns and cities with sizeable numbers of black residents, preparations were made to open separate schools at the next term. In the state as a whole, the state superintendent reported in 1873, he knew of no county where separate schools had not been provided if there was a sufficient number of Negro children. In 1875 it was estimated that almost seven thousand Negro children, or about sixty-eight per cent of those of school age, were enrolled in public schools as compared with

seventy-six per cent of white children.

In some places, among them Fort Wayne, where the black population was small, black children were admitted to schools for whites, but in other places where numbers did not justify separate schools, trustees did nothing to fulfil the requirement of "other means" of education. In Lawrence Township in Marion County, a black man named Carter sought to enroll two of his children and two grand-children in the school for whites. His lawyers argued that refusal to admit the children was a violation of the recently adopted Fourteenth Amendment to the United States Constitution and also of the clause of the state constitution (Article I, section 23) which prohibited the General assembly from granting "to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not be equally open to all citizens." The Marion County Superior Court ruled in Carter's favor, holding that since the adoption of the Fourteenth Amendment had granted citizenship to blacks, the educational requirements of the Indiana constitution applied to them. This ruling was reversed by the Indiana Supreme Court in an opinion by Judge Samuel Buskirk which seemed to make the guarantees of the Fourteenth amendment virtually meaningless. He held that the framers of the Indiana constitution had not intended that document to embrace Negroes and that the Fourteenth Amendment did not compel the admission of Negroes to public schools. Moreover, since the legislature had not expressly provided for the admission of colored children into the same schools with whites, neither the trustees or the courts

had the authority to admit them.[7]

As the result of this decision, the 1877 session of the legislature passed a new law under which school authorities might continue to organize separate schools, but where there were no such schools blacks were allowed to attend the public schools with white children. The law provided further that a pupil attending a colored school who showed evidence of sufficient advancement to be placed in a higher grade than was provided in that school should be permitted to enter the advanced grade in a white school and that no distinction should be made on account of race or color.

The question of whether to maintain separate schools was left almost entirely to local authorities. In 1882 the state supreme court ruled that a trustee could not be compelled to establish a separate school even though some white patrons objected to the presence of Negro students. While some communities abandoned separate schools, in the counties in the south, where most of the black population was concentrated, separate schools were maintained.[8]

In Indianapolis, two colored elementary schools were opened in 1869; by the seventies there were four, and by 1908 seven. Five years after blacks were admitted to public schools, according to superintendent Shortridge, there were eight hundred pupils in attendance in day and night schools. Night schools were established early because economic circumstances forced many young Negroes to work during the day. Adults also attended. In 1879 the superintendent reported: "In the

colored [evening] schools so great was the anxiety of the pupils (mostly adults and often gray headed) to learn that all that was necessary was the opportunity." On the other hand, the white pupils, who were usually younger, were often less serious. "The white night schools were not worth their cost, while the colored schools were a remunerative investment."[9]

Two black women teachers were employed the first year the colored schools were opened, and it became policy in following years that the entire teaching staff should be black, so far as possible.[10] Principals were male. Partly because employment opportunities for educated black men were limited, these positions attracted able persons. Three of the first principals in Indianapolis were three remarkable brothers, Robert Bruce, Benjamin, and James Bagby. The sons of a slave who had bought his freedom and moved to Ohio, all had attended Oberlin College. In Indianapolis, besides teaching, the three founded the Leader, the first black newspaper in the city. They were also active in Republican politics, Robert Bagby serving as the first Negro elected to the city council. Levy Christy, the principal of the fourth school, later resigned his position to edit the second black newspaper, the Indianapolis World. All of these men and their successors were leaders in the black community. When one of them, George M. Chadwick, died, the superintendent of schools praised him as one who had made his school "a notable example of how a school may serve not only its pupils but the

neighborhood as well." The part played by women, who held most of the teaching positions, was less conspicuous than that of men, but women were respected as leaders in the cultural and social life of the community.[11]

Black parents sometimes complained about dilapidated and inadequate school buildings, but in Indianapolis, unlike some other communities in the state, the length of school terms in colored and white schools was the same and course offerings approximately equal. Nevertheless school authorities perceived the colored schools as separate and the needs of the students as different from those of white pupils. By the early years of the twentieth century, courses in "manual training" for boys and "domestic science" for girls were in vogue in more progressive public school systems. In the upper grades of all elementary Indianapolis schools girls received lessons in sewing and cooking, boys elementary lessons in carpentry and the use of tools. For Negro children these courses were regarded as of particular importance as vocational training since it was expected that most of the girls would earn a living in domestic service and the boys in some sort of manual labor. Black girls began sewing lessons in the third grade and were also given training in laundry work and housekeeping, including lessons in dusting and sweeping, as well as cooking. Boys had lessons in shoe repairing.

School authorities also recognized that economic and social conditions in the black community created educational problems. The truancy rate was higher among black pupils than

among whites, a fact which attendance officers attributed to home conditions, in particular the fact that many black mothers were forced to work outside the home, especially in the winter when many men who worked at seasonal jobs were without work. Noting that some black parents were indifferent to schooling for their children, attendance officers urged the appointment of "charity workers" (i.e. social workers) to encourage parents' interest in the schools, to "unite more closely the school and the home.[12]

While most black elementary pupils were enrolled in colored schools, there were some schools with racially mixed enrollments. In 1894, when the superintendent ordered first grade pupils seeking admission to a previously mixed school to attend a newly built colored school, some parents protested. One, Benjamin Thornton, respected as the only member of his race to serve as a detective in the Indianapolis police department, after unsuccessfully attempting to enroll his adopted daughter in the previously mixed school, sought a mandamus to compel the superintendent to enroll her. After several delays, the judge of the Marion County Superior Court rejected his suit, ruling that the school in which Thornton had tried to enroll the child was overcrowded and that the law gave the superintendent the power to order the transfer of colored pupils and did not give the judiciary authority to question his decision.[13]

It seems probable that the failure of Thornton's suit led to an attempt to change the school law at the next session of the state legislature. A bill introduced by Gabriel Jones, a

black representative from Indianapolis and himself a teacher, and reported favorably by the committee on education, permitted children to attend the school nearest to their place of residence and provided that a trustee who discriminated against a child because of race or color was guilty of a misdemeanor. After voting down a motion that nothing in the bill should be interpreted to prevent separate schools for colored children, the house passed the measure by a vote of sixty-five to twenty. Sent to the senate a few days before the end of the session, it was not acted upon by the upper chamber.

Opinion on the bill was sharply divided in the black community in Indianapolis. While it did not expressly abolish separate schools for blacks, some black teachers regarded it as a threat to them. A petition from thirty teachers asking that the bill not pass said it would not only deprive them of their means of livelihood but would remove incentives for blacks to strive to qualify themselves as teachers. To counter this a petition from a group of prominent blacks, including Robert Bagby, a former school principal, said that the black community strongly supported the measure because "Indiana alone of all the northern states keeps up this discrimination against colored children," adding: "We ask no special or class legislation but simply that the class legislation on our statute books be removed."[14]

The Jones bill was strongly opposed by George Knox, publisher of the Indianapolis Freeman, probably the most influential black Republican in the state, and, it was

rumored, by white Republicans, who were annoyed with Jones for introducing it. In a series of editorials the Freeman denounced the bill because it threatened the employment of black teachers. The school issue, it insisted, was a "bread and butter" question. Jones' proposal would mean the end of teaching as a career for Negro women, would reduce them to being cooks and chamber maids. While teaching did not relieve the problem of employment, there was "a certain amount of respect for the race that accrued from the profession." The Freeman warned Jones to go slowly: "The bare idea of rights with chances of livelihood denied is a new problem for political economics." The Indianapolis World, on the other hand, strongly supported the Jones bill and suggested that opposition by Knox was caused by his hopes for political appointment.[15]

After the decision in the Thornton case and the failure of the Jones bill, segregation in elementary schools appears to have increased, but there continued to be some racially mixed classrooms. One reason was that in some colored schools where there were only six grades, seventh and eighth grade students were sent to white schools.[16]

While segregated elementary schools were the rule and racially mixed classrooms the exception, there was no segregated high school in Indianapolis. In the 1870's, when public elementary schools were first opened to black children, public high schools were still in their infancy, regarded by many as a somewhat dubious way to spend public funds and

usually attended only by the well-to-do, the first black student was admitted to Indianapolis High School. In 1872 a delegation of blacks approached Superintendent Shortridge about the possibility of enrolling black students, arguing that the right of admission was guaranteed by the Fourteenth Amendment and the state constitution. Shortridge, always sympathetic to black aspirations, agreed to admit one black student, a girl, as an experiment. Her presence caused no unfavorable comment, and she went on to graduate in 1876, the first black to graduate from an Indiana high school.[17]

The school law enacted the next year opened the way for any black student who qualified, to attend high school, leaving to school corporations the option of maintaining separate schools or admitting them to white schools. In communities in the northern and central parts of Indiana, white schools were opened to blacks; in the southern counties, segregated schools, usually inferior to those for whites, were maintained. Few blacks were able to complete high school; most were forced to leave school at the age of fourteen because of economic circumstances. Complete figures for the number of black high school students at Indianapolis High School are not available because school records did not mention race. Nineteen had graduated by 1887. Black students also attended two new high schools, Emerich Manual Training and Arsenal Technical, which opened after 1900.

In the years between the Civil War and the end of the century, Indiana blacks had made impressive gains in constitutional and legal rights. By 1900 the only racial disabilities in state law were the prohibition of racially mixed marriages, the school law, which permitted but did not require racial segregation, and the clause in the state constitution (Article XII) designating a state militia of "white males."

In the same period, 1860-1900, the black population of the state had increased more than tenfold, from 11,428 to 51,505. In Indianapolis the growth was even more spectacular, from a mere 498 in 1860 to 15,931 by 1900. The increase was due to immigration from outside the state, principally from Kentucky and Tennessee, and the movement of blacks from rural Indiana to the state capital. By 1900 more than twenty-seven per cent of the black population of the state lived in Indianapolis, constituting more than nine per cent of the whole in the city. By 1910 the number of blacks had grown to over 12,000, about eleven per cent of the whole. Certain areas in the city where black families had settled in early years became almost totally black.[18]

As the number of blacks increased, racial barriers between the black and white communities appeared to become more sharply drawn despite the disappearance of legal disabilities. The black community looked inward, developing its own institutions, while in the white community the humanitarianism, a legacy from the anti-slavery movement and the war against

slavery, which had motivated at least some of its members, appeared to have dissipated. Whites were hostile or indifferent to the needs of the growing black community.

After attaining political rights black voters had turned naturally to the Republican party, the party which they credited with ending slavery and protecting the rights of emancipated slaves. White politicians in turn regularly sought their votes by reminding them of the debt blacks owed Lincoln and the Republicans. In return for their loyalty a few blacks were rewarded by election or appointment to public office. In 1880 the first black member of the Indiana House of Representatives, James S. Hinton of Indianapolis, was elected. Thereafter a lone black member was usually nominated by the Republicans though nominees were not always from Indianapolis. Membership in the lower house of the legislature was the highest office to which a black could aspire.[19]

Although they grumbled at the lack of rewards and recognition from the G.O.P., few blacks turned to the Democrats, and while their numbers were not large, several times black voters furnished the margin of victory for Republicans in a period when the strength of the two major parties in Indiana was almost equal. This situation changed after 1896, when Republicans enjoyed a dominant position in state politics for several years. Gabriel Jones, elected in 1896, was the last member of his race to be nominated as state representative until 1932.[20]

Further evidence of the trend toward racial exclusiveness in politics was a law enacted in 1909, changing the method of election of members of the Indianapolis city council. By providing for election of members from the city at large rather than from individual wards, as had been done in the past, it virtually eliminated the possibility of a black councilman.[21]

In politics there were separate "colored Republican committees" and "colored speakers bureaus," while in almost all other aspects of society members of the two races rarely mingled. Most blacks worshipped at their own churches, and as the number of blacks in Indianapolis grew in the post Civil War years, black churches proliferated. A few blacks protested against separation of the races in church as well as in school, but most favored their own institutions and ministers of their own race. Churches were centers of community and social life, while black ministers furnished leadership in the secular as well as the religious realm. Fraternal organizations, which served benevolent as well as social purposes, were second only to the church in the allegiance of many blacks. There were Negro Masons, Odd Fellows, Knights of Pythias, and also numerous lodges which had no white counterparts. Racial lines were sharply drawn in sports and athletics. By 1900 there were two all-black baseball teams - the Indianapolis Browns and the Black Diamonds.[22] Weekly newspapers, published by and for blacks,fostered consciousness of race and racial achievements as well as relating social and community

events. Following the Leader, which first appeared in 1879, came the Indianapolis World in 1885, The Freeman in 1888, and the Indianapolis Recorder in 1897.[23]

Since 1885 a state law had prohibited discrimination on account of race in inns, restaurants, theaters, barbershops, and other places of public accommodation, but from the time of its adoption the law was ignored and generally regarded as a dead letter.[24] Blacks seldom ventured into "white establishments" such as restaurants and hotels, partly because of lack of money, partly because they were not welcome. In theaters they were likely to be seated in segregated areas. As the black population grew, whites tended to draw racial lines more sharply. There were complaints that blacks were barred from public parks hitherto accessible to them.[25]

In general blacks appeared willing to accommodate and careful not to abuse the "privileges" accorded them. Middle class blacks were fearful that increase in the black population might endanger their relations with the white community. In repeated editorials the Indianapolis Freeman, noting the trend toward increased segregation, warned that Negroes "should not trifle with our privileges, treating them as license, rather than privileges." While many had "qualifications that the best circles required," others lacked a sense of balance and showed "an undue spirit of forwardness." As to access to parks: "The colored people of this city are assured protection in the city parks." However, "that they do not go in large numbers is the best under the circumstances. What we wish is

our right of enjoyment rather than to be in the parks at all times."[26]

Apprehension of older black residents over growing discrimination increased as more and more newcomers from the South arrived in the vanguard of the "great migration" which began during the years of World War I. While one paper, the Indianapolis Recorder, welcomed them and insisted that their arrival was causing "neither residential or labor animosities," the Freeman urged blacks to stay in the South, saying that while they might find greater political freedom and better schools in the North, their economic opportunities would be limited. Most alarming, in the opinion of this ordinarily accommodationist paper, was the prospect of growing residential restrictions. "We have learned to forego some rights that are common, and because we know the price," it asserted, "But we cannot give up our right to live where we choose.... Enforced grottoes [sic] will never sound good to the ears or appear well in history."[27]

While Indianapolis did not experience as spectacular an increase in black population as did Gary and the other industrial cities of the Calumet area, the census of 1920 showed an increase of almost 13,000 in a decade (59 per cent), while in the same period the white population grew only 14.5 per cent. The rapid increase, in a period of war, when resources were directed toward filling military needs, created a strain on private housing and public services, including schools. In the years following the war the worst fears of the older black

residents were realized. In stead of attempting to assimilate the newcomers, the white community shunned them and tried to segregate them. A spirit of virulent racism became prevalent, and few whites raised their voices in protest.[28]

Although adoption of racist policies coincided with the period when the Ku Klux Klan became the dominant force in Indiana politics, the Klan appears to have been only indirectly responsible. Recent scholarship has modified the traditional interpretation of the Klan. Using materials, including membership lists, only recently accessible, and quantitative methods, Leonard Moore has concluded that in the state as a whole probably twenty-five per cent of adult native white males were members. In his words the Indiana Klan was a manifestation of "White Protestant Nationalism, with a membership representative of a general cross section of the state's white Protestant society. The Klan appealed to all levels of society and was strong in urban as well as rural communities. The Klan was fueled "by widespread desire to revitalize a traditional sense of community and the shared network of beliefs and values which formed white Protestant culture." Although Klan rhetoric was anti-black, anti-Catholic, and anti-Jewish, in fact the Klan took little action against these minorities.[29]
In Indianapolis pressure for racial segregation came from avowedly racist groups with such names as "White Supremacy League" and "White Citizens Protective League," many of whose members were probably also members of the Klan. Their objectives, if not their methods, had the support or acquiescence

of numerous neighborhood civic organizations, even the Chamber of Commerce and other eminently respectable organizations.

The most extreme manifestation of racism was in efforts to stem the movement of blacks into formerly all-white residential areas. As the black migrants concentrated in already predominantly black neighborhoods, members of the older black community, who had the money, began to infiltrate the fringes of white neighborhoods, mostly in the northwest section of the city. Whites in the affected areas, alarmed by the possibility of decline in real estate values and opposed to any kind of "interracial mingling," resorted to a number of methods to stem the black movement.

Signs asking, "DO YOU WANT A NIGGER FOR A NEIGHBOR?" were posted in racially changing neighborhoods. "Spite fences" were built to isolate black families who moved into "white" territory. Neighborhood organizations calling themselves the White Supremacy League and the White People's Protective League were most conspicuous in these efforts. The constitution of the White Supremacy League called for complete racial segregation, monopoly of all political offices by whites, and "isolation" of whites who associated with Negroes. The White People's Protective League tried to intimidate realtors who sold to blacks. It issued a communication which said that the area it embraced was WHITE TERRITORY and that anyone who denied this was "an enemy of the white race." Movement of Negro owners or tenants into a white neighborhood amounted to "ABSOLUTE CONFISCATION" of property rights. Realtors were warned of

damage suits if property changed hands. "Our people were here first," the league proclaimed, "are here now, have no desire to leave, and we will not surrender our homes, schools and churches to another race.[30]

Less conspicuous, but more effective in checking the advance of blacks, were more conventional neighborhood civic organizations and the use of restrictive covenants. For example, a report of the Mapleton Civic Association for 1923 said that one of its principal concerns was "to prevent members of the colored race from moving into our midst, thereby depreciating the value of property values fifty per cent, or more." In response to this threat each member of the association had pledged not to sell or lease property to other than white persons. As a consequence some Negroes had moved out and none had moved into the district embraced by the association since its founding in 1920.[31]

These various white groups sought enactment of a residential zoning ordinance from a Republican city administration brought to power in 1925 in a campaign in which the Ku Klux Klan had played a conspicuous part.[32] A measure brought before the council by a Republican member who said he had received petitions containing more than five thousand names, and opposed by a lone Democrat who insisted that it was unconstitutional and violated "the spirit of American institutions," was adopted in March 1926, in a chamber crowded with more than eight hundred cheering, clapping, stamping spectators. After the vote the president of the White Citizens Protective League gloated:

"Passage of this ordinance will stabilize real estate values ...and give the honest citizens and voters renewed faith in city officials."

Stating that "in the interest of public peace, good order, and the general welfare, it is advisable to foster the separation of white and negro [sic] residential communities," the ordinance made it unlawful for white persons to establish residence "in a portion of the municipality inhabited principally by negroes," or for Negroes to establish residence in a "white community" except with the written consent of a majority of persons of the opposite race inhabiting the neighborhood. Mayor John L. Duvall, calling the measure a "step toward the solution of a problem that has long caused deep thought and serious study by members of both races," signed it in spite of the fact that both the state attorney general and the legal staff of the city had expressed the opinion that it was unconstitutional.[33]

The zoning ordinance aroused the normally passive black community as nothing else had done and led to a revitalization of the local branch of the National Association for the Advancement of Colored People. William local officers: "It is interesting to hear that Indianapolis is trying to force segregation there by law. That does not surprise me. I wonder that any colored people in Indianapolis are surprised. That is what we have been telling them all the time, that the thing is coming. But some of them will never listen until it comes.[34]

The Indianapolis Recorder, normally Republican in politics, called upon all elements in the black community to unite, declaring: "If Indianapolis and Indiana is [sic] not to become a virtually southern city and state we must fight [as never] before, for many a sinister influence is at work." Black Republicans had been betrayed, and the city council must be held accountable.

About three thousand dollars was quickly raised to finance a test case initiated by the local branch and supported by the national staff of the NAACP. Attorneys from a prestigious white firm were retained along with local black attorneys, Robert L. Brokenburr and W.S. Henry. On November 23, 1926 Judge Henry 0. Chamberlain of the Marion County Superior Court found the zoning ordinance an unconstitutional violation of the Fourteenth Amendment, citing a decision of the United States Supreme Court in an earlier Louisville zoning case.[35]

The White Peoples Protective League, seeking funds for an appeal, warned that unless the decision was reversed, no section of the city would be immune to an influx of blacks and a decline in property values. Hopes for a successful appeal were based on decisions of state courts in Louisiana, which had upheld a New Orleans ordinance similar to the one adopted in Indianapolis. These hopes were soon dashed however when the United States Supreme Court found the New Orleans ordinance unconstitutional.[36]

Victory in the zoning ordinance case against a measure so clearly unconstitutional, though gratifying, was small consolation to NAACP lawyers who had been fighting an unsuccessful battle against the building of a segregated high school.

Although many moderate whites were offended by the methods of the extremist groups, they sympathized with their desire to exclude blacks from residential areas. These same whites worked openly and successfully to achieve almost complete racial segregation in the schools. While members of the school board appear in most cases to have been more concerned with finances and the use of limited classroom space than with race, it was usually the black children who were inconvenienced by being transferred from racially mixed schools to colored schools. As early as 1915 the National Association for the Advancement of Colored People reported that in Indianapolis, Negro children were being sent long distances to avoid enrolling them in neighborhood schools. In 1916 the Freeman said that only a very few black children attended schools with whites.[37]

But the rapid influx of blacks from the South during the "Great Migration" led to sending some blacks to white schools. So crowded were the colored schools by 1919 that more than five hundred pupils were compelled to attend half-day sessions. Seventh and eighth grade students were sent all over the city to white schools where there were spaces available for them,

their parents paying the cost of transportation. These conditions led to protests from parents, who complained to the school board about sending their children to distant neighborhoods and strange environments. They claimed that this gave them less control over their children and contributed to truancy. To remedy the situation they asked for new and larger colored schools to replace existing sub-standard buildings, a request the board said they lacked funds to fulfil.[38] Nevertheless during the 1920's, while they tried to cope with increasing black enrollments in elementary schools, the board carried out piece meal and with relatively little publicity, policies which led to almost complete segregation by the end of the decade.

Public attention, however, focused primarily on the question of a separate high school for blacks. Soon after World War I a campaign began to remove blacks from the three existing high schools. Although the percentage of blacks in these schools was small, successive school boards were urged to segregate them. The board elected in 1921, under pressure from white community groups, made the decision to build a separate high school.[39]

State law provided that Indianapolis voters elect a Board of School Commissioners every four years, with terms staggered so that two members did not take office until two years after their election. Although held on the same day as the balloting for mayor and members of the city council, under the law, school boards were non-partisan. Members were nominated individually by petition, but nominees usually ran as members

of a slate endorsed by a committee of interested citizens.

In 1921 there were two slates supported by two opposing groups, the Better Schools League and the Citizens League, sometimes called the Citizens Committee. The most publicized campaign issue was the program of building and renovation authorized by a majority of the incumbent board but opposed by a minority. Supporters of the Better Schools group contended that the present board, "in the face of unfair and bitter opposition," had carried out a progressive program, improving buildings and equipment and raising teachers' salaries, while the Citizens group charged them with extravagance, mismanagement, and nepotism. The latter group included well known and prestigous community leaders, persons powerful in financial circles and the legal profession. A statement published in the Indianapolis News by the Citizens League promised "Business Administration" and "No Control by Cliques." More specifically it called for "the restoration of the Indianapolis schools to their former high rank,...providing seats for every school child and a school building that will comply with every protective requirement and for eliminating extravagance and giving a dollar's worth for every dollar spent in the management of the schools."[40]

The Indianapolis News endorsed the Citizens ticket in an editorial, while the Indianapolis Times, which was regarded as more pro-labor and more likely to support Democratic candidates than the News, supported the Better Schools League. In a scathing editorial the Times branded the Citizens nominees as a slate

picked by "reactionaries," who really opposed spending money on new schools. It scoffed at the promise of "a seat for every pupil in a modern fireproof building," saying that election of the slate would be an injustice to school children and would mean the end of new construction.[41]

The Citizens group, victorious in the election, faced continuing problems of filling the needs of a growing school age population. At the same time it was under pressure by community groups to tighten segregation and build a separate high school for blacks, a demand that was inextricably linked with the question of a new building for Shortridge High School. Shortridge, originally Indianapolis High School, and numbering among its graduates many of the most influential members of the Indianapolis community, was known nationally for its academic program and attainments, but it was located in two over crowded old buildings, which were falling into disrepair. Originally in a residential area, by 1920 it was on the fringes of the downtown business area and not far from Negro slums. Beginning in 1919 delegations appeared regularly before the school board to ask for a new Shortridge to be built on the Northside of the city.[42]

Advocates of a new Northside Shortridge were motivated not only by the need for a new building, which was obvious, but also by the hope of ridding the school of blacks. An editorial in the Indianapolis Times (the paper which was later to receive a Pulitzer Prize for its exposé of the Ku Klux Klan) entitled "The Negro Problem," reflected prevailing attitudes

among a large segment of the white community. The editorial, after deploring the "tendency of Negroes to seek homes in white residential neighborhoods," and speaking approvingly of the "determined white women" on the Northside who were warning Negroes against encroachment, turned to the subject of Shortridge. In recent weeks police had been stationed outside the school to protect girl students from "Negroes and depraved whites" (not Shortridge students), while inside the building "one of the indefensible anomalies of our educational system was on exhibition - the co-mingling of blacks and whites in the classrooms.

"The negro is among us and the race should be encouraged to progress," said the Times, "but that path should never lead to social mingling."[43]

A few days later, under headlines announcing SEGREGATION OF NEGROES IS ADVOCATED, the Times gave an account of a meeting of the Indianapolis Federation of Civic Clubs, held at the Chamber of Commerce, which recommended a separate high school for blacks. Resolutions presented and adopted at the meeting said that although the school board was unable to meet all demands for new buildings because of limited funds, the black high school should have priority over other building plans. The most urgent reason for segregating blacks, according to the newspaper account, was their alleged susceptibility to tuberculosis. "Whereas the public schools have a large number of colored children in the incipient stages of tuberculosis," as the result of crowded and insanitary housing, the resolutions declared, "Be it resolved that

the honorable members of the board of school commissioners make plans for separate schools for colored children as soon as is practical and that they secure colored teachers for these schools in all branches."

In discussion following the presentation of the resolutions, when some members suggested that there was danger of arousing racial hatred that might embroil the federation in disputes, the chairman of the committee replied: "There is no use going behind the bush on this proposition. We've all been afraid to get up and say what our sentiments are on this question for business and political reasons." Pointing out that pupils with measles and chicken pox were quarantined, he said that the danger of tuberculosis was much more deadly and that crowded classrooms with mixed enrollments were a menace to whites.[44]

In presenting their resolutions to the school board, representatives of the federation reiterated that the presence of Negro children in the same classrooms with whites was a menace to the latter, pointing out that for ten years the Marion County Tuberculosis Society had emphasized that "the care of incurable consumption among the colored people as the greatest social need in the city," a problem resulting from crowded and insanitary housing.

At the same session of the school board, the president of the White Supremacy League, on behalf of that organization and the Mapleton Civic Organization, presented a letter advocating segregation of Negro children. The contents of the letter, which

have not been preserved, caused the president of the board to say that the document "contained such statements as rendered it impossible to properly be received by the Board without the reservation that its receipt was in no sense to be construed as an endorsement on the part of the Board of the sentiments which it contained."[45]

At later board sessions individuals and delegations, including the principal of Shortridge High School and representatives of the Indianapolis Chamber of Commerce, appeared to ask for a separate high school. Meanwhile the board was also receiving petitions and letters from the black community, most of which condemned the proposals for segregation. A petition from the Better Indianapolis Civic League, presented by Robert Lee Brokenburr, a lawyer active in the Indianapolis NAACP and later a leading black politician, was an eloquent defense of public education and equality of opportunity, as well as a protest against segregation. "The public school system stands as the greatest social factor in the engendering and transmission of sound democratic American ideals and is the hot house wherein is born the deepest love for American customs and institutions," it said. "We emphazise," it continued, "that no one section of the population can be isolated and segregated without taking from it the advantages of the common culture." The protest also suggested that class feeling as well as race motivated the advocates of a separate school - that they were seeking "to separate as far as possible the richer and more fortunate from the poorer."[46]

At the next meeting of the school board, another delegation of blacks representing the local NAACP, ministerial organizations, and civic groups, made another plea against segregated education. One speaker argued again that segregation inevitably meant inequality of opportunity, while another again raised the question of class motivation, saying that the Chamber of Commerce, which advocated separate schools, was pervaded by "a malign spirit which would produce a serf class."

But the members of the school board had already made up their minds. Three days earlier the press had reported that the instruction committee would recommend a separate high school for blacks, while delaying action on a new building for Shortridge. In his report, which was endorsed by all four members of the board who were present, the chairman of the committee said that nearly eight hundred Negroes were attending high school, a fact which "showed a laudable desire on their part and on the part of their parents for a high school education." Nevertheless, he continued, "the maximum educational opportunity for these pupils will be best provided for by a new, modern, well equipped high school. Such a school will provide the fullest opportunity for the development of the initiative and self-reliance and the other qualities needed for good citizenship." To make the decision more palatable the report concluded by saying that the high school would be staffed by Negro teachers.

After the report was adopted, Charles Barry, president of the board, in reply to questioning by members of the black delegation, said that the question of separate schools had been under discussion for years, but that the need had become acute because of the crowded conditions in the high schools. Moreover, he said, "he had been led to believe by other colored citizens that a colored high school would not be distasteful." He insisted that "throughout the consideration of the question not the slightest trace of racial animosity had appeared on the school board."[47]

Whatever the true feelings of board members may have been, members of the black community saw them as being racially motivated. Delegations appearing before the board to ask for a new Shortridge High School in a new location emphasized that Negro students were still crowded in the same classrooms with white students. A delegation representing women's clubs used the same argument, causing the Freeman to remark bitterly that it was "evidently thought that to call attention to the Negroes as mixing with white children would be the weightiest argument for action on the part of the School Commissioners."[48]

The staff of the national office of the NAACP, concerned over developments in Indianapolis, had made recommendations to the local branch about methods of mobilizing public opinion and about arguments to present to the school board. After the board's decision to build a separate high school, the national staff advised legal action, an injunction to halt construction, a method which had been successful in other cities.^

Robert L. Bailey, a leader in the local NAACP, a lawyer who had participated in numerous civil rights cases, immediately offered his services in such a suit. He was later joined by two other local lawyers, W.S. Henry and W.E. Henderson. When the Marion County Superior Court refused to enjoin the construction, the school board decided to go ahead with the new building even though the black plaintiffs undertook an appeal. The national office of the NAACP, saying that the issue of separate schools in Indianapolis was of national importance, gave some financial support to the appeal and offered legal advice.[50]

An appeal was taken to the Indiana Supreme Court after the members of the Appellate Court divided and failed to come to a decision. The highest court, upholding the Marion County court, refused the injunction. The black lawyers argued that the proposed high school could not meet the requirement of "equality" under the "separate but equal" doctrine - that it could not be equal to the three high schools already in operation, that a single school could not offer the range of subjects, academic and technical, offered in the three schools. Both the trial court and the supreme court held that the suit was premature, that the mere fear that course offerings of the proposed school would not be equal to the older schools was not a reason for not building it. If, after the school was in operation, said Judge Benjamin M. Willoughby, a case arose in which a black child was denied "some educational advantages accorded white children of equal advancement," then proceedings

could be taken "to secure the constitutional rights of such a child." In the meantime an injunction would not be granted "merely to allay fears and apprehensions of individuals."[51]

While the school board was completing plans for the separate high school it was also moving with less publicity toward almost complete segregation in the elementary schools. In 1923 it set up new boundaries for four Negro elementary schools, removing black children from previously mixed schools and removing white children from some schools in neighborhoods which were becoming predominantly black. When black parents protested over transfers to schools more distant than the ones their children had previously attended, the attorney for the school board upheld the transfers. When Lionel Artis, a civic leader, protested a transfer of his children which necessitated a long walk and the crossing of several railroad tracks, the board ruled that they must attend "the colored school in the district in which they lived." When the board refused to reconsider this decision, Artis unsuccessfully sought a mandamus from the Marion County Superior Court to compel school authorities to permit the children to attend the nearest school. After this the Freeman declared that Negro grade school pupils were "being driven out of white schools" and that by 1924 it was doubtful if there was "a single unprotested Negro child in a single white school in the city."[52]

Thus, by the time of the school board election in 1925, the board elected in 1921 under the aegis of the Citizens Committee, in response to the urging of the Federation of Civic

Clubs, the Chamber of Commerce, women's clubs, and other respectable "establishment" groups, had authorized a separate black high school and had taken steps toward a totally segregated elementary school system.[53]

State law, as we have seen, provided that the vote for school board members should be held on the same day as the balloting for the major and city council, but that the school election was to be non-partisan. Despite the law, the Board of School Commissioners chosen in 1925 under the name the United Protestant School Slate, but known ever since as the "Ku Klux Klan" board, was closely identified with the Republican party. By 1925 the Klan, which had gained control of the Indiana Republican party and elected a Klan backed governor and state officers in 1924, had lost much of its power as the result of internal feuding and the arrest of Grand Dragon D.C. Stephenson on a murder charge in a sordid sex scandal. Nevertheless in Indianapolis, Mayor John Duvall and a Republican city council were elected in 1925 with Klan backing after a campaign in which the Klan proclaimed itself the reform element in a contest with the boss dominated faction of the party. On the surface the campaign appeared to be a typical mudslinging match in which both major parties indulged in mutual charges that the other was corrupt and boss dominated. Both mayoral candidates, Duvall, for the Republicans, and Walter Myers, for the Democrats, repeatedly pledged that if elected they would be independent and not influenced by special interest groups. Behind the scenes, with little attention in the newspapers,

members of the Klan circulated literature urging support of Duvall and the "Protestant" Republican party.[54]

A printed brochure addressed to "my faithful Klansmen" from the Grand Dragon, Realm of Indiana, said the Republican organization and most of its candidates had pledged to support the Klan platform. "The time is now," it proclaimed, "when we must mobilize and perfect the necessary machinery for the purpose of voting all our people and for the purpose of influencing White Protestant voters to vote for the Republican ticket[...]whom we know to be favorable to our cause, principles and program."[55]

The origins of the United Protestant School Slate and the methods by which the members were selected are not clear. Whether they were actually members of the Klan is not known, since Klan membership lists for Indianapolis have not been found. But if recent estimates that twenty-five per cent of native white males in Indiana were Klan members are correct, it is not improbable. Certainly the Protestant designation suggests Klan affiliation. The members of the slate appear to have been a group representative of much of the white community. The only university graduate was Theodore Vonnegut, a lawyer, member of a distinguished old German family. Another member was a well known labor leader, another worked for an insurance company, another was a foreman in a factory. The only woman, Lillian Sedgwick, was state superintendent of the Women's Christian Temperance Union. The men were members of such fraternal organizations as the Masons, Knights of Pythias, and Odd Fellows.

Vonnegut was a Unitarian; the others belonged to the Methodist or Christian (Disciples of Christ) churches.[56]

During the campaign, school board candidates sometimes appeared at Republican meetings. At one Vonnegut criticized some of the financial practices of the incumbent board, while Mrs. Sedgwick urged daily Bible reading in the schools. At party rallies groups of boys and girls carried banners calling for the election of the United Protestant candidates along with the Republican candidates for city office.[57]

At the end of the campaign, George S. Elliott, Exalted Cyclops of Marion County Klan No. 3, presided at a political rally unique in the history of school board campaigns and probably unlike any other in Indiana political history. Before an audience estimated at between six and seven thousand, Elliott declared: "We are not here to offend the Hebrews, Catholics or negroes [sic] - we are not here in the interest of the Republican party, or the Ku Klux Klan, but we are here in the interest of the United Protestant Clubs of Indianapolis." Later, after a speech by Duvall, each Republican candidate was introduced by name, along with four school board candidates, who were exhorted to "place the flag in the school house."[58]

The slate of candidates backed by the Citizens Committee, all of whom were Protestants, included some current board members and others put forward by neighborhood and civic organizations. Some Protestant ministers, apparently concerned by evidence of religious bigotry in the support given by the Klan to the United Protestant ticket, openly called for the election

of the Citizen's ticket. One said it would be extremely unfortunate to "inject any partisan spirit, either political or religious into our school election." But warnings of this sort were unheeded. On election day United Protestant school board candidates were swept into office along with the Klan backed Republican city officers.[59]

After the election the three new school board members who would take office in January promised their cooperation with the two hold-over members of the old board. Saying they were "not obliged to anyone," for their election, they declared they would continue such present policies as were "forward looking and progressive."[60]

The Klan platform circulated in 1925 called for "White American supremacy and the segregating of negroes [sic], especially in the schools," but the issues of race and segregation were not raised publicly in the campaign. Perhaps the Klan backed board members had stronger convictions about race than their predecessors who had initiated segregation policies, but once in power they simply carried forward what the previous board had begun. Construction of the black high school proceeded. As it neared completion, when the acting superintendent asked for an opinion from the board as to whether all black pupils from all parts of the city would be required to attend the new school, Vonnegut, the board president, replied that is was "the stated policy of the Board that all colored high school pupils should attend Crispus Attucks High School when completed."[61]

Early in 1926 the board authorized the building of three new colored elementary schools, partly in response to requests from black parents. In 1929 more black pupils were removed from racially mixed schools and transferred to all-black schools. By that date there were thirteen colored schools out of a total of ninety-one. Although a few new colored schools were built, blacks were usually transferred to older buildings in neighborhoods where racial composition had changed. In some cases whites were transferred to new buildings, leaving the old buildings to blacks. In one case whites were removed from a previously racially mixed school because, members of the school board believed, a large number of the black children were in the incipient stages of tuberculosis. Black parents in general did not protest against segregation per se. They were more interested in securing adequate buildings, as their requests for new colored school buildings showed. There were likely to be protests when transfers from white to colored schools meant leaving neighborhood schools and traveling long distances.[62]

By 1929, when members of the Klan school board again faced the electorate, the citizens of Indianapolis had gone through a traumatic political experience. D.6. Stephenson, the Grand Dragon of the Ku Klux Klan, was in prison, convicted of murder; Governor Ed Jackson, brought to trial on charges of bribery, had escaped conviction on a technicality; Mayor John Duvall and some members of the city council had been jailed for violating the Corrupt Practices Act. The Indianapolis Times

had been awarded a Pulitzer Prize for its expose of the Indiana Ku Klux Klan and the corruption wrought by it. The power of the Klan was shattered and association with it had become a political liability.[63]

These developments inevitably brought the school board elected in 1925 with Klan support into disrepute. In 1929 all members of the Klan board members except Vonnegut sought reelection and were overwhelmingly defeated by a slate chosen by a revitalized Citizens School Committee. In a reform campaign, civic leaders from both political parties denounced the incumbent board and its policies. All three Indianapolis newspapers gave enthusiastic endorsement to the candidates of the Citizens School Committee. The principal charge against the incumbents was that they were under the influence of George Coffin, the Republican county chairman, the "boss" whom the Klan had attacked in the 1925 campaign. Coffin was accused of dictating appointments of school employees, including teachers, and the board with political favoritism and corruption in awarding contracts for school construction and school purchases. A typical editorial in the Indianapolis Times declared: "what has happened to the schools during the past four years of Coffin domination is a matter of such shame as to need no explanation.

"Jobs have been given to Coffin committeemen and their relations. The law as to purchases has been so twisted as to invite protest from the state tax board. The schools are no longer the pride of the educators. The large funds raised for

education are being diverted to political channels....

"The way to keep Coffin out of the school system is to vote for all five of the Citizens candidates." In the school board campaign little was said about Klan influence and nothing in the records which survive suggests that the Citizens Committee criticized the board for tightening segregation.[64]

On election day Reginald Sullivan, the Democratic candidate, was elected mayor in the greatest landslide in the history of the city, while candidates of the Citizens Committee were elected by margins of four and five to one over their opponents. For the Citizens Committee the victory marked the beginning of uninterrupted control over the Indianapolis Public Schools for almost half a century.[65]

Meanwhile the high school for blacks had opened in September 1927. In 1925 the school board had voted to name it Jefferson High School, but when some members of the black community objected, the name was changed to that of Crispus Attucks, the black hero of the American Revolution, after consultation with Parent-Teacher organizations at some of the elementary schools for blacks. An editorial in the Indianapolis Recorder a few weeks before the opening of the new school, acknowledging that some blacks had joined whites in asking for a Negro high school, though most blacks protested, insisted, "The claims for a Negro high school are overbalanced by the disadvantages." Facilities at the white high schools were clearly superior, it said. While the new school would provide employment for a few Negroes, this was "a small and selfish

contribution that means little or nothing to the vast Negro population of this community." Nevertheless, in spite of the negative assessment, the Recorder expressed hope for the school - hopes that were soon justified by the record.[66]

The school opened with a teaching staff of forty-eight experienced teachers, all of whom held at least a baccalaureate degree, several held advanced degrees. Some were drawn from the faculties of Negro colleges. By 1934, of a faculty of sixty-two, nineteen held master's degrees, two held Ph.D.'s. Twenty-five years later, twelve of the original faculty were still at Attucks.

With the support of experienced and devoted teachers, Attucks students were soon organizing clubs, participating in debates and dramatic activities, and publishing a school newspaper . Attucks athletic teams were winning victories and enjoying enthusiastic support in the black community. All extramural athletics were with other Negro schools, some in other Indiana cities, some in Kentucky, and some as far away as St. Louis.

Within a few years the school newspaper, the Attucks Beacon, was reporting activities of alumni, in particular those who attended universities. A strong alumni organization gave support to the school in the community. However strongly black leaders had opposed a segregated high school as a symbol of racial degradation, within five years the school had become a symbol of black pride and achievement.[67]

The segregation policies adopted by school boards in the 1920's remained unchanged until World War II. One small favor granted to blacks was a law enacted by the state legislature in 1935 which provided that "cities of the first class" (i.e. Indianapolis), which required students to attend segregated schools, must furnish transportation for students who traveled more than half a mile farther than the distance to the nearest public school.[68]

In the black community in Indianapolis a segregated school system was accepted as a policy fixed and irrevocable. Black critics concentrated their efforts on demands for equalizing physical plants and facilities and a salary scale for teachers based on educational attainments and experience without regard to race. Blacks had little voice in making or administering school policies. No blacks held supervisory positions in the system. The principal at Attucks as well as the teaching staff was black, but in the colored elementary schools the principals were usually white. When the Indianapolis Recorder tried to launch a campaign to elect a black to the Indianapolis Board of School Commissioners, the all powerful Citizens School Committee simply ignored it, while the black community showed little interest.[69]

During the 1930's the overriding fact in the lives of most blacks was the Great Depression and a struggle for survival. Black protest focused on economic issues rather than on segregation and civil rights. But World War II gave rise, to a new militancy and demands for the end of segregation and discrimination.

Chapter 2

THE INDIANAPOLIS COMMUNITY AFTER WORLD WAR II

Before World War II, Indianapolis -was two communities, one black, one white, separate and unequal. Whites and blacks lived in separate parts of the city, held different kinds of jobs, attended separate schools and separate churches, and had separate social organizations. They mingled on public street, cars and buses, but blacks were barred from restaurants, "hotels, amusement parks, and hospitals except for a Jim Crow ward at Indianapolis City Hospital.

Dean William Pickens of the national office of the 'National Association for the Advancement of Colored People, in an address in Indianapolis in 1935, declared: "Violation of the unalienable rights of colored people to life, liberty and the pursuit of happiness is more flagrant and vicious in Indianapolis and Indiana than in any other Northern or Western City and State." He criticized the black community for lethargy and acquiescence in accepting discriminatory treatment.[1]

Whatever resentment blacks may have felt, they concealed and appeared to accept their condition without protest. On the surface race relations were harmonious. Few Indianapolis whites were openly bigoted; most of them were unaware of the black, community or indifferent to its problems. Those few who showed concern were often patronizing and paternalistic. World War II

brought some changes, and, more importantly, led to increased awareness of injustice and discrimination and demands for change.But except in a few areas, old racial patterns continued in the immediate post-war years.

THE WHITE COMMUNITY

Ethnically the white community was remarkably homogeneous. No other large city in the North was so little affected by the hordes of immigrants from eastern and southern Europe that transformed some urban communities in the years before World War I.

Large numbers of Germans who came to Indianapolis in the middle of the nineteenth century had a significant influence, but not so great as in cities like Cincinnati and St. Louis. The first German arrivals had been farmers and gardeners, Roman Catholics in religion. After 1848 they were joined by larger numbers of well-to-do educated newcomers, some of them free thinkers, who had lasting influence on cultural and social life of the young city. Until World War I the German community retained a strong sense of identity, with its own musical clubs, athletic associations, and newspapers. The German language was taught in most public schools. The outburst of anti-German feeling engendered by the war, when the study of German was abolished **in** the schools and streets with German names were changed **to** such **titles as "Pershing," diminished evidence of pride in the German heritage. By World War II, except for some family names, Germans appeared to be thoroughly assimilated into the larger Anglo-American community.**

Irish immigrants, mostly poor laborers who worked their way westward from eastern seaports, also came in the mid-nineteenth century. Their arrival brought for the first time a sizeable minority of Roman Catholics, the establishment of several new churches, and a surge of anti-Catholicism among some of the Protestant majority. Although they founded their own social and fraternal groups and were politically active, Irish did not form a powerful ethnic group of voters. By World War II they had intermarried with non-Irish and assimilated into the larger community to such a degree that, except for their names and religion, little evidence of their national origins survived.

In the 1880's a group of Slovenes settled in Haughville, then a separate community west of White River, and found employment in the Malleable Foundry and Kingan Meat Packing Company. Later other small national groups from the Austro-Hungarian Empire arrived. Italians, a few from the north, but more from the Naples area and Sicily, began arriving in the late nineteenth century and soon gained a virtual monopoly of retailing of fruits and vegetables. Somewhat later a few Greeks arrived, working at first in shoe-shine parlors and as dish washers and waiters. Most of them prospered, some becoming wealthy and influential members of Indianapolis society. They moved northward to the more expensive residential areas, where they built Holy Trinity Hellenic Orthodox Church.

Except for the Greeks, most of the European immigrants were Roman Catholics. For a time they preserved a sense of national identity through their parish churches, benevolent societies, and

social clubs, but gradually the younger generation moved away from the old neighborhoods and merged into the larger community, intermarrying with persons of different backgrounds and losing the sense of national identity so strong in the first generation. Most of them remained Catholic in religion, and although Indianapolis remained predominantly Protestant, at the end of World War II and afterwards the Catholic minority was growing.[2]

Although the Jewish community never numbered more than about one percent of the total population, it had a strong sense of identity and an influence in civic and cultural affairs out of proportion to its small numbers. The first Jews to arrive were a small part, perhaps two or three percent, of the much larger German immigration of the nineteenth century, sharing pride in German culture. Many of them started out as peddlers, then acquired their own small stores, then larger ones, until by the early twentieth century some of the largest department stores in Indianapolis were owned by Jewish families. Other members of the second and third generation made careers in law and medicine. In the late nineteenth and early twentieth century Jews from eastern Europe - Poland and Russia - began to arrive. Orthodox in religion and speaking Yiddish, in contrast to the Germans who tended to Reform Jewry, they were slower to assimilate, but like the earlier arrivals, they prospered. Like the Germans, the eastern Jews first settled on the Southside, where they built their churches. But quite early both groups began moving northward to more expensive and fashionable neighborhoods. By 1950 only about ten percent of the Jewish population, mostly the

elderly, remained on the Southside, the majority living in the far northern parts of the city or the suburbs.

From the time of their arrival Jews founded a variety of benevolent, cultural, and social organizations. Later, when the process of self-selection usually barred them from country clubs and other organizations, they founded Broadmoor Country Club. The Kirschbaum Center, established by members of the Jewish community, provided education programs and athletic and recreational facilities for adults and young people, including non-Jewish persons. Wealthy Jews had an important part in establishing the Indianapolis Symphony.

The Jewish Community Relations Council, founded in the 1930's, was governed by a board which represented every facet of the Jewish community. The Council sought to carry out an educational program to eliminate anti-Semitism and promote inter-faith activities. In the years following World War II the Council and other Jewish organizations broadened their activities to give support for the rights of other minorities.[3] Jewish groups were not conspicuous in Indianapolis politics, and because of the basic homogeneity of the population other white ethnic groups had little influence in selection of candidates or campaign issues.

The city of Indianapolis itself was created by act of the state legislature, which decided in 1821 to move, the state capital from Corydon to a site on White River, more nearly in the center of the state. Since the state constitution made no mention of cities or their government, the legislature determined the form of government and gave it its authority. Cities were divided into

classes according to size with Indianapolis the only one designated a "city of the first class." The legislature provided for the mayor-council form of government for the state capital, defined the powers of its officers, methods of election and terms of office, as well as creating other commissions and agencies for specific functions.

In national politics Indiana was staunchly Republican, casting its electoral votes for Franklin Delano Roosevelt in 1936 and for no other Democrat until 1964. At the state level and in Indianapolis, Democrats and Republicans were more evenly matched. While withholding their votes from Roosevelt in 1932, Indiana voters elected a Democratic governor and state legislature. Believing that "government may be a great instrument of human progress," the aggressive governor, Paul V. McNutt, pushed through a program of reform and reorganization of state government, increasing the powers of the governor and meshing Indiana laws with New Deal measures, including the acceptance of federal funds for welfare programs.[4]

Reaction to the changes came quickly. In 1940 Republicans returned to power, determined to reverse the trends initiated by McNutt, especially dependence on federal funding and acquiescence in federal terms for acceptance of funds. For the next twenty years Indiana became a symbol of states' rights and rejection of Washington and all measures connected with the New Deal. A joint resolution adopted by the General Assembly in 1947 was known nationally as an extreme expression of this philosophy.

"Be it resolved," said the Indiana lawmakers, "Indiana needs no guardian and intends to have none. We Hoosiers - like the people of our sister states - were fooled for quite a spell with the magician's trick that a dollar taxed out of our pockets and sent to Washington, will be bigger when it somes back to us. We have taken a good look at said dollar. We find that it lost weight in its journey to Washington and back....

"So we propose henceforward to tax ourselves. We are fed up with subsidies, doles and paternalism. We are no one's step-child. We have grown up. We serve notice that we will resist Washington, D.C. adopting us....

"We respectfully petition and urge Indiana's Congressmen and Senators to fetch our county court houses and city halls back from Pennsylvania Avenue. We want government to come home...."[5]

The resolutions expressed sentiments held by the men who wielded power and determined policies in Indianapolis. The Indianapolis Star praised the resolutions as evidence of revival of "the initiative and resourcefulness of Hoosier pioneers."[6]

It was generally recognized that actions of the mayor and city council in the state capital were often shaped more to serve private interests than out of concern for the general public. A study made before World War II concluded that following the "Klan dominated" administration of John Duvall, there was no evidence of control by political bosses. However the mayor or members of the city council seldom initiated legislation, but instead acted as spokesmen and compromisers, introducing measures at the request of special interest groups, sometimes civic clubs, but more often

business interests. The Indianapolis Chamber of Commerce, the study concluded, was the strongest force in city government.[7]

In the post-war years the power of the Chamber was even greater and more obvious. Its ideology permeated the city and its institutions and contributed greatly to the image of Indianapolis and Indiana as the quintessential examples of political conservatism. The basic tenets of the Chamber of Commerce were rejection of federal aid and federal regulation, reliance on private local initiatives and funds, and strict economy in government. That government was best which taxed the least. "Perhaps nowhere in America," said one popular writer, "were the social and economic reforms of the New Deal fought more bitterly than in Indianapolis and Indiana."[8] New Deal programs financed streets, roads, public buildings and some housing. Government defense contracts during the war created jobs and brought a horde of new workers and consumers, stimulating unprecedented prosperity. But government contracts and funding were accompanied by regulations, including an executive order against discrimination on account of race in employment, which were bitterly resented.

The spirit of the post-war years was anticipated in the creation of a Committee on Post-War Planning appointed by Mayor Robert Tyndall in 1944. In a speech before an assemblage of the city leaders, the chairman of the committee, George A. Kuhn, a former president of the Indianapolis Chamber of Commerce, spoke of the need for rehabilitation of public services, streets, sewers, etc. after the war's end - even possible public works projects to deal with unemployment - but, he emphasized: "We don't want any

recurrence of federal aid. We have said that Indianapolis is big enough and has wealth enough to provide for its own needs, and we don't want to pay out the back door to Washington through enormously increased federal deficits, only to get back a small part through so-called federal grants or federal charity." He expressed the hope that Indianapolis would lead the way "in adopting plans for financing its own improvement program without going begging to Washington for any further extension of the evils of federal aid and federal domination over local units of government

The most powerful figure in shaping and articulating the Chamber of Commerce philosophy was its executive vice-president, William Henry Book, who was sometimes said to "run" Indianapolis. After graduating from Franklin College, where he had studied for the ministry, he had become a member of the staff of the Indianapolis News, then briefly business manager of the Indianapolis Public Schools, before becoming research director for the Chamber A short stint as administrator of relief in the McNutt administration convinced him that the New Deal was leading the United States "down the road to Socialism." Returning as executive vice president in 1934, he spent the next thirty years cementing the relationship between the Chamber and business and financial interests, the "real leaders" of Indianapolis, and proselytizing for free enterprise, independence from Washington, and economy in government.[10]

Book and the Chamber of Commerce had powerful allies in the two leading Indianapolis newspapers, the Star and the News, both owned and published by Eugene C. Pulliam, son of a Methodist

minister. After graduating from DePauw University, a Methodist school in Greencastle, Indiana, he returned to his native Kansas to enter newspaper work. In a few years he acquired ownership of several small papers in Kans,as , Indiana, and other states. In 1944 he bought the Indianapolis Star, and two years later, the Indianapolis News. Strongly Republican in politics, supporting Senator Joseph McCarthy and the crusade against Communism in the 1950's, relentlessly opposed to organized labor and the New Deal reforms, both papers kept up a continuous litany against the federal government with warnings against being seduced through acceptance of federal aid. The only alternative to these papers for Indianapolis readers was the Indianapolis Times, a Scripps Howard paper with a smaller circulation than the Pulliam papers. While more tolerant of organized labor and more balanced in its treatment of politics, its editorials were only a little more moderate in tone than those of its rivals."[11]

The presence of the national headquarters of the American Legion in Indianapolis and its influence further contributed to the image of the city as a center of political reaction. The power of the Legion was conspicuous during the anti-Communist hysteria of the 1950's, when it took upon itself the responsibility of alerting the public to subversive organizations and activities. Both major political parties were sensitive to the influence exerted by the Legion and eager to win its good will, or at least, avoid offending it. Both governors Paul V. McNutt, a Democrat, and GeorgeN. Craig, a Republican, were former National Commanders, while other candidates for state and local office

found it expedient to be identified with the Legion.

Nevertheless the citizens of Indianapolis were not as monolithic or as unanimous in their economic and political views as a reading of the Star and News might suggest. Although the local Democratic organization was usually dominated by conservatives who differed but little from their Republican opponents, there were dissidents who strongly endorsed New Deal reforms and wanted to expand them at both state and national levels. Most vocal among this element were members of unions affiliated with the Congress of Industrial Organizations, which had gained members and influence during the war in spite of opposition from the Chamber of Commerce and much of the business community. A few union members, professors, lawyers, social workers, and members of the American Veterans Committee organized a short-lived branch of Americans for Democratic Action. In the 1950's some of the same group, joined by a few liberal Republican members of the legal profession, liberal clergymen, and leaders of Jewish organizations, attempted to organize an Indiana branch of the American Civil Liberties Union, a move which led to a nationally publicized confrontation with the American Legion. Locally it involved some of the same personalities and forces that later contended for control of the Indianapolis Board of School Commissioners and school policies.

The controversy began when members of a committee planning a meeting to announce formation of the new affiliate, applied for permission to use the World War Memorial, a building paid for and maintained out of public funds, with an auditorium used

by a variety of groups for lectures of all kinds. Permission was denied the Indiana Civil Liberties Union when members of the American Legion objected, and when the planning group applied for the use of other halls, such as one in the clubhouse of the Knights of Columbus, they were rejected because of fear of arousing controversy.

The state commander of the Legion defended the refusal on the grounds that the ACLU was a "front for Communists," adding that the Legion would oppose the group meeting "anywhere in Indiana." Moreover they intended to ask Senator William Jenner (a man with views similar to those of Joseph McCarthy) to open an investigation of the American Civil Liberties Union. The fact that renowned lawyer, Arthur Garfield Hays, member of the ACLU board and its chief legal counsel, was to be the principal speaker, was particularly offensive to Legion members, who cited his defense of convicted spies Ethel and Julius Rosenberg. It was finally announced that Father Victor Goosens had given permission for the organizational meeting to be held in the family social center, a kind of gymnasium,of St. Mary's Catholic Church. [12]

News of the action of the American Legion was receiving widespread attention. An editorial in the New York Times deplored the closing of the auditorium to an ACLU group. "There is something sickening," said the Times, "about Americans closing the doors of a public auditorium because a proposed speech may be 'controversial'." The Legion men should study American history and learn that America had thrived on controversy and

that "controversy is different from conspiracy." By the time of the meeting, television crews for Edward R. Murrow's "See It Now" program were in Indianapolis to film both the meeting at St. Mary's and a meeting of the Executive Committee of the American Legion held at the same time. The juxtoposition of the two meetings and the two sets of speakers dramatized the issues involved. A series of Legionaires dressed in uniforms endorsed the stand of the state commander in his attack on the ACLU, emphasizing its record of defending Communists and alleged Communists. Cale Holder, a former Americanism chairman of the local Legion, and a future federal judge (appointed by President Eisenhower) said that the work of the ACLU was "almost exclusively the defense of Communists."

At the meeting at the church, an overflow crowd of almost four hundred heard Arthur Garfield Hays say denial of the use of the auditorium was evidence that Indiana needed a branch of the ACLU, while Ralph Fuchs of the Law School of Indiana University, the temporary president of the new group, said one of its priorities would be to defend the right of assembly.

The account of the meeting in the Indianapolis Times carried headlines:

LOCAL LIBERTIES UNIT BORN
ON BALLCOURT - LEGION IS
AN UNWILLING MIDWIFE

The Legion, said the Times, had emerged as the "chief, though unwilling benefactor" of the Indiana Civil Liberties Union, and indeed the publicity not only attracted a large audience but

brought unexpected members and financial contributions.

As might be expected, many Indianapolis citizens accepted the Legion views that because its lawyers defended Communists and others identified as left-wing, the ACLU was inherently subversive. Editorials in both the Star and the Times defended the right of ACLU supporters to meet and were critical of the Legion for trying to prevent this, but both were careful to point out their disapproval of some ACLU policies.[14] Letters to the editor from Indianapolis citizens expressed approval and disapproval of both the Legion and the ACLU. One of them by Judge John Niblack, executive vice-president of the powerful Citizens School Committee, a man of whom we will hear more, said that while the Legion should not have barred the meeting, it had a right to criticize the ACLU and its followers for a "long record of trailing with Commies and other traitors to our American way of life."[15]

The American Legion continued for years to use its influence to prevent the ICLU from meeting at the World War Memorial, thereby helping to keep the issue alive and unintentionally gaining support for the ACLU affiliate. In spite of continued attacks from the Legion the ICLU gradually gained respectability in the community and was increasingly recognized as performing a worthwhile function. But repercussions from the American Legion - ICLU controversy lingered and sometimes surfaced in state, city, and school board elections.[16]

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Though the Indianapolis Public Schools and the city of Indianapolis were separate legal entities, the same individuals and private interests dominant in **city** government ¥ere also powerful in the schools. Like the **city**, the school system **and** its governance were created **by** acts of the state legislature. In some **cities** in the state, **the** mayor appointed members of **the school board, but** in **the state capital, as we have seen, members of the Board of School Commissioners were chosen "by the voters in a non-partisan election. State laws defined the size of the board, the length of terms, its functions and authority, and also provided for an appointed superintendent and other** administrators.

After its victory in electing its candidates in 1929, the Citizens School Committee was the dominant force in. selecting school board members for more than forty years. Beginning as a reform group, many of whose members also took part in an unsuccessful campaign to establish a City Manager form of government in Indianapolis, it became entrenched "by the tradition that it had rescued the schools from the control of the Ku Klux Klan. The specter of the Klan was raised in every election. For many years campaign literature emphasized the corrupt financial practicesof the Klan board in awarding contracts and nepotism and polictical favoritism in hiring school employees. While there were sometimes oblique references to religious bigotry and racial prejudice on the part of the Klan board, there was never any suggestuon that the Klan was responsible for estabhlishing racial segregation in the schools untilafter the adoption in

1949 of a state law abolishing segregation.[17]

The Citizens Committee was a somewhat shadowy, self-perpetuating group, not incorporated until 1947, although it raised money for campaign funds. It disbanded after each election and then reconstituted itself four years later to prepare for the next election. The entire committee consisted of "about two hundred" members, many of them among the most prominent citizens of Indianapolis - bankers, industrialists, businessmen, lawyers, Protestant clergymen, Jewish rabbis, and women active in church organizations and Parent-Teacher associations. There were almost no representatives of organized labor, but members of the Chamber of Commerce were numerous, and William Book was outspoken in support of the committee.

By far the most conspicuous and powerful member of the Citizens Committee was the executive vice-president, Judge John L. Niblack. Born in the small town of Wheatland, Indiana, Niblack graduated from Indiana University and Benjamin Harrison Law School after a stint in the United States Navy during World War I. A reporter for the Indianapolis Times during the 1920's, he also began the practice of law. Active in Republican politics, he was elected four times as judge of Superior Court I in Marion County, and in 1956 began the first of three six year terms as Judge of the Circuit Court. In 1929 he served as executive secretary of the Citizens School Committee in the campaign that ousted the Klan board; in 1938 he was designated executive vice-president of the committee, a position he held continuously until 1964, when he resigned, but did not relinquish his power.

Whatever influence wealthier and more prestigious men may have exercised behind the scenes, in the eyes of the public, Niblack made the decisions and spoke for the committee.[18]

The criteria for school board candidates and the process by which they were selected were vague and never explained to the public. In every campaign it was emphasized that "the best possible candidates" were chosen in spite of difficulties in persuading such high-minded, able citizens to serve in a time-consuming office which offered no monetary rewards. Niblack, explaining the methods used, said: "The committee has insisted on drafting candidates for the ticket who do not represent any particular class, race, creed or special interest, but who believe in and are pledged to administer the affairs of the school city, if elected, in the interest of all parents and taxpayers of the city." A typical statement to which candidates subscribed in 1942 pledged them to "maintain the present high standards of our schools," while observing "the strictest economy consistent with the best possible administration of school affairs." They promised to refrain from being "interested directly or indirectly in any contract with, or claim against, the School City of Indianapolis," and never to be influenced by considerations of politics or religion in selection of school personnel.

An executive committee, ranging in size from twenty-five to forty persons, received recommendations, interviewed poten tial candidates, and made the selection of a slate which was routinely approved by the whole committee without discussion.

In selection of candidates it was made clear that no one who sought the office would be endorsed, since to seek the office would be evidence that a person "had an axe to grind" and represented some "special interest" or "pressure group."[19]

School board elections were non-partisan, but the slate usually represented a balance between Republicans and Democrats. It was customary to name four men and one woman. The candidates, the Indianapolis Times observed, "were usually cut from the same civic cloth, honest, sensible and durable, but without a great deal of variety." Members of the legal profession were most numerous among the men. Others were drawn from middle management ranks of banks and large corporations and owners of small businesses. Occasionally a foreman or managerial employee of a factory was named, but very few union men. The women members were frequently described as "club women." Spokesmen for the Citizens Committee said the slates of candidates represented all the geographical sections of the city, but as critics pointed out, a disproportionate number came from the wealthier section on the Northside, a smaller number from the well-to-do neighborhoods on the far Eastside, and only a few from the Southside and Westside. No black was ever named or even considered, nor did blacks have a voice in the choice of candidates although two or three conservative black Republicans were members of the whole committee.

"While its anonymity shields the group [the Citizens Committee] from badgering by politicians, pressure groups, and office seekers and their friends," observed the Indianapolis

Times, "it also allows a choice of candidates favorable to a low tax rate."[20]

In the campaign there was never any mention of views on educational philosophy or policies held by the candidates or suggestions for reform or changes. The object, it appeared, was to preserve the status quo.

Once they took office, board members tried to isolate themselves. They spent most of their time inspecting and approving reports on business and financial matters, plans for buildings, appointment of teachers, and salaries. Though they received delegations from Parent-Teacher associations, they were reluctant to listen to other outside groups, and objected to the presence of unidentified persons at board meetings. It was not unusual for important business to be conducted and decisions made at closed executive sessions before the regular meetings, which were open to the press. There was no real discussion of issues affecting educational policies at board meetings and no effort to sound out public opinion. The Citizens Committee rarely nominated a member to serve for a second term, thereby removing a method by which voters might have shown approval or disapproval for conduct or policies.[21]

While school board members kept themselves aloof from discussion of school policies, one controversial issue with social implications, federal aid to education, did embroil the PTA's and indirectly the school board in the years following World War II and led to an alienation between the Citizens Committee and the Indianapolis Council of Parents and Teachers.

In 1947 the platform of the Indiana Congress of Parents and Teachers included an item which endorsed the following: "Federal Financial Aid, locally administered, to public schools of the nations, based upon an equalization formula channeled through the U.S. Office of Education to state and local units of education." The action was taken after a survey of presidents of local PTA units, but opponents of federal aid denounced the whole system of government of the state organization as undemocratic and bureaucratic and its actions as not representative of the will of the rank and file of members. In Indianapolis some of the same people who inspired the crusade against federal funding for city projects led a movement to discredit national and state Parent-Teacher congresses and to secede from them. A group called the Indiana PTA Members Study Group on Federal Aid to Education included a number of well known opponents outside the PTA's as well as parents and teachers. A bulletin issued by the Indiana State Chamber of Commerce commended the action of the study group for "resisting the asserted socialistic trend in both the Indiana and national P.T.A., and demanding that individual members be given a voice in determining political policies."[22]

Because of the federal aid issue, which was limited largely to Indianapolis and did not arouse much interest in the rest of the state, several local PTA's withdrew from the state congress, citing the "uncompromising stand in favor of federal aid to education" of the national organization. In 1953 two schools in suburban Washington Township withdrew, followed by Broad Ripple

High School and several Indianapolis elementary schools, which organized their own PTO's (Parent-Teacher Organizations). At Broad Ripple the secession movement was led by John Burkhart, a future president of the Indianapolis Chamber of Commerce, and his wife Ardith, who had been a member of the Indiana PTA Members Study Group. Mrs. Burkhart and Mary Alice Coble, another member of the study group, were later elected to the Indianapolis Board of School Commissioners in 1959 in a contest in which repercussions from the PTA controversy were evident.[23]

Although independent of partisan politics as members of the school board, critics charged them with being tools of the Chamber of Commerce, the Real Estate Board, and the Pulliam press, usually chosen for "acceptability to an establishment of power interests" which tolerated no opposition. Critics admitted that board members were well intentioned and public spirited, though they shared "a religion of rampant nationalism, ultra-conservative economic views, and friends in high places."[24]

But whatever their limitations and deficiencies of the system by which they were chosen, the general public appeared satisfied with their performance. In the years before social issues became interwoven with the traditional functions of schools, the Indianapolis Public Schools had a deserved reputation for academic excellence. But the board members, well educated, upper income whites, who perceived the school system from the perspective of parents whose sons and daughters would go to college, were unprepared to deal with issues of social change, and,, in particular, the consequences of ending racial segregation.

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THE BLACK COMMUNITY

In 1940 blacks made up slightly more than thirteen percent of the population of Indianapolis; in 1950 fifteen percent. Between 1940 and 1950 the total population of Indianapolis grew about ten percent, while the rate of increase among blacks was almost twenty-five percent. In 1940 the black community numbered a little more than fifty thousand, by 1950 over sixty-three thousand, by 1960 over ninety-eight thousand or twenty percent of the whole. Nearly all blacks were concentrated in the central area, Center Township, which was bordered on the north by Thirty-eighth Street.

While the total population of Center Township actually declined slightly, the number and percentage of blacks increased. After the war whites began moving in increasing numbers to the outer edges of the city and into outlying suburban areas. During the fifties a few upper income blacks began to move into Washington Township north of the city, but in other suburban townships and two incorporated towns in Marion County, Beech Grove, and Speedway City, there were almost no black residents.

In Indianapolis there had long been two principal centers of black population, both of which were now rapidly expanding. The first black settlers had lived on the northwest edge of the Mile Square, the center of the infant city, and had gradually pushed northwestward along Indiana Avenue, the heart of black business and social activity. By the 1940'a they had occupied much of

the area west of Capitol Avenue to Fall Creek and north from Washington Street toward Thirtieth Street. After the Civil War some of the new immigrants had settled on the eastern fringe of the city, gradually expanding northeastward. As both areas continued to expand they converged at some points.[25]

The influx of Negro workers during the war years created a crisis in housing in older parts of the city. In 1942 the president of a local of the United Automobile Workers at the National Malleable Company, which included several hundred black members, reported that most of them were living "practically out of doors" in makeshift quarters. Even though they were earning good wages, rental property was not available to them. Throughout the war there were complaints of lack of housing and **exorbi**tant rents for such substandard units as were available.

One well built apartment complex for Negroes, Lockefield Gardens, had been built with federal funds during the 1930's, but in the post war years the policy of refusing federal funds restricted the building of badly needed rental property. In 1952 the Republican majority of the city council passed a resolution repealing the previous actions which authorized projects under federal housing programs. In a scathing denunciation, the former director of the Indianapolis housing authority said the resolution was motivated by racism disguised under a "flimsy veneer" of charges of "socialism" and "decreased property values." Circulars warning against "Social Change in Your Neighborhood" had been circulated, and a whispering campaign had spread the word that Negroes would be permitted to live in all public

housing projects.

Although there were relatively few large multiple family dwelling units of the kind found in the tenement districts of larger cities, a large proportion of Indianapolis blacks continued to live in substandard rental property, usually owned by white landlords. A study made by Flanner House, a social service center for blacks, estimated that rents for blacks were on an average more than twenty percent higher than those which whites would pay for similar accommodations.[26]

Conditions were somewhat more favorable for families that could afford to buy their homes. In fact some of the most influential men in Indianapolis, led by the Chamber of Commerce, enthusiastically endorsed a program of self-help under which a few blacks were able to buy lots and help build their own houses in a project directed by Flanner House and the Friends Service Committee. In 1945 the state legislature authorized the city government to condemn and buy slum property as a site for the houses. The Flanner Homes, where a few families acquired substantial modern houses at low cost, located in a former slum area, offered no threat to property values in white neighborhoods, but they in no way met the needs of the growing black population.[27]

After the war, although most blacks remained in the densely populated central city, increasing numbers, pushing to the northwest and the northeast, invaded predominantly white neighborhoods. In seeking better homes they met with a variety of obstacles, ranging from the use of restrictive covenants and

refusal of credit to threats and violence. Because members of the all-white Indianapolis Real Estate Board refused to show a house to Negroes unless two black families already lived in the city block in which the house was located, blacks sometimes resorted to the subterfuge of having a friendly white buy the property they wanted and then buying it from that source.[28]

In one instance the North Indianapolis Civic League announced that the area north of Twenty-eighth Street" between Northwestern Avenue and White River was "restricted" to whites. Two black families, attempting to move into houses on Twenty-ninth Street, were confronted by a threatening mob, causing one family to give up the attempt. But in spite of the efforts of the whites,new families moved into the "restricted" area, which became predominantly black in a few years.

Sometimes when a house became vacant in a neighborhood threatened by racial change, whites banded together to buy the house to prevent it from being occupied by an unwelcome neighbor. In at least one instance a group calling itself the Fairmap Realty Co. began buying up houses in a threatened neighborhood. At first some white owners gave support, but the attempt was abandoned when it became evident that money could not be raised quickly enough to buy houses as they were put on the market by whites preparing to flee to the suburbs. However, in this particular case, not all whites tried to flee. The area in which the Fairmap Co. attempted to operate was an upper middle class neighborhood of attractive houses near the campus of Butler University, which became a focal point a few years later for the

Butler-Tarkington Neighborhood Association in a successful effort to maintain a racially integrated residential neighborhood.

The most substantial gain in housing for blacks was the purchase of well built older houses vacated by whites, but by the late 1950's, a few well-to-do families planned to move into new houses in a development in fashionable Washington Township. When plans for an interracial sub-division were announced, there were threats of harassment, followed by gunshots through the picture window of one of the houses, but this did not deter blacks from occupying the houses.[29] That growing numbers were owning substantial homes in attractive neighborhoods was evidence that some black families had incomes comparable to those of middle class whites.

The sudden growth of war industries which had attracted hordes of white and black workers to Indianapolis had enabled a few blacks to move into skilled factory jobs, but lack of vocational training facilities as well as prejudice limited opportunities for most. More often blacks were able to take positions vacated by whites as they moved up into the higher paying ranks. Nevertheless the war brought improved economic status, entrance into some labor unions, and rising expectations for the post-war years.

As defense contracts were cancelled, blacks lost some ground they had gained, and in the years following the war, most black factory workers continued to be limited to low skill, low pay, low prestige jobs, while smaller numbers were in the semi-skilled

ranks, and a very few in skilled positions. The director of the Indiana Fair Employment Practices Commission, a body without power of enforcement, found that as late as 1959, while most firms did not discriminate in hiring unskilled workers and nearly half hired semi-skilled on the basis of merit, two-thirds of those surveyed discriminated against blacks in employing skilled workers, while approximately nine-tenths raised barriers to the employment of members of "a particular group" in office, engineering, and sales occupations. Such discrimination was usually found to be unpremeditated and inadvertent. "Tradition" and "company policy" were cited as the principal reasons.

In general the most menial jobs, such as those of janitors and cleaning women, were regarded as Negro jobs. Blacks collected trash and garbage; some drove trucks, but not public buses. There were few blacks in clerical or retail positions. In the large Indianapolis department stores they worked behind the scenes as stock boys and in the restaurants as bus boys, but there were no black salespeople. After the war increasing numbers gained economic security as employees in civil service in lower and middle level ranks. By 1959 one study showed that the median income of Indianapolis blacks was only about seventy percent of the median income for whites, but that nevertheless they were better off than the average black urban worker in the United States as a whole.[30]

At the top of the socio-economic ladder were the most influential members of the black community - lawyers, physicians,dentists, and owners of business, some such as funeral parlors

patronized only by blacks, others with white as well as black customers. Ministers, teachers, and social workers, although in lower income brackets, enjoyed similar status and were equally influential. Although they were divided by religious and political differences, members of this stratum were a homogenous and closely knit group, small enough that members were personally acquainted, or at least knew about each other. They were nearly always active in their churches and in a variety of inter-meshing religious and secular organizations. Nearly all had attended colleges or universities, where many had been members of black Greek letter fraternities or sororities in which they remained active and intensely loyal in their later careers. Membership in the Masons continued to be a mark of status for men but this did not preclude membership in other benevolent fraternal lodges, which, along with their auxiliaries for women, included a large part of the black community. In addition there were many social and cultural organizations - bridge clubs, musical groups, literary societies, and athletic clubs, some of them affiliated with the Indiana Federation of Colored Women's Clubs, some with the Council of Negro Women. Activities of these multifarious organizations were reported in the weekly Indianapolis Recorder, read by all middle class blacks, even though some deplored the sensationalism of the front page in some issues.[31]

Though critics sometimes claimed that once they had achieved economic security and middle class status, blacks became indifferent to the conditions of the less fortunate, many members of the more fortunate class were engaged in a variety of welfare

activities through their churches and fraternal organizations. Others were active in two larger, nationally known social service organizations, Flanner House and the Indianapolis Colored Y.M.C.A. Though both institutions served some of the same groups, and boards of directors included some of the same members, they represented different ideologies and methods.

Flanner House, founded in 1898 through the generosity of a white philanthropist, Frank Flanner, operated as a social welfare agency for black families, in particular recent migrants from the South. It carried on a variety of educational programs, some of them to train workers for domestic service, others in maternal health, child care, cooking and canning, for homemakers. There were some vocational programs for men as well and an employment service to locate jobs.

The person who symbolized Flanner House to both the white and black communities was Cleo Blackburn, its director for almost thirty years. He had come to Indianapolis from his native Mississippi in 1928, borrowing money to attend Butler University, then affiliated with the Disciples of Christ Church, in which he became an ordained minister. After graduation from Butler he earned a Master's degree at Fisk University and went for a year to Tuskegee Institute as director of Research and Records before returning to Indianapolis in 1936. Under his direction Flanner House became a notable and highly successful example of an institution operating on the Booker T. Washington ideology of self-help, avoidance of political activity, and cooperation with upper class whites, a philosophy which won strong support by

some of the most powerful whites in Indianapolis. The list of white members on the interracial board of directors read like a local "Who's Who." Funded principally by the Indianapolis Community Fund and the Council of Social Agencies, Flanner House received additional support from an impressive list of institutions, public and private, including the Indianapolis Board of School Commissioners.

A tribute, written by the Indiana novelist, Booth Tarkington, in 1941 in a campaign to raise money for a new building, eloquently presented the image which Blackburn and his supporters sought:

"Every citizen of Indianapolis who has at heart the welfare of Indianapolis Negroes knows something of Flanner House, where Colored people are helped sensibly - taught how to make themselves useful and self-supporting, and therefore happier. Even more important, however, than its proven successful work in turning helpless Negro citizens into capable Negro citizens, Flanner House is by no means merely a charity supported by richer white people for the alleviation of the lot of poorer Colored people. No; Flanner House is the result of united efforts of those enlightened Colored people and white people who have what has been called 'educated hearts,' and who, working together in goodwill, contributing together their time, intelligence and money, have made Flanner House valuable to the city."[32]

The most notable achievement of Flanner House in the post-war years was the Flanner Homes referred to above, built in cooperation with the Friends Service Committee. In explaining his

hopes and the aims of the Chamber of Commerce for post-war Indianapolis, George Kuhn expressed the paternalistic perception of blacks held by most members of the white supporters of Flanner House. Advocating the plan by which the city would buy up a slum area and sell lots to Negroes at low cost to enable them to build their own homes, he said it would be a "social experiment in Negro housing," that private enterprise, not government funds was the answer to the needs of slum dwellers. He added, "We look for this plan, in the course of years, to contribute greatly to stability and improvement of the citizenship of the Negro population of Indianapolis," that the program would be building character as well as shelter.[33]

Flanner Homes received national publicity. Two writers for the Survey Graphic in an article with the title, FORTUNATE CITY, said: "There is still race cleavage in Indianapolis; but thanks to Flanner House, something negative, even hostile is giving way to something positive, friendly, and significant." Describing the Flanner House program of education and welfare activities, the authors said it had shown "whites and Negroes how racial troubles lift when the two races work together for their common good," adding that the slum clearance and building were carried out "under the leadership of the Chamber of Commerce, real estate interests and other forces for good." They admitted that the housing project and some other Flanner House programs had met opposition from labor unions of the building trades and professional social workers, who had reservations about methods used by Flanner House, and "from a few

left wing Negro militants," irked by its cooperative front. "But," the writers concluded, "almost invariably Flanner House calls forth more good than people know they had."

Some of the "left wing" critics could probably have been found at the Colored Y.M.C.A. (also commonly known as the Senate Avenue Y.M.C.A. because of its location). Although both were supported in part by contributions of whites and some blacks served on the boards of both Flanner House and the "Y", the two institutions were viewed in both the black and white communities as different in ideology and methods.

After, being refused membership in the Indianapolis Y.M.C.A. in 1900 because of his race, a young black physician, Dr. Henry L. Hummons, together with another physician friend, started the Colored Men's Prayer Band, which became affiliated with the national Y.M.C.A. in 1902 and later with the Indianapolis [35] Y.M.C.A. Founded by members of the medical profession, the Colored "Y" continued to attract physicians, lawyers, and teachers, who furnished leadership for its many activities, although most of the adult members were unskilled workers or employed in personal or domestic service. By 1915 the Indianapolis organization was the largest colored Y.M.C.A. in the United States. At the end of World War II its membership numbered almost five thousand, about half adults, half younger boys. Adult education was a major function, including courses ranging from high school English and algebra, psychology, public speaking to vocational courses like blue print reading," drafting, and shop mathematics. The "Y" also sponsored a

variety of activities for boys - swimming, basketball, and all kinds of sports and athletics as well as summer day camps and religious activities.[36]

The driving force behind the "Y" and its activities was Faburn E. DeFrantz, who served as executive secretary for thirty-five years, from 1915 to 1951. Born in Topeka, Kansas, to which his father had migrated as an "exoduster" in 1879, he attended segregated schools in that city and then the University of Kansas at Wichita and later the Indiana University School of Social Work and Kent Law School. He was an impressive figure - more than six feet tall, aggressive and articulate, often considered abrasive. The educated members of the black community were attracted to him, giving him and the "Y" their enthusiastic support, but he also had the capacity for communicating with poor, uneducated blacks and making them feel "welcome and comfortable." Many whites looked askance at DeFrantz because of his unabashed demands for recognition of the equality of blacks and his abrasive personality, but his sheer intellectual stature, his "insatiable reading habit," and his deep social consciousness gained him entry into some well-to-do influential white households.[37]

The "Monster Meetings" at the Colored "Y", praised as a "dynamic community enterprise," won national recognition. They began as primarily evangelical religious lectures by scholarly speakers who interpreted Christianity, but DeFrantz believed that as evangelistic enterprises they should "challenge men'

'to put on the whole armor of God' and go forth in battle against the forces which were impeding the progress of the Kingdom of God and the Brotherhood of Man." Audiences must be made aware and informed about current social problems and prepared for action.

During the early years of World War II, when A. Philip Randolph spoke out against discrimination in the armed forces, and Mordecai Johnson, president of Howard University, demanded freedom and justice at home as well as victory abroad, some members of the white community accused DeFrantz of trying to impede the war effort. Other speakers included Walter White who spoke almost every year, as well as other NAACP leaders, among them Thurgood Marshall. There were also literary figures like Langston Hughes and a few white political leaders and educators. The effects of the lectures in some cases was to lead to or strengthen community efforts on such subjects as education and employment. Issues discussed in which the "Y" claimed some credit for action included the opening of downtown theaters to blacks, the admission of Attucks High School to the Indiana Athletic Association, and the first employment of blacks in administrative positions in city government. Important discussions concerning a school desegregation law were held at the "Y," and DeFrantz appeared before the Indianapolis School Board to protest segregation and before the state legislature to lobby for the legislation.[38]

During the war years middle class blacks in Indianapolis, as in other cities, showed increasing awareness of discrimination

and indiginities and a readiness to demand equality as never before. The wartime experience, more than lectures at Monster Meetings, showed the contradictions between American ideals and professed war aims and the realities of black life, for civilians as well as members of the armed forces. Following the war the Indianapolis branch of the NAACP and the State Conference of NAACP spearheaded a drive to eliminate segregation and discrimination. Meeting at the "Y," NAACP leaders discussed plans and strategies and enlisted support from other groups. Although within the network of organizations - fraternal, labor, civic,religious and social - which met regularly at the "Y," there were often personal rivalries and feuds, a strong sense of common interests and similar goals in campaigns against discrimination, tended to override differences - even those between Democrats and Republicans.

As we have seen, disenchantment with the Republican party because of its identification with the Ku Klux Klan had led traditionally Republican blacks to vote for Democrats for the first time in the 1920,s. During the thirties, although blacks
began a mass exodus from the Republican party to the party of Franklin Delano Roosevelt as the result of New Deal welfare programs, some of the most prominent blacks in Indianapolis remained loyal to the Republicans.[39]

In a continuing, though half-hearted effort to win back black voters, the local Republican organization gave token recognition, usually endorsing one black among the candidates-for the state legislature from Marion County (Indianapolis).

Since, before the General Assembly was compelled to reapportion itself in the 1970's, members were elected at large from the entire county, the black nominees were chosen by white leaders and acceptable to white voters, but since, more often than not, Republicans won local elections, the system meant that there was usually one black legislator from Marion County.

The dean among black Republicans in Indianapolis, and indeed in the entire state, was clearly Robert Lee Brokenburr, the first black state senator, elected in 1940 after serving earlier in the lower house. Brokenburr, born in Virginia, the son of a hotel chef, had attended Hampton Institute, where he had been imbued with the philosophy of racial uplift, self-help, and interracial goodwill of its principal, H.B. Frissell, the mentor of Booker T. Washington. After graduating from Howard University Law School, he came to Indianapolis to begin a career in general practice which lasted from 1910 to 1972. As a young lawyer he was active in the prosecution of several civil rights cases, including the suit which invalidated the Indianapolis residential zoning ordinance. He was the second president of the Indianapolis NAACP and long active in the affairs of that organization. In the 1920's he had opposed increased segregation in the public schools, in particular the building of a separate high school. While Brokenburr often contributed his legal services without charge in early civil rights cases, he enjoyed a comfortable income as general counsel for the Madame C.J. Walker Comanufacturers of cosmetics and hair dressings for blacks, the best known and most successful black owned

business in Indianapolis.

A very tall, very dark man with a commanding presence but conciliatory manner, Brokenburr was respected by both whites and blacks. In his later career he was less active in the NAACP and civil rights causes, more cautious about offending white opinion, but on some occasions he continued to speak out forcefully. In the state senate, to which he was elected four times, he joined in sponsoring a measure to admit Crispus Attucks High School to the Indiana Athletic Association, a bill permitting blacks to enlist in the National Guard, and a bill to increase the numbers of Negroes in the Indianapolis police force. He won wide attention as sponsor of a law creating a State Fair Employment Commission in 1945, one of the first such measures in the United States, but the bill, which was strongly opposed by the Indiana State Chamber of Commerce, as finally passed, was so watered down that it was little more than a declaration of good intentions, entirely without sanctions or means of enforcement.[40]

The man most prominent in leading the black voters of Indianapolis away from the Republican party and into the ranks of the Democrats was Freeman Ransom, for many years a close associate of Brokenburr. Born in Grenada, Mississippi, he had graduated from the college and law school of Walden University in Nashville, Tennessee, before coming to Indianapolis in 1910. For a time he shared an office with Brokenburr and Robert Bailey, who, more than any of his contemporaries in Indiana, had a reputation as a successful civil rights lawyer. Ransom became

associated with Madame Walker earlier than Brokenburr as her personal lawyer and business manager of the Walker company, which, under his direction, was highly successful, with a national and international business. His efforts made possible philanthropic gifts from Madame Walker to the Y.W.C.A., the Y.M.C.A., and churches and scholarships to Tuskegee Institute. Active in the A.M.E. Church, Ransom also served for many years as president of the Flanner House Board. He was a close friend of DeFrantz and treasurer of the Senate Avenue "Y," and active in the national as well as the Indianapolis NAACP, serving for a time on the national board. During the early days of the New Deal he openly identified himself as a supporter of Franklin Roosevelt and the McNutt administration.[41]

A more conspicuous figure among Democrats, and far more controversial than Ransom, was a younger man, Henry J. Richardson, one of the first two black Democrats elected to the Indiana house of representatives, a man who became a powerful figure in the struggle for civil rights after World War II. A native of Huntsville, Alabama, he had been sent to Indianapolis as a boy to attend Shortridge High School before it was racially segregated. He later attended the University of Illinois and graduated from Indiana University and the School of Law of Indiana University. After opening a law office in Indianapolis, he became active in Democratic politics, winning election as a state representative in 1932 and 1934. He soon attracted attention as a brilliant and effective speaker but something of a political maverick. During his second term he sponsored a bill to strengthen the

public accommodations provisions of the Civil Rights Law of 1885, a measure regarded as inimical to the interests of some businesses and offensive to conservative white Democrats. Richardson's bill did not pass, and he failed to win endorsement from the party organization for renomination in 1936, being replaced by a Presbyterian minister who had previously shown little interest in politics.[43]

After this rebuff by local leaders, Richardson did not seek public office again but remained an active Democrat and zealous lobbyist, also participating in and winning victories in some notable civil rights lawsuits. As a lawyer and orator he won recognition outside of Indiana and was admitted to practice before the United States Supreme Court. In Indianapolis he and his wife, Roselyn, were active in school affairs and the Church Federation.[44]

After Richardson no black of comparable stature and ability emerged as a Democratic candidate from Marion county for several years. Although post-war Democratic state platforms were more favorable to black aspirations than the Republican, the Marion County Democratic organization, like its Republican counterpart, gave only token representation to blacks. Moreover the fact that the Marion county delegation in the state legislature shifted back and forth between the two parties usually prevented black members from acquiring the influence that went with seniority.

In city elections, in which blacks made up a larger percentage of potential voters than in the county, both parties

customarily designated one black candidate for the city council. Though they were usually able men, the few blacks elected to the council had little influence and were unable to persuade the council to adopt measures against discrimination in employment and housing. In 1945 Mayor Robert Tyndall appointed a committee on racial cooperation; in 1952 Mayor Alex Clark named an ad hoc commission on human rights. He later asked the city council to make it a permanent body "to promote amicable relations among racial and cultural groups within the community." Although the council provided for an office and a minimal budget, the commission had no power beyond hearing complaints and making recommendations.[45]

The main efforts to end segregation and discrimination were directed at the state legislature in a campaign in which the Indianapolis branch of the NAACP, with the support of the state organization, took the lead. During the depression years of the 1930's membership in the Indianapolis branch had dwindled and efforts at fighting discrimination had lagged, but during the war, membership in Indianapolis began to grow substantially, while elsewhere in the state new branches were organized and old ones revived.[46] In 1947 a State Conference of branches was organized, but because of its location in the state capital, the city with the largest Negro population in Indiana, the Indianapolis branch furnished leadership and was the center of greatest activity. The pre-eminent figure at both city and state level in the years following the war was the eldest son of Freeman Ransom, Willard Ransom, who was elected state president five times. After

graduating with honors from Talladega College, he attended Harvard Law School, the only black member of a class of more than three hundred. In World War II he rose to the position of captain in the Judge Advocate General department. Most of his wartime experience was in Alabama, where he was outraged by the discriminatory practices in the army and engaged in protests against the treatment of black officers and enlisted men. Returning home after the war, he was determined to continue his fight for racial equality in Indianapolis. In addition to playing a key role in framing and lobbying for civil rights legislation, he advocated and led a direct action campaign of peaceful demonstrations and sit-ins to force restaurants and hotels in Indianapolis to comply with the public accommodations provisions of the Civil Rights Law of 1885. Although a Democrat, like his father, he was deeply disturbed by the anti-Communist crusade of the post-war years and some of the Cold War policies initiated by President Truman. As a consequence he campaigned actively for Henry Wallace and the Progressive party in 1948, activities which horrified some NAACP members who regarded his identification with their organization as a dangerous liability. But, in spite of efforts to oust him, he was elected repeatedly to the state presidency and guided the NAACP through its most successful years.

The active leaders of the Indianapolis branch of the NAACP, in addition to Ransom, included both Republicans and Democrats. The president, during some crucial years, was William T. Ray, a Republican son-in-law of senator Brokenburr, a native of New Jersey and a graduate of Oberlin College, now operator of a

real estate business. Also a Republican was Jessie Jacobs, who had graduated from Butler University with a degree in economics and business. In 1944 she unsuccessfully sought nomination to the Indiana house of representatives, the first black woman in the state to seek the office. Active in both the local and state NAACP, she was probably the most tireless worker and most **persistent and intrepid lobbyist in the organization.[48] Democrat Henry J. Richardson, while not particularly active in the NAACP, apparently preferring to work through other channels, had ties with the national organization, helped frame legislation, and gave valuable advice from his political experience. Another Democrat was Andrew Ramsey, a teacher of foreign languages at Attucks High School. Born in Tennessee, he was the youngest son of eight children in a family that moved to Indianapolis after World War I. An honor student at Manual High School, awarded a scholarship by the Indiana Federation of Colored Women's Clubs, he graduated from Butler University and later earned a Master's degree at Indiana University. A devoted member of Second Christian Church, the church for blacks of that denomination, he was also a member of the State Board of Christian Churches and the Church Federation of Indianapolis and active in the Masons and a number of professional organizations. But his loyalty and service to the NAACP overshadowed these other activities. Over the years he served as president of the Indianapolis branch, the State Conference, and as education chairman several times, playing a key role in the long struggle to desegregate the Indianapolis Public Schools. A short, well dressed,**

meticulous and urbane man, Ramsey was well known in the black community because of his many activities, both civic and social, including membership in several bridge clubs, and because of his weekly column in the Recorder, "View from the Gallery," in which he expressed his views on racial matters and politics.[49]

Despite growth in membership the Indianapolis NAACP remained a small, largely middle class group, certainly not a mass movement. Of the five hundred or so members only a handful were really active, ready to participate in protests and lobbying. Any hope of success in achieving goals depended upon support from allies, both black and white.

In the black community the Federation of Associated Clubs, with which many NAACP members were affiliated, gave valuable support. An umbrella organization of more than one hundred clubs, including some purely social such as groups of bridge players, also literary societies, musical groups, labor organizations, and even American Legion posts, it was founded by Starling James, a public school teacher in 1937. James, a bridge playing member of the middle class, felt he had an obligation to oppose discrimination and at the same time educate less fortunate blacks in middle class values and standards of conduct. All affiliated clubs were expected to join in "fighting for the economic, civil, and social liberties of our people." A monthly newsletter, the Federation News, reported social events and at the same time featured articles by Henry J. Richardson calling for action against prejudice and discrimination. With a much larger membership than the NAACP, the Federation of Associated Clubs could

be counted upon to help in mobilizing the community and furnishing assistance in lobbying before the state legislature.[50]

Meanwhile, among whites as well as blacks, World War II and its aftermath were a kind of watershed in attitudes toward race and racial attitudes. Relatively few whites read Myrdal's American Dilemma, published in 1944, but more and more of them recognized the paradox of professing democratic ideals of justice and equality and fighting a war against a racist enemy in Europe while maintaining segregation and discrimination at home.[51]

In Indianapolis the Church Federation took the lead in examining problems and seeking ways of improving race relations. In 1943, at a time when some other northern cities were torn by race riots, a committee of black and white citizens "interested in improving racial relations in consonance with Christian precepts through education and social action" was created. An interracial institute sponsored by the committee recommended the formation of a council which would include representatives of religious, civic, industrial, patriotic and social agencies and organizations "to work for the peaceful and constructive solution of community problems involving race or religion." The result was formation of an Indianapolis Citizens Council which included representatives of a broad spectrum - the Church Federation, the Roman Catholic Diocese, the Jewish Federation, the League of Women Voters, the Indianapolis Chamber of Commerce, the Central Labor Union, The Council of Social Agencies, and the local (Eleventh District) American Legion.[52]

In June 1945 the council held a race relations clinic to examine various aspects of the condition of blacks and race relations, including educational opportunities for blacks. As Dr. Howard J. Baumgartel, executive secretary of the Church Federation, later recalled, the proposal for the clinic "presented difficulties." He said, "We found immediately that the decision makers of the city had considerable misgivings about such a clinic being held," warning that it might lead to racial tensions. Nevertheless the clinic was held, and out of it came the organization of the Community Relations Council, a permanent rather than an ad hoc organization, including some, but not all, of the groups which had been a part of the earlier Indianapolis Citizens Council. The NAACP became an affiliate of the Community Relations Council, which was to play an important part in the coming campaign to abolish segregation in the Indianapolis Public Schools.[53]

Another supporter and more outspoken ally of the NAACP was the Indiana Congress of Industrial Organizations, led in the years after the war by the dynamic and idealistic Walter Frisbee. At both state and local levels there was cooperation between the CIO and the NAACP, and in the General Assembly, which included a number of members of the CIO (but few members of the NAACP) and more who were elected with CIO support, this unity of effort was extremely important to the success of the NAACP program.

The four major legislative goals of the NAACP were abolition of segregation in public education, a strong Fair Employment Commission with enforcement powers, strengthening the Civil

Rights Law of 1885 to guarantee access to public accommodations, and an open housing law, all of which had strong CIO support. Ultimately laws to fulfil all these objectives were passed, but only after years of struggle in most cases. The first victory was the School Law of 1949.[54]

Chapter 3

THE 1949 SCHOOL DESEGREGATION LAW

A fire which gutted a Negro elementary school in January 1946 symbolically ignited an issue smoldering for a long time - desegregation of Indianapolis public schools. The fire, called by some "a heaven sent opportunity," brought the guestion to public attention. Since 1945 the Indianapolis branch of the NAACP, sometimes in cooperation with other groups, had been trying to bring about changes in racial policies. In May 1945, Andrew Ramsey, education chairman of the NAACP and a member of the Race Relations Clinic of the Indianapolis Church Federation, sought a written statement from the school board of the official policy on separate schools for Negroes and whether or not any change in policy was contemplated. The school board and the administration were reported to have been "evasive on both requests." About the same time a member of the national staff of the NAACP who came to Indianapolis to discuss with the superintendent and members of the teaching staff the possibility of developing a program of inter-cultural education, found her experience "highly discouraging."[1]

After the fire the Indianapolis NAACP took the initiative in bringing together at the Senate Avenue Y.M.C.A. a group interested in school desegregation. Having ascertained that there were three elementary buildings near Number 63, the burned out

school, with enough classroom space to absorb the 325 displaced pupils and that the principals of these schools were willing to accept them, the group went to the school board to ask that the students be allowed to attend the schools nearest their homes. This they regarded as a first step toward their goal of complete elimination of segregation.[2]

Meanwhile the school board had voted funds to pay to bus the displaced black pupils about ten miles across the city to a previously abandoned building. At the same meeting the board voted funds to build a ten room addition to School 26, a Negro school, the largest elementary school in the city. A large delegation of black and white citizens appeared before the board on February 12 to ask that the pupils from School 63 be allowed to attend neighborhood schools as a first step toward desegregation. DeFrantz, of the Y.M.C.A., who read a prepared statement, was the first of several speakers, some of whom invoked the name of Abraham Lincoln. But an article by Charles Preston, a member of the delegation, a crusading young white who had recently joined the staff of the Recorder, remarked, "The spirit of Abraham Lincoln was given the brush-off on the Great Emancipator's birthday." The president of the school board informed the delegation that the emergency resulting from the fire was acted upon "after the most careful consideration for the welfare of the children and teachers and it would be unwise to make any change." The board, he said, wanted to keep the "family of pupils" from School 63 together. He added that

"other problems expressed by members of their group would be studied by the Board." Some parents of School 63 pupils strongly defended the board's action. Three of them sent letters thanking the board for transporting the children and asking that the old school be rebuilt. One said, "As it is well known that #63 is one big happy family we are happy that the faculty and children are still together."[4]

At the meeting on Lincoln's birthday, Walter Frisbie, of the CIO, urging the board to take advantage of the opportunity furnished by the fire, deplored spending money needlessly to transport children simply because they were Negroes. He warned: "You cannot permanently prevent the coming of full civil, economic and political equality for all people. More trouble can be avoided by seizing opportunities like the present one." At the beginning of the school year the following September, when the Gary school board was forced to take action against white students protesting a recently adopted plan to end segregation in that city, the Recorder urged: "Let Indianapolis profit by Gary's experience, and integrate her schools BEFORE racial agitators have a chance to strike. We must add that if this is to be done, it will be necessary to 'build a fire' under the Indianapolis school board - a much hotter fire than they have felt up till now."[5]

A few weeks later a group of fourteen Attucks students, hoping to arouse the school authorities, commandeered a truck to take them to the office of the school superintendent to protest over inadequate "forced" busing to the school, which

frequently caused them to be tardy. At a conference with school authorities, arranged by Jessie Jacobs, chairman of the education committee of the NAACP, one of the students pointed out that most of them lived in the Shortridge area, that busing would be unnecessary and their problems solved if they were allowed to attend that school. Failing to receive a favorable response at the school office, the students next unsuccessfully tried to appeal to the Chamber of Commerce.[6]

In December another delegation appeared before the school board to present a petition to end segregation signed by representatives of a broad spectrum of organizations which the petitioners claimed represented fifty thousand members. This time the spokesman was Jay T. Smith of the Veterans Civil Rights Committee. While the immediate problem was denial of admission of black veterans to vocational training programs in all of the high schools, the petitioners also asked the board to set a date for the complete end to segregation. Asserting that the "separate but equal" school policy permitted by state law was not in fact equal, and declaring that "the inequality operates to the detriment of Negro pupils as compared with white pupils," the petition asked that Indianapolis follow the example of Gary and other cities by adopting a policy of ending segregation, work out a plan for implementing it, and set an early date for its execution. The petition also addressed a related issue regarded by some as an obstacle to ending separate schools, the status of Negro teachers, saying that in "a fully integrated school system, a fair proportion of Negro teachers and

administrators should be retained, and no teacher or administrator dismissed as the result of this change." Pending execution of an over-all plan, the board was asked to open immediately all high school vocational training programs to veterans without regard to race.[7]

When the school board failed to make a response, a second copy of the petition was sent. Following that a reply endorsed by every board member defended existing policy and indicated that no change was being considered. Saying that since 1875 the community through the Board of School Commissioners had followed the general policy of separate schools, that state law gave the board "complete authority to designate which schools pupils shall attend," the board declared that its aim was to provide the "best possible educational facilities" for all children. "Every possible effort is made," it asserted, "to give equal educational opportunity to each pupil without regard to his race, creed or color and we believe that objective is being achieved under the present plan of administration." The board pointed out that there were exceptions to its policy of complete segregation - that in ten elementary schools Negro children were enrolled with white. But that there was no intention of increasing racially mixed schools had been made clear a few weeks earlier when the board voted funds to rebuild Number 63, the school which had been destroyed by fire at the beginning of the year.[8]

In spite of repeated rebuffs delegations continued to appear before the school board, but in the first weeks of 1947,

efforts of anti-segregation forces were concentrated on the state legislature, an assembly controlled by Republicans, who had swept the state in elections the previous November. While the Democratic state platform of 1946 had called for a strong public accommodations law, an F.E.P.C. law "with teeth," and an end to discrimination in public education, the Republican platform had been silent on these issues.[9] But hopes that Republicans might look favorably on ending segregated schools were raised early in the session by the adoption of a bill introduced by Senator Brokenburr, the only black member of that body. The bill, framed by Henry J. Richardson, and perhaps inspired by rumors of a possible revival of the Ku Klux Klan, was entitled: "An Act Concerning Hatred by reason of race, color, or religion, and to effectuate the Bill of Rights (and) providing penalties." It quickly passed the senate by a vote of 41 to 0 and was approved a few days later in the house by a vote of 91 to 0. The law prohibited any conspiracy or combination of persons or incorporation of an organization with intent of disseminating "malicious hatred by reason of race, color or religion," and provided severe penalties for violation. The ease with which the measure sailed through the legislature was probably evidence that the lawmakers considered it meaningless or, at least, innocuous, although Richardson was proud of his authorship and had hopes of using it.[10]

Hopes for a school bill were soon shattered however. A few days after the introduction of Brokenburr's bill, Democrat

James Hunter of East Chicago, one of three black members in the house of representatives, introduced a bill for the creation of a State Commission Against Discrimination in Education, which would prohibit "discriminatory educational practices and policies based upon race, color, religion, national origins or ancestry." It was referred, not to the Committee on Education, but to the Committee on Ways and Means and never heard of again. A school bill with the stated purpose of abolishing segregation in all public schools, including state colleges and universities, introduced by two Republicans from Marion County, William Fortune and Wilbur Grant, a black, and referred to the Committee on Education, appeared to have a better chance of favorable action. Declaring that it was the public policy of the state "to provide equal educational opportunities and facilities for all, regardless of race, creed or color, and to eliminate and prohibit segregation," it provided that school officials should not "establish, maintain, continue or permit any separation of public schools or public school departments or divisions, on the basis of the race or color of attending pupils." Two years after adoption of the bill, schools would discontinue enrollment on the basis of color, and pupils already enrolled in segregated schools might be transferred to other schools or continue in separate schools until graduation. But after the bill took effect, pupils graduating from elementary schools would no longer be sent to separate high schools but would be free to attend any high school "within the limitations applicable to all students regardless of race or

color." [11]

The bill, in large part the product of the "Race "Relations Committee of the Church Federation, "had the support of a group put together through the efforts of Henry J. "Riclaardson, calling itself the Provisional Council for Unity. It included the NAACP, the CIO, and numerous church and civic organizations. Jessie Jacobs, Willard Ransom, Roselyn Riclaardson, and others lobbied vigorously. At a public "hearing, supporters of the bill, pointing out that Indianapolis was the only large northern, city with a segregated school system, called segregation "expensive, unfair, undemocratic, unreasonable, and immoral." among those speaking in support were Faburn DeFrantz, Rabbi Maurice Goldblatt, and James McEwan, state president of the CIO. Opponents said the measure would lead to racial troubles, some predicting that it would mean loss of jobs for Negro teachers. Most damaging to prospects for adoption was a message from the Indianapolis Board of School Commissioners read by Mirgil Stinebaugh, the superintendent, which said that the board, "without attempting to present a brief either for or against the policy of segregation in the public schools," wished to present "certain facts" relative to practices in the Indianapolis system - that a law taking from the the board authority to decide which schools pupils should attend, might, among other unfortunate consequences, cause the immediate need for "large capital outlays" to increase the facilities of some schools, while leading to abandonment of other "serviceable" buildings because of declining enrollments. Having pointed out.

that a sizeable number of Negro teachers taught in the segregated schools, many of whom were tenured, Stinebaugh warned ambiguously that abolition of segregation "would necessitate reassignment of school personnel which might seriously affect professional status and working conditions for many of these employees." Moreover,"The question of segregation in the public schools," he said, "involves many factors of community wide significance. It cannot be considered wisely without reference to current local practices in race relations in business and industrial life, in religious and fraternal organizations, recreational and character building agencies, and in neighborhood agencies.[12]

After the public hearing, the education committee, which had already had two weeks in which to consider the proposed law, went into secret session. The chairman told reporters,"We're not giving out any information." A week later James Hunter, convinced that he intended to keep the bill bottled up to prevent a vote, moved to force the bill out of committee "with or without a recommendation."

To this the chairman responded that the bill had been under almost constant consideration but that the committee was not ready to make a recommendation because it was "so complicated." Asked by a Democratic member what made it "so complicated," he replied, "Because there are so many differences of opinion." Hunter declared that the real reason was that members did not want democracy to work in Indiana. "Right here in Indianapolis,"

he said, "the school board pays out [thousands of dollars] annually to prevent Negro pupils from attending schools that are located just around the corner from where they live."

Hunter's efforts to bring the bill to a vote failed, the house of representatives by a margin of 46 to 25 voting to table his motion. All the votes to table were cast by Republicans, while fourteen Republicans and eleven Democrats (the only ones present and voting) voted not to table.[13]

Proponents of the abolition of segregation, attributing defeat of the bill principally to Stinebaugh's statement and the influence of members of the Indianapolis school board, bitterly assailed the board. In a lengthy editorial the Recorder, calling the Stinebaugh statement "a thinly disguised appeal to backward, race-hating elements in the population," said that the first persons against whom the recently enacted Anti-Hate law should be invoked were the members of the school board. Responding to the remarks about "community wide significance," the editorial asked: "Do you see what we have come to, fellow Americans?.... Because we have unfair employment practices, therefore we must have discriminating restaurants; because of the restaurants we must have lily white hotels; because of the hotels we must have 'whites only' operating street cars and patronizing Riverside Park; and because of all these we must have jimcrow schools."[14]

Whether Stinebaugh's statement about teachers was intended to frighten Negro teachers with the threat of losing their jobs

or white parents with the prospect of Negroes teaching their children was not clear. But, as the result of a survey of three hundred teachers, the Recorder reported that eighty per cent favored outright abolition of segregated schools; twelve per cent favored continued segregation, while eight percent were undecided.

After the failure in the General Assembly, anti-segregation forces turned again with renewed zeal to the Indianapolis Board of School Commissioners. Roselyn Richardson, Jessie Jacobs, and other women leaders worked to organize groups of black parents to join in appearing before the board. Bill Ray and Jacobs repeatedly led delegations of blacks and whites to board meetings, where they received the customary non committal responses.[15]

While continuing to keep the issue of segregation alive by frequent appearances before the school board, black leaders decided upon a campaign to acquire a voice in policy by electing a member of the board, which had never included a black, although by 1947 blacks made up almost fifteen per cent of the population of Indianapolis and a still larger percentage of the school population.

The first step was to gain a voice on the all-powerful Citizens School Committee. Two conservative blacks, Robert L. Brokenburr and Dr. Sumner Furniss, had been members of the two-hundred member committee for some years, and Jessie Jacobs had been named more recently. In April 1947, when the committee

issued an invitation to all citizens to join in selecting and supporting candidates for the November election, Willard Ransom was also added. At the April meeting a select committee was named with "authority to investigate qualifications and availability of prospective candidates." When the names of three prominent blacks - Roselyn Richardson, Zella Ward, and R.T. Andrews, pastor of Mount Zion Baptist Church, were presented as possible candidates, they were ignored. The reason, according to members of the committee, was that in selecting candidates they should be above "group pressure," a response which led the Recorder to say that "continued exclusion of one group" was itself "a most flagrant form of group action[...]a question of which group does the pressuring."[16]

In July the Citizens Committee held a luncheon in the Lincoln Room of the Lincoln Hotel, which was adorned by a bust of the Great Emancipator, to announce the slate of candidates for the November election. So perfunctory had become the process of selection of candidates that a reporter from only one of the daily newspapers was present. He pointed our that although the schools represented the largest administrative unit in the county and the city's "most significant investment in the future," only about one-fourth of the persons invited attended the luncheon.

Judge John Niblack, vice-chairman of the executive committee, presided. Before announcing the chosen slate he said: "It's a mighty hard job to get people to run for the school board. It's a tremendous job for which they're paid absolutely nothing."

Before reading the names he continued, "It wouldn't make any difference to me if they were all Democrats or all Republicans. But in the interest of the general public, we have to split it up." After the names of the chosen candidates were read and a motion made to approve them, Willard Ransom interrupted to ask why none of the candidates selected was a Negro and what the attitude of the candidates selected was toward segregation in the schools. Niblack, taken aback by the unexpected inquiry, replied that candidates were selected without consideration of their view of any particular subject. "We examined the entire field," he said. "It's a hard job to balance it out. I think we finally picked out some mighty fine citizens [...] As to their stand on segregation, you'll have to ask them. I don't know what it is."

Jessie Jacobs then joined in the exchange, saying it was hard for her to understand why her son had to ride a bus to a segregated school and why he could not take advantage of special courses offered in some of the high schools. "And," she added, "forty thousand other Negroes in the community feel the same way."

A member of the committee which had selected the candidates then attempted an answer, saying that he personally would prefer that children not be segregated so that there could be "a continuing acquaintance between the children of all races," but adding that he felt that the purposes of the Citizens Committee would not be served by canvassing candidates in advance on such an issue. "Whenever we elect a board to carry out

specific policies," he said, "we lose our usefulness to the community," As to a Negro candidate, the question had been considered, but: "We thought the time was not yet ready. We thought we'd have a measure of difficulty carrying the candidate on the ticket," He added pointedly, "We have given you no extremists, Mr. Ransom." After that the group voted overwhelmingly to approve the seven candidates, Ransom registering a solitary "no."[17]

After the announcement of the all-white slate, an editorial in the Recorder declared that black leaders, labor leaders,and liberals had a "heavy responsibility... to put a more democratic slate in the field and thus give the voters a choice on election day." A group calling themselves the People's Committee, with Ransom as chairman, nominated two candidates -R.T. Andrews, a pastor of one of the largest black congregations in the city, and Charles Preston, the white reporter on the staff of the Recorder. With little organization and almost no budget, Andrews polled over sixteen thousand votes but trailed far behind the candidates of the Citizens Committee in the November election.[18]

Earlier, in January, when the bill abolishing segregation was under consideration in the legislature, the Henry J. Richardsons had tried to enroll their two sons in School 43, a short distance from their home, in a neighborhood where there were a number of black families. Refused admission in a written statement from the assistant superintendent of schools, the boys were then sent to Number 42, a crowded Negro school, some

sixteen blocks distant from their home.[19]

The following September, as part of a strategy to test the school board, another black parent, Clarence Nelson, methodist minister, a former president of the Minneapolis NAACP, who had moved into the neighborhood of School 43, attempted to enroll his twin daughters in that school and was refused by the principal. Accompanied by Jessie Jacobs, chairman of the education committee, and Willard Ransom, chairman of the legal redress committee of the NAACP, Nelson then went to the assistant superintendent, who stated the official policy on segregation and told the group to appeal to the board.

Nelson, Jacobs, and Ransom, accompanied by a large delegation of blacks and whites, appeared before the board on September 30. After presenting a written petition, Nelson sparked an exchange with board members by saying that he spoke in the premise that "all schools should be available to students without regard to race, creed or color." Others, including Richardson, expressed similar views, adding that the NAACP was considering legal action against the board - that its policies violated both the United States Constitution and the recently enacted Anti-Hate Law. In response the board president insisted that the board's policy was not discriminatory - that all studies of future districting did not consider race but rather "the alleviation of crowded classroom conditions." But before any major changes could be made, "important financial and administrative factors must be considered," and therefore Nelson's request must be denied.[20]

After this rebuff the Indianapolis branch began to lay plans for legal action, appealing to the national staff of the NAACP for assistance. At the same time they continued efforts to convince the school board that it should act voluntarily. "In the meantime," Ransom, president of the State NAACP, wrote to Thurgood Marshall of the Legal Defense Fund, "we are going to approach the various school boards again with petitions asking abolition of segregated education, utilize the coming elections to place politicians on the spot on the issue, prepare for the introduction of another bill in the 1949 legislature outlawing segregation in education, and in general, use all methods that are practical and feasible to attack the set-up A few weeks later Ray, president of the Indianapolis branch once again headed a delegation to petition the Indianapolis school board, the first meeting with the new members elected in 1947. The delegation asked that all elementary school pupils be permitted to attend the school in their district and that all high school students be allowed to attend the high school of their choice, regardless of their race. Research by psychologists had shown, said Ray, that segregation was harmful to the white majority as well as to the Negro minority. Moreover, he said, pointing out that Indianapolis lagged behind other cities in the state on this issue, the segregated system "was economically unsound" and had "never been equal in practice." One new board member, after listening to Ray's presentation, was reported to have said, "I thought that when Crispus Attucks was

built we solved that problem," to which Clarence Nelson, a member of the delegation replied: "That only started the problem."[22]

In September 1948 the school board once more refused to allow black children living in the neighborhood of School 43 to enroll there, but while refusing as a matter of principle to make concessions in that case, they ordered that about one hundred pupils be transferred from an overcrowded Negro school to previously all-white School 32, in a working class neighborhood where incomes were generally lower than in the neighborhood of Number 43. White parents responded with a boycott. At a school board meeting they complained that the board was trying to make their school into a "laboratory." One,saying they didn't object to their children attending school with Negroes, explained, "It's just that we don't like being pushed around by those northside swells." The children would return to school if the board would agree to integrate all schools or permit their children to be transferred to an all-white school.[23]

At the next school board meeting, in a room crowded with white parents from School 32, where the boycott was continuing, Henry J. Richardson presented a plan for redistricting the school system under which all pupils would attend the school in their district and segregation could be ended in three years. Charging that segregation was costing Indianapolis taxpayers more than $100,000 a year, he said that under his plan only physically handicapped students would be transported at public expense. Under the plan one teacher at each school would be

designated an advisor on race relations. Teachers who might be displaced by redistricting would be utilized in other positions to their fullest abilities and to the best advantage of the system.

"We have waited, pleaded and worked on this particular problem for more than ten years," said Richardson, "and we have personally appeared before this board six times within the last two years. We feel it high time the school throw out and abolish its old...policy." Later Richardson, on behalf of a group of parents and taxpayers, and Ransom and Ray, representing the state and Indianapolis NAACP organizations, announced their willingness to cooperate with the school board in initiating a plan to end segregation. Otherwise, they warned, they would take 24 legal action.

A suit against the school board was no idle threat. From the time the Nelson children had been denied admission to School 43, leaders of the Indianapolis NAACP had been making plans, appealing to the national office of the NAACP for legal assistance and financial support, and working to mobilize support from black parents in Indianapolis.[25]

In 1947, when the Indianapolis lawyers prepared their plans for a suit, the national staff of the NAACP had not yet made a direct attack on segregation in public schools. Before 1950, NAACP lawyers engaged in three types of school desegregation cases: suits involving denial of admission of black graduate and professional students; suits which sought to

equalize salaries of black and -white teachers; and suits which arose out of physical inequalities between Negro and white elementary and secondary schools. In 1947 the principles enunciated in Plessy v. Ferguson in 1896 - that state laws requiring racial segregation did not violate the Fourteenth Amendment if they called for equal, though separate accommodations - were still the law of the land. None of the cases which ultimately reached the Supreme Court and were decided in Brown v. Board of Education in 1954 had yet been instituted in a lower court. Neither of the two cases involving higher education which many observers thought paved the way for Brown had yet been decided by the Supreme Court. But arguments for and against an attack on segregation per se had been discussed among lawyers and educators, and Thurgood Marshall, the chief legal strategist for the NAACP, was expecting to make a direct attack when a suitable opportunity arose.

In earlier cases involving unequal facilities in public schools, Marshall had never asked for equalization but had tried to prove discrimination. A finding of discrimination left the judge or school authorities with two choices - to spend money required to equalize the black school in buildings and equipment or to avoid the expense by admitting black students to heretofore white schools.[26]

Richardson and Ransom understood this two-pronged strategy and planned to use it. Hoping to make Indianapolis a test case, they wrote to Marshall, outlining the approach they expected to take. They intended to argue that segregated schools were in

themselves discriminatory - "that the fact of segregation precludes equality in any sense of the term." At the same time they expected to demonstrate that segregated schools were invariably unequal in physical facilities, comparative course offerings, etc., and consequently did not offer equal educational opportunities. Richardson hoped also to use the recently adopted Anti-Hate Law to show that segregated schools created ill-will between the races and "definite odium to the minority race" and "a barrier of detestation between the races" and hence violated the public policy set forth in the law.

However, before a suit was instituted, the lawyers thought it necessary to have a factual and statistical survey of the school situation in Indianapolis to provide needed evidence. The survey, a breakdown, year by year, of expenditures on Negro and white schools would be the "big stick" to use against the school board. Under Supreme Court precedents it would prove that the Negro schools were not equal and would cause the school board to face millions of dollars in expenditures to equalize physical plants and to equalize course offerings.[27]

A letter from the NAACP education committee to the national office a few weeks later presented some examples of existing inequalities in the schools. Negroes were not permitted to attend a "de-luxe" school for white crippled children. For white children there was a special "fresh air" school and "fresh air" facilities in several other schools, but only one "fresh air" room in a single Negro school. In at least three crowded Negro schools first grade pupils were forced to attend half-day

sessions although in two nearby white schools there were small enrollments and empty rooms. A map showed areas with large Negro populations where there were no Negro schools and pupils were forced to travel more than two miles to the nearest segregated schools.[28]

At first Thurgood Marshall expressed reservations about supporting a suit in Indianapolis until the national staff had completed "groundwork for making an all-out attack on segregation," but in February 1948 the national office gave the Indianapolis branch permission to raise and retain funds for a suit, with the proviso that no suit would be begun without consultation with them. However the national headquarters hesitated to pledge its limited resources to Indianapolis. Franklin Williams, a member of the legal staff, after a meeting with the Indianapolis lawyers, suggested that the suit be postponed until the Supreme Court handed down decisions in other cases then pending.[29]

Lack of the expert survey of the schools considered essential to the litigation also caused delay. The way for a study was opened in May, when the Indianapolis Community Relations Council invited max Wolff, a consultant on community interrelationships of the American Jewish Congress, to make a preliminary survey. After meeting with school officials and interviewing a variety of people, including black and white ministers, the former head of the Church Federation, visiting some schools, and obtaining data from the school offices and the Chamber of Commerce, Wolff wrote a brief report in which he pointed out some of the inequities and hardships resulting from segregation.

Notable was the burden imposed upon black children who were required to walk long distances, past white schools, or ride buses for more than an hour to reach the schools to which they were assigned. Some Negro schools, he found, were grossly inadequate. One was a "portable," a primitive wooden structure, a potential firetrap, attended by sixty-seven children. Pupils, ranging in ages from six to fourteen years, were crowded into a single room, and taught by one teacher. Nearby were two modern schools for whites which were not crowded.[30]

Although it might mean loss of jobs for some teachers, Wolff found no opposition to abolishing segregation among the blacks whom he interviewed. But school authorities appeared adamantly opposed to change. They said they would be guided by public opinion and were convinced the public wanted segregation. "They will not even consider any change until they feel a public demand for change, Wolff concluded.[31]

But, in spite of his prediction, there were signs that influential segments of the community were ready to support change. After the Community Relations Council agreed to make a full scale survey, including such matters as the costs of maintaining a dual school system, as well as the burdens and inconveniences imposed on blacks, an editorial in the Indianapolis Star urged citizens to study the report, saying that if the public understood the facts, troubles like the boycott then in progress at School 32 could be avoided. While the school board was trying conscientiously to administer the schools in the interests

of all, "Certainly the commissioners have sense enough to know that there is no legal basis for segregation," and taxpayers should not be expected to pay the cost of building schools to satisfy the demands of patrons "who overlook the economic factors involved." Even patrons who favored segregation must admit that Negro children were entitled to equal facilities and equal opportunities for a good education. If these were not available in separate schools, then it was only sensible for them to attend schools with whites. "Most reasonable white persons in this city," the Star continued, "know that the mixing of races in our schools is the just and economical way to run the schools. Unfortunately they have not had all the facts showing the heavy costs, the hardships, the resentments caused by keeping up separate schools."[32]

"The town is ready and ripe for the suit on the school issue and a financial drive to finance the suit and all expenses," Richardson wrote to Thurgood Marshall a few days later. He added that he had succeeded in getting a commitment from two professors of constitutional law at Indiana University, both of them members and supporters of the NAACP, to associate themselves with the case and that there was a possibility that some prominent local white attorneys would join them.[33]

Early in December, Marshall came to Indianapolis to give a speech and to confer with state and local NAACP leaders. He promised complete support of the national office for the Indianapolis suit, but it was decided to delay action pending the completion of the survey by the Community Relations Council,

expected about May 15. The school board would then be given an opportunity to study the findings, and if they failed to present a plan for ending segregation, action would be taken to secure an injunction.[34]

Nevertheless state and local NAACP officers decided to delay completion of the survey and to concentrate on another effort to obtain a state law ending segregation at the biennial session of the legislature to begin in January 1949. They felt that prospects were much better than in 1947 as the result of the 1948 elections.[35] Although Harry S. Truman failed to carry Indiana, a Democrat, Henry J. Schricker, was elected governor, while Democrats gained control of the lower house of the General Assembly. A Democratic delegation elected in Marion County owed its victory in part to support of black voters. The Indianapolis school board, faced with the prospect of expensive litigation, was less likely to lobby against legislation than in 1947. More over the fact that communities in the northern part of the state had begun voluntarily to end segregation in their schools would probably enhance prospects for favorable legislative action.[36] In Gary, a city of steel mills and ethnic diversity, in which the ratio of blacks to whites was much higher than in the state capital, the white establishment, in contrast to Indianapolis, had taken the initiative for ending segregation. Since the race riots in Detroit in 1943, white leaders, fearful of similar developments in Gary, through a committee appointed by the Chamber of Commerce, had been studying race relations and the pervasive pattern of segregation in the city. Their efforts

had the support of the local CIO, the League of Women Voters, and many other organizations. A branch of the National Urban League, organized in 1944, joined in cooperative efforts to deal with racial problems particularly in the high schools. In August 1946, the school board, declaring that children "shall not be discriminated against in the school districts in which they live, or within the schools which they attend because of race, color or religion," announced a plan to end segregation, beginning in 1947.[37]

In nearby East Chicago there were no separate schools for blacks, but for twenty-five years school authorities had followed a policy of excluding them from extra-curricular activities and social events. Soon after Gary announced the end of segregation, a coalition of East Chicago citizens, representing more than one hundred organizations, began to push for ending discriminatory practices in the schools. The president of the Chamber of Commerce and the League of Women Voters, and state legislator James Hunter, were among members of a committee formed to carry out this objective. As the result, the city council, which had the authority to appoint members of the school board, passed a resolution demanding that the board end discriminatory practices in the schools.[38] In Elkhart, where all Negro elementary pupils were required to attend classes in a single antiquated, sub-standard building, the local CIO and a revitalized NAACP branch supported black parents in a campaign to enroll their children in the nearest neighborhood schools. As the result of

pressure from these groups, who were joined by the ministerial alliance, PTA's, and others, the school board voted to close the black elementary school and redraw school districts. Meanwhile the neighboring city of South Bend, where schools had never been segregated, was considering applications of black teachers for employment in racially mixed schools. Even in Madison, in the southern part of the state, on the Ohio River, following protests from black students, school authorities were faced with the cost of providing new courses in the Negro high school or admitting blacks to the white schools.[39] By the time the 1949 session of the state legislature convened, the issue of school segregation was more than ever a question of the schools in the state capital, Indianapolis. The only other sizeable city with separate schools was Evansville in the extreme southwest corner of the state.[40]

While opponents of segregation prepared a bill to present to the legislature, the Indianapolis school board gave no sign of retreating from their insistence on their right to maintain racial separation. Growing black enrollment led to the transfer of some students to previously all-white schools, but the board was reported to be planning to spend $500,000 to build additions to existing Negro schools, perhaps because they wanted to be able to produce evidence that they were "equalizing" the schools if they were faced with a lawsuit. Henry J. Richardson and other NAACP leaders protested that the costs would be unnecessary if the board would only transfer pupils from crowded

Negro schools to nearby white schools where space was available. They also criticized a decision to enlarge the space for "shop" instruction at Attucks High School, pointing out that adequate training facilities were available in the white high schools.[41]

The 1948 state platform of the Democrats, who now controlled the house of representatives, contained a strong statement on civil rights, partly as the result of NAACP lobbying. The section on "Minorities" said that denial of rights "most overtly asserted in the fields of employment, education and in the full use of public conveniences" was in direct contravention of the civil rights of these citizens. The party pledged "to work unceasingly to end all discrimination on account of race, color, creed, national origins or sex," including a program against discrimination in education which would "emphasize scientific facts about minorities, their role in building our country, and their importance to its culture." In his message to the legislature Governor Schricker gave cautious endorsement to the platform promises. Admitting that it was "a matter of common knowledge" that minorities were discriminated against and denied constitutional rights, he promised that "within the limit of wise building programs, population demands and available funds, we should work unceasingly to eliminate all racial discrimination in our tax supported institutions."[42]

Most of the planning of strategy for the enactment of an anti-segregation bill was done in Indianapolis, principally by NAACP lawyers, and most of the support and lobbying came from the Indianapolis community. On the eve of the opening of the

legislative session, Ransom made public a bill framed by NAACP lawyers abolishing segregation in public education and providing a schedule for its implementation. The bill, more carefully drawn than the one which failed of adoption in 1947, and including provisions barring discrimination against teachers as well as students, was introduced by James E. Hunter, now the chairman of the Democratic caucus, and George Binder, a white Democrat from Indianapolis. After being reported favorably by the committee on education, which recommended some minor changes in the schedule for implementation, it passed the house of representatives by a vote of 58 to 21. Forty-five votes in favor were cast by Democrats, thirteen by Republicans. Five Democrats and sixteen Republicans voted "no"; nine Democrats and eleven Republicans abstained. After the vote, Hunter, rising to a point of personal privilege, said: "I want to thank those who voted for the bill. I am happy to see that we have a lot of people who are imbued with the democratic spirit."[43]

The measure had impressive support from a wide array of organizations whose members lobbied for its adoption. In addition to the NAACP, the CIO, black fraternal and ministerial groups, the Federation of Associated Clubs, these included the Federation of Churches and many other church groups and individual ministers. The Indianapolis Jewish Community Relations Council and other Jewish organizations gave active support, as did the Race Relations Committee of the Y.W.C.A., the Indianapolis Congress of Parents and Teachers, the League of Women Voters,

and the American Veterans Committee. The Marion County Bar Association and the Mayor's Commission on Human Rights were listed as endorsers, and the newspapers gave support through editorials.[44]

There was little overt opposition. Early in the session racist tracts circulating among the lawmakers were traced to the owner of a small printing business. The printer insisted that he was acting on his own and not on behalf of any organization in issuing the tracts, which advocated total residential segregation of the races and the defeat of all civil rights bills, claiming they were Communist inspired efforts to promote racial amalgamation. Petitions to the governor and members of the legislature from the Fairview Civic League and the North Indianapolis Civic League in more restrained and ambibuous language warned that the proposed law would have "far-reaching effects on residential districts... and the social order of long standing," while at the same time expressing the "firm conviction that a social order cannot be changed by legislation, and any attempt to do so would create discontent, tensions, resentment and strife." Particularly offensive were provisions in the bill which authorized "placement of teachers of one race in schools entirely or largely composed of students of other races."[45]

After the bill, passed by the Democratic lower house, was sent to the senate, where Republicans were in a majority, and was referred to the education committee, rumors began to

circulate that the committee intended to kill the bill by failing to act on it. One member was quoted as saying on February 23, "We want to study this for two and a half weeks more," which meant that the bill would be doomed. In spite of the controversial nature of the measure, the committee chairman refused to hold public hearings.

At this point Governor Schricker, who previously had not taken a public position on the bill, met with Democratic senators and urged them to vote for it, saying he considered adoption "the democratic thing to do." An Indianapolis Times editorial entitled "School Segregation Should End," declared the dual system of schools "needlessly expensive to the taxpayer, obviously un-American in principle, and unfair alike, to the children of all races," and said that it was poor preparation for adult living for children of different races to be shut off from each other. "Indiana," it continued, "certainly cannot longer afford to be the only modern northern state to cling to obsolete racial ideas." The Recorder warned of political consequences among black voters if Republicans bore the stigma of killing the bill, while Democrats in the house of representatives took credit for passing it. Former senator Brokenburr and former representative Wilbur Grant, both Republicans, joined leaders of the NAACP and CIO in prying the bill out of committee. Thus goaded, the Republican dominated committee brought the bill to the floor on February 28 with the recommendation that it pass.[46]

Efforts to delay or emasculate by offering amendments followed. Most serious were amendments offered by John Morris, a

senator representing three rural-suburban counties north of Indianapolis. First he proposed that in any classroom in which pupils were predominantly of one race, "school officials were not obligated" to employ a teacher "of another race," Next he offered an amendment which, as the Indianapolis Star put it, would "cut the heart out" of the bill by providing that in cities of the first, second, and third class (i.e. Indianapolis and other large cities), the city council should have the power to decide whether to maintain segregated or non-segregated kindergartens, public schools, or school departments on the basis of "race, color or national origin of pupils" or whether to abolish segregation. After efforts to table the amendments failed, the senate adopted them by voice vote.[47]

Having thus struck a potentially mortal blow against the intent of the bill, the next day the senate revived it in a remarkable about face by voting to strike out the amendments. Acting unexpectedly, while Morris was absent at a committee meeting, Leo Stemle, a Democrat from Jasper in the southern part of the state, and William A. Butcher, a Republican from the industrial city of South Bend in the north, joined in a move to reconsider. Butcher acted, he explained, because "outstanding religious, fraternal and civic organizations" were pushing for adoption of the bill. In a powerful speech Stemle charged that the senate had changed its position from 1947 when it had passed the Anti-Hate Law. The amendments, he said, meant that Indiana was retrogressing to the 1920's.

One Republican senator, strongly opposed to reconsidering

the amendments, said that the school bill was a Democratic proposal "presented as a political measure," handed down from Washington as part of a "national plan" to capture the Negro vote. Another said he thought it "Communistic," while a third declared that in years to come, "the colored race will find I voted for - not against them." that the bill would not lead to racial understanding.

Over protests such as these the senate voted by a margin of 32 to 8 to strike out the amendments. Two days later, in spite of efforts by Morris to postpone action indefinitely, it adopted the bill in a roll call vote by a margin of 31 to 5, with 13 members not voting. All of the votes against the measure and all of the absentions were by Republican members.[48]

It is difficult to explain the abrupt reversal on the amendments offered by Morris, but more puzzling is the vote in favor of them. It is probable that some members who voted for them had not read them and did not understand what they were voting for, a not uncommon situation in the rush of business in the closing days of a legislative session. There is no record of debate or discussion of the amendments in the senate journal or in the press, and there was no roll call. When the implications of their votes were pointed out to them, members were ready to rectify the damage. As senator Butcher's remarks suggest, intense lobbying helped members to change their minds.

As anti-segregation forces learned of the adoption of the amendments, they began efforts to undue the damage, mounting one of the most intensive lobbying efforts in memory. Lights

burned late in Governor Schricker's office as Henry J. Richardson and his "strategy committee" met with the governor and his advisers. Promises were secured from the Democratic governor and the Republican lieutenant governor to "crack the whip" on members of their respective parties. Brokenburr was particularly effective in persuading Republicans to change their votes. Delegations from all over the state clogged the corridors of the State Capitol as lobbyists button-holed their senators. A news release prepared by the NAACP stated: "Two crippling amendments attached to the anti-segregation bill were killed at the last minute after a deluge of messages from members of the NAACP and other liberal groups, warning state legislators that more than 200,000 Negro citizens in the state have eyes on your vote on House Bill 242." The day after the reversal members of the senate found copies of letters of congratulation issued by the Indianapolis Community Relations Council on their desks. Commenting on the reversal, the Recorder said: "A solid front of all Negro groups, with the help of liberal white organizations, was credited with bringing about the almost unprecedented reversal of action by the Senate... Observers said that never before in Indiana's history had Negro political leaders of various parties shown such unity on a legislative measure."[49]

Declaring that it was "the public policy of the State of Indiana to provide [...] non-segregated, non-discriminatory educational opportunities and facilities for all, regardless of race, creed, national origin, color or sex [...] and to eliminate and

prohibit segregation, separation and discrimination on the basis of race, color or creed in the public kindergartens, common schools, colleges and universities of the state," the new law provided for gradual implementation over a period of years. No more segregated schools were to be built or established, and, beginning in September 1949, pupils entering kindergarten and the first grade of elementary school were to attend the kindergarten or school in their district. Those entering junior or senior high school were to be permitted to en**roll** in any school of their choice "within the limitations applicable alike to all students, regardless of race, creed or **color.**" If facilities were not available, the date for beginning implementation might be advanced to 1950 for kindergartens **and elementary** schools, **1954 for** high schools. **No** university **or college supported in whole or part** by **public** funds might **segregate students or discriminate on the basis of color. Furthermore, no public school, college or university might "dis**criminate in hiring, upgrading, tenure or placement of any teacher on the basis of race, creed or color."[50]

After Governor Schricker had signed the bill, the state attorney general suggested that it would not in reality outlaw discrimination because it said merely that it was the "policy of the State" to outlaw segregation and did not provide penalties for non-compliance. However any doubts were removed when the Indianapolis Board of School Commissioners voted approval of a plan prepared by Superintendent Stinebaugh to begin ending segregation in September 1949.

Black leaders were jubilant over their victory. Ransom, president of the Indiana State Conference of NAACP Branches, calling the law "the greatest victory to date for the NAACP in Indiana," announced that the NAACP would sponsor a Monster Meeting at the Senate Avenue Y.M.C.A. to explain its provisions to the public. Speakers would include black leaders from both major political parties. In his weekly column in the Recorder, Andrew Ramsey spoke of the remarkable unity shown in support of the joint lobbying efforts by black organizations, from the Greek letter fraternities and social clubs to the churches. But "what was more remarkable was to see leaders who have been branded radical, liberal, conservative and reactionary making common cause."

In a report to the national office on the achievements of the Indiana State Conference of the NAACP, Ransom said the school law "marked, for the first time, a real death blow at segregation in Indiana, together with the unification of all groups and organizations interested in civil rights, working for the passage of this legislation." He singled out for special tribute William Ray and Jessie Jacobs, both Republicans, as the "real spearhead" in the successful fight for the law. In June 1950, Ransom, who had been stigmatized by both Democrats and Republicans for his support of the Henry Wallace Progressives, went to Boston to receive from the national convention of the NAACP an award to the Indiana Conference for its part in winning approval of the law abolishing segregation in public education. But, while congratulating themselves and the black community, NAACP leaders

recognized the contribution of white organizations and individuals in influencing a legislature which was overwhelmingly white in membership.[52]

The 1949 school law was the sole victory of civil rights advocates in the 1949 session and the only one for more than a decade thereafter. Bills to strengthen the Public Accommodations Law of 1885 and the innocuous Fair Employment Act of 1945 died in the 1949 session, and similar measures introduced at every session thereafter failed. Not until 1963 was a Civil Rights Commission with enforcement powers against discrimination in the enjoyment of public accommodations and employment created, and only in 1965 was the commission given authority over discrimination in housing.

There appear to have been a number of reasons why lawmakers were ready to outlaw segregation in public education but balked at other civil rights measures. The 1877 school law was overt - it authorized segregation - and by 1949 citizens of Indianapolis and Indiana were sensitive to charges that Indianapolis was the only large northern city with segregated schools. At a time when civic leaders were trying to create an image of a progressive city and state, segregation had a negative effect. In most communities in the state, schools were not segregated; hence most lawmakers did not have to worry about unfavorable reactions among their constituents and were ready to try to help erase the blot created by segregation in the state capital. On the other hand, members of the legislature from cities with a large number of black voters were sensitive to political consequences

of their stand on segregation. Attitudes of lawmakers and general public were also influenced by the argument that a dual school system was needlessly costly to taxpayers.

As the framers and sponsors of the school bill recognized, the fact that it provided for gradual abolition of segregation over a period of years made it more acceptable to whites than a measure calling for immediate desegregation. Moreover, outlawing segregation in public schools was less a threat to the "social order of long standing" than FEPC legislation, which was strongly and openly opposed by the Chamber of Commerce, the Pulliam newspapers, and many employers. Outlawing discrimination in hotels, restaurants, and theaters was opposed, though less overtly, out of fear of the effects that opening accommodations to blacks would have on white patronage.[53]

Most whites probably anticipated, and rightly so, that implementation of the school law would not greatly alter the nature of most schools. Because of existing residential patterns, the provision that children attend schools in the districts where they lived would mean that most black children would continue to attend schools which were predominantly black. To all blacks, replacing the law which authorized segregation with one which prohibited it was a moral victory which enhanced their feelings of self-worth. But the more thoughtful and sophisticated recognized that school districts could be drawn to insure continued segregation and adoption of the school law in 1949 was, in reality, only the beginning of the end of segregation.

Chapter 4

DESEGREGATION BEGINS - WITH VERY DELIBERATE SPEED

In the 1949-1950 Directory of Indianapolis Public Schools there was no longer, as in previous years, an asterisk (*) designating "Negro" beside the name of Crispus Attucks High School. However not a single white student was assigned to Attucks for more than twenty years after the adoption of the 1949 law, and no white teachers were appointed to the school until 1955. Asterisks were also omitted from the names of elementary schools, but some of them continued to be all-black in enrollment.

Under the plans for school districts recommended by Superintendent Stinebaugh and approved by the school board in April 1949, children entering kindergarten or the first grade of elementary school enrolled in the school nearest their home, which meant that desegregation would be carried out one year at a time. But the plan for assignment of high school pupils was more complex. Prior to the adoption of the law there were no high school districts. Negro students were assigned to Attucks regardless of where they lived, while white students might attend any of the other high schools. Under the new plan, two factors were to be considered in assignment of first year high school students: previous high school registration of students graduating from each elementary school (a provision which would clearly preserve segregation), but also the distance of that high school

from the pupil's place of residence. Students dissatisfied with their assignment would be given "special consideration for a change" if they lived more than two miles from the high school to which they were assigned and less than two miles from another high school.[1] After parents requested a change, eighteen black students from School 18, less than two miles from Shortridge High School, were assigned to that school, while the remaining forty-two members of their class went to Attucks.[2]

As the result of the new districts for elementary schools some black first graders attended previously all-white schools, but very few white children went to Negro schools. It was reported that only one white child would actually attend School 36, recently designated a Negro school, in a changing neighborhood where a few whites remained. Other white parents "intended to make other arrangements."[3]

By the beginning of the school year in 1953, about two-thirds of the students in the city attended schools with racially mixed enrollments. Of fifty-three elementary schools reported as being "integrated," blacks were in a minority in forty-nine; whites a minority in only four. In two of these there was a single white pupil. In two other "integrated" schools there was only one Negro in the entire student body. About one hundred seventy-five black pupils were still being bused outside their residential district. School authorities insisted that this was because space was not available in the nearest schools but insisted that the selection of children to be bused was "not based simply on race."[4]

Integration of teaching staffs did not begin until 1951, when a single black teacher was assigned to an all-white school. By 1953 there were only seven Negro teachers in formerly all-white elementary schools. But when a black principal was appointed to an elementary school with mixed enrollment, the Indianapolis Times optimistically commented: "The last hurdle to complete racial integration in Indianapolis Public Schools was taken today with the appointment of Negro principal to a school of mixed enrollment."[5]

By 1953 the program of desegregation was declared completed, two years before the schedule permitted under the 1949 law. The transition had been carried out with remarkably little publicity in the white press, and, as Fremont Power, a white journalist highly regarded in the black community, said, without any "major upheaval" or the "troubles" which alarmists had predicted.[6]

As protests and plans for resistance developed in the border states and in the South in the aftermath of the Supreme Court decision in Brown v. Board of Education., in" 1954,the white newspapers in Indianapolis contrasted these developments with the "peaceful" and "gradual" progress of integration in their city. Walter Leckrone, editor of the Indianapolis Times cheerfully predicted that the southern states need not be alarmed - that the change from segregated to mixed schools could "be made easily, without disorder or turmoil, and without injury to the feelings of anybody." It depended on how it was done. "We have just done it here in Indianapolis," he said. "So smoothly you'd hardly have known it was going on. And if anyone has been

injured in the process we have yet to hear about it."[7]

As more and more racial troubles erupted in the South,in 1957 the Indianapolis News said that racial integration "had been almost completely achieved in eight years in Indiana, where the Ku Klux Klan was the political uniform only 35 years ago." Some integrationists, the reporter admitted, "think there's still room for progress, but the top officials generally are pleased with the peaceful lowering of racial barriers." She said that most educators and political leaders ascribed the success of integration to the "gradual provisions" of the 1949 law.[8]

The complacent, self-congratulatory perception of the process of desegregation as seen by the white press contrasted sharply with the view in the black community as seen by the Recorder. From the outset the Recorder and spokesmen for the NAACP were skeptical about the intentions of the Indianapolis Board of School Commissioners, and by 1952 more and more black parents were questioning the good faith of the board. The loudest complaints were over evidence that the school board was gerrymandering districts and pupils' assignments so as to perpetuate segregation. The most obvious sign was the continuing all-black student body at Attucks. At the beginning of the second semester of the 1949-50 school year parents at School 87, located nearer to Shortridge than Attucks, complained that their children were wrongfully denied admission to Shortridge. But the assistant superintendent of schools, denying racial intent, said they had been assigned to Attucks because "it was believed that there

was more convenient transportation" from their homes to Attucks than to Shortridge.[9]

In August 1950 Virgil Stinebaugh resigned as superintendent of schools. Denying rumors that he acted because the school board was not making a sincere effort to carry out the anti-segregation law, he nevertheless admitted that he felt the responsibilities of his office were "too pressing." He was replaced by Dr. Hermann Shibler, superintendent of schools in Highland Park, Michigan.[10]

Almost as soon as he arrived, Shibler faced complaints from a group of black parents from the Westside of Indianapolis that their area was gerrymandered so as to insure that blacks were assigned to Attucks, while white students who lived closer to Attucks were sent to Washington High School. "It's the same old jim crow," they complained, "whites go to Washington and Negroes go to Attucks regardless of the new law." After meeting with them, Shibler ruled that their children might go to Washington, but no whites were assigned to Attucks. Another example of gerrymandering was a plan governing athletic contests between elementary schools under which all former Negro schools except one were grouped together, while the white and predominantly white schools were assigned to other groups.

Some months later Shibler was asked whether there were plans to draw new high school districts so that Attucks would be desegregated and Negro pupils living at a distance from Attucks would be assigned to other schools. This would have to come about "gradually," said the superintendent, according to

the Recorder. "You can't force it," he said. "From now on it's a matter of education." In defense of the current policies he added that many of the "colored" students who had requested transfers to Tech High School were not happy there. "Some don't get adjusted. They don't find themselves in clubs and school organizations. Consequently some drop out. Others want to transfer to Attucks."[11]

Further evidence that school authorities were seeking to circumvent the intent of the 1949 law was furnished by the unsuccessful efforts of one black parent, Arthur Boone, to compel the board to admit his two children to the school nearest their home. The Boone case, the first legal challenge to the school board over alleged failure to carry out the 1949 law, the Recorder called a "damning indictment of the Indianapolis school system," and evidence that the school authorities were "clinging to every last drop of segregation [...] not positively prohibited by law."[12]

After completing the fifth and sixth grades, the highest grades offered in the Negro school, the Boone children were transferred to another all-Negro school some miles distant from their home rather than to the school in their immediate neighborhood. When the school authorities denied them admission to the neighborhood school, Boone filed a suit for an injunction in Marion County Superior Court. His lawyer argued that the school board was "deliberately maintaining a pattern of segregation based on race in defiance of the 1949 anti-segregation law." At the first hearing in October 1952, attorneys for the

school board insisted that the whole program of school integration was being carried out as quickly and effectively as possible - that since the law provided for integration one grade at a time, pupils beyond the fourth grade could still be assigned to Negro schools until 1954. The judge hearing the case refused to set a date for trial, saying he would resume hearings after the United States Supreme Court had ruled on school segregation cases then on appeal.

After Boone appealed to the Indiana Supreme Court, the judge set a date for hearing in May 1953. At the hearing Superintendent Shibler testified that it was the "usual school policy" to transfer pupils as a group, that the Boone children had simply been transferred with the rest of their classmates, while Boone's attorney tried to show that in no instance had white children been transferred to a formerly all-Negro school. He also demonstrated that the erection of the new school (Number 64) to which the children were to be sent upon completion was unnecessary unless segregation was to continue - that there were classrooms in adjoining districts if the Negro pupils were dispersed. After continuing the hearing again, in July the judge finally refused to issue an order to the school board. Despite evidence that individual white children were sometimes transferred, he said that the question of desegregation could not be dealt with in isolated cases - that it must be accomplished gradually, in an orderly way. The school board, he added, had authority to create overlapping districts, as in this case, to avoid overcrowding.[13]

More egregious in circumventing the intent of the 1949 law by gerrymandering school districts was failure to comply with provisions for teacher integration by simply ignoring them. In 1950, when some school districts in northern Indiana were beginning steps toward racially mixed faculties, the Recorder asked: "Is the state capital to take a place near the head of the procession [of cities abolishing segregation], or to bring up in the rear? In this respect as in some others, is Naptown trying to live up to its dubious title of 'Southernmost city of the North and Nothernmost of the South?'"[14]

An investigation by the local NAACP resulted in charges that the school board was "shuffling the cards" so that Indianapolis would "continue to have colored schools with colored teachers and white schools with white teachers indefinitely - regardless of the letter and spirit of the Law." At the time of this report, May 1951, not a single Negro teacher had been transferred to a white school, nor had a single white teacher been assigned to a Negro school. While appointing sixty-seven new white teachers to fill anticipated vacancies, the school authorities at the same time dismissed two Negro teachers on the grounds of "no vacancies." The following year an interracial delegation from the NAACP appealed to the board for "a much larger number" of Negro teachers in racially mixed schools, not only in the interest of "law abiding democracy," but to protect the employment rights of Negro teachers. Transfers of large numbers of black students to previously white schools had resulted in the "downgrading" of Negro teachers and had brought

unemployment of new ones almost to a standstill. One white member of the delegation said that white parents should understand that studying under Negro teachers was of value to white students, "especially in our present world where the attitude of Americans toward the colored nations is so important."[15]

Failure to integrate Attucks High School increased the surplus of black teachers. As some black students began to attend formerly white high schools, while no white students were enrolled at Attucks, enrollment at that school declined - from about 2,500 in 1949 to 1,340 in 1953. As a result Attucks teachers were assigned to elementary schools. When they complained that they were not transferred to other high schools, school authorities replied that transfers to elementary schools were not a "downgrading" - that teachers' salaries were not affected, hence the law was not violated.[16]

Another continuing complaint against the school board was its failure to carry on any sort of program of education to ease the transition from segregated to integrated schools. At the beginning of the school year in September 1949, Superintendent Stinebaugh had told an assembly of teachers: "The improvement of human relations must be our chief concern. Our mission is to help every individual to realize his fullest potential in life....

"Prejudice because of race, color, creed, nationality and social status must be obliterated." Thereafter little was said publicly on the subject of human relations, and such statements as were made were generalities. For example, the annual report of the superintendent to the school board for 1950-51 said: "Much

progress has been made in the attempt to create and maintain new democratic attitudes in the pupils and those who teach them. The importance of the spiritual and moral values in life, and understanding of the economics of the city in which the pupils live; and the recognition of the basic worth of the individual are merely a few of the attitudes which are being stressed and are to be stressed in the schools." A "Declaration of Faith" of social studies teachers (composed at a time when hysteria over "un-American" activities was at its height) affirmed faith in the American system of government and "our system of free economic enterprise," and declared: "We believe that our schools should serve equally the children of all races, all religions, all nationalities, and all economic levels."[17]

But there was no program to prepare white teachers who had always lived in racially segregated neighborhoods, been educated at segregated schools, and taught only white students, to understand the history and culture of the black students assigned to them. Nor were there any programs for students, parents, or the general public. Instead school authorities chose to use the "quiet way". This resulted, said the Recorder, "in public misunderstanding and the growth of conflict situations in some schools." Change from segregation to integration, it said, should be made "not shamefacedly and grudgingly, but with an appreciation of its vital importance for the preservation of democracy."[18]

By 1953, when the Indianapolis Board of School Commissioners announced that it had fulfilled its compliance with the 1949 school law, the charges which ultimately resulted in 1968 in a suit by the

United States Department of Justice against the board were already current - gerrymandering of school districts to perpetuate segregation, failure to begin to desegregate Attucks, and failure to integrate teaching staffs. During the next fifteen years the board continued steps in compliance with the law, but nearly always, it seemed, grudgingly and only under pressure.

Steps were taken in some districts to remove the obvious injustice in cases like that of the Boone children, permitting seventh and eighth grade pupils, already enrolled in Negro schools before 1949, to attend schools in the neighborhoods where they lived. While declaring that transfers were not to be made on the basis of race, color, or religion, school authorities were authorized to permit transfers of high school students in cases involving such reasons as long distances from the school, or where family members were separated by assignments to different schools.[19]

After the Supreme Court decision in Brown v. Board of Education , Superintendent Shibler said that the ruling would have no effect in Indianapolis - that pupils were assigned to schools on a strictly geographical basis, with no exceptions on account of race. "If a Negro family lives in an all-white district, the children go to school in that district," he said, adding, "and it works in reverse, too." Asked if this meant that whites might be assigned to Attucks, he replied that it was "conceivable" if they lived in the Attucks district.[20]

Before 1956 school authorities were reluctant to release statistics on the racial composition of the student body and

teaching staff. As a result, said the Recorder, "some contend that the local picture is so good that our Hoosier capital can serve as a model for other cities. Others say it is the same old 'Naptown nonsense.'" A report obtained by that paper from confidential sources showed that in 1956, when Negroes made up about fifteen per cent of the population of the city, about twenty-one per cent of elementary pupils and about nineteen per cent of high school students were black. At that time fifty-six elementary schools had racially mixed enrollments; eighteen were all-white, and ten all-Negro.[21]

The following year, while Attucks remained all-black, Broad Ripple High School on the far Northside of the city had only one black student, and Howe High School on the far Eastside had only twelve. But at Shortridge, in an area where racial composition of the population was changing rapidly, about one fourth of the student body was already black (640 black; 1841 white). At Tech High School, in an older area on the near East-side, there were more than six hundred black students out of a total of more than three thousand (641 black; 3646 white).[22]

While the student body at Attucks remained entirely black, the school was gaining attention and respect among whites be-cause of its record in basketball, a game in which many Hoosiers were passionately interested. As already noted, in its early years Attucks had been barred from participation in athletic tourneys under the rules of the powerful Indiana High School Athletic Association. In 1941, in his first term in the state senate, Robert Brokenburr had introduced a bill to create a

state of athletic control board under which students at all public schools would have the right to participate in all athletic contests and tournaments, regardless of race, creed, or color. Although the legislature failed to act on his proposal, the Athletic Council voted to accept into membership all four year high schools, both public and private, including "colored" schools.

In 1955 the Attucks Tigers made basketball history and brought unprecedented honor to Indianapolis as the first team from that city to win the state basketball tourney. During the season preceding the tourney, the team had won thirty victories, losing only one game, by a single point. The following year it again won the state tourney after a season in which it was victorious in every game it played.[23]

The entrance of black students into previously all-white high schools created few disturbances. There was little overt evidence of racial friction. In general a pattern of self-segregation developed in cafeterias and school events. Blacks appeared hesitant to participate in social events and many extra-curricular activities. Protests by black students erupted at Shortridge when an all-white student committee failed to choose an act by black students in the competition for presentation at the annual Junior Vaudeville. At Tech white students protested when blacks sat in the section of the school cafeteria which custom dictated was the "white section."

But Superintendent Shibler actively encouraged interracial student activities. A Federation of Student Councils, made up

of representatives from all the high schools, he regarded as helping to promote "good human relations." In all high schools with sizeable black enrollments, black athletes were applauded by the student bodies for winning athletic honors. When Attucks participated in the final game of the state basketball tourney, cheerleaders from all the high schools were on the floor of the fieldhouse, leading yells in support of the black players.[24]

As student bodies became more racially mixed, more black teachers were hired, although genuine integration of faculties was limited. As already noted, black teachers suffered during the first years of desegregation when almost no new black teachers were hired. But beginning in 1954-55 the percentage of Negro teachers increased. In 1956 twenty per cent of new instructors were black, fifteen of them assigned to all-Negro schools, thirty-five to those with racially mixed enrollments. That year teaching staffs in twenty-three schools were racially mixed and the number of Negro teachers in previously white schools had increased to one hundred and five, nearly all of them in elementary schools.[25]

In 1954 the first Negro teachers were assigned to previously all-white high schools. A black male teacher was transferred from a Negro elementary school to teach physical education at Shortridge, while a black woman from an elementary school was assigned to the English department at Tech High School. In 1955 two white teachers were assigned to Attucks. By. 1957 at least one black teacher taught in each of the previously white

high schools, but nearly all the Negro high school teachers in the city were still at Attucks. White teachers were seldom assigned to all-Negro elementary schools, but by 1957 one all-Negro elementary school was headed by a white principal.[26]

While this limited amount of racial integration of teachers caused little comment, the apprehension with which white parents and school authorities viewed the possible consequences was evident when a white elementary teacher was married to a former Attucks basketball star. School 60, where she taught, near Shortridge High School, in a formerly upper middle class neighborhood which was now on the edge of a rapidly expanding black community, had a reputation for superior teachers. After the marriage some white parents demanded the transfer of the teacher although she had recently been given a rating of "excellent" by her principal. When she was transferred to another school white parents at that school objected. At a hearing before the school board, where she was represented by John Preston Ward, a brilliant young black attorney for the Indiana Civil Liberties Union, the only patron from School 60 to speak was a white father, who praised her record and urged that she remain at that school. Grant Hawkins, the first black member of the board, calling the transfer "outrageous" and "unfortunate appeasement," moved to rescind the order for the transfer, but no other member would second his motion. Shibler insisted, "We have no prejudice. Our record shows that. Since 1953 we have assigned 153 Negro teachers to instruct mixed classes. There will be 20 more next year." Nevertheless he

refused to rescind the transfer, saying it was his duty to transfer any teacher unable to do an effective job, whatever the reason.[27]

However offensive to black sensibilities this particular act was, Shibler had gained the respect and confidence of black educators and parents. They tended to blame the board rather than Shibler for actions that appeared to be prejudiced. Shibler showed a willingness to participate in Monster Meetings and other forums to discuss school segregation. While urging new programs to educate teachers and students in problems of intergroup relations, the NAACP praised Shibler for progress already made. In an editorial, "School Integration Moving Along," the Recorder spoke favorably of the superintendent, describing him as "fair minded," and expressed the hope that he would remain in Indianapolis to finish the job of integration.[28]

While blacks, members of Parent-Teacher Associations, and some teachers liked Shibler and approved of his performance, an open feud developed between the superintendent and dominant members of the school board. It was in part a clash of personalities, but it reflected different philosophies of education. The most vocal critics of Shibler were lawyers, rigorously trained men who had attended high school in an earlier era. They were unsympathetic toward or lacked understanding of changes and problems of the post-war years, scornful of teachers and administrators who were products of Schools of Education, contemptuous of what they regarded as "frills"

in the curriculum, and alarmed over weakening of academic standards.

At an open forum at Manual High School board member Grier Shotwell was openly booed by members of an audience which included teachers and members of Parent-Teacher Associations when he defended a board decision to cut funds for courses in music, art, and physical education in the elementary schools. A few days later, when Leo Gardner, Shotwell's ally, retired as president of the board, the Indianapolis Star carried a front page story under headlines: GARDNER SAYS CURRICULUM NEGLECTED. In a prepared speech to fellow members Gardner, declaring that the aim of schools should not be "life adjustment" and "good citizenship," charged that school administrators had "neglected curriculum and requirements and standards." Speaking scornfully of such subjects as "general mathematics" and other "soft subjects" and increased emphasis on athletics and music, he complained that when he and other board members had tried to remedy the situation, they had been "pilloried" by "segments of the community actively dedicated to the creation of and maintenance of schools only in design." Without attempting to answer Gardner directly, in an interview in the Times, Shibler defended Indianapolis schools as among the best in the nation and denied the validity of the popular criticism, "Johnny can't read." He admitted: "We have our weaknesses, as any system does. We haven't met the individual differences of the pupils"- a situation which could be improved by smaller classes and more teachers.

The press continued to report friction and one confrontation between Shibler and a majority of the board. The differences, said the Star, were over questions far deeper than matters of teacher salaries and curriculum - the real issue was a "clash between Superintendent Herman Shibler and a majority of the board over who is going to run the city schools." Two opposing theories were in conflict: one that "the superintendent should run the schools as he chooses with a rubber-stamp board to approve his decisions after they have been made and put into effect;" the other that the board should determine policy and the superintendent carry it out, making no commitment on new policies until the board had approved. With a change in board members following the election in 1955, the public controversy between superintendent and board died down, but beneath the surface it continued to simmer and would eventually erupt.[30]

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While encouraged by Shibler's record, anti-segregation forces were convinced that they should have a voice in making policy through representation on the school board. In 1950, when a member of the board resigned, the remaining members immediately elected an executive of a downtown bank to fill the vacancy, thus precluding the possibility of naming a black, although, as the Recorder said, general opinion among many community leaders was that during the period of transition from a dual school system to an integrated one, a gualified Negro could render invaluable service "in keeping racial friction to a minimum during the integration period."[31]

In 1951, as usual, the Citizens Committee put forward an all-white slate of candidates. Except for stinging editorials in the Recorder, the black community seemed unable to provide opposition. In repeated editorials the Recorder denounced some of the "peculiar doctrines" used by members of the Citizens Committee to justify their method of selecting candidates. "The theory that a body of parents seeking just treatment for their children constitutes a 'pressure group' has no place in our democratic society. The idea that a Negro or a laboring man is interested only in the welfare of a minority, while the 'general welfare' must be guarded exclusively by white Protestants, is not far from the Ku Klux Klan philosophy of the 1920's. Also untenable is the notion that all virtue resides in candidates hand picked by a few individuals, whereas citizens genuinely interested in the schools 'have axes to grind'."[32]

When the honorary chairman of the Citizens Committee hailed the all-white slate as "a continuation of the committee's successful fight to keep our schools free of pressure from political and minority groups," the Recorder again pointed out that dealing with questions of race would be a major duty of the school board and administrators for years to come, hence Negro parents and taxpayers should be represented.

On the eve of the election, "Mickey" McCarty, editor of the Indianapolis News, in his daily column addressed to "Fellow Taxpayers," appealed for support for the Citizens Committee ticket, urging citizens to vote for the slate even though there were no other candidates on the ballot. He repeated the story of how the Committee had rescued the Indianapolis schools from the influence of the Ku Klux Klan. "Thus," he said, "since 1929 the city school system has been completely divorced from politics." The present candidates were nominated by a non-partisan group of civic minded men and women "whose only interest is the welfare of the schools."[33]

In 1955 the possibility of election of a more representative board appeared somewhat improved as the result of a state law increasing the size of the Indianapolis school board from five to seven members. Moreover several more blacks were now members of the Citizens Committee. However, before candidates were chosen, a member of the selection committee declared that the Citizens Committee selected persons on their merit - "not because they want to serve" - adding, "I'm suspicious of the persons who want

to serve on the board because I feel they have an ax to grind." The chairman said that anyone could file as a candidate, but "no one seeking the job will be backed by the Citizens Committee.[34]

Before the Committee had picked its slate the Indianapolis Times published a feature article: WHO CONTROLS OUR PUBLIC SCHOOLS. In an introduction Irving Liebowitz, a popular Times writer, said that nomination by the Citizens Committee was tantamount to election but that its role had become controversial, and in the eyes of some citizens "dictatorial." Therefore he had invited Judge John Niblack to give the "inside story" of the history of the Citizens Committee.

In Niblack's account the Citizens Committee was born "to give Indianapolis a better school system" and that it had "to fight - and beat - the Ku Klux Klan to accomplish it." The Committee, he said, had been successful In electing its candidates in 1921, but that in 1925 "the Ku Klux Klan, then under the Grand Dragon D.C. Stephenson and the local Republican political boss George W. Coffin" had elected the board. Ignoring the fact that it had been the board elected in 1921 by the Citizens Committee which had authorized and begun construction of a separate high school for Negroes, Niblack said the Klan board "immediately segregated Negro children from the then existing high schools... and built for them an exclusive school, Crispus Attucks."

In 1929, Niblack continued, the Citizens Committee, having elected the school board, "took charge and instituted the reforms and good government which has since obtained without a break in out school city." He attributed the continued success of

candidates selected by the committee to the fact that they did not "represent any particular class, race, creed or special interest," but were pledged to administer school affairs "in the interests of all the parents and taxpayers in the city."[35]

Although their slate was always elected and no opposition was anticipated this time, the Citizens Committee began a campaign to raise funds to insure their election, assuring donors that "no strings" were attached to their contributions, but saying that "every Indianapolis taxpayer has a tremendous stake in the selection of capable and public spirited school commissioners."[36]

Earlier the Recorder had called for volunteers to challenge the undemocratic system of selecting candidates, saying that citizens had no right to criticize the present board unless they made an effort to unseat them. But the possibility of a rival slate disappeared when the Citizens Committee named a black candidate for the first time in its history. The man chosen was Grant Hawkins, a member of the committee, a graduate of Indiana University, a Democrat who had worked for Governor Paul V. McNutt, and was now the successful owner of a janitorial supplies business. He was a member of the board of trustees of Flanner House, the Senate Avenue Y.M.C.A. and Central Indiana Boy Scouts. Elected with the rest of the slate, Hawkin^s presence on the board during the next four years was inconspicuous.[37] He was no troublemaker, but he was not renominated in 1959.

In the election of 1959 the Citizens Committee for the first time in thirty years faced a genuine challenge, by a group calling themselves Citizens for Better Schools. In January the

Northeast High School Citizens Committee, made up of parents whose children would attend a new high school then under consideration, irate over the failure of the current board to listen to their proposals, called for a new board which would "represent the feelings of the people." In a published statement saying: "It is apparent to us that the city of Indianapolis needs a more democratic approach to the election of school board members," they announced they would be willing to join with other interested organizations and individuals to present a slate of candidates "willing to seek and represent the feeling of the people."[38]

Failure of the Citizens Committee to name Hawkins or any other black to their slate of candidates, regarded as an affront to the black community, was discussed in the Mayor's Commission on Human Rights. But the real impetus for the Committee for Better Schools came from members of the League of Women Voters of Indianapolis and the Indianapolis Council of Parent and Teachers, who saw the issue of segregation and absence of blacks on the board as part of a larger problem - that of a board chosen by an undemocratic process, not representative of the whole community, and not responsible to its constituents.

In Indianapolis, as in other cities, the League of Women Voters was made up of educated upper middle class women, some of them teachers or members of other professions, some the wives of professional men. As individuals they had worked in earlier efforts to end segregation in the schools. The current president, Adele Thomas, and her husband, a surgeon, lived in the

sButler-Tarkington area near Butler University, one of the few successfully integrated residential neighborhoods in the city. Their children attended Shortridge High School, where Mrs. Thomas had served as president of the Parent-Teachers Association.

As a group, the League was scrupulously non-partisan, taking positions on issues only after serious study and discussion. Since 1955 the Indianapolis group had been engaged in a study of ways to improve the method of selecting members of the school board, examining systems in fifty other cities. In 1957 they had tried to present a report to leaders of the Citizens Committee but were unable to do so because the Committee was inactive except during election years. By 1959 they had drawn up a set of recommendations which were endorsed by the Indianapolis Parent-Teachers Council and the National Council of Jewish Women. On March 25 representatives of the League attended the initial meeting of the Citizens Committee, expecting to be able to present their recommendations. According to newspaper men who were present, when a former PTA Council president, spokeswoman for the League, asked to be recognized, Judge Niblack, who was presiding, asked, "What is your name, sister?" When she asked to present the recommendations Niblack said: "You're out of order. We can't take that up. It's not on the agenda."[39]

In a statement to the press Mrs. Thomas said the League was not trying to abolish the system of nomination by the committee but to strengthen it and its position in the community. The six basic recommendations of the League were: (1) Specific bylaws for

the committee, available for examination by the entire community; (2) a clear statement of committee purposes - its duties and functions; (3) a policy on membership, specifying how members were obtained and how long they served; (4) a stronger statement on the non-partisan character of the committee and a provision that no elected official should hold office on the executive committee; (5) a definite system of selection and stated terms for officers and rotation of membership on the executive board; (6) encouragement of greater membership participation in decisions of the committee.[40]

Other groups besides the League had been raising questions and making proposals for a more democratic system of nomination of board members and one which would make them more representative of the entire city. Critics complained that several members of the Citizens Committee no longer lived in the city, having moved to the suburbs, while four of the seven candidates nominated in 1959 lived on the far Northside of Indianapolis, an area that represented only ten per cent of the entire population. The arrogant treatment of the League of Women Voters and the refusal of the Citizens Committee to consider reforming itself brought these dissidents together.[41]

Dr. Rudolph Schreiber, a self-employed industrial psychologist, the first man to have served as president of the Indianapolis Parent-Teachers Council, led the call for an organizational meeting of the Committee for Better Schools. About two hundred persons, drawn from the NAACP, the League of Women Voters, various PTA groups, church groups, labor unions, the Mayor's

Commission on Human Rights, and other organizations responded. Some of them were former or present members of the Citizens Committee. Schreiber said the purpose of the meeting was "to provide the citizens of Indianapolis an opportunity to participate, in a democratic manner, in the nomination and election of the board of School Commissioners." Any person paying one dollar -would become a member of the committee, with the right to vote for members of the executive committee and candidates for the school board. "We don't want somebody from Meridian Hills [a suburban community of high priced homes] picking our school board candidates," he explained.

At the meeting several former members of the Citizens Committee who were joining the new group complained of the exclusiveness and undemocratic methods of that group. Schreiber, who was elected president of the new group, said that when he attempted to join, he had been rejected. Mrs. Gordon (Helen) McCalment, a former president of the League of Women Voters, was chosen as vice-president of the Better Citizens, and Mrs. William Brown, program chairman for the Indianapolis PTA Council, secretary. Seven members elected as a nominating committee included Jacob R. Roberts, vice-president of the Indiana State Industrial Council (AFL-CIO), chairman, Roselyn Richardson from the Human Rights Commission, Harold Hatcher of Merit Employment, and Mrs Leonard Pearson, long active in PTA affairs.[42]

Early in September seven candidates were selected - a group regarded as representative of all geographical parts of the city as well as varied occupational and social groups. One black was

included, Clinton Marsh, minister of the Witherspoon Presbyterian Church and a member of the National Committee on Problems on Segregation in the United Presbyterian Church. Others were Sigmund Beck, an attorney, member of one of the oldest law firms in the city, active in the Jewish Community Relations Council, and former president of the Indiana Civil Liberties Union; Bruce Richards, a superintendent of inspection at Allison General Motors; William P. Keller, a dentist and member of the faculty of the Indiana University School of Dentistry; Carl Kuether, a research chemist; and Schreiber, who resigned as president of Citizens for Better Schools, leaving Helen McCalment to fill that office. The only woman nominee, Elizabeth Noland Jackson, an advertising copy writer for Blocks Department Store, was a graduate of Radcliff and a member of the Indiana Society of Pioneers.[43]

Having secured the number of signatures required for nominating their candidates, the Better Schools Committee met an unexpected obstacle when the County Elections Board ruled that the names of the nominees could not appear on the ballot because the state law on city elections required filing of names of candidates by September 1. This was resolved when lawyers pointed out that another law, relating to school board elections, permitted filing until forty days before the election.[44]

Meanwhile on June 30, the day after the organizational meeting of the Committee for Better Schools, Dr. Shibler suddenly resigned as superintendent of schools. School board minutes show that at a special meeting called by board president

Ralph Husted, Shibler submitted a short letter which said that he was resigning, "subject to the understanding that the board would concurrently with the acceptance of the resignation appoint me to a position as special consultant to the Board for a period of six months, beginning July 1st, 1959, at my present salary." After all members of the board except one voted to accept the resignation, George Ostheimer, an assistant superintendent, formerly principal of an elementary school, who had been waiting in an adjoining room, was called in and promptly accepted appointment as acting superintendent. Neither Shibler nor members of the school board gave any reasons for the unexpected action. Shibler later told a reporter from the Recorder he was told to resign or be fired. According to his account, the board members accused him of failing to protect them from "pressure groups," and there had been differences between them over his recommendations for pupil promotion procedures and elementary school libraries.[45]

The president of the board, Husted, an attorney for Indianapolis Power and Light Company, refused to make a statement at the time of the resignation. Some months later he told a Times reporter that the American Association of School Administrators had writtent to him to inquire about the facts and circumstances of the resignation. He replied, he said, that at the time of the resignation Shibler had been given to understand that "out of consideration for his interests and those of the school system of Indianapolis," the board would issue no statement, with the understanding that Shibler would not do so either. Therefore, he said,

he told the Association he was denying its request, adding, "You should know, however, that we do not think it would serve the interests of our school system for us to discuss the matter with you even it we felt free to do so."

Shibler denied to the Times that he had ever made such an agreement with the board and made a statement to that paper which added little to what he said to the Recorder. He repeated that the board complained that he had not protected them from "pressure groups" and had instead cooperated with groups wanting to make requests of them. He added that over some issues he had not supported the board when he felt his professional judgment, not theirs, was correct. In reply to this the board issued a statement emphasizing that it had complete authority to hire and dismiss a superintendent- While giving no concrete reasons for the dismissal, it suggested that Shibler had not been cooperative. On occasions it had been necessary "to reprimand" him for "defying the expressed policies of the board."[46]

In an editorial, "We Hate To See Dr. Shibler Go," the Recorder said the loss of the superintendent would be felt for a long time in "a city plagued by influential men and women who are opposed to the spirit of the state's integration law" and "not in sympathy with the education of the whole child." Responsible educators, said the Recorder, attested to Shibler's desire to see a completely integrated school system - that many believed that the superintendent wanted to move more quickly but was deterred by the board.[47]

If school integration policy was indeed an issue in the differences between Shibler and the board, it did not surface publicly during the school board campaign, although on several occasions members of the Citizens Committee defended the dismissal. Judge Niblack said the Committee stood "100 per cent back of the present board" in getting rid of Shibler and replacing him with Ostheimer," a Hoosier born and bred in Indiana, who understands Hoosier problems and believes in sound fundamental education." Grier Shotwe11, former school board president and now a member of the executive board of the Citizens Committee, while saying at a pre-election forum that the resignation should not be an issue in the campaign, nevertheless accused Shibler and PTA officers of "repeatedly trying to force the hand of the present School Board and to hamper policies designed by the board to serve the public interest."

During the campaign the public was unaware that Shibler was seeking an investigation to air the facts of his dismissal. On October 3, Robert H. Wyatt, executive secretary of the Indiana State Teachers Association, received a letter from Shibler asking that body to undertake an investigation. However Wyatt held the letter until October 23, when he brought it to the attention of the executive board of ISTA. Agreeing that they were not the proper body to investigate, they referred the matter to the National education Association. "The letter arrived in the midst of the campaign," Wyatt later explained. "If it had been investigated before the election, it would have become involved in the campaign, and we decided that if there were an investigation, it

should come after the decision of who should sit on the school board."49

A platform issued by the Better Schools Committee, while not mentioning the case of the superintendent, said that the functions of the board should be policy making and not administration of school affairs. Framed in general terms, the platform did not mention school integration specifically, but promised to conduct school affairs on a "children first" basis, to employ the best possible school personnel, to keep the needs of the community in mind, and to refuse to play politics.[50]

The campaign for the school board became both lively and bitter, appearing to attract more public attention than the contest for mayor. To the Recorder it meant that "the people themselves through the Committee for Better Schools have hurled a challenge to the entrenched, wealthy clique of self-appointed dictators which calls itself the Citizens School Committee and which has grown accustomed to running the city's schools without even an accounting to the public."[51] But in the eyes of the entrenched Citizens Committee and the Pulliam newspapers, the Better Schools Committee,dominated by "pressure groups," constituted a dangerous threat to the school system. In the public debate, Grier Shotwell was the principal spokesman for the Citizens Committee, while Helen McCalment was the most vocal and aggressive speaker for the opposition.

In an early speech at a community center, Shotwell focused on the PTA, attacking the "hierarchy" of that organization and

the candidacy of Schreiber, a former PTA Council president and denouncing the PTA for failure to work with the school board in past years. He also suggested that if victorious, the Better Schools board would try to unionize teachers and janitors. Moreover, he pointed out, the Citizens Committee ticket, unlike the opposition, would not be beholden to the Indiana Civil Liberties Union.

In reply, Helen McCalment said Shotwell's diatribe was the "rantings" of someone who had been put on the defensive with no real facts with which to defend the record of the Citizens Committee. "It's been so long since they've faced any opposition," she said, "that they've forgotten the public is entitled to some information." Why, she asked, had the Citizens Committee in previous campaigns, refused to permit its candidates to be questioned? Why was their present slate not more representative? Were no citizens south of Forty-fourth Street qualified to serve on the board? What was the interest of persons living outside the city in serving on the Citizens Committee? Why did they make financial contributions to it?[52]

In another speech Shotwell gave no answers to these questions. Instead he repeated that ties of the Better Schools Committee with organized labor were a forerunner of attempts to unionize teachers and other school employees. If elected, the Better Schools candidates would owe their allegiance to the AFL-CIO, the Civil Liberties Union, the National Association for the Advancement of Colored People, and other "special interest

groups." Moreover, he said, "the asserted neutrality" of the League of Women Voters was belied by the "solicitude" of officers of the League for the Better Schools candidates.[53]

In the closing weeks of the campaign the Citizens Committee and the Pulliam newspapers launched an all-out attack on the Better Schools Committee and its candidates as the pawns and instruments of the AFL-CIO. In an article headlined BETTER SCHOOLS FINANCING HIT,. Judge Niblack charged that the Better Schools Committee was conducting a campaign with a "hidden budget" that would never be made public - that labor groups intended to contribute time and effort and use of automobiles on election day that would constitute an expense far greater than monetary expenditure by the Citizens Committee. Niblack's charges were made at a meeting attended by all the candidates at Manual High School after Mrs. McCalment asked about the budget and expenses of the Citizens Committee and their practice of paying campaign workers. Both the Star and the News carried front page articles under headlines such as AFL-CIO BACKS BETTER SCHOOLS CANDIDATES and LABOR PREPARES FOR FIGHT IN SCHOOL ELECTION.[54]

At the end of the campaign under a headline BETTER SCHOOL TICKET ACCUSED OF GETTING ILLEGAL UNION HELP, Joseph J. Daniels, a long-time member of the Citizens Committee and a senior member of the law firm which had represented the school board for thirty years, asked why labor unions would invest their resources and efforts in a campaign if they did not expect something in return.

The answer was, he said, that they hoped to unionize the schools, and the Better Schools candidates were either deliberately misleading the public about this or were too naive to understand what was going on. "Not since the days of the Ku Klux Klan," said Daniels "has any organization attempted so boldly to take over our educational system." He ended with the plea: "To protect our schools from invidious secret influences," citizens should cast their votes for the Citizens committee ticket. The next day, under headlines DROP UNION AID SCHOOL SLATE TOLD, Mrs. Alice Coble, one of the Citizens candidates, told the Better Schools candidates to renounce the support of labor unions or "accept the liability such support inevitably brings," saying that by not admitting their union ties, they were "trying to have their cake and eat it too." She praised Daniels for his warning, reiterating that school board candidates should not be indebted to any group.[55]

Efforts of the Better Schools Committee to reply received scant publicity in the press. Schreiber, replying to Daniels, said his remarks were an insult to the intelligence of every teacher - that Daniels knew that Indianapolis teachers had had their own union for twenty-three years and that the school board, like every other employer, was forbidden by law to interfere with the right of employees to join or reject a union. Ed Windham, president of the Indianapolis AFL-CIO Central Labor Council, while admitting spending three hundred dollars and enclosing names of the Better Schools candidates in mailing of lists of labor endorsed candidates for city offices, accused

Daniels of conflict of interest. He pointed out that over a period of thirty years Daniels' law firm had received more than one hundred thousand dollars in fees from the school board. He insisted that union members had as much right as other citizens to participate in elections and join in protests against the undemocratic methods of the Citizens Committee.^

In the last days of the campaign the Recorder,which had few white readers published a scathing letter of resignation from the Citizens Committee by a black woman member. In it she denounced the present school board for dismissing Dr. Shibler and for feeling "no need to explain why to tax payers, public or parents." She was "amazed and ashamed," she said, at tactics in the present campaign - "the derogatory insinuations against minority groups' - and alarmed over the whispering campaign - that blacks and Jews would run the schools if the Better Schools ticket was elected.[57]

The day after the election started headlines announcing CITIZENS COMMITTEE SLATE SWEEPS POST, reported that the victors had defeated their opponents by margins of better than two to one. Every Citizen candidate had received more than forty thousand votes. Clinton Marsh, the only black candidate, led the Better Schools ticket with 18,465 votes, slightly more than the 18,012 received by Elizabeth Noland Jackson. Not surprisingly, the vote in the school board election was substantially higher than in 1955, when there had been only one slate of candidates. That year only about nineteen thousand votes had been cast, in 1959 almost severty thousand. But in the vote for mayor on the same

Gilliom, a front page editorial in the Recorder urged the appointment of Clinton Marsh, the candidate of the Better Schools Committee who had received the largest vote in 1959. When Ardith Burkhart resigned after moving outside the city limits, the Social Action Council, a recently organized black coalition, also urged the appointment of Marsh, who had recently been chosen the first black president of the Church Federation of Indianapolis. A situation in which more than twenty-five per cent of pupils were black, most of them in inner city schools, while board members came from the fringes of the city, the Social Action Council said, was not consistent with the American principle of "no taxation without representation." The problems of the central city, their petition continued, required "intimate contact and knowledge of the persons living there. In many of the predominantly black schools there were "crisis situations" which a black member could understand better because of "his close contact with those adversely affected,"[61]

In the opinion of Andrew Ramsey, fear had motivated the board since the issue of segregation had first been raised, leading them to kill the 1947 desegregation bill. When the 1949 bill was passed, school authorities who were to administer it, "motivated more by fear than by reason or justice," were afraid of moving "too fast" and offending whites. "All along," he said, "there was fear of setting up a program to prepare teachers, pupils or parents for the desegregation program." The fact that the subject was never mentioned in general staff meetings was evidence of "the type of fear that believes if you don't talk

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about it or don't do anything about it it will go away," he said. "It seems that the local school administration has treated the whole business of school integration as some experiment which, if it works, can be adopted, but if it does not, can be quickly abandoned."[62]

Much of the criticism of the board was directed at its reluctance to carry out genuine integration of faculties. A report for the NAACP compiled by John Preston Ward in 1962 said there were "too many cases" of blacks trained for high school teaching who were being forced to return to school to get elementary teaching licenses since the only jobs open to them were in those schools. Attucks teachers were not transferred to other high schools although some of them were among the most highly trained members of the profession in the city. In assignment of substitute teachers, the NAACP report said, white teachers were always sent to replace whites, blacks to replace blacks.

In response, Ostheimer cited figures showing increases in the number of Negro teachers since 1949, a reply which the NAACP leaders branded as "white wash," pointing out that the total number of teachers had increased, not merely the number of blacks. They scoffed at the claim that there was a shortage of qualified Negro high school teachers. But school officials continued to defend existing policy of assigning teachers, saying that to add a "racial policy" to teacher placement would create major problems and make it more difficult to hire new teachers.

After an appeal by the NAACP, Harold Hatcher, who had been

a Better Schools candidate in 1959 and was *not the first* director of the Indiana Civil Rights Commission, proposed a *program of* voluntary exchange of white and *black* teachers to expedite desegregation. Superintendent Ostheimer, saying that the idea was "commendable," predicted that there would be *problems in* carrying it out, although, he admitted, there had been some successful exchanges between Indianapolis teachers and teachers from England.[63]

Another frequent complaint was that the *school board was* reluctant to spend money on the deteriorating schools of the inner city, where most of the black population was concentrated. When the board appropriated more than a million and a half dollars for an addition to Howe High School, built more *recently* than Attucks and with a smaller enrollment, while not appropriating funds for "direly needed" repairs at Attucks, a delegation of parents, alumni, and other patrons appearing before the board, demanded improvements to make Attucks *an institution* where a student could acquire the training needed *"to* enable him to secure further education, a job, and be *qualified like* students in other schools." They wanted Attucks "up to par" with other schools, they insisted, and were tired of *having* repeated requests put off by excuses that funds *-were* not *available.* A few months later the Recorder denounced the "lily white" *board* for a decision to remove auditorium seats at Washington High School (opened the same year as Attucks) and install them at Attucks, while buying new seats for Washington. After protests from blacks that high scholastic achievement could not be

expected of students in a school treated in such a discriminatory fashion, and after Alexander Moore, the principal, took some board members on a tour of the school, the Recorder, under headlines announcing SCHOOL BOARD BACKS DOWN ON USED SEATS FOR ATTUCKS, reported that the board had appropriated $250,000 to bring Attucks up to "a minimum of modern standards."

The NAACP charged that the superintendent's claims on the extent of pupil integration were misleading. When he said that there were only eight all-Negro schools, he ignored the fact that there were several other schools which were almost entirely Negro and which would be entirely Negro within a year or two as whites moved out of the neighborhood. The United States Civil Rights Commission reported in 1963 that desegregation in Indianapolis public schools was "minimal." To this Ostheimer replied that the school board could not "control where people live."[65]

CHAPTER 5

CHANGING TIMES AND DE FACTO SEGREGATION

"There are numbers of white people in this city who see a few Negroes holding good jobs, attending mixed social events, living in nice homes and eating in good restaurants. They'll look at this situation and say, 'Well, Indianapolis must be pretty good to Negroes, they can do anything that white people can,'" wrote Jean McAnulty, a graduate of Shortridge High School and Butler University, recently named a full time reporter for the Indianapolis News. "Outwardly," she continued, "everything may be pretty good," but the apparent "compatibility" between whites and blacks was "somewhat counterfeit." She added, "What we need is not necessarily a change in the law, but a revolution in thinking."[1]

When McAnulty wrote the article in July 1965, legally speaking, at least, conditions for blacks in Indiana and Indianapolis were indeed changing. Changes in part reflected the climate of opinion nationally, in the decade of the civil rights revolution. Some blacks and whites from Indiana joined in demonstrations in the South and Washington, D.C., while many more, becoming aware of racial injustice and oppression by watching television news, were converted to support of government intervention to correct these evils.

As the Kennedy administration and Congress moved gradually

and hesitantly to deal with defiance of federal authority at Ole' Miss and, as a result of peaceful protest, at Birmingham, finally adopted comprehensive legislation, in Indiana there was a revitalization of efforts to pass effective, enforceable civil rights legislation.

At every legislative session for more than a decade bills to strengthen existing fair employment and public accommodations laws had been introduced but failed to pass. But prospects for success brightened with the election of Matthew E. Welsh, a Democrat, in 1960 - the first governor to campaign actively for civil rights legislation and to use the authority of his office to strengthen enforcement of existing laws. With the support of a coalition of the same elements which had helped engineer the adoption of the 1949 school law, legislation adopted in 1961 and 1963 created a Civil Rights Commission with a director who had powers of enforcement in cases of violations against access to public accommodations and discriminatory practices in employment. In 1965 the jurisdiction of the Civil Rights Commission was broadened to include authority against discrimination in access to housing, while another law was passed authorizing school authorities to take affirmative measures to eliminate segregation.

Acceptance of the legislation and compliance by the public were made more readily acceptable by the appointment of Harold Hatcher as the first Director of the Civil Rights Commission. Hatcher, a white Quaker with long experience in working with

the Friends Service Committee and Merit Employment, while taking a broad view of his responsibilities, used education and conciliation when possible to bring about compliance.[2]

Meanwhile adoption of the Civil Rights Act of 1964 by Congress reinforced the Indiana law on public accommodations and probably made general acceptance of that law easier. But more important for Indianapolis would be the parts of the law authorizing federal investigation of school segregation and empowering the Justice Department to institute desegregation suits.

Although Indianapolis remained remarkably calm in the turbulent sixties, when race riots erupted in many northern cities, there were signs of a new militance among younger blacks. More significant, perhaps, was evidence of changing attitudes among members of the white establishment - an awareness not only of potential racial troubles but also recognition of the existence of a growing black middle class which sought some share in decision making.

During the fifties, as in most northern cities, the number of blacks not only increased but the proportion of blacks to the total population increased even more as many whites moved to suburbs outside the city limits. Census figures showed that while the population of the city increased about eleven per cent between 1950 and 1960, in the outer townships in Marion County, which were in part within the city limits but largely outside, the increase was seventy-six per cent. The population of Lawrence Township in the northeastern part of the county increased by more

than three hundred per cent, that of Pike in the northwest by one hundred per cent. The counties contiguous to Marion also showed sharp increases, making the population of metropolitan Indianapolis almost a million. The suburbs were almost entirely white, though a few well-to-do black families were moving into Washington and Pike townships. While Center Township, where most black residents were concentrated, continued to become increasingly black, more and more blacks were breaking away from the central city to find homes in previously white neighborhoods as the former residents moved to the suburbs.[3]

In a few cases a large percentage of whites remained, hopingfor a neighborhood where members of both races could live together peaceably with mutual interests. The most successful example was the Butler-Tarkington area, north of Thirty-eighth Street and west of Meridian, an attractive residential neighborhood of professors from Butler University and Christian Theological Seminary and other professionals. From shortly after the end of World War II, the Butler-Tarkington Neighborhood Association had carried on a vigorous program to allay fears and panic selling and to promote healthy race relations. By the middle sixties similar associations in surrounding neighborhoods were discouraging white flight and working to maintain racial balance.

But the more com-mon pattern was panic selling and rapid white exodus when the first black families appeared. As Jean McAnulty observed in the aforementioned article, "There are still too many whites who

do not want their children to play with Negro children or to go to school with them. When the Negroes move closer,they move away, maintaining their own white ghetto." In some areas racial residential patterns were changing so rapidly that elementary schools which had been all-white before 1949, then racially mixed for a few years after the beginning of desegregation, were now predominantly black.[4]

Although many blacks were moving into "better "houses in former white neighborhoods, housing for blacks "was in general inferior to that of whites, and many were still limited to rundown houses or tenements where they paid rents to white landlords. At a hearing before the United States Civil Rights Commission in 2963, William T. Ray, black realtor and former president of the local NAACP, testified that there was an unwritten rule among members of the all-white Indianapolis Real Estate Board not to show houses to prospective Negro buyers unless two Negro families already lived in the city block, a charge which the president of the board denied. he insisted that there was no such rule, that the board lacked the power to prevent open occupancy. But another realtor, Bruce Savage, who had served as U.S. Public Housing Commissioner during the Eisenhower administration, said that failure to provide adequate housing for Negroes was "a serious indictment" of the real estate profession and local government officials. The Negro minority in Indianapolis, he said," desperately need decent rental housing at prices they can afford to pay."[5]

While the state housing law passed in 1965 was not completely

effective,: it did help blacks in the quest for decent housing. As the director of the Mayor's Commission on Human Rights put it, the law gave both sellers and realtors "a justification for what their consciences urge." Although they might hesitate to sell to Negroes, the fact that "the law was the law," gave a defense for such sales. The housing law also led to opening of apartment houses to black renters, at first on a token basis but later at an accelerating rate. Meanwhile, as the result of changes in municipal government in the election of 1963, Indianapolis was making a beginning of construction of public housing for low income persons.[6]

In an election in which willingness to accept federal funds became the most publicized issue, John Barton, a Democrat, was elected mayor with a city council in which Democrats held a majority. For the first time two black members, one a Democrat, one a Republican, were elected to the council.

Votes of blacks were an important factor in the Democratic victory, which was due in part to the efforts of a new coalition calling itself the Indianapolis Social Action Council. A voter registration drive undertaken by the new group turned out to be an unprecedented success. Long lines of would-be voters included not only young people but also older ones, who were sometimes embarrassed to admit that they had never voted before. As a black veteran of the Korean War told a reporter for the Indianapolis Times, "Let's face it, civil rights is what's bringing them out. It's not the candidates or the issues here that's important, but

what's going on in the South.

"Everyone's thinking, 'if they are actually battling just to get the vote in Mississippi, at least I ought to go and vote up here.' We're really voting for the folks down there."[7]

Director and spokesman for the Social Action Council was Hermann Walker, president of the local of the United Packing-house Workers. A member of the NAACP, he said he wanted the new group to be the "action arm of the NAACP," not tied down by rules and regulations. Other NAACP leaders prominent in the move-ment were lawyers Willard Ransom and Patrick Chavis and Andrew J. Brown, minister of St. John Missionary Baptist Church, who had served briefly as president of the local NAACP but who was better known for his association with the Southern Christian Leadership Conference. "Frankly," Walker said in explanation of the need for the Social Action Council, "we felt that NAACP didn't do too much."[8]

The Social Action Council was only one evidence of the grow-ing impatience with the failure of the Indianapolis branch of the NAACP to furnish more aggressive leadership. The Indianapolis Times, which a few years before had described the NAACP as "militant," now spoke of it as the "mature, organized and biracial bulwark of integration," in contrast to the "noisy sit-ins and boycotts which mark the newborn Negro rights groups." Virgie Davis, president of the Indianapolis NAACP, said she preferred to achieve goals "by talking and thrashing things out than by headline grabbing methods employed by younger Negro rights groups."[9]

The most publicized and articulate challenge to the NAACP and

its traditional methods came from a chapter of CORE (Congress on Racial Equality) organized in April 1964. Its leader was a local black, a graduate of Technical High School, John Torian, now twenty-six years old. Earlier he had led a local group called EFFECT in a drive to open restaurants and bars to black patronage. Impatient with local black leadership, he had picketed a dinner of the NAACP, carrying a sign which said "Let's bury Uncle Tom." In 1963 he led the highly successful voter registration drive. Torian had no quarrel with the objectives of the NAACP, but he was critical of the local branch for its lack of activity. If the NAACP were doing the job it should be doing, according to Torian, there would be no need for such new organizations as CORE. What was needed in Indianapolis was a smaller group that was "daring, more militant... sort of the shock troops in sensitive areas that other organizations are afraid to touch." He criticized the Negro community for permitting whites to choose its leadership. Their "leaders," he charged, told the white community what it wanted to hear and were willing to settle for promises from white leaders rather than using direct action.[10]

Some local black leaders were critical of the brash youngster. Rufus Kuykendall, the Republican lawyer, a member of the United States Civil Rights Commission under President Eisenhower, now a member of the city council, called Torian and most direct action "amateurish and sophomoric...Not well conceived." Kuykendall said he preferred to prick the conscience of the community and take a legalistic approach, although he admitted that CORE was successful in highlighting some racial problems.

Andrew Ramsey, now serving as president of the Indiana State Conference of the NAACP, disagreed with Mrs. Davis who, he said, seemed to be saying, "Let's not do this or that because we might get into trouble." He was not unsympathetic toward CORE but was impatient with the lethargy of the majority of Indianapolis blacks, who remained passive and complacent in the face of racial unrest in other parts of the country, as well as with the white community which was unwilling to go beyond mere "tokenism."[11]

Andrew Brown, the Baptist minister whose church served as the focal point for an Indianapolis affiliate of the Southern Christian Leadership Conference, was even more critical of the black community. The "racial harmony" in Indianapolis he attributed to the strength of the white power structure and the unwillingness of Negroes who had moved upward in the socio-economic scale to "rock the boat." Usually, he said, "It's the white community that sponsors the leader of the Negro community and they definitely do not represent the Negro's thinking. Many times the Negro will not respect the leader that has been picked and put into position by white men."

Under Brown's leadership the SCLC intended to be a force which would change this situation. In addition to concern over racial discrimination in such areas as unemployment and housing, the members of SCLC felt a special urgency about conditions in inner city schools and increasing de facto segregation. At a mass meeting in May 1965 a spokesman said the SCLC would support busing if that was necessary to achieve equal, quality education.[12]

Besides these predominantly black groups, all of them integrationist in philosophy and sharing the same goals, although differing in methods, numerous groups concerned with racial discrimination were springing up in the white community, particularly in the churches. In almost every denomination there were committees on race relations, some aimed primarily at removing racial barriers in the church itself, but most of them concerned with the community as well. Much of the leadership for civil rights came from clergy of all denominations.

In 1959 the Indianapolis Human Relations Council, which had been organized a few years earlier and then languished after the creation of the Mayor's Commission on Human Rights, was revived with Dean Paul Moore of Christ Church Cathedral (Episcopal) as president. The council was a loose coalition, supported by the Church Federation, the Jewish Community Relations Council, the Catholic Interracial Council, and other religious and civic groups as well as individuals. Vice-presidents were the Rev. Cornelius Sweeney, chancellor of the Roman Catholic Archdiocese, Rabbi Maurice Davis of the Indianapolis Hebrew Congregation, and Dr. Joseph Taylor, Director of Flanner House. In accepting the presidency Moore urged: "Let us keep open the lines of communication between groups. This is wearying work, but it is the most glorious work - whether it is done from belief in God, belief in mankind, or devotion to your country." One of the main purposes of the council, as a private organization, was to gather information and to influence policy of city government and the Indianapolis

Public Schools, as well as private employers on questions affecting the rights of blacks. Its representatives appeared regularly before the Mayor's Commission on Human Rights.[13]

The Barton administration, while moving cautiously and hesitantly, showed a greater awareness of racial problems than had its predecessors. But a more striking departure was its willingness to accept federal funds for some programs. As we have seen, in the years following World War II state and city governments had spurned acceptance of federal funds for any purpose as immoral and leading inevitably to federal control. Successive mayors of Indianapolis, both Democrats and Republicans, following the lead of the Chamber of Commerce, and other spokesmen for the business community, refused consistently to budge on the issue.

John Barton was no radical, but, according to the Indianapolis Times, his election "represented the first basic change at city hall in many years."[14] His election coincided with a change in the leadership of the Indianapolis Chamber of Commerce. Bill Book retired in 1963 and was replaced by Carl Dortch, a less dominant personality. By the time of Book's retirement a younger, more pragmatic group was ready to take over leadership of the Chamber. According to one prominent member, people were beginning to tire of the old cliches about depending upon free enterprise to solve urban problems. There was a growing realization that "many things can't be done by free enterprise because there is no profit in them." That Indianans were paying taxes to finance programs in other states, while denying themselves funds for needed hospitals

and housing projects influenced both civic leaders and the general public.[15]

Representative of changing attitudes in city government and the Chamber of Commerce was the Greater Indianapolis Progress Committee (GIPC) created by Mayor Barton in 1964 with instructions to "formulate a program of progress that makes full use of the city's full potential." The function of the committee, said the mayor, was to "create a partnership between government and business in dealing with a variety of programs to enhance the city's reputation and solve urban problems." Included in its membership were many of the thirty-nine men whom the Indianapolis Times said constituted the real power structure of the city. While only an appointive, advisory body, GIPC came to wield great power. Recommendations from its committees and task forces shaped most important innovations and policies of the mayor and city

council.[16]

Both the mayor and business leaders, aware of a growing black minority in the city and the possibility of racial unrest, gave some representation to black leaders on the Greater Indianapolis Progress Committee and took other modest steps to deal with racial problems. A policy statement developed by GIPC in 1965 and endorsed by the mayor, declared racial integration "a major goal for the best development of the city." It specifically recommended that Negro families displaced by the building of an interstate highway through central Indianapolis, be encouraged to relocate in available housing anywhere in the city and that urban

renewal and public housing should be used to encourage "a healthy racial, economic and social mixture within the community." The statement also urged action to eliminate segregated schools.[17]

Under previous administrations, the Mayor's Commission on Human Rights, while including some able members, had received little support from successive mayors and lacked staff. In 1958, after five years of debate on the subject, the City Council had included a small sum for a director and secretary in the budget,but the following year Mayor Charles Boswell, a Democrat, recommended that the salary of the director be omitted from the budget since in his administration the same man was serving the dual role of director of personnel and director of the Human Rights Commission, drawing no pay for the latter function. In 1960, after the city council decided to employ a full time secretary as well as director, civil rights spokesmen who had been urging the action were relieved. "No disastrous events" had occurred in Indianapolis, one said, but there were "danger signs" and "positive action" was needed.

While lacking enforcement powers, the position of the Indianapolis Commission was strengthened by the creation of the Indiana Civil Rights Commission. J. Griffin Crump, director of the Mayor's Commission under Barton, made recommendations and publicized issues on a variety of questions - housing, school desegregation, employment - often with the support of Butler-Tarkington and other neighborhood associations, which were becoming increasingly active in matters concerning race relations.[18]

Further evidence of awareness and concern over racial questions was the movement to organize a branch of the National Urban League in Indianapolis. Branches were already well established and active in Gary and some of the smaller cities in northern and central Indiana, but in the state capital, with the largest black population in the state, the white establishment had not favored the idea of a national organization, insisting that Flanner House was performing the functions of an Urgan League. But in 1964 a campaign for an Indianapolis branch begun under the leadership of Thomas Binford, a leading banker and businessman, chairman of the health, education, welfare committee of the Greater Indianapolis Progress Committee, and Henry J. Richardson received support from many segments of the community. After a preliminary meeting, a dinner for more than seven hundred persons, including representatives of a broad range of civic and welfare organizations as well as financial and business leaders, launched the new organization. Richardson said that at a time when a social revolution over minority rights was in progress nationwide, the Urban League would "act as a cohesive, conciliatory force among the racial groups for the civic welfare of Indianapolis."[19]

Support for the League among some groups was undoubtedly due to public awareness and apprehension over the variety of black organizations springing up as part of the civil rights revolution. The League, with a philosophy and program which emphasized employment and economic progress was attractive to moderates. The

Indianapolis branch was soon firmly established with a board of directors that included clergymen, bankers, business men, as well as social workers, members of the League of Women Voters, the Council of Jewish Women, and other public spirited men and women, both white and black. Sam Jones, a social worker, who had been serving as executive director of the St. Paul Minneapolis Urban League, was brought to Indianapolis to begin many years as director and later, president of the organization.

At the dinner launching the Indianapolis League, Henry J. Richardson had said: "We have more legislation for human rights, civil rights and constitutional rights than most cities. We also have more major and splinter groups than most cities and more white groups interested in some phase of the civil rights picture..., all going in different directions trying to end up at the same place." The Urban League, he hoped, would become a voice to speak for all of them.[20]

Thereafter the Indianapolis Human Relations Council, which had been revived in part in the hope that it would pave the way for the Urban League, dissolved, its members transferring their efforts to the new organization. But the other varied groups working for civil rights, while sometimes cooperating with the League, continued as separate entities. During its first years the Urban League was not active in trying to influence policies of the Indianapolis Public Schools, but for all the other "rights" groups, the question of school desegregation had high priority.

The campaign for election of school board members in 1964 reflected some of the changes occurring in the Indianapolis community. The election was held in 1964 rather than at the time of the municipal election in 1963 as the result of a law passed by the General Assembly in 1963. Under it members of the Indianapolis Board of School Commissioners were to be chosen on the same day as the primary elections to nominate state and federal officers. As under the existing law, seven persons would be chosen, four of them taking office in July 1964, three in 1966.[21]

From the outset it was evident that opposition to the Citizens Committee would be better organized and financed than the belated and amateurish efforts of the Committee for Better Schools in 1959. In November 1963 that group reorganized under the name Non-Partisans for Better Schools, with Robert McBride, a philosophy professor from Indiana Central College, as president and Helen McCalment as chairman of the screening committee. McBride announced that, as in 1959, payment of dues of one dollar would give any resident of the city voting rights in the selection of candidates. The Citizens Committee held its first meeting in January. While Judge Niblack continued to serve as chairman and spokesman, the naming of Jessie Jacobs, the long-time NAACP activist, as vice-chairman, was evidence that some members recognized the need to broaden appeal and change tactics.

Nine candidates were named by each group, two to fill two

vacancies on the present board as well as seven for the new board. Both tickets included names of community leaders as well as less known figures. Most prominent on the Citizens Committee ticket was youthful Richard Lugar, future mayor and United States Senator, operator of a family owned business, a graduate of Shortridge High School, Denison University, and a Rhodes Scholar. Lugar, soon known as the "silver tongued orator," was the most active of the Citizens candidates.[22]

Best known to voters among the Non-Partisans, though not very active in the campaign, was John Ruckelshaus, a graduate of Notre Dame and the School of Law at Indiana University, a Republican, formerly a member of the state senate. Perhaps the most able and articulare among the Non-Partisans was Amy Cook, a graduate of Shortridge High School and Indiana University, a former president of the Indianapolis Council of Parents and Teachers, the National Council of Jewish Women, and the Mayor's Commission on Human Rights, awarded the title of "Woman of the Year" by the B'nai B'rith in 1963. She and her attorney husband were active in the Indiana Civil Liberties Union.[23]

A joint appearance of Niblack and McBride, presidents of the two committees, before Sigma Delta Chi, the journalism fraternity, set off the campaign and foreshadowed some of the issues which would be raised. After Niblack had once again lauded the history of the Citizens Committee, McBride responded that the Citizens Committee, having once, thirty-five years ago, rid the schools of the "Ku Klux Klan dragon," had remained "like Caesar's wife, above suspicion,...while the real dragons today" were

poverty, neglect, and cultural deprivation of pupils in the inner city schools. In response, Niblack read from a prepared speech which he used frequently during the campaign, that the non-Partisans had been founded by members of the Indiana Civil Liberties Union and that the two groups had "interlocking boards of directors and officers." Moreover, he suggested, the Non-Partisans planned to eliminate such things as Christmas and Easter vacations. At other times during the campaign the judge was reported to have called the Non-Partisans "atheistic," despite the fact that three of their candidates held degrees in theology and one was minister of a large Methodist congregation.

In spite of this beginning, unlike 1959, when the Better Schools candidates had directed most of their efforts at attacking the undemocratic and unrepresentative nature of the Citizens Committee and been answered with invective against PTA's and charges of conspiring with labor "bosses," in 1964 there were some efforts at discussing and debating issues. The Indianapolis Times reported unprecedented public interest in the school board contest. Candidates of both committees were receiving numerous requests for appearances from luncheon clubs, PTA's, neighborhood associations, and other civic groups. The usual format was for representatives from both groups to make presentations and answer questions. "The whole situation," said the Times, "seems to be making Circuit Court John L. Niblack, chairman of the Citizens Croup, a little nervous."[24]

A policy statement drawn up by the Non-Partisans to which their candidates were expected to subscribe, made no direct

mention of segregation or race but emphasized the need for expanded efforts to meet the educational needs of the inner city, where, of course, the black population was concentrated. McBride said that school boards selected by the Citizens Committee "represented a rather high middle class point of view," showing little concern for the underprivileged and allowing inner city schools to deteriorate. About one half of the 100,000 children in Indianapolis attended forty-seven schools in the inner city, seven of which the Non-Partisans asserted, were definitely "substandard" and inferior, while ten others were more than one hundred years old. About seventy per cent of school drop-outs, a group about which Non-Partisans expressed special concern, came from seven of these schools.

Closely related to the problems of the inner city was the question of acceptance of federal aid. The Non-Partisans, advocating "use of all available resources," assailed the opposition for refusing federal funds, in particular for school lunch programs. Representatives of the Citizens Committee, less adamant than in earlier years, said they were studying the possibility of federal aid for some programs, but Niblack insisted that claims that federal funds for school lunch programs would save money were a lot of "hooey."[25]

While the Non-Partisans avoided making specific mention of school segregation in their statement of policy, in a statement to the press on the achievements of the Citizens Committee, Niblack claimed that "peaceful full integration" of the schools had begun "in good faith" by boards chosen by the committee.

At a meeting sponsored by the Butler-Tarkington Neighborhood Association, before an audience strongly integrationist and favorable to the Non-Partisans, Richard Lugar defended the past record of the Citizens Committee, saying an "excellent job" had been done in the area of race relations in the schools and cited the fact that the percentage of Negro teachers in the schools now reflected the percentage of Negroes in the entire population of the city. But, he agreed, there should be more emphasis on Negro history in the curriculum. Toward the end of the campaign, Fremont Power of the Indianapolis News framed a number of questions on issues the new board was likely to confront and distributed them among the two sets of candidates. One was: "Is the school system properly and fairly integrated? with regard to teachers? pupils?" In reply, Ortho Scales of the Citizens Committee, a former teacher, now in business, said: "From a very wide experience in this field I say authoritatively that no city in the United States has achieved a finer record or better balance in integrating the schools on the community type school." Non-Partisan Ed Strickland replied: "No, No, and No, I do not feel any real effort has yet been made in this area. Only token work has been done and much more encouragement needs to be given to teachers to share in this work."

To the specific question of whether he favored integrating Crispus Attucks, still all-black, and Broad Ripple High School, still nearly entirely white, Scales emphatically said, "No," because, "This would create a forced interracial experience

under difficult conditions which would not provide the fine relationship between the races, [sic] I would encourage but not force white teachers at Attucks and Negro teachers to teach at Broad Ripple." Responding cautiously and somewhat equivocally, Strickland said, "Yes, if this did not necessitate 'busing in' students from other areas. I would not be in favor of creating artificial situations but the use of all schools to their fullest capacity, keeping in mind the desirability of integration to provide the social experience."[26]

To a question which was to become one of the principal problems confronting the next board - whether they favored measures to maintain a racial balance at Shortridge High School, where blacks already made up more than half of the student body - Amy Cook, a Shortridge alumna, answered in the affirmative. The Shortridge area, she said, was the city's best example of an integrated community, and a racial balance should be maintained in the best interests of all groups. Mark Gray, of the Citizens Committee, a future president of the board, disagreed. As a matter of principle, he said, he did not favor arbitrary percentages - these were themselves a type of discrimination. He opposed "artificial methods of integration" and favored neighborhood schools "without any consideration of color."[27]

As the campaign drew to a close, the Indianapolis Star, as in the past, endorsed the candidates of the Citizens Committee, saying the Non-Partisans had offered criticisms but no constructive answers to problems. On election day the Citizens Committee was once again victorious, but by a smaller margin than in past

elections, while one of their candidates was nosed out by John Ruckelshaus.[28]

No sooner had the new members taken office in July and elected Alice Coble, a holdover member, as president than they were faced with increasing protests and demands for substantive action on desegregation. The first encounter came when members of the board voted unanimously to spend two million dollars for expansion and renovations at Attucks High School, a measure which civil rights leaders saw as a move to preserve segregation. At a crowded board meeting, Griffin Crump, director of the Mayor's Commission on Human Rights, presented a plan for redistricting which, he said, would lead to eliminating Attucks, a proposal rejected outright by the board. The attorney for the board said that he believed that state law prohibited redistricting solely to achieve racial balance. Harold Hatcher, Director of the Indiana Civil Rights Commission, on the other hand, warned the board that in perpetuating a segregated Attucks and failing to take positive steps toward desegregation, they were "playing with dynamite" and "pouring gasoline on fire." Members of the recently organized chapter of CORE threatened to halt construction at Attucks by a "lie-in," if necessary.[29]

The board responded to these protests by creating a planning committee headed by Richard Lugar, which, Mrs. Coble said, would handle racial problems. The new chairman, who was young, assertive, and politically ambitious, with a less narrow view of the community than most of his colleagues, announced that he would hold public meetings and welcome expressions of opinion

from the community. The purpose would be to discuss plans for maintaining racial balance at Shortridge and ways of improving race relations in all of the schools. At the first meeting, at School 60 in a rapidly changing residential area near Shortridge, Osma Spurlock, deputy director of the Indiana Civil Rights Commission, said the practice of "separate but equal education" in public schools was as bad in Indianapolis as in the South. The time to act, she said, was now. Crump of the Human Rights Commission, following her, said the problem of de facto segregation was acute because school board policies had been "inadequate," that its failure to do anything for the past five years illustrated how de facto segregation developed.[30]

At School 44 a large crowd, mostly blacks, eager to participate in an unprecedented opportunity to express their views, cheered when Methodist minister Robert L. Smith, one of the defeated Non-Partisan candidates, urged that the board put both white and Negro students in every school in the city. If parents at School 44 wanted to send their children to new, all-white Northwest High School rather than Attucks or Shortridge (all of them about equally distant from Number 44), they should be allowed to do so. The point, he said, was not "whether Northwest High School pupils and parents want us," but that the all-white school should be integrated. He warned the board against meeting at Northwest, as some persons had suggested, to see whether or not patrons would accept Negro students. "If you do that," he said, "you are saying to these people, 'This is your school and you have the right to keep it lily-white if you want.' Northwest or any

other grade or high school doesn't belong to the people who live in that school district. It belongs to all the taxpayers in Indianapolis." Other speakers said that blacks should be sent not only to Northwest but also to Broad Ripple High School, which remained almost entirely white, and that whites should be assigned to Attucks. At its next meeting, so crowded that many were turned away, the board failed to take action on a proposal for maintaining racial balance at Shortridge, voting to postpone a vote until after the new semester began, which meant that no plan could be implemented before 1965.[31]

Lugar[1]s committee appeared to continue to be willing to listen to "pressure groups" ignored by previous school boards. In December he met with representatives of CORE. John Torian, the president, asked the board to establish a policy recognizing the value of school integration. He asked for immediate, intermediate, and long range plans to put both white and Negro students in all Indianapolis schools. The goal was not less than ten per cent and not more than fifty per cent Negro enrollment in every school, a goal which, Torian admitted, could not be attained in the fringe all-white schools near the suburbs without busing, a remedy CORE was not advocating "as yet." As an immediate step to integrate schools where there were few or no Negro pupils CORE representatives urged appointment of Negro teachers. To attract white teachers to the schools in the inner city they suggested a kind of "Peace Corps" approach, making teaching in those schools a "prestige symbol to be used along with such incentives as sabbatical leaves, smaller classes, and

better pay."[32]

While the Indianapolis school board continued to avoid taking any of the recommended steps, a measure adopted by the state legislature meeting in January 1965 prodded them into action. Under the name Civil Rights Legislative Congress, with Willard Ransom as president, a coalition of thirty organizations announced it would push for the enactment of two laws: to extend the authority of the state Civil Rights Commission to include discrimination in housing and real estate; and to strengthen the 1949 school desegregation law.

A bill introduced by Senator Patrick Chavis, a black lawyer from Indianapolis, with the support of the Civil Rights Commission, was intended to give school administrators authority to adopt measures to eliminate de facto segregation. After it reached the floor some members began to express alarm that it might be interpreted to authorize "busing," already a word from which lawmakers shrank in alarm. Democratic leaders moved to modify the language of the bill, one saying he thought it should be amended to make clear its intent was not to "haul students away from their home districts." After the language was revised the measure passed both houses with little opposition. It gave school authorities explicit permission "to take any affirmative actions that are reasonable, feasible and practical to effect greater integration and to reduce present segregation or separation of races in public schools for whatever cause." Such actions might include, but were not necessarily limited to, site selection, revision of districts, curriculum, or enrollment policies "to

implement equalization of educational opportunity for all."

The Indianapolis Star expressed disapproval, saying: "Even though it has the motive of mixing the races rather than segregating them, nevertheless it would be regression to a form of racial discrimination because it would once more give school administrators authority to use race as a basis for pupil assignment." But many blacks in Indianapolis took a different view. Almost immediately after enactment of the law, Gertrude Page, the only black member of the school board, began receiving telephone calls asking when the board intended to issue a statement on its policies for achieving racial integration. At the next board meeting she unexpectedly introduced a motion calling on the board to formulate a statement, a move immediately seconded by Ruckleshaus. She explained that she thought the board was making progress in integrating pupils and teachers but that the public did not realize this. After some discussion a motion was passed by a vote of three to two that Superintendent Ostheimer should prepare a statement which the board would then vote on, Page, Ruckelshaus, and Lugar voting in favor, Coble casting a negative vote, and Mottern abstaining.[34]

A few weeks later a statement submitted by Ostheimer offered no plan for elimination of segregation but asserted that the board was committed to the concept of the neighborhood school, that needs of pupils was the criterion for building of schools, that "the same high quality educational environment must be provided to all students," and that race was not a factor in the employment of personnel. By a vote of four to three the board

rejected this effort. Page, Lugar, and Ruckelshaus were sharply critical, calling the statement inadequate, though Mrs. Coble thought it was very fair to everybody "and truly reflected past and present board policies."

Having rejected Ostheimer's statement, the board then voted to constitute itself a committee of the whole to draft one. While their report was pending the education committee of the NAACP called upon the board to make clear its "unequivocal commitment to the values of integration in the educative process." It was the duty of the board, it said, to impress upon administrators that they must act promptly to adopt policies and plans "to eliminate de facto segregation to the fullest extent possible."[35]

Finally in July, when Mrs. Page was not present, a statement was adopted by a vote of five to one, Mrs. Coble voting against, calling it "a negative approach to integration." The lengthy statement, clearly the product of compromise, used language only a little less general and equivocal than the one rejected earlier and appeared to absolve school authorities of any responsibility for attempting to limit de facto segregation. The board looked forward to a time "when every religious, racial and ethnic group of our city is integrated in a city which knows no formal or informal bar to the full enjoyment of full opportunity and choice by every citizen." But many barriers in housing and job opportunities, "unfounded prejudice," self-segregation, were obstacles to achieving this ideal, and the school board had neither the authority or capability to remove them. The

statement reiterated commitment to the neighborhood school, a concept that would nevertheless promote integration, and to employment of personnel on the basis of qualifications of applicants, with frequent examinations of assignment policies to make certain they foster integration. Finally the statement expressed support for efforts to adopt textbooks which tended "to develop self-respect and pride inter-racially" and for efforts to implement extra-curricular activities which would "improve human relations among all races."[36]

Spectators were clearly disappointed with this largely meaningless document. Not a single person interviewed by a News reporter expressed satisfaction with it, while reaction in the black community and among civil rights advocates was negative. Robert Smith of the NAACP said the statement showed the unwillingness of the board to come to grips with de facto segregation - instead it ambiguously skirted the issue. John Torian of CORE called it "the same old joke." The community had asked two things of the board - to admit that de facto segregation existed and to assert that integration offered definite educational value. The statement did neither. One of the few favorable comments came from Judge Niblack, who said he was pleased with the statement because it was "innocuous."[37]

Advocates of integration, of course, were more interested in action than in a mere statement, but little was done to meet their demands. When Ostheimer suggested that teachers "who wished to work in integrated schools," should apply for

transfers, only a few responded. But in one notable case a teacher who had taught at Attucks for thirty years was transferred to Howe High School, which remained largely white in enrollment. The transfer came about after Andrew Ramsey, who had repeatedly asked for a transfer and been ignored, filed a complaint with the Indiana Civil Rights Commission. Ramsey, who held a bachelor's degree in French from Butler University and a master's degree from Indiana University, was a thirty year member of the American Association of Teachers of Spanish and Portuguese, and active in the Alliance Francaise, clearly met academic requirements. But he had been prominent in NAACP activities for many years, was a former state president and was currently president of the Indianapolis branch and was also a leader in the American Federation of Teachers. Urbane and soft spoken, always courteous, but utterly uncompromising in asserting rights of members of his race, he was undoubtedly viewed by school board members and administrators with suspicion and apprehension and was considered "pushy" by many whites. For Ramsey the transfer was a personal triumph and vindication, but he also saw in it a larger significance. In a letter to his former colleagues at Attucks he explained that he saw teacher integration as the necessary "first step" toward total school integration. It was much easier to bring about than pupil integration because residential patterns were not involved. Moreover, he said, "lily white" schools would benefit because black teachers would help them to understand that America was a multi-racial society and that minority children were not "representatives

of a sub-human species."[38]

If school authorities thought that granting a transfer to Ramsey would silence him they were disappointed. Under his leadership the NAACP, with support from the local American Federation of Teachers, continued to pursue the issue of teacher integration. A Letter from Ramsey to John Gardner, Secretary of the United States Department of Health, Education and Welfare, requesting an investigation of discrimination in assignment of teachers led to a visit by the regional director of the United States Civil Rights Commission. When informed of the impending visit Ostheimer reiterated that there was no intentional discrimination but simply a lack of qualified Negro applicants.[39]

As critics pointed out, integration of teaching staffs would have been relatively easy to achieve if school authorities had the will to carry it out, but all agreed that the problems of integrating student bodies was far more complex and difficult. As the result of rapidly changing residential patterns in the sixties, problems of "resegregation" and de facto segregation loomed larger and larger. It was all too obvious that numerous schools, which a few years earlier were predominantly white with a minority of black pupils, were becoming nearly all-black as whites moved to the outer edge of the city or to the suburbs, while black families moved in. In some neighborhoods where large houses, formerly occupied by whites, were being converted to multiple family units for blacks, elementary schools were not only becoming predominantly black but were seriously

overcrowded as the number of residents increased. In 1965 the education committee of the Indianapolis NAACP, chaired by the Rev. Robert Smith, while asking the school board for a "comprehensive" integration policy, emphasized that the board had an obligation to impress upon administrators that time was of the essence - that they must act without delay to develop policies and meaningful plans to eliminate de facto segregation to the fullest extent possible. They urged re-districting which took into account population changes and which would move students from overcrowded to under utilized schools.[40]

In 1967 the NAACP reported a sharp increase in the number of Negro children attending all-Negro schools since 1954. An extreme example was School 60, near Shortridge High School, where black enrollment had been 2 per cent in 1951; 44 per cent in 1960; more than 90 per cent in 1965. At School 44, predominantly black and seriously overcrowded by the influx of new families into the neighborhood as the result of upheaval from the building of an interstate highway, there were more than four hundred more pupils than the building was designed to accommodate. When school authorities responded to this situation by installing portable buildings instead of re-districting or busing seventh and eighth graders to other schools, patrons of the school staged a dramatic protest at a school board meeting. Luther Hicks, a Methodist minister, representative of a new type of militant black previously unknown in Indianapolis, led a group which hauled into the board room a gray coffin bearing a sign:

"Here lies effective education buried by a dormant and unconcerned school board and administration." When Hicks asked for a moment of silence, the board president replied that it was impossible to communicate in silence. But when Hicks, charging the board with promoting de facto segregation, asked that the portable buildings be removed at School 44, there was no response.[41]

While critical of failure to re-district elementary schools, integrationist advocates also tried without success to dissuade the board from its decisions on the location of three new high schools opened in the sixties to take care of rapidly expanding enrollments as children of the "baby boom" era reached their teens. All three schools were on the edges of the city, in areas where residents were almost entirely white: Arlington, in the far northeast, opened in 1961; Northwest at the very border of all-white suburban Speedway City, opened in 1963; John Marshall at the extreme eastern edge of the city, opened in 1967. All three schools would draw their enrollment from predominantly white elementary schools. While Attucks remained all-black and Shortridge was already predominantly black, civil rights groups saw in the location of the new schools a deliberate effort by school authorities to minimize racial integration.

At year's end in 1967, Harold Hatcher, reporting for the Indiana Civil Rights Commission, said that most Indiana cities, including Elkhart, Muncie, Evansville, Gary, and Anderson had undertaken "positive programs," as recommended by the 1965 school law, to eliminate segregation, but that Indianapolis was a "glaring exception." School authorities in the capital city

had failed to make a "sincere response" to groups favoring integration.[42]

The Indianapolis school board was not alone in facing demands that steps be taken to eliminate growing de facto segregation. As civil rights protests moved northward and racial discrimination began to be recognized as a national reality, not merely a problem peculiar to the South, many school systems where racial separation had never been authorized by legislation but where residential patterns resulted in predominantly white or predominantly black schools, faced possible desegregation suits. By 1964 some people were convinced that in the face of persistent segregated residential patterns, the only feasible method of integrating pupils was to transport them from the schools in their neighborhood to schools where the opposite race was in a majority. But the prospect of white children being sent to schools in black neighborhoods alarmed whites and brought protests and even boycotts. Northern politicians were alarmed by the intensity of the emotional response to proposals for "busing" as a remedy for segregation, as Indiana lawmakers showed in their debate on the school law adopted in the 1965 session of the legislature. Commenting in his column in the Recorder on the reaction to proposals for busing, Andrew Ramsey said that the concept of the public school within easy walking distance had become a "sacred cow" to the American public. But, he pointed out, in many places neighborhood schools were not a time honored institution. In prosperous white suburbia, busing to large consolidated schools was commonplace, as it was to parochial schools.

Moreover, before the 1949 desegregation law blacks were bused in Indianapolis, but now, rather than considering the possibility of transporting children, school authorities were perpetuating segregation by enlarging Negro schools.

In 1967 Ramsey said that while de facto segregation was increasing throughout the North and school officials were using as their rationale for opposition to busing their support of the "pseudo-sacred concept of the neighborhood school," they were putting up a "smoke screen" to hide the fact that they were violating not only the Supreme Court decision of 1954 but also the 1964 Civil Rights Law and the Fourteenth Amendment. The validity of the law to desegregate the schools did not "depend on the rationality of the neighborhood school policy," which, he argued, actually prevented equality of education. "The fact the neighborhood school policy has had a long and respected (if not honorable) history does not mean that it will prevail over justice...The neighborhood school is a ghost of our racist past and must go."[43]

School board and school administrators ignored Ramsey and his arguments, confident in a different interpretation of the 1964 Civil Rights Act and taking comfort from a court decision on de facto segregation in Gary in a case similar in some respects to the Indianapolis suit begun some years later.

In Gary, which had taken the lead in Indiana to end school segregation in the years after World War II, problems of resegregation were more acute than in Indianapolis. By 1962 in

eighteen of the forty-two public schools in that city, enrollment was almost entirely black, twenty were all-white, while only four were racially mixed. It was estimated that ninety-seven per cent of the more than twenty-three thousand black students attended segregated schools. In 1962 a suit initiated by the local NAACP sought an injunction against the school board to stop the sale of bonds for enlarging the presently segregated schools. The plaintiffs sought to compel the school board to establish boundaries which would bring about integration, charging the school board with a deliberate policy of maintaining segregation. In the trial in the federal district court in Hammond, lawyers for the Negro plaintiffs argued that "school systems which are administered so that all or nearly all the Negro children attend schools, separate and apart from all or nearly all-white students, are no less segregated than those systems where separate Negro schools are mandated by state constitution and statute." Gary school authorities responded that they could not function as a resettlement commission or an open occupancy administration. In providing schools they had no choice but to accept existing residential patterns.

The plaintiffs did not present effective arguments or convincing evidence that decisions of the school board regarding sites for schools were racially motivated, and their case was weakened by testimony by the black school board president and white members favorable to integration that race had never been considered in drawing school boundaries. District Judge George N. Beamer ruled that the plaintiffs had failed to prove that the

school board had "deliberately or purposely segregated the Gary schools." The Court of Appeals upheld the lower court, while the Supreme Court refused to review.

In Indianapolis the white press expressed satisfaction with the court rulings. The Indianapolis News reprinted an editorial from the New Hampshire Union Ledger lauding the decision and quoting the words of the appeals court which declared: "There is no affirmative United States constitutional duty to change innocently-arrived-at school attendance districts by the mere fact that shifts of population either increase or decrease the percentage of either Negroes or white pupils."[44]

In a statement published in the Indianapolis Star, Judge Niblack quoted the part of the appeals court decision which said: "Desegregation does not mean that there must be intermingling of the races in all school districts. It only means that they may not be prevented from intermingling or going to school together because of race or color." Moreover, Niblack added, the Civil Rights Act of 1964 made it clear that desegregation did not mean "assignment to public schools in order to overcome racial imbalance."[45]

Judge Niblack's remarks to the Star were apparently directed at efforts of the Shortridge Parent-Teacher Association and CORE to prevent that school from becoming all black. This attempt to "save" Shortridge deserves examination because it was

the one example in Indianapolis of a serious effort to deal with de facto segregation without litigation and because it represents a related problem faced by many northern cities: how to maintain a democratic, racially integrated school system and at the same time preserve traditional academic standards. Efforts to save Shortridge as a racially integrated institution were inaugurated and carried out primarily by a group of educated, upper middle class whites with the support of a segment of the black community.

The Shortridge question was in part a racial question, but it also reflected class and sectional divisions within the city. It will be recalled that increasing enrollment of Negroes at Shortridge in the 1920's was an important factor in the decision to build a separate high school, Attucks, a fact that lingered in the memory of the black community. Shortly after the opening of Attucks, white students moved from the shabby downtown buildings to the "new" Shortridge, a modern building farther north. The new school, at Meridian and Thirty-fourth Streets, was not at the northern limit of the city even in the 1930's but was in an upper income neighborhood of spacious older houses. When the site was selected school authorities did not foresee, of course, that during the next two decades blacks would move in increasing numbers to the neighborhoods to the south and west of Shortridge nor that racial segregation would be abolished by the act of 1949.

The "new" Shortridge, like the "old," maintained a deserved reputation for academic achievement and an elitist image, not entirely undeserved. Before the drawing of high school districts

in 1949, college bound students from all parts of the city often attended Shortridge. Among whites in other parts of the city, as well as blacks, Shortridge was regarded as a school for the upper class. Not all Shortridge graduates went on to Ivy League schools or even to colleges and universities in the Middle West, but a very high percentage did qualify for entrance into institutions of higher learning. Shortridge offered a curriculum which guaranteed admission to the best universities, sometimes with advanced standing. Latin was emphasized, and there were courses in classical Greek, modern languages, including Russian, calculus, and other courses not found in most high schools. Shortridge debate teams were famous nationally, and Shortridgers took pride in the Daily Echo, the oldest high school daily newspaper in the United States. Shortridge graduates won national and sometimes international reputations in literature, science, and government. In Indianapolis many influential civic and social leaders were Shortridge alumni, usually intensely loyal to their alma mater and desirous of preserving it as it had been when they were students. A disproportionate percentage of the Citizens School Committee were Shortridge graduates as were members of the school boards, past and present. The most active and influential members of the Committee for Better Schools and the Non-Partisans also included Shortridge graduates and parents of Shortridge students.[46]

By the middle 1950's demographic and economic forces were changing the traditional Shortridge. An ever increasing tide

of well-to-do whites were moving northward beyond the city limits to all-white suburbs. In Washington Township they were building schools more modern and better equipped than those in the city.. As whites left, they were replaced by lower income whites and increasing numbers of blacks. Less than a decade after a hand-ful of blacks entered Shortridge in 1949, more than a quarter of the student body was Negro, and white patrons were expressing concern over the changing nature of the student body.

As early as 1956, the Shortridge principal, Joel Hadley, a graduate of the school and long-time teacher of zoology, had suggested that new students be given an entrance examination. Later officials and parents suggested making Shortridge a "classical school" for college bound students from the entire city, a suggestion resented by persons in other parts of the city. Another possibility was to build another Shortridge, farther north than the present school.

In 1958, Grant Hawkins, the first Negro to serve on the board, offered a motion that a new high school, when built, should not be named Shortridge and that "the school presently bearing that name continue to do so," a motion enthusiastically seconded by William Leak, a druggist from southwest Indianapolis, and passed by a vote of five to two. Hawkins explained his motion by saying that Shortridge administrators and some members of the faculty, rather than meeting the challenge presented by the changing nature of the student body, preferred to move - that they were "cowardly and not men enough to meet the challenge."

The Indianapolis branch of the NAACP promptly passed a

resolution endorsing Hawkin's motion, while the Recorder praised him, saying that during the "transition from lily-white to mixed" enrollment the school had "persistently acted like a spoiled child."[47]

Efforts to preserve Shortridge as an academic, college preparatory school, first advocated by Hadley and other administrators at the school, were taken up and pushed in 1959 by the Shortridge Parent-Teacher Association. The report of a committee appointed to analyze problems and recommend solutions, said that as the percentage of Negroes continued to rise, the existence of Shortridge as a fine academic school was threatened by "the high proportion of economically and culturally disadvantaged young people" in the student body. A mass exodus of families, Negro as well as white, "determined on an adequate college preparation for their children," was predicted unless steps were taken immediately. The goal, said the report, "should be an academic, integrated Shortridge," but, it warned, Shortridge's great, nationwide reputation would be lost if black enrollments exceeded fifty per cent. The school board, however, remained adamant in rejecting proposals to make Shortridge a college preparatory school.[48]

Despite the growing black enrollment and the comments of Grant Hawkins and the Recorder and the perceptions of some whites, there was evidence in the 1960's of genuine interracial respect and cooperation among some, if not all, Shortridge students and parents. A survey by a black doctoral candidate at Indiana University, father of a daughter enrolled at Shortridge, found

that a large percentage of both black parents and students expressed general satisfaction with the school and felt that race prejudice was not a serious problem. They were proud of the academic record of the school. There were some complaints that certain teachers were not interested in solving social problems and general agreement that blacks were not fully accepted into extra-curricular activities, but these were complaints common to all the high schools with racially mixed enrollments.[49] At Shortridge, probably more than at any other school in the city, a small group of students worked enthusiastically to promote good race relations and participation of all students in all aspects of student life. In 1963 the Shortridge Human Relations Council began sponsoring annual conferences on human relations to promote racial understanding and goodwill for all the high schools in Marion County.

By the 1960's well-to-do parents had moved to the suburbs or were sending their children to private schools if they did not want them to associate with blacks. No doubt there were hard core racists among parents of some of the white students who remained at Shortridge, but they were inconspicuous. Many of the white parents were active in the Butler-Tarkington Neighborhood Association and other similar groups which were springing up. Some of them were leaders in the Non-Partisans. They were interested in maintaining stability in their neighborhoods and did not want to have to flee to the suburbs to find schools which would prepare their children for college. Black parents in the Butler-Tarkington area shared the views of the white residents.

Among them were Henry and Roselyn Richardson, whose sons attended Shortridge and went on to distinguished records at law school. Robert DeFrantz, son of Faburn DeFrantz, served as president of the Shortridge PTA, and his children graduated from the school with honors. While working to maintain high academic standards,the PTA leadership also worked to improve racial understanding, organizing a Parents Human Relations Council.[50]

In 1964, as racial imbalance at Shortridge increased as more whites moved to the suburbs, particularly to Washington Township and newly opened North Central High School, interested groups intensified their efforts to "save" the school. At one of the public hearings held by Lugar's planning committee, representatives of Shortridge's groups were joined by representatives from Butler-Tarkington and other neighborhood associations, the NAACP, the Unitarian Fellowship for Social Justice, the Indiana Civil Rights Commission, the Indianapolis Human Rights Commission, all of them urging immediate action. Crump of the Human Rights Commission said that all these groups were there because the school board ignored the growing problem of de facto segregation, while Shortridge groups were "carrying the ball" on the issue.[51]

To help restore racial balance at Shortridge, where blacks were now sixty per cent of the student body, the Shortridge PTA proposed re-districting so that two predominantly white elementary schools be made "feeder" schools for Shortridge rather than for Arlington, the new all-white high school on the northeast edge

of the city. They urged that graduates of two predominantly black schools currently assigned to Shortridge be sent to Washington and Northwest high schools. But when Lugar, on behalf of his committee, presented a plan to the school board, the PTA proposal had been modified to give elementary school graduates the option of attending Shortridge or the high school to which they were previously assigned, members of CORE, who had endorsed the PTA plan, protested that Lugar had "taken the meat" out of the original proposal, while other critics agreed that the voluntary plan would make little difference in enrollments. But the school board, hesitating to accept even this watered down version, postponed a vote and refused to endorse a resolution proposed by Shortridge parent, Sigmund Beck, opposing de facto segregation and favoring racial balance at Shortridge.[52]

In a statement to the press which reflected views of the Butler-Tarkington Association, the Real Estate Board, and some members of the Chamber of Commerce as well as the PTA, Beck's wife, Rachel, a Shortridge graduate, said the time had come when people had stopped saying merely, "Take care of Shortridge because of its glorious history" - that they now saw "the need for the school board to act to keep stability in the whole city." But the Indianapolis News disagreed. In an editorial entitled "Toward Busing," which anticipated many similar warnings in the future, the paper assailed even the optional plan presented by Lugar as a plan for "integration for its own sake." The News

insisted: "The real issue is whether Indianapolis is going to alter the neighborhood school in order to achieve 'racial balance.'" The proposal was really for busing in disguise. The whole idea was wrong. "Just as enforced segregation is wrong, so is an effort to manipulate educational arrangements so as to get enforced integration." Busing and its variants were attempts "to make the schools instruments of social innovation and ideological purpose rather than learning."[53]

After the board failed to take action, a group of white Shortridge students, with the approval of the PTA, circulated an advertisement urging white students from other schools to transfer to Shortridge. "We students at Shortridge, white and Negro, want Shortridge to remain the strong, integrated school it is now," they proclaimed. "We believe integrated education superior for academic achievement and social adjustment." The longer the school board waited to integrate all schools, the more difficult it would be. "But we can't wait for the board to act, Come join us now..." they pleaded.[54]

A few weeks later more than two hundred students, black and white, marched to a school board meeting in a demonstration carefully planned by the Shortridge Human Relations Council. A statement presented to the board expressed the hope that the board and the Indianapolis community would understand that as students they deeply appreciated the "value of integrated education." The school system failed, it said, when students who graduated from high school "lived in hate of people of other races because they had not had the opportunity to make friends with them." Above

all they felt "a responsibility to defend and preserve the advantages we have received at Shortridge." Even before the students appeared, the board had decided upon a plan, initiated by Lugar, to permit high school freshmen to attend any high school in the city, provided there was room for them. An assistant superintendent admitted that because of crowded conditions, probably only four of the ten high schools would be able to accept transfers - Shortridge, Technical, Broad Ripple, and Washington. The plan, intended to encourage black students to request transfers to predominantly white schools, had little effect. The largest number of requests came from white students asking to transfer from Shortridge to Broad Ripple.[55]

During the following months delegation after delegation appeared before the school board, asking for some meaningful action on the growing problem of de facto segregation, particularly at Shortridge. Many of them - from the Shortridge PTA, the Shortridge Adult Human Relations Council, Shortridge alumni, Butler-Tarkington - urged immediate action to prevent Shortridge from becoming all-black,while a few opponents expressed opposition to "racial balancing."

Suddenly, without previous publicity, at its board meeting on August 26, 1965, four weeks after it had adopted its innocuous statement on integration policy described above, the board acted. At the end of a routine meeting, board president, Harry McGuff, unexpectedly announced that he was presenting a statement of policy on Shortridge High School:

"The Indianapolis Board of School Commissioners wishes to affirm that it is important to the strength of the Indianapolis Public School system that the tradition of academic excellence and achievement at Shortridge High School be maintained.

"To further this aim, the Indianapolis Board of School Commissioners... desires that Shortridge High School shall be an academic high school with faculty and curriculum chosen to challenge those students who will benefit from a college preparatory course of study."

Attendance at Shortridge, the statement continued, would be "permitted" only on the basis of the academic achievement of each student. All high school students in Indianapolis who met reguired standards would be eligible. Students living in the present Shortridge district who did not meet reguirements or "who would not obtain as much benefit from an academic curriculum as from another course of study," would be given counseling and "alternate opportunities." The policy statement did not define standards for admission but asked the superintendent to develop "detailed administrative plans and procedures" so that the policy might be implemented not later than September, 1966.

After some discussion, board member Lugar (undoubtedly the principal author of the plan) moved adoption, with a second from Alice Coble. All members voted in favor except Colonel Mottern, who explained his negative vote by saying that the plan discriminated against persons living in the Shortridge area and that it was, in fact, turning Shortridge into a "private school." He

thought that problems at the school could be solved in other ways, such as through remedial classes.[56]

Initial reaction to the Shortridge Plan in the white press and among white community leaders was generally favorable. In a most unusual move (probably prompted by Lugar), both Republican and Democratic chairmen of Marion County issued a joint statement of support. The Greater Indianapolis Progress Committee also let it be known that they endorsed the plan, support no doubt given in hopes the plan would stabilize or enhance real estate values. The Indianapolis Human Rights Commission, which had opposed enlargement of Attucks and locating the new Marshall High School in the predominantly white outskirts of the city, gave approval to the Shortridge Plan, but recommended payment of transportation for students unable to meet Shortridge entrance requirements.[57]

Early reaction in the black community, while not enthusiastic, was restrained. Blacks generally felt that redisricting was a more effective and equitable answer to the problem of de facto segregation. Earlier they had been critical of the school board for failing to assign blacks to the new high schools, Arlington and Northwest; now they criticized the Shortridge Plan because it was anticipated that many black students living near the school would be unable to meet entrance requirements and would have to pay the cost of transportation to other schools. A group of inner city ministers asked if Shortridge was to be the "special school" for college bound students, which would be the "special school" for "citizenship preparation" and vocational

training. They feared that if effort was focused primarily on Shortridge, other schools would fall into a "second rate" category.

When Andrew Ramsey, in the Recorder, said that in framing the Shortridge plan the school board had bowed to pressure from Shortridge alumni and parents, Richard Lugar defending the plan, said that hundreds of Negro students "obviously qualify for college preparatory work. They will remain in attendance at Shortridge and prosper in a new enthusiasm for their presence." However, he added, it was important that the community also focus attention and resources on the needs of Negro and white students who were not making satisfactory progress and had no hope of doing so "under the current circumstances at Shortridge."[58]

Criticism of the Shortridge Plan was at first general and restrained because the language of the statement adopted by the school board was general, but there were expressions of outrage and resentment when steps for implementation were presented by Superintendent Ostheimer. Students already enrolled at Shortridge would be allowed to continue, but beginning in September 1966, enrollment would be city-wide, open only to those students who met entrance requirements of being rated "average" or "above average" according to criteria to be determined by the school staff. Entering students unable to meet these requirements would attend other city high schools according to a plan for distributing graduates of elementary schools previously assigned to Shortridge. All students would pay for their own transportation. According to the districting plan, pupils from only one

elementary school currently assigned to Shortridge would go to the new Arlington High School. Graduates of one school would go to Northwest; those from two schools to Technical; three to Broad Ripple; three to Attucks.[59]

At the next meeting protesters crowded into the school board chambers - remonstrators from neighborhood associations, Parent-Teacher associations, and the SCLC. Dr. Robert Henderson, a white industrial chemist, president of the Butler-Tarkington Neighborhood Association, which had supported the Shortridge Plan as first presented, said it was "a brutal betrayal to force additional students into a segregated situation." Presidents of Parent-Teacher associations of two of the elementary schools affected (Numbers 43 and 60) said sending their graduates to Attucks would "negate the Board's efforts to maintain a racial, social and economic balance" in the schools. The president of Attucks PTA, declaring, "I feel that one high school is being sacrificed to another," said the Shortridge Plan would have an adverse effect on Attucks. To these charges Paul Miller, assistant superintendent for personnel, replied that pupils were not being "forced" to attend Attucks, that many of them would qualify for admission to Shortridge.[60]

At the next meeting, representatives of PTA's of elementary schools presented petitions containing almost a thousand signatures protesting assignment to Attucks, while a group of Methodist ministers, saying the present plan would undermine integration policies, asked that the entire city be redistricted or that districts be retained as they were prior to the

Shortridge Plan.[61]

Plans for implementing the Shortridge Plan moved ahead, but not without further protests and snags. As students from elementary schools made application under the new requirements, it was evident that the number of entering freshmen would be much smaller than in previous years, when they had been about six hundred. Doubts were raised as to whether the school could survive if enrollment was drastically reduced. A substantial number of the incoming students would be black - more than a third - but large numbers of blacks from schools in the Shortridge area, either because of failure to meet entrance requirements or because they chose to avoid the college preparatory program, would attend other high schools, which would necessitate travel by public bus.[62]

In July 1966 prospects of support for the Shortridge Plan diminished when the terms of three members of the board who had voted for the plan ended, while three new members opposed to the plan succeeded them. Together with Colonel Mottern, who had cast the sole vote against the plan, they would constitute a majority of the seven member board. At the next meeting of the board, when election of officers was scheduled, the new members took control, electing Mottern rather than Lugar president by a vote of four to three. As vice-president, Lugar, the most enthusiastic supporter of the Shortridge Plan, had confidently expected to be elevated to the presidency. One of the new members, Mark Gray, was elected vice-president over John Ruckelshaus,

who had voted for the Shortridge Plan.

The outcome of the election had a broader significance than the future of Shortridge, reflecting a philosophical division among members of the board and civic leaders. Lugar and McGuff were accused of being "liberals" because they were not opposed to accepting federal funds for some purposes and because, through the Shortridge Plan, they were attempting to use the power of the school board in a positive way to maintain racial balance and community stability. Mottern and his supporters (including Superintendent Ostheimer) looked askance at any action which could be interpreted as "social engineering." When members of the PTA protested that the board was failing to support their efforts to recruit students for Shortridge, Mottern told them they should address their complaints to the Indianapolis Commission on Human Rights - that the function of the schools was education, pure and simple.[64]

After his rebuff at the hands of fellow board members, Lugar, greatly chagrined, felt that his usefulness as a member had ended. He remained on the board only a few months before resigning to become the Republican candidate for mayor in 1967. Following his election to that office, he announced that he would use the influence of his position whenever possible "to prod the Indianapolis Public Schools into becoming a full partner in solving city problems." He criticized the present board for lack of policy planning and failure to make a concerted effort to aid inner city children. He continued to declare his support for the

Shortridge Plan and after his inauguration sent his administrative assistant to a meeting with the Parent-Teacher Association to tell them he would use "all the moral persuasion" he could muster to make the plan succeed.[65]

When the academic program began at Shortridge in September 1966, the freshman class numbered only 272, but there was much enthusiasm and strong support among teachers, parents, and some upper classmen. Both white and Negro parents wrote letters to the press expressing their satisfaction and gratification over the academic program. At the beginning of the second year, the entering class numbered slightly more than three hundred, an encouraging sign of support. As an indirect result of the Shortridge Plan population in the Butler-Tarkington area had stabilized; whites were no longer leaving. Real estate values in that area were reported to be rising. But enrollment remained far less than enough to make the school viable. Shortridge had been built to accommodate more than two thousand students, and Superintendent Ostheimer said that a freshman class of at least six hundred was necessary if the academic plan was to continue. Prospects were weakened by a spate of unpleasant publicity over racial incidents in 1968-1969. In a period of racial turbulence throughout the North, they were as much the result of external forces as conditions in the school itself. One white teacher wrote to the Indianapolis News, protesting the extensive press coverage given the incidents, saying they distorted the real situation at Shortridge, ignoring the academic progress and racial harmony which were the normal state of affairs.[66]

But regardless of its limited success, the Shortridge Plan presented problems for other high schools and aroused resentment. Attucks, which in the early years of desegregation had suffered the loss of some of its better students as blacks in the upper socio-economic brackets transferred to Shortridge, now resented the necessity of accommodating students rejected by Shortridge. As the result of the introduction of the academic program at Shortridge,the high schools which had been all-white,or nearly so, were confronted with increased black enrollment. The school most immediately affected was Broad Ripple, where black enrollment leaped from two per cent to twenty-seven per cent in two years. In 1968,because of overcrowding,the school board temporarily closed the school to more students from the former Shortridge district. After the opening of Marshall High School in 1967 reduced enrollment pressures at Arlington, the board opened that school to students ineligible to attend Shortridge. As the result, at a school where there had been only twenty-one blacks in 1965 (about one per cent of the whole), by 1969 blacks made up about twenty per cent of the student body. The rapid increase at a school where white students and teachers had previously been isolated from association with blacks led to tensions and racial incidents. A child psychologist who had studied conditions in Indiana schools said that, in his opinion, Arlington had perhaps "more deeply rooted and serious racial problems beneath the sufface than any other high school in the state."[67]

Superintendent Ostheimer promised that the academic program

at Shortridge would continue until 1970, but made no guarantees for its continuation after that date, pointing out that the small enrollment did not warrant continuation and that there were no funds available to carry out certain recommendations made by Shortridge parents to recruit students, such as subsidizing transportation costs for students from all parts of the city.[68]

At meetings in the first months of 1969 supporters of Shortridge and representatives of the neighborhood associations pleaded with the school board not to abandon the school. The president of the Indianapolis Council of Parent-Teacher Associations defended the record, saying that the Shortridge Plan had stabilized the neighborhood, preventing an all-Negro high school. The president of the Indianapolis NAACP, which had expressed doubts about the program, said that "with all its imperfections," the Shortridge Plan had saved Shortridge from becoming all-Negro. He insisted that the school board had a responsibility to make the plan work as well as to begin the desegregation of Attucks. Representatives of other organizations spoke in opposition to continuation of the school. A spokesman for the Tech Booster Organization guestioned the legality of refusal of admission to a public high school on academic grounds, while others assailed spending money on Shortridge, saying funds should be shared egually by all the public high schools.

At first it appeared that the school board would simply phase out Shortridge, as a part of a city-wide desegregation plan, dispersing its students to other high schools, but in March 1970, it

was decided that it would continue as a comprehensive high school, like all the others, though students enrolled in the academic program would continue in it until they graduated.[69]

Shortridge students, teachers, parents, alumni, friends in the neighborhood associations, received news of the decision with disappointment and bitterness, although some parents hoped that the school might still be made into some sort of a magnet school. One of the most able and best loved young teachers resigned from the faculty in protest over the "damaging attitude" to the school demonstrated by top administrators and school board. Many others were critical of the school authorities for failing to give whole-hearted support to the academic program and also for their failure to implement the part of the 1965 statement of policy which promised "extensive counseling" for students who failed to meet the academic requirements.[70]

In retrospect it is not difficult to see why hopes of maintaining Shortridge as a college-preparatory school and thereby restoring racial balance in enrollment were doomed to failure. Obviously the plan came too late to turn the tide. Many friends of Shortridge felt, and continued to feel, that if such a plan had been inaugurated ten years earlier, as Principal Hadley had suggested, the outcome would have been different. But the failure of the faction which gained control of the school board to work for the success of the plan worked against any possibility of success, as did the ineptitude of school authorities in dealing with the question of students from the Shortridge district who did

not qualify for the academic program. Failure to make preparation in other high schools to receive them created resentment and made the "rejected" students feel alien and unwelcome, thereby laying the ground for future racial troubles. Failure of the school board to balance the special treatment accorded Shortridge with some compensatory treatment for non-academic students, coupled with the zeal of Shortridge supporters who paid little attention to the problems which their plan created for other schools, helped to arouse old class and sectional antagonisms.

But by 1970, as we shall see, the question of Shortridge had become part of a much larger problem. The new school board elected in 1968 faced a law suit brought by the United States Justice Department against the Indianapolis Public Schools, the result of years of failure by past boards to take timely and effective steps to desegregate the entire school system.

The Indianapolis school board election of 1968, held a few weeks after the assassination of Martin Luther King, Jr. and coinciding with a presidential primary election which attracted national attention, received little publicity. On April 4, Senator Robert Kennedy, arriving in Indianapolis to make a campaign speech, was greeted with news of the assassination, Shaken and white faced, he nevertheless insisted, against the advice of security agents, upon speaking to a largely black audience in a black neighborhood. The audience, which had been waiting for hours in a drizzling rain for his appearance, unaware of their leader's death, burst into shrieks and sobs when Kennedy told them of the tragedy. He calmed them with a largely extemporaneous speech in which he pleaded with his listeners to follow King's precepts of non-violence and "pray for our country, which we all love...a prayer of understanding and compassion."

Soon after Kennedy's speech Mayor Richard Lugar made a similar plea on the radio. In another speech he said that he prayed that King's example "will make us all free at last" - that it would free whites to do what their consciences dictated and to cease to be afraid of ridicule for standing up against racism. Henceforth, he promised, he would use the power of his office to prove that "human rights come first." As mayor, he acknowledged

the need to curb police harassment and to work for housing for minorities and also better opportunities for Negro school children. The last, he said, would require money and cooperation between citizens and teachers. Even if an integrated school population was not attained, school administrators must integrate teaching facilities and teachers must be willing to accept reassignment and commit themselves "to the fact an integrated society is better than a segregated one."[1]

The plea of Senator Kennedy and the promises of Mayor Lugar, combined with the efforts of black ministers, civic leaders, and the Urban League, probably helped to prevent the racial violence which shattered many cities in the grim days following King's martyrdom. There were a few lootings and local disturbances but no large scale riot. The promises of the mayor failed to bring concrete results, nor did his plea seem to change community attitudes, but the threat of disorders was allayed.

The trauma of King's death and the drama of the primary election (which Kennedy unexpectedly won, partly because of the outpouring of black voters) overshadowed the school board contest and the fact that the Board of School Commissioners was under threat of court action to compel it to take steps to desegregate the schools.

Both the Citizens School Committee and the Non-Partisans had begun laying plans, raising funds, and sounding out possible candidates before the end of 1967. While it appeared that the contest would be similar to those of past years there were also signs that in some ways it would be different. In November

1967 Fremont Power, commenting on the coming election, spoke of the elitist image of the Citizens Committee and the presence of so many suburbanites among its decision makers and asked: "Is the city so bereft of 'right thinkers' that suburbanites have to play such a large role in the Citizens group lest city folk make grievous mistakes?" He added, "It seems to be the bitter fruit of every long-continued non-political effort, particularly one so successful as the Citizens, that in time there appears a holier than thou image." Regardless of labels used, he continued, or whether they were justified, the campaign would be viewed as "establishment versus anti-establishment, 'haves' versus the 'have-nots,' and conservatives versus liberals, north of 38th versus south of 38th, Republican versus Democrat."[2]

Nevertheless, in spite of this prediction, it appeared that the Citizens group was making a conscious effort to become more representative. Change had actually begun in 1964, a few months after the previous election, when Judge Niblack announced his resignation as chairman of the committee and was replaced by Wallace Sims, who had just completed a term as a member of the school board. At the same time it was announced that an interim group would keep the committee semi-active during the next four years and that the entire committee would be expanded to include at least one parent from each of the public schools. Late in 1967, while rejecting a suggestion from the Non-Partisans that the two groups attempt to agree on a slate of candidates, the Citizens Committee named Henry F. Schricker, Jr., a conservative Democrat like his father, as chairman, replacing Wallace Sims,

who had moved outside the city limits.

As both groups began the search for candidates it was evident that desegregation and racial issues would figure prominently in the campaign. John Ruckelshaus, the lone Non-Partisan elected in 1964, predicted that it would be more difficult to enlist good candidates because the "race factor" would cause some well qualified persons to refuse in order to avoid a public stand, out of personal or business reasons. He added that the Shortridge Plan would be the most explosive issue because it involved racial factors.

When questioned by a reporter, Schricker, chairman of the Citizens Committee, said that his group sincerely hoped that racial differences would have no effect on the coming election, adding, "So far as I am aware, both groups [Citizens and Non-Partisans] believe children regardless of race, are entitled to the best education [the system] can give." He said that individual candidates might take positions on the Shortridge Plan, but that they would not be questioned on it before they were selected.[4]

In spite of Schricker's cautious statements, the Citizens Committee took the unprecedented step of nominating two black candidates. One was Jessie Jacobs, long associated with the NAACP and school desegregation; the other, less well known, was Landrum Shields, pastor of Witherspoon Presbyterian Church, a native of New York, a graduate of Lincoln University in Pennsylvania and Howard University Divinity School•[5]

Meanwhile the Non-Partisans had organized for the campaign,

again announcing that any citizen could join their group and participate in the selection of candidates by payment of dues of one dollar. Chosen as chairman of the Non-Partisans was Robert Bridwell, an active Democrat, associated with James Beatty, the Marion County chairman, who as a member of the 1965 state legislature had strengthened civil rights laws.

Best known of the candidates picked by the Non-Partisans was probably Robert DeFrantz, son of Faburn DeFrantz, director of health services at Flanner House, a graduate of the School of Social Work of Indiana University. As a Shortridge parent and representative of SCLC he had freguently appeared before the school board. The second black candidate, John Moss, a young lawyer, was little known outside the black community.

During the campaign, Mayor Lugar, evidently still smarting from the rebuff he had received as a school board member, departed from precedent by urging the election of candidates who favored the Shortridge Plan. In his inaugural address as mayor of the civil city, he devoted attention to the city schools, criticizing board members who, he said, were not "ready to make changes necessary to give Indianapolis a first class school system." As the selection of candidates got under way he appealed to Non-Partisans to choose supporters of the Shortridge Plan. During the campaign he sometimes acted as moderator at debates between opposing groups.

An editorial in the Indianapolis News warned that a "new dimension had entered the "traditionally nonpartisan school politics" and that both political parties were intervening in

the campaign. Lugar was actively participating, and Republican headquarters had mailed out some Non-Partisan literature. The Non-Partisans, who had close ties with the Marion County Democratic chairman were also reported to be receiving support from Democratic ward and precinct chairmen.

At the urging of Judge Niblack, the Citizens Committee passed a resolution, asking county chairmen of both political parties to refrain from taking any part in the school board campaign, a .recommendation to which the Republican agreed, but not James Beatty, the Democrat. Niblack then wrote a letter to the News attacking him as a "Young Turk" and assailing the Non-Partisans for being his henchmen, saying they were mere tools of the Democratic organization. Two days later in a feature article on the editorial page the News charged that partisan politics had become the overriding issue in the campaign. The Citizens Committee, with a forty-five year record of divorcing itself from politics, was pleading to "keep party politics out of the schools," but Non-Partisans were not cooperating.[7]

Earlier Lugar had suggested that he might endorse candidates for the school board, including, perhaps, some Non-Partisans. At the outset of his term Andrew Ramsey said that it appeared that the new mayor was on "a collision course" with the traditional Republican leadership in Indianapolis. When he criticized the school board in his inaugural address, Ramsey said, "Here's hoping that he succeeds [in bringing about changes in school board policy], but we are reminded that something funny happened on his way to the presidency of the Indianapolis Board of School

Commissioners." The prediction appeared to be fulfilled when, late in the campaign, after the charges in the News, Lugar retreated, saying that he had decided not to endorse any school board candidates.[8]

Meanwhile discussion of issues in the debates among the candidates was inconclusive. The future of Shortridge High School remained unclear. On the guestion of desegregation John Moss called for a board made up of "the kind of stuff which would cause the administrative staff to integrate schools," while DeFrantz said that Superintendent Ostheimer was "ineffective" because the present board lacked clear cut policies for him to follow. He criticized board members for saying that only integrated housing would bring about school integration. "Of course," he said, "housing is important, but affirmative convictions in policy making for schools could make a difference. The wish to succeed has been missing too long." Non-Partisan candidates called for immediate steps to integrate faculties, but Sammy Dotlich of the Citizens ticket said he was opposed to "forced faculty integration" because it could lead to the resignation of several hundred teachers.[9]

At the close of election day it appeared that the Citizens Committee had again been victorious, winning five of the seven seats on the board. Among the Non-Partisans, DeFrantz had clearly been elected, and at first it appeared that Jonathan Birge, an active Democrat from a well known family, had nosed out Landrum Shields, but in the final count Shields was the victor. His

election along with DeFrantz meant that for the first time two blacks would sit on the school board, while in July 1970 they would be joined by Jessie Jacobs.[1]

An Indianapolis News editorial found the victory of the Citizens candidates a "reassuring sign that good school management" would continue for four more years, but in the same editorial the News found alarming the fact that "at the last minute," the United States Justice Department had to "intervene" - that two weeks before the election a Justice Department official had "called into question the legality of the local school practices and demanded action by May 6, the day before the balloting." As a result, the editorial predicted, "federal control over the school system will be a matter with which new school board members must deal during the next four years."

In fact signs of an impending suit against the Indianapolis Board of School Commissioners, though evident for months, had been largely ignored both by incumbent board members and candidates. Only Moss and DeFrantz had criticized the "complacency" with which the board faced the probability of a suit. Moss deplored the "blinder" worn by past boards "to the magnitude of our inequities and the chances we have had for years to do something about it." Both Moss and DeFrantz criticized the present board for failure to take positive action when the entire community was aroused as never before over racial injustice in the wake of the assassination of Martin Luther King, Jr. But Mark Gray, president of the board, told the press that Justice

Department charges were "ridiculous," that "we have no discriminatory policy."[12]

Entrance of representatives of the United States Department of Justice into the conduct of the Indianapolis Public Schools was made possible by the adoption of the Civil Rights Law of 1964 (Section 407), which was intended to facilitate desegregation of schools. It empowered the Attorney General to act if he received a complaint in writing from a parent or group of parents saying that his or their minor children, as members of a class similarly situated, were being deprived by a school board of equal protection of the laws. If the complaint was found to have merit, and if taking action would further the "orderly achievement of desegregation," and if school authorities did not adjust the alleged conditions within a reasonable time, the Justice Department was authorized to institute a civil action in the district court in the name of the United States Government.[13]

During the first decade following the Supreme Court decision in Brown v. Board of Education, neither the general public or members of Congress had given much attention to racial segregation in the North, and when it had been recognized, it had usually been dismissed as "de facto" rather than "de jure." But the 1964 Civil Rights Law clearly applied to the North as well as the South if segregation was the result of law. From 1965 to 1969, during the Johnson administration, notable progress in school desegregation occurred in the southern states,

but at the time the suit against the Indianapolis school board began, the Justice Department had just begun efforts to apply the 1964 law to northern school corporations. To prove de jure segregation in the North required breaking new legal ground, and in 1967 and 1968 the Department of Health, Education and Welfare had begun gathering factual information in a number of northern cities.

As early as 1965 rumors of a possible suit in Indianapolis began after the national director of the NAACP visited the city to confer with the school board. In March 1967 the Indianapolis NAACP released a letter sent to the Department of Health, Education and Welfare in which they asked for an investigation of the schools. In August the first representatives of HEW came to the city, followed in September by a two member team from the Justice Department. However they informed the NAACP that the Justice Department could take no action unless they received a complaint from a parent. But although several parents had made complaints to the local NAACP, none of them were willing to initiate action, out of fear of reprisals, until December 1967 when parents of certain Negro students filed complaints with the Justice Department. This resulted in a Justice Department team coming to Indianapolis in February.[14]

On April 23, 1968 Stephen Pollack, Assistant Attorney General for the Civil Rights Division of the Department of Justice, in a letter to Mark Gray, said that, after receiving a letter from a Negro parent, complaining of racial discrimination

in the schools, his department had conducted an investigation. It showed, he continued, that "the school system's practices with respect to student and teacher assignments denied Negro students in Indianapolis the equal protection of the laws, in violation of the Fourteenth Amendment to the Constitution." After quoting Section 407 of the 1964 Civil Rights Act, he continued: "I am writing this letter to advise you of the results of our investigation and to provide you with an opportunity to take appropriate steps to eliminate voluntarily the racially discriminatory practices we found in the operation of your school system." This was followed by details of findings regarding faculty assignments, assignments of high school students (at Attucks, in particular), and evidence of discrimination in elementary school assignments. Pollack ended by requesting some action by May 6.[15]

On April 26 in a reply to Pollack, Gray wrote that it would be "precipitate" to attempt any sort of action before May 6, the date of the election of new school board members, saying: "I assume that it is not the intention of the Attorney General to allow his office to be used to interfere with the local Board election." He added that Pollack's letter contained many inaccuracies - that "Indianapolis has been in the forefront of progress in achieving equal treatment of all races in our schools. We intend to maintain our reputation for progress in this as in all facets of education." He insisted that IPS "vigorously recruited Negro teachers and that teachers were assigned without

regard to race. He warned: "If we are to make arbitrary assignments of teachers against their desires, we can expect the loss of many competent teachers."[16]

After this initial exchange, attorneys from the Justice Department conferred with Gray, and Pollack outlined steps which should be taken by IPS. On the subject of faculty assignments, he said, the goal"was not [merely] to assign new teachers on a non-discriminatory basis, but also to disestablish existing racially segregated patterns of faculty assignments," and that substantial achievement toward that goal should be made by the beginning of the school year. Transfers should be mandatory, if necessary. Secondly, a definite plan and definite time schedule should be undertaken "to disestablish the Crispus Attucks High School as a Negro school with an all-Negro student body." Finally, Pollack recommended employment of outside consultants to study and redraw elementary school boundaries.[17]

Despite his protestations, at the next school board meeting Gray announced that Superintendent Ostheimer had "contacted Indiana University School of Education for the purpose of obtaining the services of their staff to study the school boundaries in order to achieve maximum effect in the desegregation of all schools within the framework of the neighborhood concept." After approving this action the board voted to instruct the superintendent to outline a program "to obtain maximum transfer of both white and Negro teachers on a voluntary basis for the purpose of achieving integration of the faculty." Teachers who volunteered "would be permitted to take an indoctrination course before

the transfers were effected," for which "some compensation would be allowed."[18]

Writing to Pollack to inform him of the steps taken, Gray said: "You may be assured that it is the intention of the School Board to discharge its sworn duties to uphold the Constitution of Indiana and of the United States. We shall continue to do as we have done in the past, and will do so in the method best designed in all instances to achieve maximum educational benefits to the community rather than any ill-considered action in which the damage to educational objectives would outweigh the theoretical or statistical benefits which might be achieved by hasty and dramatic action."[19]

Not satisfied with these minimal steps, on May 31 the United States Attorney General filed a petition for an injunction against the Indianapolis Public Schools in the federal district court. In reply, Mark Gray, denying any segregation of faculty or students, said the Indianapolis Public School System would "stand firm on the neighborhood school concept." Attorneys for the school board informed the Justice Department that "there was no hint of segregation in assigning pupils or teachers" and that the "neighborhood concept" was "sound and would remain board policy." Such one-race schools as existed were "the result of neighborhood characteristics," and the all-Negro character of Attucks reflected "the composition of the neighborhood surrounding the school." Hence there was nothing in the school system to desegregate. In addition, the school board attorneys claimed, the

Attorney General had no jurisdiction under the Civil Rights Act. Their argument rested on a portion of the law which said "...nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."[20]

The Indianapolis Board of School Commissioners, by denying all the charges and insisting that the Justice Department lacked jurisdiction, while at the same time taking token steps to further desegregation, were embarking upon a course that for years demanded a large part of the time and energy of board members and school personnel and huge expenditures on legal fees. Mark Gray, the board president, a lawyer, led the way and defended this course of action. He insisted to reporters that if the suit had not been filed, the school board would voluntarily have worked out some sort of free choice attendance to deal with complaints over the all-Negro character of Attucks. Once the suit was filed, Gray hoped to avoid a trial in open court. He feared, he said, that to permit the case to go to court would lead to a long, costly legal battle which would polarize the community. Instead, he hoped, by making some concessions, the board could satisfy the Justice Department.[21]

The strategy which Gray planned was undertaken before members of the school board elected in May took office and apparently without consulting them. Of the four members taking office in July 1968, Sammy Dotlich, already a member of the board, serving

Lugar's unexpired term, strongly supported an uncompromising position toward the Justice Department. But the attitude of the other three new members, Belknap, DeFrantz, and Shields, was less predictable, though DeFrantz was known to be a severe critic of past school board policies, and it was expected that Shields would be sensitive to the wishes of blacks. Before taking office DeFrantz appeared before the board to present suggestions for the appointment of a task force of local citizens to work on the problem of desegregation. Within the community, he said, there were many interested and able people who could offer constructive suggestions, and much could be gained by involving the community. He urged appointment of a group which, in addition to representatives of the school system would include persons from a broad range of organizations and interests, ranging from the NAACP, SCLC, the Urban League to the Chamber of Commerce. The members of the board listened to him but took no action on his recommendation.[22]

Howard Smulevitz, a shrewd reporter on school affairs for the Indianapolis Star, predicted that the unanimity of the board which had prevailed since Lugar's resignation would not survive the advent of the new members. A few months later he reported that the presence of the two black members was indeed creating divisions and that Shields, the Presbyterian minister, was emerging as a militant, demanding more black principals in white schools and in other supervisory positions, and actually giving support to the Justice Department suit. DeFrantz, although less outspoken, was supporting Shields and the two would probably

support busing, if necessary.

At a preliminary hearing in federal district court before Judge S. Hugh Dillin, who had been assigned jurisdiction in the Indianapolis case, the judge announced that it would be at least six months before he would have time on his docket for a trial of the case and that in the meantime he hoped that IPS and the Justice Department could come to agreement on some issues before the trial. Lawyers for the Justice Department said they were giving priority to faculty integration, citing "circumstantial evidence" of a "conscious design...to assign teachers on the basis of race." Pointing out that the school system had done little, if anything, to "prevent the concept of some all-white and all-Negro schools," they said that integration of teaching staff would help remove these labels. Other issues could be postponed, but reassignment of teachers should be done by the opening of schools in September.[24]

On July 30 a committee appointed by the board reported that it was board policy to assign teachers and professional staff so that "no school would be identifiable as intended for students of a particular race," and that such teachers and staff would "not be concentrated in a school in which all, or the majority, are of that race." New teachers should be assigned in such a way as to further the attainment of this objective, while incumbent teachers should be urged to volunteer for reassignment. In voluntary plans did not work, mandatory assignments would be made, but teachers who were designated were to be given special

consideration if they applied for administrative or supervisory positions in the future. Justice Department lawyers, finding the plan insufficient, insisted in an order issued by Judge Dillin, that all schools must have at least one Negro teacher in the coming year, and that as many schools as possible should have more.[25]

After this the school board announced a three year program for complete faculty integration. The plan, to which Judge Dillin gave approval, relied on both voluntary and mandatory assignments. The first phase would emphasize inner city schools, including Attucks, but every all-white school would have at least one black teacher in the coming year. Twenty-nine white teachers were to be assigned to Attucks, three black teachers to Broad Ripple High School.[26]

Advocates of desegregation had long urged faculty integration as a first step toward total integration because it did not involve problems of residence. But when too few teachers volunteered and the school board resorted to mandatory transfers, teachers and parents raised a storm of oppposition. In all about 180 teachers were designated for transfers, many of whom expressed resentment and apprehension over their new assignments. The executive secretary of the Indianapolis Education Association, to which most teachers belonged, said that while the IEA "upholds the principles of the Federal Court integration orders and has no desire to avoid compliance," there was resentment that the association had not been consulted and given a voice in the planning of transfers and that the IEA would seek legal remedies for teachers

who complained. Four Northwest High School teachers, faced with the prospect of being assigned to Attucks, sought a federal court order to stop mandatory transfers. Five teachers from the same school, along with about fifty white elementary teachers, resigned rather than accept assignments to inner city schools. Superintendent Ostheimer reported the most serious shortage of teachers on record at the beginning of the school year as the result of these resignations.[27]

Mandatory transfers of teachers brought the first rumblings of organized opposition to acceptance of the Justice Department demands. Under headlines:

CITIZEN'S GROUP WILL FIGHT

U.S. MEDDLING IN SCHOOLS

the Indianapolis Star reported that residents of the Northwest High School area had organized Citizens of Indianapolis for Quality Schools to battle federal intervention. Expressing support for teachers who were trying to overturn the court order authorizing mandatory transfers, they announced that they were undertaking a house to house campaign on their behalf, hoping to secure 20,000 to 40,000 signatures. A few days later, James D. Wilson, leader of the new group, appeared before the school board. Declaring that mandatory transfers were detrimental to the school system and had resulted in the serious loss of qualified teachers, he urged the board to take an "unquestionable public stance" in support of the "neighborhood school concept." The responsibility of the board was quality education for all students, not social reform. Nevertheless, he insisted, his organization believed in

election along with DeFrantz meant that for the first time two blacks would sit on the school board, while in July 1970 they would be joined by Jessie Jacobs. [10]

An Indianapolis News editorial found the victory of the Citizens candidates a "reassuring sign that good school management" would continue for four more years, but in the same editorial the News found alarming the fact that "at the last minute," the United States Justice Department had to "intervene" - that two weeks before the election a Justice Department official had "called into question the legality of the local school practices and demanded action by the May 6, the day before the balloting." As a result, the editorial predicted, "federal control over the school system will be a matter with which new school board members must deal during the next fours years."[11]

In fact signs of an impending suit against the Indianapolis Board School Commissioners, though evident for months, had been largely ignored both by incumbent board members and candidates. Only Moss and DeFrantz had criticized the present board for failure to take positive action when the entire community was aroused as never before over racial injustice in the wake of the assassination of Martin Luther King, Jr. But Mark Gray, president of the board, told the press that Justice

from the Justice Department, also rallied to prevent any steps which might endanger the "neighborhood school concept." Led by the Northwest High School group, Citizens of Indianapolis for Quality Schools, Parent-Teacher organizations at six predominantly white high schools formed an alliance with the avowed purpose of influencing school board policies on desegregation. Their basic purpose, they announced, was to preserve the concept of neighborhood schools, "a sound educational principle," which "had nothing to do with race." School integration would come about naturally through changing residential patterns, they argued. The president of the alliance said that Negro children had the right to go to the schools nearest their homes and that Negroes had the right to live anywhere they chose. He deplored the existence of an all-black Attucks as a "crime," but insisted that "schools shouldn't be used to solve racial problems." In spite of their professed devotion to "quality education," they wanted to end the academic program at Shortridge High School, which they regarded as an "experiment in social engineering."[30]

The new alliance announced that it intended to pack every school board meeting with its members and raise issues of concern to them, and from this time on board meetings were crowded with partisans arguing against concessions to the Justice Department, and, most of all, any plan which might involve busing for purposes of desegregation. Among the more conspicuous of the speakers who began to appear regularly was Donald Blue, president of the Arlington High School Parents Organization who told

the board that the wrong approach to desegregation was for "Federal Government agencies, some State Civil Rights leaders, and a few selfish property owners to reverse our entire school system for their own selfish motives" and "to sacrifice our children's education as a means to implement a social planning program." A few weeks later Judge John Niblack appeared to insist that "the Federal Government should get off our backs.... Do gooders and advocates of Uncle Sam controlling everything should let local taxpayers and school boards manage their own schools." The 1964 Civil Rights Act, he said, as he had before, did not demand integration, it merely prohibited segregation.[31]

When the board, acting again on the advice of Justice Department attorneys, agreed to invite an agency of the federal government, the Office of Education of the Department of Health, Education and Welfare, to make a study of Indianapolis schools and to make recommendations for desegregation, community pressures increased. In April, after a brief visit the month before, a team from HEW presented a series of recommendations for Attucks and some elementary schools. The plan, which was described as "interim," did not eliminate segregation entirely but only in schools where racial imbalance was most conspicuous. It called for "grouping" of predominantly black schools with schools which were predominantly white. Some of the schools would include kindergarten through the fourth grade, others would be for grades five through eight. HEW said nothing about distances between schools involved, nor did it mention busing. But it said that "not the least of concern here is the need to study, project,

and plan how the transportation needs of students can be met in order to facilitate their movement in and about the city." For Attucks the report recommended that pupils at that school be transferred to other high schools or that feeder schools be re-districted so as to assign white students to it.[32]

A crowd of about four hundred packed the school board meeting when the HEW plan was first discussed publicly. In an opening statement , board president Marvin Lewallen said the plan did not speak of busing and that the school board did not contemplate busing in order to achieve desegregation, but this did nothing to stop the flow of denunciation of federal intervention and busing from speakers who had come intending to be heard. The rhetoric, as well as the speakers themselves, foreshadowed not only board meetings for years .to come but also the line of argument that would be heard in political campaigns and presented in court hearings. State senator Dan Burton (frequently identified as "Danny"), citing a number of objections to busing, warned that to bus students could be "illogical and unreasonable, and to force citizens of this country (black and white) to do things which are illogical and unreasonable would sow the seeds of dissension in our society." Mrs. Leo Valdez, president of an elementary school PTO, said that organization would fight the HEW proposal "with every means available to us." They would fight to preserve the neighborhood school concept and "stability in community living." Donald Blue presented a petition signed by 2,492 citizens, parents, and teachers in opposition to federal intervention in the Indianapolis public schools.

He urged the board "to stand up and fight the Government agencies in behalf of our children, the teachers, and parents."[33]

After several other speakers had expressed similar views and a deluge of letters in opposition to the HEW plan was reported, the board voted to postpone a vote on the plan. During the discussion Sammy Dotlich urged the board to reject the plan outright, saying it would be "an honor" to be a defendant in a suit brought by the Justice Department. The Indianapolis News praised him for this response, saying that every board member should agree with him. "When one is right and can prove it," said the News, "there is no disgrace in going to court and fighting for one's right." The Justice Department, it said, was trying to intimidate the board. No federal law authorized transfers of the sort contemplated by HEW, and board members were too cautious and defensive.[34]

At subsequent board meetings speakers repeated the same refrain. Donald Blue appeared again with a petition bearing 28,000 names, to plead with the board to renounce the HEW plan, which, he said, would destroy the Indianapolis schools. "Instead of joining the Federal do gooders against the tax-paying citizens and the teachers," he urged "let's all fight the Washington bureaucrats together so our neighborhood concept of schools can be sustained." Mrs. Valdez, in a second appearance, while continuing to denounce the HEW proposal, said what she and her supporters said about "racial balance" was misunderstood - that "we have to continue our fight, but at the same time hope and

pray the black community do not misunderstand our motives." She continued: "If the School Board is pressured into conspiring with the Federal government to ignore law, if the black community pressures for 'instant integration,' at the expense ofour school system, and if the thousands of us begging to preserve the neighborhood school concept are ignored, "heaven "help the youngsters, black and ¥hite, struggling to grow up into today's world. They'll believe laws are made to be broken, advantages are handed free to some, taken away from others, they'll believe the majority has no voice, and community spirit is a thing of the past."

Harold Hutson, ¥ho served as attorney for Citizens of Indianapolis for Quality Schools (CIQS), joined in denouncing "forced integration by artificial means," and urged the "board to reject the HEW proposal and "to actively oppose all efforts not being forced upon it and Indianapolis school patrons of unwanted and unrealistic programs." The CIQS pledged itself to fight "for the continuance of the neighborhood school concept."

Not all speakers at board meetings were so hostile. Representatives of several organizations expressed continued support for efforts at desegregation and the objectives of the HEW recommendations, but few supported them in their entirety. Smith, expressing concern of the NAACP over the climate created by some white militants and misinformed parents,said that "instead of being against certain proposals of the HEW report these people are in fact against desegregation of schools." The NAACP hoped that the school board would "follow the law of the land

and use all its professional skills to bring about not only integrated schools, but also a better and more complete education for the children." Thomas Binford, an influential member of the Greater Indianapolis Progress Committee, speaking for the Urban League, said that organization supported "the goal of quality integrated education" and called for city wide planning to achieve it. "If we can learn to look at the whole city," he said, "as our School Board must do - with cooperative thinking instead of polarizing hostility, there is still hope that Indianapolis can succeed uniquely where other big cities have not done so." He hoped that the HEW report might have the effect of leading to involvement of the whole community in solving the problem of integration.

Representatives of the League of Women Voters, the National Council of Jewish Women, and the Y.W.C.A. all spoke in favor of integrated education and urged support of the school board in its efforts to attain it. The president of the Butler-Tarkington Neighborhood Association said they endorsed the objectives of the HEW proposal but opposed some specific recommendations and urged the board to study alternative plans to promote both immediate and long term integration.

Representatives of CAAP (Community Action Against Poverty) endorsed the HEW plan as an interim measure, saying it offered an opportunity to promote desegregation without resort to extreme measures, and a spokesman for SCLC said that organization supported the plan.[36]

At stormy sessions behind closed doors school board members debated a response to HEW. There appeared to be general agreement that the report was hastily prepared and superficial, but strong differences over the wording of a response. Landrum Shields said he wanted to be able to support a response to give the appearance of board unity, but he rejected wording suggested by some members. Finally, on June 17, the board unanimously endorsed a statement on integration presented by Jeremy Belknap. After studying HEW recommendations, it said, the board had decided that they did not "constitute a satisfactory or workable solution to the integration problem of the schools." They tended "merely to be a treatment of certain areas without full consideration of their effect upon the whole system." Instead of the HEW plan, the board voted to appoint a representative committee from the entire community to examine alternatives available to achieve integration and to recommend "programs which it feels will preserve and promote integration and excellence of education." The first priority of the committee was to be secondary schools, "particularly the problem presented by Crispus Attucks as it now exists." A large audience, mostly white, greeted the announcement of the board action with cheers. "The few blacks sprinkled throughout the audience," said the Recorder, "were forced to sit idly by and watch white-washing of any aspirations for equal education in Indianapolis."[37]

At the same meeting at which the board rejected the HEW proposals, Mark Gray announced the appointment of the new IPS

superintendent, who, he said had been selected after a screening committee had interviewed about fifty candidates and who, it was hoped, would bring fresh ideas to help solve problems confronting the board. His predecessor, George Ostheimer, had resigned the previous November after almost ten years as superintendent and more than thirty years in the Indianapolis school system. Karl Kalp, assistant superintendent, who was immediately named acting superintendent, indicated that he would like the position permanently but the board decided to bring in an outsider.[38]

The new man was Stanley Campbell who came to Indianapolis from a suburban school district near Philadelphia. After Gray had announced his appointment, Campbell spoke briefly to the audience which had cheered the rejection of the HEW plan a short time before. He said that the Indianapolis school system had a good reputation, but there were some serious problems. However, he promised he would offer no "pat" solutions. The future direction of the school system should be a cooperative venture of teachers and staff; "the personality of one individual should not be foisted upon a school system." Instead, "the educational philosophy of this school system should evolve from the combined thinking of the school staff, the School Board, and interested citizens."[39]

At first Campbell seemed cautious in answering questions on racial integration, saying merely that he was sure "something workable" was possible. At a meeting with the new Citizens

Advisory Committee he said he would not attempt to devise a plan but would work with any group that wanted to achieve desegregation. But he aroused apprehension when he said that the neighborhood school concept had advantages and disadvantages, but added "I won't hold up the neighborhood school as God's answer to education in the United States. It has its place, but I would not rely on it as a slogan or shibboleth about what to do about education in Indianapolis."-[40]

Later in an interview with the Indianapolis News he offended powerful elements in the community. His reasons for coming to Indianapolis, he said, were not primarily financial. He came because he believed that Indianapolis was one of the few large cities, perhaps the only one, where there was a chance of reversing the decay of urban education and life. But, "in order to turn the corner and make the contribution education can to improve human life in the city and to keep it from becoming an all-black city, we are going to need the help of the Governor and the Legislature to get more money for urban education." The present state administration, he told a group of parents, was "putting financial needs in front of human needs." "We are the richest country in the world and we can afford to keep the cities from decaying and give the children in those cities reasonable opportunities to compete with those raised in suburban areas," but this would take money, including increased federal aid.

Contrasting the new superintendent with Ostheimer, who had been cautious and non-committal, Fremont Power said Campbell

appeared "to prefer to open the Pandora boxes and let come out what may." He might antagonize some elements in the community, but his presence would mean a more open debate in the community over school issues.[41]

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While white parents and politicians became increasingly vocal in their denunciation of busing and in praise for the neighborhood school, and while the Indianapolis Board of School Commissioners continued to vacillate, hoping to avoid a trial, in 1969 the Indiana General Assembly, quite unintentionally, passed the law which ultimately led to county wide busing as a remedy for racial segregation in IPS. The measure, "An act concerning reorganization of government of counties of the first class," was always known as the Uni-Gov law. Its special champion was Mayor Richard Lugar, who first proposed it, and who, with the able assistance of Keith Bulen, Republican county chairman, led the campaign for its adoption.[42]

The idea of metropolitan government for Marion County was not new. Since World War II the General Assembly had authorized a number of government bodies which operated on a county wide basis. The resulting multiplicity and overlapping of agencies led to interest in centralizing administration and, in particular, centralized authority for budget making and taxation. In November 1968 Mayor Lugar appointed a task force headed by the

chairmen of the city and county councils to draw up a plan for consolidated government. In reality the work of the task force was principally to rally support for a measure which had already been drafted by a team of lawyers. A bill presented at the next session of the legislature was passed with surprising speed after little substantive debate by a legislature in which Republicans had majorities in both houses.

The Uni-Gov act received widespread attention and support in the media in a concerted public relations campaign. The Pulliam papers, which had criticized it as a "power grab" for the mayor in its original form, endorsed it after it was amended. Television coverage and support were particularly important. Business groups and civic leaders joined in a barrage of propaganda seldom egualled to win votes of lawmakers and public support. Most conspicuous was the Greater Indianapolis Progress Committee, which claimed credit for starting the movement for consolidated government. It was joined by the Indianapolis Chamber of Commerce, the Jaycees, the League of Women Voters, and the local television stations.[43]

The campaign to win approval was waged on the "concept of metropolitan government, while avoiding arguments on the fine points of the bill." The Uni-Gov law as finally passed was an anomaly, the product of compromises and concessions to vested political and governmental interests. Numerous government agencies, including fire and police departments, were not included, nor were school corporations. The law provided for a mayor chosen by voters from the entire county and a twenty-nine member

city-county council, twenty-five from single member districts, four elected at large. Voters in three incorporated cities or towns - Beech Grove, Lawrence, and Speedway - continued to elect their mayors and councils as they had done before Uni-Gov, while at the same time voting for the Uni-Gov mayor.[44]

Some Democrats supported the Uni-Gov bill because they believed in the principle of metropolitan government, but the politically astute recognized that inclusion of voters from the heavily Republican suburbs in the election of the mayor of Indianapolis made it unlikely that a Democrat would ever be elected mayor and virtually assured Republican domination of the city-county council.

Blacks saw Uni-Gov as a scheme to weaken and dilute the power of black voters. They thought it no mere coincidence that the plan for county wide election of the mayor in Marion County was proposed after a black, Richard Hatcher, was elected mayor of Gary in 1967. Henry J. Richardson saw the Uni-Gov proposal as "dangerous and maliciously motivated as to race and political enslavement of minorities and an unfair power grab." The Indiana Conference on Civil and Human Rights, the coalition which monitored bills before the legislature, in a careful analysis, saying that the Uni-Gov proposal would weaker the voice of minorities, expressed concern that districts for the council would be gerrymandered. It pointed out that under the existing city government "practical politics" dictated that Republicans as well as Democrats who aspired to public office make

overtures to the black community. But "Uni-Gov would preclude the necessity for any special concern for the problems confronting the Negro and it is theoretically possible that matters of extreme importance to the Negro will be abandoned...." Uni-Gov could work to the detriment of policies important to blacks. On issues like open housing future candidates for mayor and council might be afraid of white backlash. Certainly Uni-Gov would preclude a black from becoming mayor. Another defect of the proposal was the failure to include police and fire departments and schools, omissions which were "fatal" to any meaningful metropolitan plan.[45]

Of particular significance to the present study was the omission of schools from the authority of Uni-Gov. This fact was sometimes cited in the campaign to win approval. For example, an editorial on WISH television station, January 21, 1969 urged the adoption of Uni-Gov as a means of overcoming overlapping and fragmentation of local government. In the future, it predicted, more departments, including police and fire, would become county-wide, but, the editorial emphasized, schools would not be included.[46]

Powerful, pragmatic political reasons dictated the omission of schools from the authority of Uni-Gov. The issue of school consolidation had already been proposed and dropped as the result of opposition from the suburban school corporations a decade before Uni-Gov was proposed. It began when the state legislature passed an act for school reorganization in 1959, a

measure intended primarily to promote consolidation of small rural schools, but requiring the appointment of a committee in every county. The Marion County School Reorganization Committee, headed by Carl Dortch of the Indianapolis Chamber of Commerce, included George Ostheimer, superintendent of IPS, the Marion County school superintendent, a township trustee, and several well known citizens, including Robert Lee Brokenburr. The committee began its work, expecting to propose a county wide school system, which it interpreted as the intent of the school reorganization law. But public hearings in Speedway and Lawrence (which had their own school systems) and in the township schools convinced them that this was politically impossible. Suburbanites wanted to preserve their local autonomy. They also expressed strong opposition to provisions in existing law under which the School City of Indianapolis automatically expanded its boundaries when the civil city annexed new land. This right of annexation, they argued, created problems for township school corporations, making it difficult for them to estimate future enrollments and building needs. Instead they urged a law to freeze the boundaries of the School City of Indianapolis, while the civil city continued to enjoy the right of annexation.[47]

At a hearing with the reorganization committee, members of the Indianapolis school board protested against the proposal to freeze boundaries, insisting that the only acceptable alternative to the existing law would be a county wide school system. One result of freezing school boundaries, they predicted, would be

the exodus of higher income families to the suburban school districts, leaving the Indianapolis schools burdened with a population of low income families with low levels of education.

Indianapolis mayor, Charles Boswell, a conservative Democrat, sought a method of continuing rights of annexation for the civil city, while appeasing both the suburbs and the Indianapolis school board. The result was a law passed by the legislature in 1961 over the protests of the Indianapolis school board, which provided that when the boundaries of the civil city of Indianapolis were expanded by annexation, annexation by the school city could be blocked if the suburban school corporation objected.[48]

In its final report the Marion County School Reorganization Committee recommended continuation of eleven separate school corporations (IPS, Lawrence, Speedway, and eight township school corporations), while admitting that this was a reversal of the committee's preliminary plan which called for a single school unit for Marion County, which "was the subject of two stormy hearings." The report continued that the committee had arrived at its final conclusion "without reluctance, but with some regret," saying they were convinced that the original county wide proposal was in keeping with the intent of the state law. "It represented a rational and eguitable approach to the problem of developing equal educational opportunities for all children in Marion County and of eliminating the confusion of school transfers and dislocations involved in annexation proceedings." The committee was convinced, however, after the

public hearings that "a vast majority of those school patrons, who interested themselves in our problem are not ready or willing to accept...a unified metropolitan district." The county wide plan had no widespread support, "only organized opposition," and lacked endorsement by any significant school or city organization or the news media. Having "no appetite or desire to present or force a plan (however sound in its conception) upon an unwilling or reluctant public," the report concluded: "We respect and accept the apparently substantial community consensus for maintaining eleven of the existing school units."[49]

After this rejection, issues of annexation and consolidation were dormant for several years, but problems resulting from the freezing of boundaries continued. In 1966 the debate was resumed when two Indianapolis school board members, Harry McGuff, board president, and Richard Lugar, vice-president, again raised the possibility of a county wide school system or some other alternative to the present situation. Citing the costly overlapping and "endless controversy" between school corporations, Lugar introduced a resolution asking the board's attorney to study the legal questions involved and for a study by the superintendent of advantages and disadvantages of a metropolitan system. In support of his motion he pointed out that the smaller school systems could not afford to duplicate the variety of services offered by the city schools and the fact that the Indianapolis school tax rate was the lowest in Marion County except for Speedway.

The suburban school corporations responded by calling a meeting of representatives of school boards, superintendents, and lawyers to develop a counter attack. The Indianapolis News, which endorsed the idea of a study of the desirability of consolidation, encouraged debate by publishing statements from advocates and opponents, Harry McGuff for IPS and Sol Blickman, a member of the Washington Township school board. McGruff insisted that consolidation was inevitable as the suburbs became more densely populated and urbanized - it could come slowly through "the slow laborious route" of individual annexations or come through a single action, by realization that the entire metropolitan area was tied together geographically, economically, and socially. Consolidation would help to eliminate waste and provide educational and tax benefits. In rebuttal Blickman said the Indianapolis proposal had been made without sufficient study - that the county was not ready for consolidation. He emphasized that the success of any educational system depended on "the integrity of people-to-people relationships, involving children, parents, teachers, administrators, representatives of government and citizens in general," a situation possible in township units but not in a large consolidated system.[50]

The Indianapolis school board was never unanimous in support of proposals for a metropolitan system, and with the retirement of McGuff and the advent of new members who failed to elect Lugar board president, the issue was temporarily shelved. In November 1967 the board voted to delay consideration of major annexations to the school city in the foreseeable future and

instead to cooperate with other schools in the county in the development of such programs as special education, vocational education, and educational television.[51]

When, a year later, Mayor Lugar initiated his campaign for Uni-Gov, he had learned from experience as a school board member, to avoid any effort to include school corporations. Two weeks before the Uni-Gov bill was passed, the General Assembly, with no publicity, passed a measure amending the 1961 law which had permitted annexation if the suburban corporation did not protest, to bar all future annexations.[52] Carl Dortch, Executive Vice President of the Chamber of Commerce, one of the most influential advocates of Uni-Gov, who had served earlier as chairman of the Marion County School Reorganization Committee,explaining the structure of Uni-Gov, said that schools were not included in order "to eliminate certain and strong opposition of any of the eleven school districts." He recalled that ten years earlier a report in favor of a single school district had "created a minor revolution," which had forced withdrawal of the recommendation.

In an address to a conference of the National Association of County Officials, Mayor Lugar, with surprising candor, spoke of opposition to the proposal for metropolitan government from residents of the suburbs. "In summary," he said, "they said again and again, "We worked hard to get out of a mess. Now you have the gall to ask us to be united with the crime, the dirt, the racial tension, the traffic jams, the odors, and the dismal atmosphere

that we escaped. Furthermore, we know that our taxes will be higher, public housing very likely in our backyards, and our schools may be racially integrated, and a big brother government will sweep over us.*" But the suburbs had been appeased, and Uni-Gov established.[53]

Andrew Ramsey put it succinctly: "The youthful and personable major of Indianapolis became the Sir Galahad of the hapless white suburbanites and invented a government monstrosity called Uni-Gov which permits white suburbanites to have their cake and eat it too." Neither Lugar nor Ramsey foresaw that the "governmental monstrosity" would lead to the busing of black children from the central city of Indianapolis to the white schools of the suburbs.[54]

CHAPTER 7

THE FIRST TRIAL

After rejecting the plan submitted by HEW, an agency of the federal government, the Indianapolis Board of School Commissioners turned to the local citizenry and local school personnel for advice and recommendations on how to achieve desegregation. They hoped that the appointment of a Citizens Advisory Committee with a mandate to devise a plan would be seen by the Justice Department as evidence that they were trying to meet their demands. At the same time they would placate local critics of "federal intervention." For almost two years after rejecting the HEW proposals they continued to seek to avoid a trial. These temporizing, delaying tactics satisfied neither the Justice Department or the local community, and the trial finally took place in July 1971.

Some elements in Indianapolis, white as well as black, were sincerely interested in promoting racial integration; others sincerely believed that Indianapolis had already fulfilled its obligation to abolish segregated schools and that the suit by the Justice Department was unwarranted and unlawful. The latter group, convinced that IPS could win its case, were impatient with delays and urged a speedy trial.

At an open board meeting, packed with patrons of opposing views, the president of the Northwest chapter of Citizens of

Indianapolis for Quality School (CIQS) received prolonged applause when he charged the board was betraying local citizens by failing to defend the school system from federal interference. "I assure you," he said, "that if, yes if, you individually and collectively had the guts to stand up to the court and defend this school system, the citizens of this city would bowl you over with support." The board was reducing the quality of the schools by using students "as pawns in this great busing game." "Many school boards in other cities," he continued, "have had the guts to stand up, hire lawyers, and defend the citizens that elected them and have won cases against Federal agencies trying to force some social goal in their school system."[1]

In appointing a local committee the school board emphasized that the group should give priority to the future of Attucks High School, the issue on which IPS was legally most vulnerable. After a committee of thirty-one members, drawn from a variety of civic and religious organizations, was announced, a delegation appeared before the board to ask that the number be increased to thirty-five to include more blacks and persons from the inner city. Shields supported their recommendation, but board president Lewallen rejected it, saying the committee was large enough.[2]

As might have been expected, the Citizens Advisory Committee, a far from cohesive group, representing, as it did, a variety of class, sectional, and political interests as well as both blacks and whites, nevertheless struggled to produce recommendations which a majority of the group could endorse. Even within the

black community there were differences. Kenneth Roberts, president of the Indianapolis NAACP, said he did not know how Attucks students and the Attucks community would accept integration. There certainly would be mixed feelings, "because," he said, "there are those who no longer want integration. There is no one spokesman for the black community." The NAACP, he reported, saw four possible plans: to integrate Attucks; to close it entirely; to make it into a high school with a special curriculum; to make it into a junior college.[3]

During the deliberations of the committee Clay Ulen, attorney for the school board, pointed out that the Justice Department claimed that school districting and building programs had been carried out to maintain segregation, and that, despite the 1964 law, the federal government might order busing if it was proved that "a segregation situation was deliberately set up," a warning some members of the committee refused to take seriously.[4]

The proposal which was finally presented to the board called for "a new high school facility, to be called Attucks," which would include the present school district but would enlarge it to include new elementary schools. All of the high schools would offer a comprehensive program of studies but each would offer specialized courses, such as vocational, technical, science, fine arts, or college preparatory. The report, endorsed by a majority of the committee, added: "Whatever plan or plans are adopted to increase equal educational opportunity and racial integration, nothing shall abridge or deny the right of every student to

attend the school of his choice, regardless of assignment or re-districting, provided the school so designated is not overcrowded." Members of the committee who hoped for a realistic plan for de-segregation were opposed to "freedom of choice," though some of them voted for the report. Nine of the thirty-one members filed a minority report which asked that Attucks remain at its present location but that the educational program at the school be enriched.[5]

Board members themselves were divided over the merits of the Justice Department's case and the tactics they should adopt in responding to it. While neither accepting or rejecting the plan proposed by the advisory committee, they studied other plans more like the HEW plan which were drawn up by IPS staff members. Before taking action, they announced a public hearing at which citizens were invited to express their views on various pro-posals.

Before the public hearing both teacher organizations, the Indianapolis Education Association and the Indianapolis Federa-tion of Teachers, announced that they would back the school board on any plan it devised. The IEA recommended funding for a pro-gram of extensive in-service training to prepare teachers, staff, and pupils for integration. The association also recommended that the board give immediate assurances that teachers would not lose their jobs or be demoted as the result of any plan that might be adopted. But in spite of this show of support, within the ranks of IEA there were differences and threats of resignation by some

teachers.[6]

The public hearing, held in the auditorium of Arlington High School, at a time when sub-zero temperatures were breaking records, attracted a crowd of about 1,500 for a debate that lasted more than four hours. Little was said about specifics of proposals which the board was considering, but most speakers denounced any measures to increase integration. By far the largest and most vocal contingent was from CIQS. Rhetoric ranged from carefully planned, rational speeches to emotional tirades. The president of the Shortridge PTA, Roland Usher, history professor at Butler University, declared, "We believe in the law of the land and we believe the Board of School Commissioners is duty bound to support it openly and completely." He urged the board not to delay compliance with the authority of the federal government even though it was possible "to find a significant number who still are not democratically inspired." Henry J. Richardson, representing the Urban League, spoke in similar vein, while representatives of the Indianapolis Council of Parent-Teachers Associations, the League of Women Voters, and the Y.W.C.A. read statements in support of school integration. At the other extreme, a spokeswoman from an elementary school cried. "We implore you, do not affront God by supporting this program. Do **not** bus our children."

The audience was for the most part orderly though there were some abusive statements, many of them directed against Superintendent Campbell. About two thirds of the speakers were clearly opposed to any changes in neighborhood schools, but at

the same time they were careful to say that they believed in the equality of the races and thought that integration would come about peacefully and gradually. Some of them indicated that boycotts would occur if integration was forced.[7]

While the hearing may have given the board evidence of "community sentiment," it certainly did not provide guidance for a plan which would meet with the approval of the Justice Department. The most urgent, but also the most divisive, issue raised by the charges against IPS was that of Attucks High School. Although there were mixed feelings in the Attucks community over the future of the school, blacks were unanimous in feeling that Attucks students should not bear the brunt of any integration plan - that if a plan involving busing was adopted, students of both races should be bused.[8]

Nevertheless, at a meeting January 27, 1970, board member Belknap presented a resolution on secondary schools, the product, he said, of the Citizens Advisory Committee and the IPS staff, which called for phasing out both Attucks and Shortridge high schools. Pupils from elementary schools which had been feeders to Attucks would be assigned to other high schools, the largest number to Northwest. Before the board voted on the resolution, a representative of CIQS declared the plan was "in opposition to the will of the people," and his organization would not support it. Jay Smith of the NAACP asked for "a new and totally integrated and well-equipped Crispus Attucks High School." The plan to close the school, he said, would place the burden of busing on blacks. He warned that the NAACP would ask the Justice Department

to reject the plan. But in spite of opposition from both sides of the spectrum the board voted by a margin of four to three to accept the plan, Belknap, DeFrantz, Gray, and Shields voting in the affirmative. Alexander, Dotlich, and Lewallen voted in the negative. Dotlich saying he was "voting the will of the people."

After voting in the affirmative DeFrantz said" "Black citizens, especially black children, are once more receiving the short end of the stick.

"The solution to the problem of segregation has not been presented at all. The solution would involve movement of non-blacks into an all black school - period." Phasing out the school, he continued, served "only to reinforce the white racist notion that a black school is inherently a bad school. It provides the white racists in other schools the opportunity to blame the displaced Attucks students for the problems of the [receiving] school." Moreover, the resolution also attacked "the one high school in Indianapolis [Shortridge] where integration on a voluntary basis is now and has been a way of educational life." He voted for the resolution because it recognized integration as a goal. "I want to go on record for the resolution," he explained, "ONLY because there has been nothing better presented."[9]

While blacks had not been conspicuous at earlier public hearings, they were vocal at this meeting. A few speakers expressed separatist views, but most objected to placing the burden of desegregation on blacks, even though whites were historically responsible for segregation. The board of directors of the Urban League, on the other hand, while recognizing that the plan was not

satisfactory to some elements, nevertheless endorsed it and asked for cooperation of black and white civic leaders in developing community support.

Racism, pure and simple, said an editorial in the Recorder, was behind the decision to phase out Attucks and bus black students. The decision was made out of fear that under another plan white students might be bused to inner city schools. The school board must be made to understand that Attucks, although built to perpetuate segregation, had "found a place in the hearts of the Indianapolis black community, - that its list of distinguished alumni was almost endless and the Flyin' Tigers a source of pride. The school board must eliminate segregation but at the same time preserve the illustrious traditions of Attucks and Shortridge."[10]

As an Attucks graduate, father of Shortridge students, and a former president of the Shortridge PTA, DeFrantz was in a painful position. At a meeting with parents and students of the two schools he explained that he could not have voted against the phasejout because to have done so would have looked like a vote against integration. No one, he added, was happy with the decision, but the board had to do something. However, he assured his listeners, the decision was subject to change.[11]

Less than two weeks later the board voted to rescind the phaseout of both schools and to begin a search for a new location for Attucks while continuing the name Attucks. At the announcement an audience of Attucks supporters, who had been singing "We Shall Overcome" and "The Flyin[1] Tigers," stood

and cheered. But the Justice Department promptly informed the school board and Judge Dillin that it wanted immediate integration of high schools, that any plan for "phasing in" or "phasing out" was not acceptable.

This announcement brought another editorial from the News, this one entitled "Time to Fight"- to go to court. The school board, it complained, was making a mistake in following the advice of lawyers who said that IPS had no valid defense against charges of racial discrimination. The board had continued to make concessions, but none of them had worked. The board, in the view of the News, had been led up a blind alley. Now it must accede to everything Washington wanted or go to court.[12]

Following the decision not to phase out Attucks, the board was reported to be divided between a minority who wanted immediate integration of the incoming freshmen class in the present building and a majority who clung to building a new school or phasing out the old one. As a compromise, while looking for a new site, the board voted to buy the buildings and grounds of Tudor Hall, a private school for girls, located on a large estate in the general area in which the board had hoped to buy land for a new Attucks, and to begin integration of Attucks by drawing new districts and assigning all incoming freshmen to the Tudor Hall building.[13]

The decision immediately raised the cry of "sellout to white racists" in the black community. Superintendent Campbell, in explaining the action, said that he personally thought that to accede to the wishes of the black community would have been "the right and honorable thing to do," but that some board members thought that sending white freshmen to the old Attucks would lead to white exodus from the new feeder school districts. The Indianapolis NAACP, expressing opposition to the plan, declared that by refusing to send white freshmen to the old Attucks, the school board was implying that the school was inferior, deprived, and educationally unsound.[14]

While the NAACP passed a resolution, members of CIQS planned action. The decision to send freshmen from elementary schools which had formerly been feeders to Northwest to old Tudor Hall rather than Attucks, failed to appease white parents. After parents at one of these schools announced a one day boycott to show that they would not accept the plan, the idea of a boycott was taken up by CIQS and parents of all four elementary schools affected by the new districting. At one school only about 85 pupils of an enrollment of about 1200 showed up on the day of the boycott, while the other three schools reported excessive absences.[15]

Nevertheless, in spite of threats, a racially mixed freshman class enrolled at the Tudor Hall campus of Attucks in September 1970 without boycotts or disruption. But white parents and representatives of real estate interests made it clear that they intended to block efforts to buy land for a new Attucks in the northwest sector of the city. Superintendent Campbell reported that the

price demanded for one possible site was too exorbitant to be seriously considered, while officials had refused to discuss the possibility that IPS buy land in a nearby area owned by the city. The best site available was a tract at the intersection of West Thirty-Eighth Street and Guion Road, near an area that was rapidly developing into a site for a shopping mall and small businesses. As school officials attempted to negotiate the purchase, delegation after delegation, one numbering in the hundreds, appeared before the school board to protest. Representatives of parents organizations, business groups, and home-owners from the area claimed that the price of the land was excessive, that there were traffic hazards, that public transportation was inadequate. Representatives of Cardinal Ritter High School objected that the new school would be too close to the Catholic School. David Mitcham of the NAACP, declaring that the arguments against the proposed location were the results of "racism and bigotry," praised the board for selecting the site. But, faced with failure of the Metropolitan Development Commission, an agency of Uni-Gov, to approve the site and the demands of the Justice Department for immediate integration, the board decided to renovate the old Attucks building and to admit a racially integrated student body in September 1971. A letter from the attorney, in response to their request for advice, convinced them of the necessity for the action. While saying that Attucks, like all other Indianapolis high schools, had been a "neighborhood" school since 1949, Ulen cited a number of Supreme Court decisions which had imposed the obligation of affirmative

action to end segregation in school corporations with previous records of de jure segregation. Segregation at Attucks was not really de facto, and it was probable that the district court would order additional steps to achieve desegregation. "Attucks has not continued since 1949 as an all-black school solely because of the racial characteristics of its neighborhood," he said, but because of other factors, including assignment of pupils from predominantly black feeder schools when other school "could have been as reasonably assigned." Moreover the Attucks faculty had remained almost entirely black until 1968-69.[16]

While a majority voted to take steps to end segregation at Attucks, the school board was divided on the question of elementary schools. A bill of particulars submitted to them and to Judge Dillin by the Justice Department in June 1970 had summarized charges that would be made against IPS at a trial. In addition to the status of Attucks the document claimed that there was evidence of de jure segregation in the elementary schools twenty-one years after the state legislature had outlawed segregation and sixteen years after the Supreme Court decision in Brown v. Board of Education. De jure segregation derived from a number of practices and policies dealing with assignment of pupils and teachers, drawing of school districts, school construction, and transportation of students. "The conclusion is inescapable," it stated, "that black children attending elementary schools are, by and large, receiving a segregated education."[17]

While the board debated several possible alternatives, the

Justice Department set a deadline of May 1, 1971 for adoption of a plan for desegregating elementary schools.[18] Once again, before making a decision, the board announced a public hearing. It attracted an overflow crowd, with many persons standing in the aisles and along the walls in the auditorium of the Education Center. Forty delegations had announced their intention of speaking, but before the meeting was opened to outsiders, two members made statements which were indicative of the divisions within the board. The Fourteenth Amendment, said Kenneth Martz (who was not a lawyer), protected the integrationist from the segregationist. He saw nothing in the Amendment which could be interpreted "to mean that we must mix religious groups or races in our schools to have a good or correct educational climate." He believed the Fourteenth Amendment protected the majority from having the will of the minority imposed upon it; he did not believe that a court could constitutionally demand "artificial integration." Jessie Jacobs followed with a lengthy, sometimes passionate analysis of her view of the problems facing the board. The problem could not be blamed on the Supreme Court or any agency of the federal or state government. "Each of us," she said, "is guilty of increasing the problem if we condone the evasive and unfair policies which we inherited from previous boards. If our decisions are being patterned from the past or influenced by a few of the die hard bigots, then we DO NOT have the courage to meet the present challenge....

"We have an opportunity to go on record as a SCHOOL BOARD in

a NORTHERN CITY who is [sic] concerned with the education of ALL its children and who has the INTREGRITY and GUTS to see that the best possible training is provided WITHOUT ANY RACIAL BIAS or any ATTEMPT TO APPEASE ANY GROUP."

Statements from the audience followed the usual pattern, most of the speakers expressing vehement opposition to any plan which involved busing. Anna Margaret Alexander, former school board president, was applauded when she said she opposed busing and denied that Indianapolis had a dual school system. The president of Citizens of Indianapolis for Quality Schools presented a petition urging that the case be taken to court. Addressing members of the board, he said it was important for everyone to understand that "all the controversies, all the unrest, the grave concern of parents throughout the city is your doing, for you are under no order of any court."[19]

Unable to agree among themselves, the board voted to reject plans for elementary school desegregation and to face trial in July.[20]

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While members of CIQS and others were denouncing busing and castigating the Indianapolis Board of School Commissioners for making concessions to the Justice Department, in April 1971 the Supreme Court handed down a decision which appeared to invalidate their argument that the Justice Department had exceeded its authority in the Indianapolis case. Federal judges in urban areas faced with

desegregation suits had been waiting eagerly for the guidelines which the decision in Swann v. Charlotte-Mecklenburg Board of Education furnished.[21] The case arose when, after repeated failures of a school board to produce a satisfactory plan for dismantling a dual elementary school system, the judge of the federal district court issued orders for a plan which depended upon busing for its implementation. In an opinion written by Chief Justice Warren Burger (a Nixon appointee), the Supreme Court unanimously upheld the plan. Bus transportation, said Burger, might sometimes be used as a tool for desegregation, that desegregation plans could "not be limited to the walk in school."

In seeking to give guidance to federal judges confronted with desegregation suits, the Supreme Court pointed out a number of practices which school boards had used to perpetuate unconstitutional segregation, among them gerrymandering of school attendance zones and plans for school construction. Where one-race schools existed, "the burden upon school authorities will be to satisfy the court that their racial composition is not the result of past discriminatory action on their part," said Burger. As to the powers of federal judges, he said, once a violation had been shown, "the scope of a district court's equitable power to remedy past wrongs is broad....The task is to correct, by a balancing of the individual and collective interests, the condition that offends the Constitution." In addition, when necessary, district courts should retain jurisdiction "to assure that these responsibilities are carried out."[22]

Most significantly, perhaps, Burger's opinion shattered the argument of the critics who insisted that the Justice Department "didn't have a leg to stand on" in bringing the suit because the Civil Rights Act of 1964 barred such an action. Quoting the two sections of the law in question, Burger said that their legislative history showed they were not intended to limit but to define the role of the federal government in the implementation of principles enunciated in Brown v. Board of Education. The portions of the law on which critics were depending were designed "to foreclose any interpretation of the Act as expanding the existing powers of federal courts to enforce the Equal Protection Clause. There is no suggestion of an intention to restrict those powers or withdraw from courts their historic equitable remedial power." The wording of the sections in question in no way limited the power of federal judges to remedy cases of de jure segregation but did not confer additional powers.[23]

During a pre-trial conference Judge S. Hugh Dillin, citing the Charlotte-Mecklenburg decision, pointed out that busing was a permissible remedy if a violation of law was proved. "I do not believe," he told lawyers from both sides, "that under the law, anyone has a constitutional right not to be reassigned, whether or not that involves transportation." He noted the fact that in Marion County thousands of pupils were already bused, adding: "No one seriously objects to that as far as I know, except when we get into areas as here, where you don't like the school to which they are being bused, in which case, of course,

the other claims are made."[24]

The trial itself began July 12 in the Federal District Court for the Southern District of Indiana. John D. Leshy, an attorney in the Civil Rights Division of the Departmentof Justice, presented the case for the United States. Gerald R. Reading,of Baker and Daniels law firm, was the principal lawyer for the defendants. Judge Dillin, who had been a member of the court since 1961, heard the case without a jury.[25]

Dillin, little known before the trial, but whose name soon became a household work in Indianapolis, was "a true Hoosier," descendant of pioneers who had come to Pike County on the Wabash River in southwestern Indiana early in the nineteenth century, acquired land, and became successful farmers. There Samuel Hugh Dillin was born in 1914. In his boyhood he spent much time with his father, a country lawyer, going with him frequently to the county court house, where he watched proceedings and listened to the talk of lawyers. He early decided to make the law his profession.

After graduating from Petersburg High School he attended Indiana University and the Law School of Indiana University in Bloomington, where he received the LLB degree in 1937. Like many law students he was fascinated by politics. A Democrat, he successfully campaigned for a seat as representative from Pike and Knox counties in the General Assembly before he graduated from law school. He was reelected in 1938 and 1940, meanwhile joining his father in practicing law in Petersburg. During World War II

he served in the army, attaining the rank of captain as a legal officer in the Anti-Aircraft Artillery and Ordnance Department. After the war he returned to law practice in Petersburg but could not resist the fascination of politics and government. He was serving as a legislative advisor to Governor Schricker when the General Assembly passed the law abolishing segregation in public education in 1949.

In 1950 he returned to the Indiana house of representatives, serving as the Democratic floor leader in 1951 and gaining a reputation for his political skill and sharp wit. One reporter, describing his performance, said he was "as fast on his feet in a changing legislative situation as any play making guard on a Hoosier basketball team, and he demonstrated a feeling that good humor contributed to good government." As a Democratic member of the legislature when Indiana's states[1] rights stance and opposition to federal intervention by Republicans were at their peak, Dillin enjoyed poking fun at his opponents, particularly on the subject of rejection of federal aid. In 1951 the Republican controlled General Assembly passed a law to open welfare rolls to public inspection, a measure in clear violation of federal law, even though in doing so they risked losing some twenty million dollars in federal funds. When the Indianapolis Star called the lawmakers patriots, comparable to the men who had led the resistance at Lexington and Concord, Dillin countered by saying they were "more nearly like the rebels who fired against the United States flag at Fort Sumter." Republicans, he said, were not exercising states'

rights but threatening secession, a strange position for members of the party of Lincoln. A state, he added, had no right to nullify an act of the federal government by unilateral action. Furthermore, although Republicans had been talking about economy and no new taxes, action which meant the loss of millions of dollars would inevitably mean increased taxes.

In 1959, after a few years spent in establishing his law practice, Dillin returned to the General Assembly as a senator. After the Democrats won control of the upper house in 1960, he became senate majority leader, the position he held when President Kennedy nominated him as a judge in the Federal District for the Southern District of Indiana on the recommendation of United States Senator Vance Hartke, a Democrat.

As a member of the General Assembly Dillin was strongly partisan. Edward Ziegner, an astute political writer for the Indianapolis News, said he had earned a reputation "for aggressiveness, political liberalism, and sharp tongued attacks, nailing the Republicans to the wall when he thought they had it coming. That was most of the time." The newspaper fraternity admired and respected him. They voted him the "most valuable" member of the lower house in 1951 and as majority leader of the senate in 1961. But despite his love of politics and political maneuvering, Dillin did not hesitate to accept appointment to the federal bench, an appointment which won general approval, even from political opponents. At a hearing before the Senate judiciary Committee, Republican Senator Homer Capehart accompanied Senator Hartke as his sponsor, saying that his family and Dillin's family had been

neighbors for generations. The Indianapolis News, which had never shared his political views, said he was "a deeply serious student of the law."

During his first years on the bench Dillin attracted little publicity. Cases coming before him, as in most federal courtrooms, were usually routine in nature and not controversial. In general he conducted his courtroom informally. Sometimes during testimony he closed his eyes, a habit which disturbed some spectators. He was not dozing, but listening intently, sometimes interrupting to ask penetrating questions. He strongly believed that a judge had an obligation not merely to decide a case but to make clear the constitutional and legal grounds on which a decision rested. Frequently, after a hearing, he spoke informally to parties in the case and spectators on constitutional principles and the functions of federal courts.[26]

At the beginning of the trial, Leshy, for the Jusice Department, emphasized that the trial was about de jure segregation, not de facto. The central issue was the question of segregation of elementary schools with less attention to the high schools and teacher segregation, areas in which the school board admitted some guilt and had already taken some remedial steps. Leshy charged that the school board had consciously practiced segregation in elementary schools after the enactment of the 1949 school law. To support this, the Justice Department presented a report of 82 pages of evidence and called a number of witnesses. There were few surprises at the trial and little that had not

already been publicized.

The first witness, Virgil Stinebaugh, the superintendent when the 1949 law was passed, now in his seventies, could not recall that the school board had ever opposed desegregation and was vague and forgetful on other questions. More important was the testimony of Paul Miller, who as assistant superintendent had drawn school districts from 1953 to 1968. During three days of relentless questioning by Leshy he insisted that boundaries had never been drawn to perpetuate segregation, but was unable to name a single instance in which new boundaries had resulted in increased racial integration. He admitted also that white students were never assigned to Attucks and that additions to existing buildings were probably inconsistent with the 1965 state law to facilitate school desegregation. Alexander Moore, former principal of Attucks, now assistant superintendent for curriculum development, admitted that pupils from predominantly Negro grade schools had always been assigned to Attucks after 1949 even when the schools were closer to other high schools.[28]

At the pre-trial hearing Gerald Reading, on behalf of the Board of School Commissioners, argued that with the integration of Attucks, "our obligation has been fully met and there is no constitutional issue remaining." Except for Attucks, he insisted, there had been no dual school system in Indianapolis for twenty years. During the trial school board attorneys denied that any board practices or policies were responsible for predominantly white or Negro enrollments, but that the racial characteristics of the schools had been determined exclusively by changing

residential patterns. The policy of the board, they claimed, had been to attempt to resist the effects of residential segregation and to promote "racial integration of the schools to the extent feasible without intensifying white flight." Superintendent Campbell raised a new issue,which later became important, when he testified that some government policies, particularly in public housing, had the effect of "intensifying and extending segregation in Indianapolis." Public housing projects, he said, had rapidly changed predominantly white school districts into predominantly Negro districts. Under questioning by Leshy it was shown that local government determined sites for public housing.[29]

The trial ended after seven days of testimony and final arguments. The Justice Department urged the court to order immediate assignment of staff and faculty so that no school was racially identifiable and to stop assignment of inexperienced white teachers to predominantly black schools; to order immediate desegregation of Attucks and an immediate plan for desegregation of elementary schools and a construction program which would not perpetuate segregation but would promote desegregation.[30]

On August 18, Dillin handed down a decision in which he found IPS guilty of de jure segregation. In a long introduction he summarized the history of segregation and racial discrimination in Indiana and Indianapolis from the territorial period, through the establishment of segregated schools after the Civil War, to the adoption of the 1949 law abolishing segregation in public education. After the adoption of the law he cited evidence to show that the school board and school officials had adopted a

variety of measures to perpetuate segregation and had done little in the way of affirmative action to carry out the intent of the law. In May 1954, when the Supreme Court handed down the decision in Brown v. Board of Education, declaring de jure segregation unconstitutional, the situation in Indianapolis was essentially what it had been in 1949: "The schools were still segregated by operation of law, by virtue of the acts of omission of the Board in defiance of the new requirements of the Indiana law."[31] From 1954 to 1968 the school board continued the policies of student and faculty assignment of the previous era unchanged. During a period of rapid growth in enrollments the board adopted a variety of methods to deal with problems of overcrowding, all of which had the effect of perpetuating or increasing racial segregation. Dillin cited examples of building additions to Negro schools and zoning Negro students from predominantly white schools into them. New high schools had been built in locations where they would serve predominantly white student bodies. In addition the board had perpetuated segregation by transporting students of overcrowded schools of one race to schools of the same race rather than to nearby schools of the opposite race where space was available. Of approximately 350 changes in school boundaries since 1954, more than ninety per cent had the effect of increasing segregation. As the result of the construction of a new wing at Attucks and the operation of the Shortridge Plan, intended to keep enrollment at that school from becoming all-black, black enrollment at Attucks increased.

As additional reasons for the continued segregation of Attucks and the racial character of some of the elementary schools Dillin pointed to the non-cooperative attitude of local officials in making it impossible for IPS to acquire land to build new schools in some areas.

Summarizing board policies since the filing of the suit in 1968/ he cited progress in the hiring of more Negro teachers and integration of administrative staff, the beginning of desegregation of Attucks under a plan that would not be completed for three years, and finally the recent rejection of further plans for desegregation of elementary schools. "It thus appears," Dillin concluded, "that the board, having taken some steps toward rectifying its previous failure to comply with Brown II [the Supreme Court order in 1955 for desegregation with "all deliberate speed"], is unwilling to proceed further unless directed to do so by the court."

Up to this point the opinion, heavily footnoted with examples, reflected the evidence presented to the Justice Department and charges which critics of the school board and administration had been making for years. In finding IPS guilty of de jure segregation the court was following closely the criteria enunciated by Chief Justice Burger in the Charlotte-Mecklenburg case. But Dillin had a further purpose. He hoped to be able to fashion a remedy that would be more lasting than one that would result from an order for immediate desegregation of the Indianapolis schools. In the second part of his opinion he struck out along new lines, raising questions which had not hitherto been brought before the

court.

Although the school board for years had followed policies which perpetuated segregation, said Dillin, "it is only fair to say that various factors not of its own making have contributed to that result." Among them he cited segregated residential practices which resulted from the inability of blacks to buy houses in white neighborhoods because of policies of realtors and restrictive covenants. Added to this was the policy of locating public housing developments only in the central city. But more important in restricting the ability of the school city to promote integration was its inability to annex land in the white suburbs. An act passed in 1961, as already noted, provided that the right of the school city to annex land annexed by the civil city could be blocked if the suburban school corporation objected. Still more serious was the provision in the Uni-Gov law of 1969 which exempted school corporations outside Indianapolis from the metropolitan government. "Thus," said Dillin, "Uni-Gov leaves the defendant School City exactly where it found it: confined to an area in the central part of the consolidated City of Indianapolis, where it is surrounded by eight township school systems operating independently within the purportedly unified city, and by two additional school corporations operated by Beech Grove and Speedway City." In the outlying school districts during the 1969-70 school year, the judge continued, only 2.62 per cent of the total enrollment was Negro, and of three thousand teachers only fifteen were black - less than one half of one per cent of the total. The township school system competed with IPS for

teachers, sometimes employing white teachers who had resigned from the Indianapolis system to avoid mandatory transfers. These schools had also contributed to the exodus of whites from Indianapolis schools by accepting them as transfer students if they paid tuition.

Turning next to the heart of his proposal to bring about lasting desegregation by involving the suburban schools, Dillin considered the effect of court ordered desegregation in other cities, a subject he had tried unsuccessfully to explore at the trial. When Dillin had asked about the consequences of court ordered desegregation on enrollments in other cities, attorney Leshy had replied that the Office of Education had made no such studies, causing the judge to ask impatiently, "What's the use of doing something, if you don't know what the result is?"

Subsequent research into enrollments in cities which had carried out desegregation plans showed an upsurge in the percentage of blacks in the school population and a sharp decline in the percentage of whites. "The undisputed evidence," Dillin concluded, "is that when the percentage of Negro pupils in a given school approaches 40, more or less, the white exodus becomes accelerated and irreversible." "The brutal truth" appeared to be that when a court and school board undertook "to apply across-the-board desegregation," that resegregation and white flight occurred if black enrollment had reached the "tipping point" of 40 per cent. In spite of efforts made in good faith, it appeared that the common characteristics of most desegregation plans was "tunnel vision."

In Indianapolis, however, the judge continued, "it is clear that the tipping point/resegregation would pale into insignificance if the Board's jurisdiction were coterminous with that of Uni-Gov," and it would be minimized further if the school systems of Beech Grove and Speedway and certain parts of adjoining counties, which were in reality suburbs of Indianapolis, were included. The percentage of blacks in the Indianapolis schools was now thirty-seven, not yet the tipping point. "Nevertheless," Dillin continued, "it is obvious that something more than a routine, computerized approach to the problem of desegregation is required if this court, lest the tipping point be reached and passed beyond retrieve." The easy way out for the court, and for the school board, would be to order a massive "fruit basket" scramble of students within the city to achieve exact racial balance and then turn attention to other matters, but "there in just one thing wrong with this simplistic solution: in the long run it won't work."[34]

Turning to the question of possible involvement of suburban school systems in long-range plans, Dillin asked some questions about the effect of Uni-Gov. Were the provisions excluding the school corporations unconstitutional "as tending to cause segregation or to inhibit desegregation of the Indianapolis School System?" If true, did the adoption of Uni-Gov automatically extend the boundaries of the school city to include the entire Uni-Gov area? Or should the General Assembly provide for a metropolitan school district embracing all of Marion County?

To answer these questions and questions about the powers of the Metropolitan Planning Commission, the court instructed the plaintiffs (the Justice Department) to make the school corporations and other concerned agencies parties to the suit. The state attorney general should also be included because of the interest of the State of Indiana in the constitutionality of its laws. Since other individuals or "bodies politic" might have an interest in questions raised, Dillin invited petitions of intervention, saying they would receive careful attention.

Pending decisions on the questions he had raised, Dillin ordered the defendants (the school board and school officials) to take certain minimum steps "to fulfil their affirmative duty to achieve a non-discriminatory school system." These included:

1. Immediate steps to assign faculty and staff so that no school was racially identifiable. Assignment of inexperienced white teachers to Negro schools should be avoided.

2. Plans for immediate desegregation of Attucks and a continuing search for a new site for the school.

3. A new survey of probable racial make-up of all schools for 1971-72, followed by appropriate steps to prevent schools with a "reasonable white-black ratio" from reaching the "tipping point." Transportation of students into and out of such schools should be provided if necessary.

4. Immediate negotiations with outside school corporations for transfer of minority students to those schools.

These steps, Dillin acknowledged, would not result in

significant desegregation, and mandatory transfers to maintain racial stability would involve Negro students more than white. His order, in fact, dealt only with schools approaching the "tipping point" and would not affect the predominantly black schools of the inner city. Prospects for a realistic method of desegregating these schools depended upon bringing the suburban schools into the plan.[35]

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The public response to the court decision was swift, highly emotional, and, for the most part, ill-informed. "I don't pay high taxes to send my child to a low class school. I won't allow it," one irate white parent told a reporter. Others vented their outrage through letters to the editor. One urged all parents to join together to stop busing "to save our children before it is too late." Parents should refuse to send their children to schools outside their district and should hire "unemployed qualified teachers" and start their own schools. Another writer, saying that "forced busing" was a much greater injustice than racial segregation, compared Dillin's decision with the Dred Scott decision, warning that in practice busing would prove to be "the most ruthless form of despotism." Another compared the present situation in Indianapolis to "Germany in the '30's," saying that forced busing bordered on dictatorship. If officials could "send our children to any school they desire, who is to say that next month

or next year it might not be to a camp of their selection." One woman said that schools were already desegregated, and she didn't see why Judge Dillin would "raise all the fuss." To men and women in the street the decision meant busing, and they knew they were opposed to it. The general consensus seemed to be that Dillin, acting on his own initiative, was imposing unreasonable hardships upon hapless children.[36]

One who had read the opinion was the columnist Fremont Power, who praised Dillin and his opinion. Both as a state legislator and a judge, he said, Dillin's style had been "to whack away the fluff and get to the guts of a problem." In the opinion he had "cut through the puffery with which this community has had to contend for some time," and had "jerked off the cloak of innocence from schools boards and administrators." But an editorial in the News on the same day denounced the decision as an "instance of obvious activism on the bench," which went beyond the Justice Department charge of de jure segregation by IPS. The opinion had not only done that, thereby "giving the green light to expanded busing and racial balance plans," but had taken steps which the plaintiffs had not asked for. In a free nation, the editorial said, questions such as school consolidation should be determined by the people and their representatives and not imposed from above. A few days later, M. Stanton Evans, editor of the News in a signed article, declared that the Civil Rights Act of 1964 prohibited busing to achieve racial balance and that Dillin's opinion ran counter to the law.[37]

The Indianapolis Star was also critical of the opinion and of Superintendent Campbell for his support of it. In a speech at the Rotary Club, Campbell said that while he had some criticisms of the ruling, he was tremendously impressed by how Dillin had "got to the heart of the problem and particularly its long range implications," The opinion was a great challenge to Indianapolis. "The community, Dillin's ruling indicates, has a guilty conscience and the school system has been the focus of segregated practices," he told his audience. On the day following the speech Campbell broadcast a message to all teachers and school employees, saying that he expected all of them to assist in obeying the law, and that he did not want any foot dragging. Every employee would be expected "to make personal sacrifices to help overcome the injustices of the past," and if anyone did not want to obey the court or preferred to work in a "rich community" and with white children, he said, "We can do without you."

The Star responded with an editorial, "Dr. Campbell Is Wrong." The superintendent, it said, was "a mile off base" in accusing Indianapolis of guilt in its "legally unsegregated public school system." Indiana had an outstanding history of peaceful racial relationships. It was bad taste for Campbell, an outsider, to presume to issue "olympian judgment on the community." He had said the school system could do without employees who did not support desegregation, but, said the Star, "It occurs to us that the community could do without Campbell." In response to this outburst, David Mitcham, president of the local branch of the NAACP, wrote that the attack on Campbell was all wrong. "Your

paper," he said, "can be a force for orderly change if you would accept the fact that integrated schools are the law of the land, and would treat that law with the same respect that your editorials have on all other law and order matters."[38]

Meanwhile a divided school board, which had elected Robert DeFrantz president in July, debated its response to Dillin's decision. At a special meeting on August 26 a majority agreed to file a preliminary plan for compliance with Dillin's orders for the coming year, with Dotlich and Martz voting in the negative. As a first step they would try to find volunteers to comply with orders for further faculty desegregation and would develop plans for negotiations with outside school corporations over voluntary pupil transfers. At a second meeting a few days later, Campbell named staff members who would develop responses for various aspects of compliance such as faculty desegregation and transfer of students from schools nearing the "tipping point."[39]

Board members were also debating the possibility of appealing Dillin's decision. At the same meeting at which Campbell announced measures for compliance a motion was introduced which read: "It is resolved by the board of School commissioners of the City of Indianapolis that the proper officers and employees of the Board, and the Board's legal counsel, are hereby directed to take all steps necessary to appeal the decision against the school board that was given on August 18, 19 71 by Judge S. Hugh Dillin in the United States District Court for the Southern District of Indiana." The three black members, DeFrantz, Jacobs,

and Shields voted to table the motion, but the white majority voted to appeal, thereby setting the board on a course of prolonged litigation that would consume energies and resources and create uncertainty and instability in the school system for the next decade. Dotlich and Martz said they voted to appeal because they considered the opinion wrong, while Kightlinger said he favored appeal "in order to keep our options open," a position with which Belknap apparently agreed.[40]

At the session at which the decision to appeal was announced Mark Gray, who as president of the board when the suit began had initiated the policy of resisting the charges of the Justice Department, now sought to reassure parents, pointing out that many had a distorted view of what the court had ordered - that it involved only a very small per cent of all pupils. Part of the opposition, he said, was due to ignorance and parents' fear of change. The president of the Indianapolis Education Association told the audience: "We can live with the decision." Clay Ulen, board attorney, along with lawyer members of the board advised against seeking a stay of Dillin's order, which some critics were demanding, because stays were seldom granted. It was wiser to appeal.[41]

The few who had read Dillin's order knew that for the current year it called for few transfers and applied only to those schools which were near "the tipping point." It did not affect the predominantly black schools in the inner city. The preliminary plan which the board submitted to Dillin affected the racial

composition of only ten elementary schools, and only about three per cent of all pupils and necessitated busing of only about one per cent. During the summer there were threats of demonstrations and boycotts at some of the schools, but they did not materialize on opening day. A few parents kept their children at home that day, but attendance was soon normal.

In September the first white pupils enrolled at Crispus Attucks High School. During the summer parents from Northwest High School had protested to the school board over assignment of i their children to the black school, and on opening day only about I two hundred of the seven hundred white students assigned showed up. Parents of some brought their children to the school, and, expressing fears of "racial friction," waited with them until they were safely in their classrooms. But one white mother exclaimed: "If parents would keep their noses out of it, the kids would be okay." All went smoothly the first day, and by the end of the week nearly all of the white pupils had enrolled.[42]

Although for the 1971-72 year the amount of busing for purposes of desegregation was minimal, Dillin's opinion raised the possibility of large scale busing in the future. His suggestion that in order to avoid resegregation, the suburban schools must be invloved, which came as a surprise even to the Justice Department lawyers, raised the possibility of a county-wide school system and black students in white suburbia. More intra-city busing of both whites and blacks was also probable.

In response to this threat several hundred concerned citizens

(nearly all of them white) assembled in the auditorium at Glendate, a fashionable shopping mall on the edge of the city in Washington Township. Conspicuous among them was John Hart, a Republican member of the Marion County delegation in the state legislature, a man with large scale interests in suburban real estate development. He promised to sponsor a law to make it impossible to bus a child without the consent of a parent. But while Hart was obviously concerned about his business interests, most of the audience appeared to be whites from the city (not the suburbs), who were concerned about their children and wanted direct action. Many parents asked about the legal consequences if they kept their children at home. One member of CIQS said that if his children were ordered to be bused, he would appeal to the Indiana Civil Rights Commission, while another suggested harassment of Judge Dillin, such as phone calls and driving past his house. To speakers who prefaced their opposition to busing by saying they believed in racial integration, but by "natural means," a lone white teacher asked how many in the audience had worked actively for residential integration, saying he wanted them to be honest with themselves.[43]

About the same time former state senator Dan Burton announced the formation of Citizens Against Busing. More important was the announcement of a new group, the Committee for Neighborhood Schools, a merger of the long established Citizens School Committee and the Citizens of Indianapolis for Quality Schools, with Donald Blue of CIQS as chairman of the executive committee. The new group, declaring that they favored "integration which occurs naturally

through residential patterns" and opposed busing and redistricting to achieve "racial balance," announced that it intended to run candidates in the school board election of 1972.[44]

Meanwhile, after the Indianapolis school board voted to appeal Dillin's decision but not to seek a stay, Harold E. Hutson, as attorney for CIQS, filed a petition asking for a stay of execution of Dillin's order. He claimed that the school board's plans for compliance were hastily conceived, would have a deleterious effect on the quality of education, and might trigger a mass exodus of whites from the city, thus defeating the objectives of the court order, arguments which Dillin promptly rejected in refusing the request.[45]

Far more important was a suit filed by black attorney John Moss on behalf of two local black children, asking that twenty central Indiana school systems be added as defendants, as well as Governor Edgar Whitcomb, Theodore Sendak, state attorney general, and members of the State Board of Education. Moss was joined in the action by a group of nationally known civil rights lawyers, drawn from NAACP Legal Defense and Educational Fund and the Havard Law Center. The new plaintiffs sought to require the defendants to submit a desegregation plan which conformed to the requirements of the Fourteenth Amendment and to have the state law regarding school boundaries passed in 1961 and parts of the Uni-Gov law declared unconstitutional.[46]

Dillin's decision holding IPS guilty of de jure segregation and raising the possibility of involving the Uni-Gov law and

busing to the suburbs, coming a few months before the election of the mayor in 1971 became an issue in the political campaign. Earlier, in 1970, some right wing Republican politicians, encouraged by President Nixon's opposition to busing, had raised that issue in local campaigns and had openly identified themselves with the CIQS in their opposition to the Justice Department and "federal intervention." For example, at a meeting of CIQS in February 1970, Robert Jones, a Republican state representative, criticized the school board for negotiating with the Justice Department. "Any time we begin to play footsie with a totalitarian type of establishment, such as the U.S. bureaucracy," he began, then added, "unfortunately I have to include the courts in this and the Attorney General's office and all the others...you are actively courting your own surrender." Former state senator Burton, the Republican candidate for Congress from the Eleventh District, which included most of Indianapolis, spoke at the same meeting, assailing bureaucrats who were trying to force busing "down the throats" of local citizens.[47]

More surprising, in view of his earlier record, was the course which Mayor Lugar appeared to be following. In February 1970, after the Justice Department had rejected the plan to phase out Attucks High School, saying that he was concerned about "federal-local government relations," the mayor went to Washington to see the Assistant Attorney General of the Civil Rights Division, which under Attorney General John Mitchell, was less vigorous in pursuing school desegregation than it had been under

his predecessor Ramsey Clark. As one of the few Republican mayors of a large city, Lugar could expect to receive favorable treatment. On his return he told reporters he had received assurances that Indianapolis would not be "harassed."

A few months later in an address to the Hoosier State Press Association and Indiana Broadcasters Association, Lugar made a gratutious attack on the Indianapolis school board and its handling of desegregation. He assailed the proposal for a new Attucks as "a misuse of precious tax dollars," saying that relocating the school would achieve neither racial balance or quality education. Busing and "coercive transportation," he said, had contributed "to more polarized attitudes in our community than any other civil or educational policy decision." The school board should renounce busing once and for all and adopt freedom of choice to the greatest extent possible.

Before this Lugar had enjoyed a considerable amount of good will in the black community, although enthusiasm for him had begun to wane with the adoption of Uni-Gov, but the speech brought stinging criticism. Henry J. Richardson, who as president of the Urban League, had earlier spoken favorably of Lugar, said the blast against the school board was "in keeping with the philosophy of CIQS and southerners like George Wallace," and would db the mayor lasting harm among blacks.[48]

Lugar's office received petitions containing signatures of thousands of residents in the northwest part of the city protesting the school board's decision to send whites to Attucks.

The deputy mayor who received them said the mayor sympathized with the petitioners but had no authority to do anything. Later Lugar issued a statement saying that busing was not an issue in the mayoral campaign since the civil and school cities were separate entities, but adding that he personally was opposed to busing. He later charged that the school board was responsible for any busing which might occur.[49]

In the campaign for mayor in November 1971, the first since the adoption of the Uni-Gov law which gave all voters in Marion County the right to participate, both Lugar and his underdog Democratic opponent tried to capitalize on anti-busing sentiment. Democrat John Neff, a handsome young lawyer, who earlier as a member of the state legislature in 1965, had voted to strengthen civil rights legislation, went even further than the mayor in trying to exploit white prejudice. Realizing that any hope for success depended upon winning votes in the traditionally Republican suburbs as well as the traditional Democratic blue collar votes in the city, he appealed to white fears, apparently thinking that he could hold the votes of blacks in spite of this. He asked for a popular referendum to repeal Uni-Gov, because, he warned, Uni-Gov would lead to busing. Saying he represented Marion County taxpayers, he asked Judge Dillin for permission to intervene in the school case since Uni-Gov had become an issue in it. Dismissing the request as an example of "political opportunism," Dillin declared icily: "This court, as petitioners surely know, does not do business by plebiscite, has no power to

order referenda, and will not be influenced by purported public opinion polls."[50]

Disgusted with both candidates, Andrew Ramsey advised his readers not to vote in the mayoral election, while a few prominent black Democrats, Henry J. Richardson among them, publicly endorsed Lugar. The Indianapolis Recorder, accusing Neff of trying to exploit white prejudices generated by the school decision, declaring his campaign "a direct slap in the face of every black thinking member of this community," called for the re-election of Lugar. After the election, in which Lugar was victorious by a huge margin, as everyone expected, Ramsey observed that the campaign had led to further polarization of the community along racial and economic lines. Uni-Gov, he noted, was being hailed all over the country as the way to end the threat of black political power, a fact that the recent election had demonstrated, showing blacks that they were not a part of the political power structure, that both parties could ignore them.[51]

A few weeks after the election attorneys representing the Justice Department, the intervening plaintiffs, the Indianapolis Public Schools, and the more than twenty new defendants crowded into Dillin's chambers for a pre-trial hearing, held behind closed doors. The judge, who expected to discuss possible voluntary solutions, said that if the public was allowed to attend, the participants might not speak candidly. At the meeting the attorneys discussed possible one-way busing plans under which black pupils would be transported from the central city to

suburban schools. Such an agreement would remove the need for further litigation. It was reported that Moss raised no objections, while attorneys for the suburban school corporations were non-commital. But they raised questions about where the money for added teachers and classrooms which implementation of such a plan would require would come from. Another possible obstacle to a voluntary plan was the fact that existing state laws did not authorize transportation across school boundaries for racial reasons. This could be solved if the state legislature passed a law permitting such transportation, or perhaps through the use of equity powers of Judge Dillin.[52]

While Dillin was working for a voluntary plan which would involve busing, members of the state legislature were contriving plans to bar busing as a remedy for segregation. Several anti-busing bills were in the legislative hopper when the General Assembly convened in January 1972. One bill, sponsored by senators Joan Gubbins and Leslie Duvall, Marion County Republicans, designed to prevent involuntary busing, passed the senate by a vote of 28 to 16. Another measure, introduced in the house of representatives and reported favorably by the Public Safety Committee allowed parents to refuse to permit busing of their children for reasons of health and safety. Several other bills of the same nature were introduced, one of them by the realtor John Hart.

At the beginning of the session Judge Dillin, in a letter to all members said he understood that measures had been proposed which sought to emasculate recent decisions of the Supreme Court

on the subject of school segregation. With the letter he sent copies of court decisions which declared unconstitutional bills which attempted to impose limitations on federal guarantees. At the same time he suggested that the legislature consider whether existing school laws needed to be amended to permit voluntary busing across boundaries of school corporations.

As the session progressed busing became a hotly debated issue. When colleagues pointed out that anti-busing bills would undoubtedly be declared unconstitutional, supporters of the measures replied that they represented "the will of the people." Dillin's letter probably acted as a deterrent to some members. Others were influenced by arguments of lawyers who pointed out that Governor Edgar Whitcomb, who, as an officer of the State of Indiana, had been made an added defendant in the Indianapolis school case at the order of Judge Dillin, would have to sign any bill before it became law and to sign it would strengthen evidence that the state was guilty of de jure segregation. In the end, all anti-busing bills died in committee, but this did not end the determination of some members and others to thwart any busing plans and to exploit busing as a political issue.[53]

CHAPTER 8

BACKLASH AND A SECOND TRIAL

On March 17, 1972, President Richard M. Nixon, preparing for his campaign for reelection, sent a special message to Congress in which he declared that in the future the drive for eguality in education must "focus much more specifically on education." Busing, he continued, had become "a classic case of the remedy for one evil creating another evil." Not only was desegregation distinct from education - they were in direct conflict. Schools existed to serve children, "not to bear the burden of social change." As the result of efforts at desegregation,schools had become a "symbol of social engineering," and busing was "wrenching. ..children away from the schools their families have moved to be near, and sending them to others far distant."

In Indianapolis the President's rhetoric found a receptive audience among candidates for public office, and, in particular, among candidates for election to the Indianapolis Board of School Commissioners. In 1972 they repeated endlessly the same phrases used by Nixon, to arouse voters already apprehensive about the consequences of Judge Dillin's decision the year before.

That opposition to busing had powerful political appeal became abundantly clear in an election in which an anti-busing group gained control, ending the long era of domination by the so-called establishment. Immediately after Judge Dillin's

decision in the summer of 1971, the long-time Citizens School Committee and the Citizens of Indianapolis for Quality Schools announced a merger under the name of Citizens for Neighborhood Schools with the intention of running candidates in 1972. It soon became apparent that CIQS was the dominant element in the new partnership. By the 1970's most members of the old Citizens Committee had grown old or moved to the suburbs (or both), or, if they remained in the city and had school age children, they sent them to private schools. The one conspicuous exception was Judge John Niblack, who acted as campaign manager and master-minded the strategy of the new group.

The Citizens of Indianapolis for Quality Schools, as we have seen, had originated among patrons of Northwest High School and the elementary schools in that area. Even before the court decision in 1971 they had demonstrated considerable strength, applying political pressures to block the construction of a new Attucks High School in a location not far from Northwest High School. Later residents protested when the school board assigned pupils from elementary schools formerly feeder schools to Northwest to the old Attucks building. The strength of CIQS and Citizens for Neighborhood Schools was drawn principally from patrons of Northwest and the two other new high schools, Arlington on the northeast edge of the city and John Marshall on the far east. All three schools were located in recently developed middle class neighborhoods of modest new homes owned by parents who had moved from older parts of the city so that their children could attend

newly built schools in white neighborhoods.[2]

In all three high schools, but more so at Arlington and Marshall than Northwest, which had opened with almost entirely white student bodies, the racial composition was changing rapidly, partly as the result of school board policies. As already shown, the Shortridge plan for a college preparatory program at that school had resulted in a sharp increase in black enrollment at other high schools. At the same time more and more black families from the inner city were buying homes on the fringes of hitherto white strongholds. As soon as a black family moved into a city block in the Arlington area, white neighbors put up "for sale" signs, starting panic selling which led to a decline in real estate values. As the principal of Arlington told a reporter, whites resented the presence of blacks, who represented to them both a different culture and a threat to property values. At Marshall, the newest high school, opened in 1967, the racial composition of the student body changed even more rapidly than at Arlington, and racial fears and tensions were more severe. The principal of Marshall said he hesitated to call a meeting of parents to discuss racial problems lest it turn into a "tirade against busing."[3]

Citizens of Indianapolis for Quality Schools and their offshoot, Citizens for Neighborhood Schools, in some respects resembled anti-busing movements in other northern cities faced with court ordered school desegregation. An economically and socially homogeneous group, they felt their values and life-style (and the value of the homes for which they had sacrificed and saved) were

threatened by members of a different race and culture and by a federal government which wanted to impose new social patterns. Their rhetoric smacked of what some recent scholars call "Reactionary Populism." They appealed to the "will of the people" as higher authority than decisions of federal courts or orders of federal bureaucrats. Community sentiment, not judicial interpretation of the Constitution, should determine school policies and where children went to school. But unlike anti-busing groups in Boston and Brooklyn, for example, which saw busing as a threat to old established ethnic neighborhoods, the strength of the Indianapolis movement was among members of the Anglo majority, who were newcomers to outlying parts of the city.[4]

The leaders were already known to persons who attended school board meetings or read the local newspapers. Chairman of Citizens for Neighborhood Schools was Donald Blue, an engineer employed by a public utility firm. Formerly active at Arlington High School, he had recently moved to Hamilton County, north of Indianapolis, to an area which was rapidly becoming a white suburb. Although an influx of black families was changing the character of his old neighborhood, he denied that this had caused him to move. While admitting that housing patterns and the race problem had to be solved, he insisted "the schools are no place to do it." On the decision of whether or not a child should be bused, "the question should be whether or not it will improve his education. And who should make the decision? We say it should be the parents," he told a reporter. Opposition to busing was "natural," he said, when one

recognized "the attitude of mothers who see their children denied extra-curricular activities, and who are fearful for many other reasons." People resented that their children could not go to school in the neighborhood where they chose to live. Blue said that when people moved away, it was not because of racism. "We don't want out children experimented with." What really galled him most, he insisted, was the "attitude of the federal bureaucrats, that 'I know what's best for you.'" He considered HEW the "most dangerous bureaucracy in the history of our country."

When the reporter asked him whether the busing issue wasn't moot, since a federal court had found IPS guilty of de jure segregation, Blue assured him that the decision would be overturned, if not by the Appeals Court, then certainly by the Supreme Court.[5]

Harold Hutson, attorney for CIQS, declared that the organization was not opposed to change but was "opposed to forced change to conform to a self-styled sociologist's vainglorious idea of what change ought to be. So too, CIQS is not opposed to integration. It does, however, oppose a forced racial balancing to meet someone's Pharisean [sic] idea of what is socially good for race relations in Indianapolis."

Members of CIQS and those who spoke for Citizens for Neighborhood Schools were unsparing in their criticism of Judge Dillin, who, they seemed to think, had simply arbitrarily, on his own initiative, without legal authority, decided that children should be bused "to achieve racial balance," that he had knowingly violated the restrictions imposed by the Civil Rights Act of 1964. The

attacks by Judge Niblack were particularly venomous. In a letter to the Indianapolis Star he said Dillin claimed to be operating under "equity," which relieved him "of following the written law as set down by the Congress of the United States which forbids busing to correct racial imbalance. In other words, the people in 19 different school corporations around here will have to live by what Honorable Dillin believes is 'right'." One man, said Niblack, had taken over "the control of 19 elected school boards, thus destroying the American ideal of self-government through elected officials." He concluded: 'Congress will have to clip the powers of our federal courts. Our system of checks and balances in government has foundered on the rocks of a federal judiciary running wild."[7]

The CIQS and their supporters were not overtly racist. They repeatedly insisted that they believed in racial equality and were not opposed to racial integration but thought it should come about "naturally," through changing residential patterns. In an appearance before the school board already mentioned, Constance Valdez had pleaded with blacks to understand that resistance to HEW and its plans for children was not racially motivated. "We believe a natural integration will come," she said, "a merging and meshing of neighborhoods that, in turn, will integrate our schools." She asked that blacks join with whites and wait for "this natural integration even if it takes a little longer." Critics of CIQS pointed out that they did not work for open housing and frequently put their houses up for sale when a black

family moved into the neighborhood.[8]

By repeated use of certain words and phrases such as "forced busing" and "forced integration," CIQS appealed to racial fears and prejudices. They seldom spoke of busing or integration without the prefix "forced." Niblack's letter mentioned above was an example. Nowhere in the Constitution, said the judge, was there anything requiring "forcible integration of different races." Nowhere had Congress directed federal judges to "order forcible mixing or integration of races." The white press, which gave editorial support to the Citizens for Neighborhood Schools, frequently used headlines which appeared to be intended to exacerbate racial feeling. For example, a careful, objective article in the Indianapolis News by David Rohn on the status of the school litigation was headlined: MIXING PLANS DEPEND ON CONGRESS, COURT.[9]

Early in March 1972 the Committee for Neighborhood Schools announced a slate of candidates recommended by a screening committee and approved by the executive committee and campaign manager Niblack. It was a list very different from those presented in past years by the old Citizens Committee, which had frequently been called "elitist," representative only of the highly educated and well-to-do. No one could make that charge against the nominees in 1972. There was only one lawyer among them, Carl J. Meyer, and only one other person with a college degree, Martha McCardle, characterized as a "housewife," who had graduated from Butler University. One other candidate had attended, but not

graduated from, Indiana Central College, while another had taken some courses in the extension division of Indiana University in Indianapolis. The second woman, Constance Valdez, who had graduated from high school in South Bend, was executive secretary of CIQS. The only black, William Meyers, a graduate of Attucks, a Republican, and a Baptist, was little known in either the black or white community. All seven candidates were parents of children currently attending public schools. In their biographies they listed their memberships in fraternal organizations such as Masons and Knights of Columbus, churches, PTA's, Girl Scouts, the American Legion, the National Rifle Association, and Anti-Crime Crusade.[10]

In a statement issued with the announcement of the names of the candidates, Judge Niblack said they were pledged to promotion of the neighborhood school concept and opposed to either busing or re-districting "merely to achieve racial balance," but they favored racial integration through housing patterns. They were for "restoring discipline" to the schools and against "needless transfers" of teachers and other school personnel, and against Federal intervention in policy making. They agreed that all schools should be of equal quality and should offer the best education possible without regard to race or creed.

Even before Dillin's decision in 1971 and the announcement of the formation of Citizens for Neighborhood Schools, the Non-Partisans had begun to organize and prepare for the 1972 election. In May 1971 they elected as temporary chairman Alan T. Nolan, a former Shortridge valedictorian, a graduate of Havard Law School,

member of one of the most important law firms in Indianapolis, and now the father of Shortridge students.

In accepting the position Nolan said that as in previous years the Non-Partisans stood for "an absolutely first rate' school system," which they saw as "a racially integrated system." Anticipating the coming furor over busing, he said that since it was the constitutional policy of the United States government to integrate schools, he personally favored "those reasonable techniques that permit integration," including busing under some circumstances.[11]

Some weeks later the Non-Partisans announced the selection of Thomas Binford as permanent chairman. A graduate of Princeton, a Phi Beta Kappa, president of a business corporation, member of boards of banks, businesses, and philanthropic organizations, a Republican, an important figure in the Greater Indianapolis Progress Committee and the Urban League, Binford epitomized the establishment and power structure in Indianapolis. He was a former member of the Citizens School Committee but said he had resigned from it because he considered it too "narrow."

The nominating committee of the Non-Partisans recommended two black candidates, Robert DeFrantz, member of the present board, and Mrs. Johnnie Duke, president of a PTA and member of the Indianapolis Council of Parents and Teachers. At the nominating session members chose a third black, Reverend T. Carroll Benjamin, pastor of the Second Christian Church, a powerful speaker and the first black to head the National Evangelistic Association of the

Christian Church. Other candidates included Virginia Blanken-baker, a moderate Republican, who later became a respected member of the state senate, William Quick, a Methodist minister, and Jameson Woollen, a vice president of American Fletcher National Bank and Trust Co.[12]

Throughout the campaign attention of press and public focused on busing. When the Non-Partisans tried to discuss other issues - how to achieve better communication between the races - how to improve discipline - how to finance needed school programs - their opponents kept throwing them on the defensive by insisting that they were primarily interested in instituting mass busing. In vain Rev. Benjamin pleaded: "Let's stop talking about the bus and talk about what happens when the students get off the bus." Busing, he said, was merely a means of transportation, and if it would achieve egual educational opportunities, "We're going to bus." Robert DeFrantz, more assertive than some of his fellow candidates, tried to take the offensive. Pointing out that the Citizens School Committee, predecessor of the Neighborhood Schools group, had run the schools for forty years, he said: "If they had done what they were supposed to do, we would not be faced with a Federal court desegregation order." He asked: "Where were they when our [black] kids were being bused? Why didn't they stop busing then?" Noting that about 3,500 IPS students were already being bused for reasons other than race, he asked, "Why don't they stop all the busing, instead of just the black and white kids who want to get along?" Finally, "They speak about open housing. Why haven't they been to City Hall, or gone on

record for it?"

The campaign aroused intense interest in the black community. Black ministers endorsed the Non-Partisans from the pulpit, and black organizations ranging from Greek letter fraternities and sororities to SCLC worked to elect them. William Crawford of the SCLC, a candidate for the state legislature, said the school board election was the most important contest because the future of Indianapolis children depended upon the outcome. Many members of the white community were equally disturbed by the possibility of a victory of the Neighborhood Schools candidates, but their efforts received scant attention in the white press.

Toward the end of the campaign, in an interview with the Indianapolis Star, Thomas Binford tried to introduce a rational note. The policies of the Committee for Neighborhood Schools were merely negative, he said, and the value of the neighborhood school was not so great that it should override other values. "If," he said, "when we're talking about busing, we're talking about whether we want segregation or integration, this is a very fundamental issue..." But if busing was merely a tool, "being against it is like saying you're against taxes; nobody likes them, but you can't be without them." There would have to be some involuntary assignments if the races were to learn together.[14]

Even though a civic leader of the stature of Binford was identified with the Non-Partisans, both Pulliam newspapers gave strong editorial support to the Committee for Neighborhood Schools.

An editorial in the News entitled "Neighborhood Schools or Not?" said the issues were clear - a choice between "forced busing" or neighborhood schools. This fundamental question was being "obscured by the Non-Partisans habit of camouflaging their stand on forced busing under a screen of confusing qualifications and side issues to obscure the fact that the people have a choice," but the fundamental issue was clear cut. An editorial in the Star on the eve of the election told readers that their choice in the contest would "be crucial in setting the course of the city's school system for the next six years." It asked: "Will the course be more compulsory busing, more Federal intervention, more mandatory teacher transfers, more innovation and experimentation and social engineering?

"Or will the emphasis be on sound basic education for all pupils regardless of race, creed, or color, or educational need, with a minimum of shuffling of pupils and teachers?

The day after the election the Star, reporting a record turnout of voters, said the candidates were deadlocked and the outcome uncertain. Two days later, when it announced that all seven of the candidates of the Committee for Neighborhood Schools had been elected, the co-chairman of the committee exclaimed: "The people voted against socialism and for constitutional government and local control." However the Non-Partisans threatened to challenge the count, saying that lack of paper ballots used for the school election at several polling places and other irregularities cast doubt on the outcome.[16]

The new school board members, convinced that they had won a popular mandate, lost no time in showing that they intended to change some existing policies. At the earliest possible date after they took office, at a special session closed to the press, they voted to dismiss the law firm of Baker and Daniels, which had represented IPS since 1930. They gave no reason for the action, but it was widely known that CIQS members of the Committee for Neighborhood Schools had been critical of the legal advice given by members of the firm before and at the trial in federal court, claiming that they had not furnished a sufficiently vigorous defense. After a long secret session the board announced that the new legal representatives would be the firm of Bredell, Martin and McTurnan, a little known group with only three senior partners and one associate.[17]

Less than two weeks later, at another unannounced special meeting, the new board voted to dismiss Superintendent Campbell. Karl Kalp, named acting superintendent, was to take office immediately. Although the suddenness of the action was a surprise, the ousting of Campbell was anticipated, Neighborhood Committee candidates having frequently announced their intention of getting rid of him during the campaign. Campbell, who was out of the city, already looking for another job, when he was fired, said he did not intend to challenge the action since he would have to pay attorney fees if he did and such an action might jeopardize his chances for another appointment.[18]

Wade Mann, who wrote a column for the "op-ed" page of the

Indianapolis News, called the firing of Campbell "an act of political retribution." In electing the Neighborhood school board, he continued, the voters had made a political decision, despite the fact that under the law school board elections were not political. Since Indianapolis school boards had a record of "devouring" superintendents, Campbell's successor would need to be more of a politician than an educator - one who would work with a board dedicated to maintaining de facto segregation in a school community becoming increasingly black. Criticizing the secrecy and suddenness of the board's actions, Thomas Binford told a press conference, that while the Non-Partisans recognized the board's authority to make decisions regarding the effectiveness of the board's lawyers and chief administrator, "We deplore the disregard of safeguards to insure the right of the citizen to observe and be heard on important matters." He added that the board should publish its "proposed policy on segregation, including busing and districting" and hold public hearings. The Non-Partisans, he said, intended to play the role of "watch dogs."[19]

After this,president Martz in a press release defended the board on the subject of secret meetings, saying some matters could not be discussed publicly and denying that there was "any mention or consideration of racial questions" during the negotiations with Campbell. The board, he insisted, had no intention of disobeying "any law or effective court order" or depriving any person of any constitutional right.

Nevertheless a few weeks later members of the new board found themselves in Judge Dillin's court, charged with violating his

orders on desegregation. The problem arose out of pupil assignments to two elementary schools (Numbers 111 and *114) in a* previously all-white neighborhood where there was a *sudden increase* in black residents as the result of the building of a public housing project, Cold Stream Gardens. To meet the increased enrollment a new school (Number 114) was built a few *blocks from* the existing school (Number 111). In June 1972 the *outgoing* school board had designated the new school for children from kindergarten through grade six and had authorized some innovative programs. Pupils in grades seven and eight would attend Number 111. The new Neighborhood school board promptly made changes in these assignments and abolished the innovative programs at Number 114, action taken, in the opinion of one *scholar,* to demonstrate to the community "that they intended to *actively* pursue their political objectives." The changes, by assigning seventh and eighth grade pupils to 114 rather than 111 would increase the percentage of blacks at that school to more than 47 per cent, an obvious violation of Dillin's "tipping point" rule.

Black parents from Cold Stream Gardens, convinced that the changes were racially motivated, protested to the school board and appealed to the Indianapolis Urban League and the Legal Services Organization. Representatives of the League and LS0 persuaded the black tenants to go through legal channels rather than resorting to direct action as some of them threatened. Bishop John P. Craine of the Episcopal diocese, president of the Urban League, asked the school board to rescind its action, saying that the reassignment of students violated "the spirit and intent of integration

policies and court decisions" and warned that the League would take legal action if necessary to halt it.[21] When a few days later order lawyers for LSO sought a restraining/on behalf of students at Number 114, the League filed a brief as friend of court.

Judge Dillin found the school board guilty of violating his 1971 order but did not declare them guilty of contempt of court as LSO lawyers urged. Henceforth, he ruled, the board must submit to him in advance any plans for reassignments. He ordered them to change pupil assignments at both schools so that enrollment at neither school would be more than 35 per cent Negro and to bus both white and black students if necessary to achieve this proportion. After studying the order, Joseph Payne, assistant superintendent for planning of IPS, announced that compliance with Dillin's order would necessitate involvement of three other elementary schools (predominantly white) and the busing of about 210 white pupils and an equal number of blacks, most of them from School 114.[23]

At a public meeting at which the plan was announced - the most tumultous since desegregation in Indianapolis began - white parents said they would not allow their children to be bused - that they would go to jail if necessary rather than permit it. One parent, in a tirade against Dillin, said that citizens would not allow their neighborhood schools to be destroyed by placing them "on Judge Dillin's buses." The judge's rulings were out and out dictatorship. "President Nixon knows we are here, our Senators and Congressmen know we are here," she declared, "and [we] will remain here until our children are safe from the dictator

that Judge Dillin has become." At the beginning of the meeting four members of the board announced that they were voting to comply with Dillin's order, while the other three abstained, Constance Valdez explaining that she abstained because she was afraid that if she voted "no" she would be held in contempt of court. But as the crowd grew larger and noisier, Lester Neal moved to appeal Dillin's order to the Seventh Circuit Court of Appeals. When he said that there was a bill before Congress to provide for a moratorium on busing, the audience cheered. The board then voted to file a motion with Dillin asking for a delay in implementation of his order until after the appeals court had ruled on his 1972 decision. At the same time they voted to instruct board attorneys to prepare affidavits showing that they could not carry out his order because of massive resistance.[24]

On his return from Terre Haute, where he had been holding court, Dillin announced that he would postpone indefinitely the plan which had aroused such opposition but ordered the board to return immediately to the assignments for Schools 111 and 114 prepared by the previous board. In explaining his action he said that in thinking it over while in Terre Haute, he had come to the conclusion that piece meal actions were no solution, that a comprehensive desegregation plan was necessary, and ordered the board to present one to him by the end of the year.[25]

While making this temporary concession, Dillin did not recede from his basically non-compromising position. At the earlier session with board members and their attorneys, he had told listeners in the court room that anti-busing bills enacted by Congress were

merely "double talk," that they could have no effect on a case if de jure segregation was proved. The only way that Congress could overrule the Supreme Court was through a constitutional amendment; it could not be done by merely passing of a law. If the neighborhood concept conflicted with the constitutional requirement to desegregate, "that concept must yield." If busing had to be used to desegregate, the board could not refuse.[26]

With the confrontation with Judge Dillin scarcely behind them, the school board was faced with the first genuine teacher strike in the history of IPS, the result of the breakdown in negotiations over a contract with the Indianapolis Education Association. The impasse was partly over salary but also over other teacher demands, in particular a guarantee of limitations on the size of classes. When the strike forced the closing of some schools, the board asked Circuit Court Judge Niblack for a restraining order. After he issued a temporary order most teachers returned to work, but a sizeable group voted to continue the strike and to continue peaceful picketing. Teachers, claiming that Niblack as campaign manager in the recent school board election, was biased, asked for a different judge, but were refused. When picketing began again more than one hundred teachers were arrested and jailed until IEA posted bond. Although board president Kenneth Martz was adamant against negotiations so long as the strike continued, the rest of the board authorized secret talks and asked Niblack to drop all action against teachers who had been arrested. The outcome was a settlement negotiated by Niblack

which gave the teachers a favorable contract, including a modest pay raise, a promise of limits on the size of elementary school classes, and a promise of no reprisals for participation in the strike. Although the strike was a victory of sorts for the teachers, it generated continued ill feeling between teachers and school board, results which were evident in later stages of school desegregation. Martz, a strong opponent of collective bargaining and unionization for teachers, the only member to hold out against the settlement, resigned from the board. The remaining members chose Fred Ratliff,who had been elected in 1972 as one of the members to take office in 1974, to fill the unexpired term and elected Carl Meyer as president and Lester Neal as vice president.[27]

Meanwhile, as already noted, at the end of the hearing on Schools 111 and 114, Judge Dillin had ordered the school board and the Justice Department to begin plans for comprehensive de-segregation and submit a preliminary plan by January 1, 1973. After obtaining a delay until February 15 the board filed a "stabilization plan" to permit students to continue to attend school in the district in which they resided. Transfers were permitted if a child attending school where his race was in a majority asked to transfer to a school where his race was in a minority. The board explained that the plan was intended to prevent an increasing white exodus from the city and adopted because "of extensive busing required in an alternative plan." At the same time they promised "to make every effort to improve the racial distribution in the schools if and whenever it became

necessary to reassign pupils due to overcrowding and/or the opening or closing of schools." Not surprisingly the district court rejected the plan without a hearing.[28]

While the press and television focused attention on opposition to Judge Dillin and obstructionist efforts by the board, they gave less attention to elements in the community who supported the court ruling and wanted to work constructively for desegregation. Early in the year when the legislature was considering measures against busing, the Indiana Inter-religious Commission on Human Equality (IICHE), a coalition of church related and neighborhood groups, issued a statement saying that opposition to busing stemmed from racism and called for acceptance of the court order. Other religious and ministerial groups made similar statements, while some ministers urged compliance in their sermons. In February the Indianapolis Urban League, jointly with the Indianapolis Human Relations Commission and the NAACP,received a federal grant from HEW for establishing a center to work on easing racial tensions in the community. With these funds the Human Relations Consortium set up a program for assisting schools in developing human relations programs, for providing human relations training for teachers, and for working with community groups such as PTA's and neighborhood associations.

Beginning with involvement in the dispute over Schools 111 and 114, the Urban League took a more active part in the process of desegregation. Members of the League board took the lead in the formation of an Ad Hoc Committee for Desegregation which

developed into the Coalition for Integrated Education. In a letter to Karl Kalp, Hortense Young, chairman of the committee, told the superintendent of its formation and said they were formulating guidelines for desegregation which they would like to share with IPS as well as planning a program of community education.[30]

The Coalition for Integrated Education included in its affiliates representatives of a wide range of organizations as well as interested individuals - among them the League of Women Voters, the Y.W.C.A., organizations of Jewish women, the Indiana Federation of Churches, IICHE, the Human Relations Consortium, and other religious and civic groups. Beginning as an effort at cooperation with the school board and an instrument for community education, within a few months the Coalition gained amicus standing in the federal suit and participated in the trial which began in June 1973, after the Court of Appeals for the Seventh Circuit had ruled on Dillin's 1971 decision.[31]

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In a written appeal in February 1972 attorneys for IPS had argued that school desegregation in Indianapolis was de facto, the result of housing patterns, and not a violation of the Fourteenth Amendment and that the district court had engaged in "judicial legislation and social policy making" outside its jurisdiction, and that Brown v. Board of Education did not require affirmative

action but only that school corporations refrain from operating dual systems. In September Wendell Martin, one of the lawyers employed by the new school board, tried to convince the three member appeals court that Dillin had rested his decision on a few isolated cases, when, in fact, successive school boards had proceeded "with more than deliberate speed" in integrating the school system. Since 1949 no student had been forced to go to a school because of race or prevented from going to any school because of race. Asked by one of the judges whether he thought there were advantages in integrated schools, Martin replied: "You have to ask yourself what is the main purpose of the school system. If one decides that the main purpose is to mix up the races, then the neighborhood school system would not be valid. But the Constitution doesn't say that a balance is necessary." The lawyer for the Justice Department, on the other hand, using maps to show instances of gerrymandering, said there was abundant evidence to support Dillin's decision that IPS was guilty of de jure segregation.

In February 1973 the three member Seventh Circuit Court of Appeals unanimously upheld the district court's decision that IPS was guilty of de jure segregation. The opinion, written by Wilbur F. Pell, a Republican from Shelbyville, Indiana, said that the years of deliberate segregation before 1949 imposed an obligation on the school board to take affirmative action "to eliminate all vestiges of segregation, root and branch." While there might not be proof of intention to segregate by any single specific act, Pell said, it was clear that the district court

had found "a purposeful pattern of racial discrimination based on the aggregate of many decisions of the board and its agents." He admitted that housing patterns played a part in segregation, but "it would be improper to allow the board to follow policies which constantly promote segregation and then defend them on the presumption" that housing alone was to blame.

While upholding the part of Dillin's decision dealing with IPS, the appeals court sent back to the lower court the questions Dillin had raised concerning the part of the State of Indiana in maintaining segregation and whether the suburban school corporations should be included.

Lawyers for the school board immediately announced that they would appeal the decision directly to the Supreme Court rather than petition for a rehearing in the Circuit Court. After this announcement, Robert DeFrantz, who had constituted himself as a sort of "ombudsman" for the interests of blacks after his defeat for reelection in 1972, expressed concern over the costs of appeals. Money spent in this way, he said, could be better spent on the "quality education," which the board talked about. Because the board had done nothing to foster voluntary desegregation, he predicted that a court would impose the necessary remedy - which the community would resent. The resulting polarization, he said, "will be laid directly to this Board's unwillingness to deal with the reality of desegregation."[34]

Before the second trial began it had become evident that although Justice Department lawyers had argued that IPS was guilty

of de jure segregation, they did not intend to press action involving the suburban schools. Their reluctance reflected policies of the Nixon administration, which, in its eagerness to insure support of white southerners and white suburbanites, had openly challenged some Justice Department desegregation efforts and was seeking legislation from Congress to impose a moratorium on busing. Although Justice Department lawyers had defended Dillin's decision that IPS was guilty of de jure segregation before the Seventh Circuit Court of Appeals, they had also submitted a brief to that court stating that when the case was remanded to the lower court they would ask for a remedy consistent with Nixon's recommendations of alternatives to busing. After the decision of the Seventh Circuit Court they asked the Indianapolis school board to draw up plans for city only desegregation. Although this would undoubtedly require extensive busing within the boundaries of the old city of Indianapolis, it would not affect the suburbs.[35]

At the trial in Federal District Court which began June 18, 1973 and ended July 6, the central issue was a remedy for the de jure segregation of which the Indianapolis Board of School Commissioners had been found guilty in 1971. As we have already seen, the number of parties had increased greatly since the first trial. The original suit begun by the Justice Department, the original plaintiff, had become a class action on behalf of certain Negro children as intervening plaintiffs on "behalf of themselves and all Negro school children residing in the area served by the

original defendants [Indianapolis Board of School Commissioners].[11] The Coalition for Integrated Education had been granted amicus standing on behalf of the plaintiffs. To the original defendants had been added the State of Indiana, the governor and other state officials and twenty-two school corporations which included some in counties bordering Marion as well as all those outside IPS in Marion County. Citizens of Indianapolis for Quality Schools, after first being rebuffed by Dillin, had been granted the status of added defendant in September 1972.[36]

The twenty-two suburban school corporations were represented by an array of legal talent seldom matched in Indianapolis. Highly paid, skilled counsel from every leading law firm in the city and a few from lesser known ones participated. In some cases the same lawyers represented two or three of the township corporations. The defendants entered the trial in an optimistic mood, encouraged by evidence that the Justice Department did not intend to interfere in the suburbs and by the fact that the case for the plaintiffs seemed to be in disarray. The nationally known civil rights lawyers who had originally joined John Moss in filing the brief for the added plaintiffs did not participate in the trial. For reasons not publicly explained they had asked permission to withdraw from the case, and although Dillin refused the request, they were not present. The defense also took hope from developments on the national scene, where members of Congress were considering legislation to reduce the power of federal judges in cases involving busing as well as a possible anti-busing

constitutional amendment. In addition a number of court decisions already handed down by the Supreme Court, or pending, threw doubt on the use of inter-district busing as a remedy for segregation.[37]

For Moss the loss of the assistance of the national civil rights lawyers was compensated for somewhat by the addition of John Preston ward, who had joined him in the case a few months earlier. Ward, a graduate of Indiana University and the law school of New York University, who divided his time between teaching courses in government and practicing law, was well versed in civil rights law. But the two black lawyers, though able, lacked the experience and reputation of the attorneys for the defendants. While they could expect some help from two youthful white lawyers, Craig Pinkus and Davey Eaglesfield, who represented the Coalition for Integrated Education, which had amicus standing, the two were little known and had not as yet demonstrated their ability.[38]

On the opening day of the trial John Moss announced that he was asking for a unified school system for central Indiana. "Uni-Gov," he said, "to the extent it leaves out schools, is legislative gerrymandering. It binds minority pupils into a certain section of Indianapolis and denies them equal educational opportunities." He added that he also expected to show that state officials charged with executing school laws had impeded desegregation and equal educational opportunities, sometimes through "wilful neglect," sometimes by deliberate action. The black lawyers also tried to prove that suburban schools were guilty of

discriminatory practices in hiring teachers and staff and that both state and suburban schools had affirmative responsibility to eliminate unlawful segregation in the Indianapolis metropolitan area.[39]

On the other hand, Brian K. Landberg, speaking for the Justice Department, said the United States had stated no claim against suburban school systems and that he thought constitutional relief for segregation in IPS could be accomplished by a city only plan. He argued that unless the suburban systems had been guilty of inter-district violations, relief against them was not warranted, and that the existence of such violations had not been shown. He asked for an Indianapolis only plan, claiming that it would be workable.[40]

Lewis Bose, representing Lawrence, Wayne, and Warren townships, a lawyer who had played an important part in the framing of the 1961 law which limited the annexation powers of IPS, said in reply to Moss that Uni-Gov was a rational event, "a prodigious effort made by many people to improve the civil government of Indianapolis. It was not an act designed to increase segregation or defeat integrated education." William Leak, a former school board president who had been a member of the Marion County School reorganization Committee, testified that race had not been a consideration in the decision to reject a county-wide school system although members of the committee had been aware of a large black population within the borders of IPS.

Other lawyers for the added defendants argued that the township schools had never excluded any child from any school because

of race, that, in fact the schools had not been segregated even before the Supreme Court decision in Brown v. Board of Education.[41]

Lawrence McTurnan, attorney for the Indianapolis school board said that IPS was not interested in a metropolitan plan. When Dillin asked him: "Are you telling this court that the Indianapolis school system wants to solve the desegregation problem, all by itself, confined within the boundaries of Indianapolis?" McTurnan replied that it was possible to educate all pupils in the system in "a constitutional manner."[42]

While school experts called by the Justice Department testified that in some other cities, city only desegregation plans had been feasible and had not always led to white flight, other experts called by the intervening plaintiffs insisted that an Indianapolis only plan would not work. One of them, Dr. Charles Glatt, a population and school planning specialist from Ohio State University, said that at least all of Marion County and probably some outside areas needed to be incorporated in a plan to achieve lasting and meaningful desegregation. Saying that isolation of white students in the suburbs was as damaging to them as the isolation of black students in the inner city, he recommended that all schools should have at least five percent black enrollment.[43]

The Coalition for Integrated Education presented three possible plans for consideration if Dillin ordered the adoption of a metropolitan plan. The report said: "The coalition feels that the attitude and official positions of local school boards

in the face of pending desegregation litigation do not adeguately represent the range of community opinion on this issue. Thus we present the report for consideration of the court as an expression of a sizeable segment of community opinion." On the question of busing, the coalition noted that about 50 per cent of students in the state were already transported by bus and that, outside of IPS, Speedway, and Beech Grove, about 90 per cent of Marion County students were bused.[44]

During the course of the trial Dillin repeatedly guizzed superintendents of suburban school corporations about how pupils in their schools were transported and whether parents objected to their children riding buses. He also made a point of saying that there was no such thing as "forced" busing - that parents were free to drive their children to school or arrange other means of transportation.[45]

Most of the questions and testimony at the trial dealt with factual matters and statistics, but there were some tense moments and sharp exchanges, particularly between Judge Dillin and Harold Hutson, attorney for CIQS. Early in the trial Hutson accused Dillin of "acting as a partisan rather than a judge," objecting that Dillin was doing too much questioning of witnesses. To this Dillin replied that the court's job was to bring out the facts or knowledge that a witness had. Later, as Hutson continued to offer objection to some of his statements, the judge, saying he had failed to issue a contempt citation when Hutson accused him of being prejudiced, declared "I wish you would stop making speeches

out of order. This is not a debating society or speech forum."
Some other defense lawyers thought that Dillin, through questions directed at witnesses, was taking over functions of lawyers for the plaintiffs. Out of the testimony of an array of"experts," Dillin seemed to be impressed only by Dr. Glatt. This, defense lawyers thought, was because Dillin had made up his mind before the trial that an Indianapolis only plan was not acceptable and that the suburbs must be involved in the remedy.[46] They objected when Dillin allowed testimony showing discrimination in employment in suburban schools and in suburban housing, saying such testimony was irrelevant. They objected more strenuously over Dillin's refusal to admit sociological and psychological testimony which purported to show negative effects of desegregation. One witness Dr. Ernest von der Haag, who described himself as both a sociologist and psychologist, was the author of a publication titled The Evidence on Busing, which claimed that in many areas racial integration was counterproductive. His testimony was intended to refute findings of the Supreme Court in Brownv. Board of Education on the grounds that the decision had been based on faulty psychological and sociological studies. After listening to some of his argument Dillin ruled that his testimony was inadmissable, saying sarcastically that "had the Supreme Court of the United States in 1953 and '54 and thereabouts had the benefit of [this.] ... expert,... Plessy v. Ferguson would still be the law." More seriously he stated, "The import of sociological evidence in this case is simply this: The Supreme Court in the Brown case and in the host of cases that have followed it has said that it is the

law that separate but equal, in the sense of Plessy v. Ferguson, does not comport with the constitutional mandate of the Fourteenth Amendment..." In handing down the 1954 decision the court might have been influenced by sociological findings, but they were now legal findings, "the pronouncement by the Supreme Court that the law of the land under the Constitution is thus and so, and no matter what many and varied things the Court took into consideration in announcing its decision and in adhering to it now for almost 20 years, the fact is that it is the law of the land that de jure segregation in a legal sense is unconstitutional."[47]

One of the main issues at the trial was whether the State Board of Education or other state officials had acted to promote segregation or had failed to carry out duties imposed upon them by law in such a manner as to promote segregation, and whether any of the acts of de jure segregation of IPS could be imputed to the State of Indiana or state officials. State officials rejected these charges, arguing that under the state constitution control and administration was entirely a matter for local school corporations.

In refutation of this a witness from the Indiana Civil Rights Commission showed that the selection of sites for new schools, which under state law the State Department of Public Instruction must approve, sometimes led to segregated schools. A lengthy brief filed by the Coalition for Integrated Education provided voluminous evidence of the responsibility of the state for education and alleged a pattern of state complicity in perpetuating segregation. State officials, as well as those of IPS, Pinkus

and Eaglesfiend argued, had committed acts of de jure segregation, acts which the General Assembly and state officials "were obligated to correct. If they failed to act, or acted "in a manner inconsistent with the expeditious and efficient elimination of unconstitutional practices," they said, the court had authority "to invoke its equitable powers to sustain such a remedy."[48]

As the trial drew to a close after three weeks of testimony, in final arguments attorneys Moss and Ward warned that Indianapolis schools would become all-black if Dillin failed to order a metropolitan plan. Attorneys for the suburban schools countered by saying, as they had done earlier, that schools outside IPS had admitted all black students who applied and had never discriminated against them. They urged Judge Dillin to try an Indianapolis only plan for one year before involving the other school corporations.[49]

Two weeks after the trial ended Dillin announced his decision, finding the State of Indiana and certain state officials as well as IPS guilty of perpetuating de jure segregation and finding that a metropolitan plan must be the remedy. He found that the State Superintendent of Public Instruction, the State Board of Education, other agents of the state, and the state itself had practiced de jure segregation both by acts of omission and commission. Emphasizing the power of the state under Article VIII of the state constitution, which gave the General Assembly practically unlimited power to regulate the school system, he said that employees of school corporations undertook their duties

not as employees of local units of self-government but as officers of the public school system, a state institution. Although the state might create local corporations to carry out its duties, such corporations were part of the school system of Indiana and were agents of the state.[50]

To buttress that the state constitution made schools "a quasi department of the state government, a centralized and not a localized, form of school government," Dillin cited numerous decisions of the Indiana Supreme Court. He pointed out that the Indiana Code of 1971 included 349 solid pages of statutes enacted by the General Assembly regulating virtually every phase of school operation and that an annotated version in Burns Statutes filled two volumes, 1154 pages, of fine print, exclusive of indices.

Of special importance in showing the responsibility of the state was a law in effect from 1949 to 1972 vesting in the State Board of Education the power and duty to regulate sites for new schools and modifications or additions to existing buildings. In his earlier opinion Dillin had found that the selection of sites for three high schools in Indianapolis had constituted acts of de jure segregation by IPS. Now he found the State Board of Education and the Superintendent of Public Instruction had approved these,thereby contributing to de jure segregation. He noted also that the department had done little to implement legislation creating the Division of Equal Educational Opportunity and that the failure to act affirmatively in support of the 1965

law was an omission tending to inhibit desegregation. Dillin found no evidence that any of the added defendant school corporations had acted to promote segregation in either IPS, or within their own boundaries. Instead, he said, ironically, none had an opportunity to commit overt acts because the Negro population of their districts ranged from "slight to none." Enlarging on this, he considered why there was such a "remarkable absence of Negro citizens" from the districts of the added defendants except in Washington and Pike townships. This was all the more remarkable, he said, because large industries which employed substantial numbers of Negroes were located in some of the districts. The absence of blacks in these districts and their concentration in the central city must be the result of discrimination in housing, he concluded. Such discrimination continued to exist despite laws, local, state, and national. It had been tolerated by the state and in some cases encouraged by the state. But, having made this point, the judge said that the present case was not an action over discrimination in housing. "However," he added, "when it may be demonstrated that as here, the discriminatory customs and usages mentioned have had a demonstrable causal relationship to segregation in the schools, such factors should not be casually swept under the rug."[52]

But although the added school defendants were not guilty of de jure segregation in education, the judge found that school desegregation could not be accomplished within the boundaries of IPS in a way that would work for any significant period of time. Therefore

the General Assembly had the power and the duty to devise a metropolitan plan. If, however, the legislature failed to act, the court had the power and duty to devise its own plan. The only feasible plan for desegregation would involve crossing boundaries between IPS and other school districts, and "the power to disregard such artificial barriers is all the more clear where, as here, the state has been guilty of discrimination which has had the effect of creating and maintaining racial segregation."

Although Moss and Ward had announced their intention of proving that the part of the Uni-Gov law relating to schools was unconstitutional, an issue which Dillin had himself raised in his 1971 opinion, the court now said that since the state had been found guilty of de jure segregation and since the General Assembly had an obligation to remedy this wrong, ruling on the constitutionality of Uni-Gov was unnecessary.

An interim order issued by the court with the decision called for transportation of about 5,000 black pupils from inner city schools to eighteen surrounding school corporations and reassignments in the city schools so that all city schools would have a Negro enrollment of at least 15 per cent. IPS was to pay the cost of tuition and transportation of pupils bused to the other school systems. If the court order resulted in a surplus of teachers and closing of schools in Indianapolis, those teachers were to be given first opportunities for positions in the suburban systems which were created by the transfers.

Saying a final remedy would not be possible until the General

Assembly acted or the court was "compelled to devise its own plan because of default on the part of the General Assembly," Dillin ordered the legislature to adopt a final desegregation plan, incorporating IPS and the surrounding school corporations.

Explaining his order for one way busing of black pupils to the suburbs, the judge said that the court was of the opinion that it lacked jurisdiction to order the exchange of pupils between IPS and the suburban schools at the present time. "It is the Negro children of IPS and not suburban children who are being deprived of a constitutional right," he said, "and so long as the various school corporations remain separate this court believes it would have no basis to direct that a suburban child be transported out of its own school corporation."[54]

Response to the court's decision by the added defendants was immediate and negative. The suburban school officials expressed concern over financial and logistical problems that would arise from the order to receive black students from IPS. A few days later attorneys for the school systems involved, meeting jointly, decided to appeal the decision while at the same time asking for a stay. Each school corporation would file a separate appeal.[55]

Governor Otis Bowen declaring that the state legislature was not the place to seek an answer to the school desegregation problems of Indianapolis said desegregation was a local, not a state problem. The president of the state senate voiced "resentment at the blame Dillin placed on the General Assembly for not having

coped with desegregation problem." adding: "It can"t be done." Theodore Sendak, the state attorney general, acting on behalf of the governor and other state officials, promptly filed an appeal.

While they applauded much of Dillin's decision black reacted with surprise and disappointment to the order for one-way busing of children to the suburbs. Once again blacks were to bear the burden of past wrongs committed by whites. David Mitcham, president of the local NAACP, calling Dillin's order a "cop out," said it struck a happy balance to satisfy racial forces in the community rather than taking a step to fulfill equality in education. Father Boniface Hardin, director of the Martin Center, a respected figure in the black community, said he thought it was naive to think that black parents would send their children "out there." he feared that the children would be harmed, and added "I don't think the decision is going to help the relations between blacks and whites in the city." More cautiously, Joseph Smith, director of the Human Relations Consortium, while agreeing that the decision did not seem to be equitable, said "we must wait and see how things develop." Doris Parker, president of Community Action Against Poverty, said the court's order made "sacrificial lambs" of the 5,000 black children who would be bused. "No one group," she said, "should bear a disproportionate share of the responsibility," but she thought that the black community would make whatever adjustments were necessary.[56]

Attorneys for LSO promptly filed a motion asking Dillin to

revise his ruling to require that enough white students be bused from the suburban schools into Indianapolis to balance the number of black students who were bused outside IPS. The board of the Indianapolis NAACP at first considered filing an appeal on Dillin's ruling, but reversed themselves when attorneys Moss and Ward protested against such a move. They said the appeal would have "disastrous consequences" because it would create more opportunities for endless litigation and delays. Pointing out that Dillin's order was only a temporary one, they said they were sure that in the long run there would be two-way busing. Following this advice Mitcham told the press that after careful study the NAACP board had concluded that Judge Dillin had little choice in adopting the remedy he had announced. Since the long term answer was a metropolitan school system, the NAACP intended to ask the State Superintendent to develop such a plan. Moss and Ward continued to argue, as they had at the trial, that the Uni-Gov law and other state laws creating separate and autonomous school districts were unconstitutional. They asked Dillin to create a single consolidated metropolitan school district.[57]

Blacks were also alarmed over plans which the Indianapolis school board was considering in response to Dillin's order for reassignment of black and white students within the boundaries of IPS. While the trial was in progress word had come that the United States Supreme Court had refused to review the decision of the Seventh Circuit Court of Appeals which upheld Dillin's finding in 1971 that IPS was guilty of de jure segregation. This apparently convinced the school board, already under orders

from Dillin to present a plan for desegregation, that the must present at least a city only plan. At a public meeting, Kightlinger, who had been elected board president said: "It should be understood that the duty of desegregation is an established fact from which we cannot turn away." A plan presented to the public was a drastic one, calling for the busing of approximately 27,000 elementary school pupils and the closing of three schools. It would require the purchase 250 new buses. When presented a few days before Dillin's decision in the trail just ended, it found no supporters. Representatives of the Coalition for Integrated Education and the Non-Partisans said the only way to achieve lasting desegregation was a metropolitan plan, while a representative of CIQS said once more that their organization would "not be a party to any plan which calls for an artificial balance." Dan Burton, speaking for himself, reminded the board of "its responsibility to fight forced busing" and "let the burden of responsibility rest with Judge Dillin." After listening to more protests the board voted by a margin of 4 to3 to reject the present plan, while awaiting a possible ruling on a metropolitan plan.

After receiving Dillin's order of July 20 to prepare a plan for busing students to the suburbs and reassigning students within the boundaries of Indianapolis to insure a minimum of 15 percent black enrollment in every school, the board voted 5 to 2 to appeal the order and also seek a stay, but at the same time instructed the school administrators to prepare a plan to carry out.

the court order until a stay was granted or Dillin's decision reversed.[59]

The plan devised in response to Dillin's order of uly 20 aroused consternation, especially among blacks. In addition to the eight predominantly black schools that would be closed if busing to the suburbs was implemented, the board planned to close six more black elementary schools and also Shortridge High School, where enrollment was now more than eighty per cent black. Wood High School would be phased out. At a special meeting called to present the plan, speaker after speaker denounced it. Representatives from Butler-Tarkington and Meridian Kessler Neighborhood associations, the Coalition for Integrated Education, and the Non-Partisans, as well as blacks, assailed the plan as discriminatory to blacks. A spokesman for Meridian Kessler urged the board to "be as open to reassigning white pupils to schools which are now predominantly black as...to reassigning black pupils to schools which are predominantly white." Another speaker said the plan was "highly discriminatory and specifically designed to promote racism and further alienation." Robert DeFrantz labeled the plan to close Shortridge "punitive" and the entire plan "atrociously racist." Another Shortridge patron protested the closing of the one high school where progress had been made in dealing with problems of race and urban living.^

Both the LSO and the Coalition for Integrated Education petitioned Judge Dillin to require that white pupils be assigned to schools which were at present predominantly black. Nevertheless

a few days later the school board, meeting in executive session, voted unanimously to approve the plan and to present it to the United States District Court.[61]

Even before the 1973 trial there were signs that blacks in Indianapolis, like those in other cities, were divided on the question of school integration and on the necessity for busing. For example, a National Black Political Caucus, meeting in Gary, Indiana in 1972, while agreeing on a number of resolutions aimed at eliminating bigotry and racial discrimination, disagreed over busing. At the insistence of Roy Innes of CORE they had adopted an anti-busing resolution on the grounds that insistence on integrated schools appeared to be evidence that blacks thought black teachers and administrators were inferior to white. The Indianapolis branch of the NAACP responded to this with a resolution which said: "We are opposed to racial segregation, whether it emanates from white or black, as a detriment to the ultimate realization of the American dream of a democratic and classless society." While Andrew Ramsey said that black separatists were "going down a blind alley," and that quality education was impossible if the races were educated separately, some black parents were fearful about having their children bused to schools where white teachers and administrators might be racially prejudiced.[62]

Now in 1973 when Indianapolis parents and other blacks, confronted with the closing of schools which were also centers of community and cultural activities, were expected to send their children to an unknown and possibly hostile environment, Mitcham

of the NAACP said some parents were saying, "We should keep the black schools open and control them," and that white children should be bused to the inner city schools. A meeting of blacks at the New Garfield Baptist Church, protesting over the possibility of the closing of Shortridge and the black elementary schools and busing some black pupils to the suburbs and others to white schools in the city, expressed concern over the loss of the "black cultural heritage."

Blacks were universally disgusted with the current school board and suspicious of their motives. DeFrantz said it was impossible to predict how blacks would react to the closing of black schools, but, he said, blacks were a law abiding people who believed in law and order, a faith lacked by members of the board. Mitcham said he had "given up" on the school board - they were punitive and not interested in quality education, while past boards had never treated the inner city schools equitably.[63]

A few days after the school board revealed its proposed plan, Judge Dillin granted a stay of one year for busing to the suburbs, which meant that eight inner city elementary schools and Shortridge would not be closed in the immediate future. Black resentment was further assuaged when he rejected the school board plan for desegregation within IPS as "an act of bad faith."

In a written order the judge said the plan did not meet the criteria he had required and was in complete disregard of his order of July 20, which was consistent with policies enunciated in Swann v. Charlotte-Mecklenburg. In it he had recommended such

methods as pairing and clustering of schools to achieve desegregation. As an example he cited failure to pair a school which had an enrollment of forty per cent black with a contiguous school district where blacks were only five per cent. Because of the failure of the board to fashion an acceptable plan, he announced that he was appointing two commissioners to formulate a plan which he could approve by the opening of the school year. The two were Dr. Joseph Taylor, dean of Liberal Arts at the Indianapolis campus of Indiana University in Indianapolis, and Dr. Charles Glatt of Ohio State University, who had testified at the recent trial. Dr. Taylor, who held a doctorate in Social Work, a former head of Flanner house, active in the Urban League, was respected in both the black and white communities as an able and diplomatic spokesman for the rights of blacks.[64]

The next move by the school board was a request for an emergency hearing from the Seventh Circuit Court of Appeals. When this was denied, they announced their intention of going to the Supreme Court to request that Justice Rehnquist issue a stay of Dillin's order for a minimum of fifteen per cent black enrollment in all elementary schools.

Although the Board of School Commissioners was hostile, meeting with them only once, to receive their final report, the two commissioners found the IPS staff more ready to accept the realities of court decisions and ready to cooperate with them. There was speculation that the opening of school might be postponed, but the commissioners performed what the Court of Appeals

later called "a herculean task in a minuscule period of time." They announced that schools would open on schedule under a plan approved by Dillin and accepted by the board. Almost ten thousand elementary school pupils would be reassigned, but the assignments would take place in stages. Most students would not be transferred until the end of the first six weeks grading period. Ultimately sixty-six elementary schools would be involved and about seventy-five extra buses required.[65]

In presenting the plan to the judge and school board, the commissioners said they were following guide lines established by the Supreme Court in Swann v. Charlotte-Mecklenburg. In adjusting boundaries of elementary schools (in effect, "gerrymandering" them), they would make every effort to desegregate as many schools as possible "without instituting additional transportation" to "non-contiguous areas." But since it was unlikely that this would suffice to meet the requirements of Dillin's order, it would be necessary to use "extra ordinary strategies" to "correct past and current violations of the equal protection clause of the United States Constitution." Busing would be "a permissible tool" when other remedies were inadequate. They said they intended to preserve racially desegregated schools where they met the required standards. They would next use re-zoning and regrouping of contiguous areas, and only when these methods were inadequate would they resort to pairing of non-contiguous areas. The need for increased busing had been minimized by the selection of the schools to be paired and clustered. Five "antiquated" schools (three black and two white) would be closed. Kindergarten

pupils would not be bused. Pupil assignments to high schools would remain unchanged for the current year pending formulation of a final plan. Some black schools in the inner city would not be included because their students would probably be involved if suburban schools were included in a final plan. The proposed interim plan, said the commissioners, was a "humane plan by comparison with some others" that had been presented. For example, one board plan, rejected earlier, would have required busing of 27,000 students.[66]

As the date for the opening of school and the new pupil assignments approached, both black and white groups took steps to prevent protests and possible violence. Hortense Young and Doris Parker, in the name of Women Concerned for Peaceful Desegregation, sent out invitations to a mass meeting at North Methodist Church where Dr. Joseph Taylor was to speak on "What We Need To Do Here and Now in Indianapolis." A second speaker was Mrs. John Lennon from the Charlotte-Mecklenburg area, who would describe techniques used in that community to assure peaceful integration. The invitation said: "The peaceful desegregation of the Indianapolis schools is a challenge to all of us. There are negative forces that presently would divide us; however, there are many, many people of good will who intend to accept the law of the land and who are determined to work in concrete and constructive ways to transcend bitterness and division that threaten to tear us apart."

At the request of Taylor and Glatt, the Urban League set up a special telephone service, manned by volunteers, to answer

inquiries about pupil assignments and to help stop rumors circulated by anti-busing groups. Black ministers and members of the NAACP tried to supply information and reassurance to black parents. An editorial in the Recorder, speaking of the apprehension and confusion surrounding the opening of the school year, emphasized that it was of prime importance for children to receive an education, even under adverse conditions. Parents "must do their job in seeing that pupils report, regardless of 'unlikeable' assignments, added hardships, and certain controversial policies. Equally important is the fulfillment by teachers of their professional obligation to render their all in teaching today's young people.

"It is indeed tragic [that] children must continuously suffer because of official benign refusal to abide by the Supreme Court's ruling. However, school MUST open and it can be a year of success if all involved work at it."[68]

While efforts by groups supporting desegregation and compliance with court orders tried unsuccessfully to persuade the white press and civic leaders to issue supporting statements, activities of their opponents were publicized.[69] Soon after Dillin's
decision in July, Dan Burton announced plans to reactivate Citizens Against Busing. The group was to circulate petitions calling for legislation to remove educational matters from the jurisdiction of federal courts and a constitutional amendment outlawing busing. At the state level they were to urge the General Assembly not to pass any measures which authorized busing.

In the northeast part of Indianapolis a group calling themselves Concerned Parents of the Eleventh [Congressional] District was announced. For three days about three hundred people recruited by this group, including children kept out of school for the purpose, staged demonstrations against "forced busing" outside the Federal Building, the site of Judge Dillin's office. About two thousand pupils carried out a one day boycott of seven northeast elementary schools, although none of these schools were affected by the first stage of reassignments planned by Taylor and Glatt.[70]

On the first day of school only 437 pupils were actually reassigned to new schools, and of these only 214 were bused for the first time. For the most part subsequent stages of the Taylor-Glatt plan moved forward fairly smoothly. Because the plan did not require that all pupil transfers take place at the same time preparations could be made and necessary adjustments carried out. There were some annoying incidents when pupils were confused over which school they were to attend and when buses did not arrive on schedule, but teachers reported no major problems. No further boycotts or organized protests occurred, but individual parents complained, and anti-busing meetings attracted crowds, particularly in northeastern parts of the city.

"Anyone with any brains knows that the only sensible way to integrate is through open housing," one irate mother wrote to the News, when she learned the school to which her children were to be reassigned. "What kind of justice takes children from nice clean schools with nice clean playgrounds in a nice clean

hood. On the day that particular transfer took place, large numbers of the new pupils were absent, as parents protested to deteriorating state of the building and possible hazards to health. In at least one case an attempt was begun to enroll pupils in a newly organized private school on the east side of the city. Patrons expected to hire retired teachers and teachers who had resigned from IPS and to raise the necessary money by modest tuition charges and a fund raising campaign.[71]

Two months after the beginning of the school year the Indianapolis News reported the results of interviews with principals and teachers at the schools involved in the desegregation process. The consensus was that, although there had been some confusion, as there always was when schools opened, things had moved more smoothly than expected and though some children arrived at their new schools "scared to death," most pupils had adjusted to new situations and new classmates without difficulty. Even one member of the school board, elected on the Neighborhood Schools ticket (probably Carl Meyer), was reported to have said, "I have

to be man enough to admit that it's working." But while students accepted the new order, many parents did not. Teachers repeatedly said that it was the parents, not the children, who were the problem. Parents were continually "circulating petitions, flyers and hatred throughout the community," said one. Despite the relative calm in the schools many parents were not reconciled to busing.

But instead of boycotts they were turning to other forms of protests, spurred on, as will be shown in the next chapter, by politicians, who assured them that Judge Dillin could be repudiated and busing stopped by political action.[72]

Hopes of school board members that compliance with Judge Dillin's orders could be delayed or avoided were dashed when Justice Rehnquist denied their petition for a stay on the grounds that it was "insufficient." At a seminar on the Indianapolis suit sponsored by the School of Law of Indiana University, Indianapolis, lawyers agreed that Indianapolis schools could not avoid desegregating regardless of the outcome for the suburban school systems. Nevertheless the school board continued to comply with court orders grudgingly.[73]

When Judge Dillin, at the time he appointed the commissioners to draw up an acceptable plan, told the board to apply for federal money available under the Civil Rights Act to facilitate desegregation, the board "formally but reluctantly" voted to submit "a letter of intention" to ask for funds. Lester Neal expressed the feelings of most members when he said: "You are all familiar with my views with [sic] accepting Federal aid - sending the pigs to market - and I'm only going to vote for this under duress of a court order." After this application was rejected, Dillin told the board to apply under the recently enacted 1972 Emergency School Aid Act for money for use in curriculum and staff development in human relations training - money that was administered by the hated HEW. The board, while voting to apply, instructed their lawyers to continue litigation to stop "what will become 'Federal

Medicine[1] without the traditional Federal spoonful of sugar." Members expressed fear and suspicion of "Washington bureaucrats," who would try to fill the minds of children in Indianapolis "with wild ideas conceived by people in Washington," who knew nothing about Indianapolis.[74]

The conduct of the board, law professor Charles Kelso observed, was not a course of action which was likely to lead to a minimum of busing. If local boards came up with workable plans, he said, courts, including the Supreme Court, would probably uphold them. But, "so long as the Indianapolis School Board's position remains as truculent opposition throughout the entire matter," he predicted, "the Supreme Court will be concerned about the efficiency of any plan the School Board might devise to achieve integration."[75]

While the school board continued to try to obstruct, the Justice Department continued to try to negate plans to include suburban schools in a final desegregation plan. In filing a motion in the district court for a plan to increase desegregation within Indianapolis, they argued that there was "a substantial probability that such a plan (Dillin's metropolitan plan) would not be implemented in September, 1974 because of a reversal of the metropolitan order by a higher court." After Dillin rejected the petition, Justice Department lawyers, in a brief filed with the Seventh Circuit Court of Appeals, argued that there was more stability in population and school enrollment in the city of Indianapolis than Dillin had foreseen. Some of the projections on which he had based his decision were defective, they claimed. There was no

absolute standard on which to judge.

Lawyers for the Justice Department, the state of Indiana, and the suburban school systems based their hopes on the Detroit desegregation case then on appeal to the Supreme Court, which appeared to present issues similar to the Indianapolis case, raising questions as to whether an inter-district remedy could be used for segregation in the city of Detroit. State attorney general Theodore Sendak, acting as friend of court, filed a brief in the Supreme Court, as did lawyers for some of the township school corporations.

Undeterred by any of these developments, Dillin went ahead with plans for a remedy which included outlying school districts. Early in December he sent a message to the General Assembly, reminding members that the state of Indiana and some of its officers had been found guilty of de jure segregation and of the legislature's obligation to enact a remedy. He gave them broad options. He indicated that he would accept a plan for one-way busing and that the legislature could discharge its obligation by a plan for transfers which covered costs of tuition and transportation, while allowing individual school corporations to work out details. The legislature might continue the present autonomous school districts so long as it provided for meaningful desegregation, or it might create a single metropolitan school district or smaller consolidated districts. He said he was giving the General Assembly until the end of the upcoming 1974 session to resolve the desegregation problem for central Indiana, at the same time warning that he would act

if they failed. The next move was up to the lawmakers, the elected representatives of the people of Indiana.[77]

CHAPTER 9

POLITICS AND REPRISALS

Five days after Judge Dillin appointed the two commissioners to draw up a plan for desegregation of the Indianapolis schools, Judge Niblack and Dan Burton called a press conference at the Columbia Club, historic bastion of Indiana Republicanism. Also present were state senator Joan Gubbirs and representative Robert Bales and three members of the Indianapolis Board of School Commissioners, Paul Lewis, Lester Neal, and Fred Ratcliff. Niblack and Burton announced that they, along with Gubbins and Bales, were forming a committee to impeach Judge S. Hugh Dillin. Niblack explained that they were taking action because of Dillin's "unconstitutional, unlawful, and dictatorial conduct." The United States Constitution permitted federal judges to serve "during good behavior," a requirement to which Dillin had not conformed but, instead, had violated his oath of office. Burton said there were a number of grounds for impeachment but the main reason was that Dillin had removed elected officials from office and "tried to educate kids himself." Asked by a reporter why he was not asking for the impeachment of the judges on the Seventh Circuit Court of Appeals, which had upheld Dillin's decision, Niblack snapped, "Because I didn't choose to," but added that the appellate court was a "rotten court." Burton explained that the committee was seeking 50,000 signatures to present to the Congressmen who

represented the Indianapolis area,asking the House of Representatives to institute impeachment proceedings.

An editorial aired on television station WRTV said that while the committee to impeach had a right to circulate petitions and certainly had the right to disagree with Dillin's decision, to urge impeachment was "absurd and totally irresponsible." Under the Constitution impeachment "must be based on treason, bribery, and other high crimes and misdemeanors, nothing else," In his decisions Dillin had carefully followed precedent and proceeded cautiously. "In many communities," the editorial continued, "civic leaders and government officials have risen above the fear of political and other reprisals to point out that Federal Judges handling cases in accordance with the law and the canons of their profession deserve the support of all law-abiding people - even when their decisions are not popular. We'd like to see that happen in Indianapolis."

The Board of Managers of the Indianapolis Bar Association thought the impeachment efforts sufficiently serious to warrant a reprimand. Without mentioning the names of either Dillin or ... Niblack, they issued a policy statement saying that the Bar Association decried "personal attacks made upon judges and the resulting damage to our courts." A trial judge had the duty to make an initial decision, and if a party believed the decision to be erroneous, "the remedy lies in the orderly process of appeal, even to the Supreme Court of the United States, if need be, in efforts to reverse the decision by lawful and proper means....

"Personal disparagement of a judge because he has determined controlling law resulting in an unpopular decision in a given case, does a disservice to our community and fundamental institutions."

Dillin himself, without mentioning his critics, tried once again, as he had before, to explain the constitutional basis Qf his decision and to show that he had followed precedents established by the Supreme Court. In a lengthy statement in court, before announcing his ruling on the report of commissioners Taylor and Glatt, he reviewed Supreme Court decisions on school segregation, placing particular emphasis on Swann v. Charlotte-Mecklenburg and what the court had said about the equity power of judges in that case and about the section of the Civil Rights Act of 1964 which critics said he had violated. Pointing out that he had been upheld repeatedly by the appeals court, he concluded:

"The purpose of this rather extended statement is of course intended to demonstrate not only the development of the law of school desegregation of the past 19 years, but also to demonstrate why your court and all judges who take seriously their oaths of office are required to follow the law, even if public opinion appears at times to be adverse to the law itself or its enforcement ."

In contrast to these responses to the would-be impeachers, columnist Fremont Power treated the whole matter as farcical - a mere "caper." The judge would not be impeached for the simple reason that there were no grounds for doing so. Failure to

interpret the Federal Constitution as Circuit Court Judge Niblack would like was not a legal reason for throwing out federal judges, nor was following the decisions of the Supreme Court. Dillin, in handling the school case had been reasonable and temperate, if not popular, but the court was not the appropriate place to conduct a popularity contest. Referring to Niblack as "the old curmudgeon of school affairs around here," whose Citizens Committee had dominated the school board for forty-four years, Power added: "Divining personal motivations is a difficult exercise in inexactitude, but it is possible to perceive that Judge Niblack does not appreciate being moved off center stage in school affairs."[5]

While seeking and gaining publicity for their impeachment efforts in hope of arousing support for anti-busing politicians and embarrassing their opponents, Niblack, Burton, and their colleagues sought by less publicized methods to stifle support for Dillin's decisions and school desegregation by financial reprisals. Their chief target was the Indianapolis Urban League. Threats began after its involvement in the court action over Schools 111 and 114 and the formation of the ad hoc committee for desegregation described in the last chapter. Niblack, in a letter to Bishop Craine, president of the Urban League, observing that the League was a United Fund agency,said he considered such activities on its part beyond its appropriate functions. He was withholding further contributions to the United Fund, he said, until clarification of the right of United Fund Agencies to take part

in such a controversial matter as busing school children to correct so-called racial imbalance. "I agree perfectly that segregation in schools should be stopped, as it was," he wrote, "but where all you good people get the idea to go beyond the neighborhood pattern and have forcible integration of the races is beyond me." Nothing in the written Constitution or laws of Congress called for such forcible integration. He ended with a warning: "The United Fund will have to cut Urban League off its list before I give any more of my money. I am going to urge everybody else to withhold their contributions also until this is done."[6]

After Niblack released a copy of his letter to the press without informing Craine that he intended to do so, the bishop issued a statement which said that "not one cent" of the money used in filing as friend of court had come from the United Fund.

In the months following this first threat, the Coalition for Integrated Education was organized, granted amicus standing in the school suit, and paid lawyers Craig Pinkus and Davey Eaglesfield small amounts of money for developing a brief and participating in the trial in the summer of 1973. Although the Coalition was started by members of the Urban League board, it was not a part of the League and raised its money independently, receiving none of the funds allocated from the United Fund. Money donated to the Coalition was sent to the Bishop's Discretionary Fund, dispersed by Bishop Craine.[7]

More serious threats to the Urban League came after the successful participation of the Coalition lawyers in the trial. First

the instigators of the move to cut off funds appealed to the board of the United Way (a new name for the United Fund) for a resolution censuring members of agencies who participated in de-segregation efforts. After this direct appeal failed, another approach, through the Indianapolis school board was tried.[8]

In a letter to fellow members Fred Ratcliff wrote: "We know from past experience, what with the lobbying activities carried on by the Urban League before the Board of School Commissioners, that the Urban League stands for the very thing that the board has fought so hard against - forced busing to create a racial balance under the guise of integration. How can we allow funds which are earmarked for charitable organizations, to be used against us? The teachers in our school system have a right to know the facts, and I strongly urge each and every one of them, when the time comes, to question their support of the United Way if it continues to support such a controversial organization as the Urban League."[9] With the letter Ratcliff sent a copy of the resolution which he expected to introduce at the next board meeting. Alerted to the threat, Bishop Craine announced his intention of speaking at the meeting and urged members of the Urban League board to attend, telling them: "The very existence of the Indianapolis Urban League is being threatened by the Indianapolis Board of School Commissioners."

After the proposed resolution had appeared in the press, Craine issued a statement in which he said that the Urban League did not lobby or engage in politics, that its task was to "represent the disadvantaged of every race, and to bring to the attention of political entities, business, industry and cultural groups the needs of

these people." The League tried to teach them how to use democratic process, meanwhile speaking for them in trying to deal with their needs for better housing, education, and health, services. Board members appeared before many agencies in the city to express needs in all these areas.[10]

At the meeting at which Ratcliff presented his resolution, which under board rules could not be voted upon until the next meeting, representatives of several organizations spoke in opposition. Joseph Smith of the Human Relations Consortium said adoption of Ratcliff's resolution -would do "irreparable "harm to efforts of those who seek harmony in the community." In the interval before the vote was to be taken letters deploring the resolution poured in. The director of the Anti-Defamation League, urging the withdrawal of the resolution, said: "To seek United Way as a pawn in a dangerous political chess game can only leave the community strewn with the innocent victims of this petty brinksmanship." Andrew Brown, pastor of St. John missionary baptist Church, president of the Indianapolis affiliate of. SCLC, one of the most influential blacks in the city, called the resolution "immoral." If passed, he told the school hoard; "it will reveal that you are racists or dirty workers for those who are racists. It will reveal that you are against law and order [the court decision]. "For it is the law and it is a precious freedom for every citizen to have the right of a peaceful dissent."

After some amendments Ratcliff's resolution was adopted by the school board over the dissent of two members, Erle Kightlinger

and Jessie Jacobs. In its final form, while not mentioning the Urban League by name, it said: "It has come to the attention of the board that some of the funds solicited through the school system have allegedly been distributed to political and lobbying groups, rather than needy individuals, and these funds have been used to further political views and activities of such groups.

"It is the consensus of the board that these questions should be immediately referred to the United Way for clarification, and that the United Way should issue a policy statement." Although the Urban League was not named in the resolution, Ratcliff[1]s letter and discussion by board members made clear that it was the target. It was regarded as intended to discourage teachers from contributing to the United Fund.

Before the board voted, representatives of both the Indianapolis Education Association and the Indianapolis Federation of Teachers spoke in opposition. Carl Meyer responded that the resolution was merely "investigative" and that "an organization that couldn't answer a few questions should be questioned a little more." Lester Neal agreed, saying he would like to see the "inner workings of the United Way laid right out on the table." Jessie Jacobs said sarcastically that if all the board wanted was to ask a few questions, the normal way to do it would be for Superintendent Kalp to write a letter and that the board should not resort to "a resolution as punitive as what this could be construed to be." Erie Kightlinger, the other dissenter, and a former member of the Urban League board, used stronger language. The resolution,

he said, was aimed at "thought control" of school employees who supported the United Way. "This insidious resolution brought under the auspices of education nauseates me," he added. "The last time I read about something like this was in the 'Rise and Fall of the Third Reich[1]."[13]

After the United Way fell short of the goal it had set in its annual fund drive, the Indianapolis News reported that donors were withholding contributions because of rumors that United Way officials intended to use money to buy buses and pay lawyers who espoused busing, rumors which the chairman of the fund drive denounced as "vicious," saying they had originated in suburban newspapers. He added that the Urban League was but one of over one hundred agencies supported by the United Way and that not one cent of the money allotted to the League had been used to promote busing.[14]

A few weeks later, when the United Fund had taken no steps to withhold funds, Sam Jones, director of the Urban League, learned from an item in the press, that Judge Niblack had issued a temporary restraining order at the request of a Mr. Nesbitt (a person unknown to any Urban League board members) to prevent the United Way from making allocations to the League. Greatly perturbed, Jones said that this action would force the League to borrow money and to pay lawyer's fees to fight the order.[15] Later the Indianapolis Recorder said that there were reports that efforts were under way to file a complaint with the Indiana Supreme Court Disciplinary Committee, charging Judge Niblack with conflict

of interest in issuing the restraining order. Thereafter the United Way and the Urban League obtained a change of venue to a court in Boone County for the case of Nesbitt v. United Way and Urban League, where an order was issued for resumption of payment of allotted funds.[16]

While the Urban League was having its problems with opponents of busing, the Indianapolis Legal Services Organization was penalized for its part in the court hearings over Schools 111 and 114 in 1972 and its more recent move to modify the order of the federal district court for one-way busing to the suburbs to include busing of white pupils into Indianapolis. The Legal Services Organization, usually known as LSO, authorized by the Economic Opportunity Act to furnish legal service programs to further the cause of justice among persons living in poverty, had from the beginning been under attack in Indianapolis because it was sometimes involved in litigation against public officials and government agencies. Even though President Nixon endorsed it, it was viewed with distaste and disapproval by a large segment of the Indianapolis community. After the district court overruled the school board's action in re-districting Schools 111 and 114, the Indianapolis News had declared: "It is shocking that the Legal Services Organization, which is an arm of the Federal government funded by Congress should be agitating to compel the very busing Congress has tried to prevent. Funding for such LOS activities should be cut off forthwith."[17]

A year later the Indianapolis city-county council followed

this advice in drawing up its budget for 1974. On the night a vote on the budget was scheduled, a crowd of about four hundred jammed the council chambers, most of them there to protest funding for LSO. Conspicuous among them were Dan Burton and Paul Lewis, member of the school board, who urged that the council give its attention to whether LSO should be funded. In a hurried response, since council rules required that a vote be taken that night, the heavily Republican body voted 18 to 10 to leave $220,000 in the budget for legal services, but with the requirement that the money should not be paid to LSO and that instead a contract be made with another agency.[18]

A position statement issued by the Indianapolis Urban League in October said that the League felt that "the issue of school transportation has been taken out of context to polarize people on the 'busing issue'," and that they "would like to put things in proper perspective." But this was a vain hope, since polarizing the public was just what politicians were trying to do On the very day that Justice William Rehnquist of the Supreme Court refused a petition from the Indianapolis school board for a delay in carrying out Dillin's court order, Niblack and Burton called a news conference at the Statehouse to announce that they were filing incorporation papers for a Committee for Constitutional Government. Although congressmen whom the two had approached had told them that impeachment of Judge Dillin was a virtual impossibility, Niblack began the press conference by saying: "It is high time for the American people, if they are to

reclaim their freedom as a self-governing people, to curb the United States judiciary in general and Judge S. Hugh Dillin in particular," adding, "Federal judges have usurped the powers of our elected Congress and are destroying our system of checks and balances in government." The papers of incorporation stated that one of the purposes of the new committee was to urge Congress to impeach Dillin, while other articles asked for a constitutional amendment banning busing and legislation limiting busing and the jurisdiction of federal courts in school segregation cases.[19]

While saying that he did not think there were sufficient legal grounds for impeachment of Judge Dillin, Republican William Hudnut III, the new congressman from the Eleventh District, which embraced a large part of Indianapolis, gave repeated assurances of his opposition to busing and to Dillin's decision. In a letter to his constituents he said that he understood the frustrations that led to the impeachment movement, saying "My absolute long-time opposition to forced busing is a matter of record." He added that he was working actively for a constitutional amendment to prohibit busing for racial balance and a law to remove education from the jurisdiction of federal courts. As a second possible solution he was considering sponsoring a bill "to subject Federal judges to periodic approval by the voters."[20]

All over the Indianapolis area troubled and frustrated parents crowded into community centers to hear speakers harangue against busing. At one meeting the principal speakers were congressman

William Bray, whose district included part of southwestern Indianapolis, and school board members Paul Lewis and Lester Neal. Bray charged that "social engineering birds" were trying to "play God by directing other people's lives," but, he said, "I think a school house is a better place to get an education than a school bus." At another meeting about a thousand people sat or stood for several hours at a northeastside community center. M. Stanton Evans, editor of the Indianapolis News, told the audience that forced busing was only a part of a larger effort by "social engineers" to remove children from the influence of their families and that judges who upheld busing were in violation of the Civil Rights Act of 1964. Harold Hutson of CIQS said that organization was planning a class action suit charging that busing violated the civil rights of the reassigned pupils. But the main speaker was Dan Burton, who, after saying that 75,000 signatures for the impeachment of Dillin had been obtained in three weeks, devoted most of his time to an attack on United States Senator Birch Bayh, a Democrat who faced reelection in 1974.[21]

Bayh, who as a member of the state legislature, had given strong support to civil rights measures, had defeated long time Senator Homer Capehart in an upset in 1962 and been easily re-elected in 1968, a bad year generally for Democrats. Bayh was best known nationally as the sponsor of the Twenty-Fifth Amendment, which provided for the selection of a Vice-President if a vacancy occurred in that office. Attacked regularly in the Pulliam newspapers as a "liberal," who received high ratings from Americans for Democratic Action, and a tool of organized labor, he was

nevertheless immensely popular and regarded as virtually certain of reelection in 1974. But his opponents thought he was vulnerable on the busing issue because as chairman of the subcommittee of the Senate Judiciary Committee on constutitional revision he had failed to hold hearings on proposed anti-busing amendments .

So overblown had busing as a political issue become and so persistent the attacks on him that senator Bayh decided to come home to confront his critics and listen to the concerns of his constituents. At a daylong meeting at the Indianapolis Convention Center, before crowds ranging at different times from about two hundred to a thousand, the Senator defended his record, listened to complaints, and tried to answer questions. Usually self-confident and outgoing, he appeared defensive and equivocal. In a prepared statement he began:

"We are here to discuss our children, their education, their health and safety. We are here because of our concern over Judge Dillin's order and its impact on our children.

"I am here because of my concern over stories from worried mothers and fathers - school buses running out of control with faulty brakes, sick children unable to get home, and extended bus rides to classrooms in inferior schools. I am here to explore the truth of these allegations and to see what I can do as a Senator to solve the problems which exist." Defending his record, he said he had voted for the Civil Rights Act of 1964 with its proviso on busing and supported measures before Congress which restricted the

use of busing, including one which provided that in cases of a court order requiring transportation from one local educational agency to another, the order should not go into effect until all appeals in connection with it were exhausted.

At the same time he pointed out that the Indianapolis Board of School Commissioners had failed to carry out the School Law of 1949 and had followed policies that violated both Indiana law and the United States Constitution. But while Judge Dillin's goal, integrated education, was a worthy one, he said, "the degree to which massive busing has been proposed as a tool to accomplish this goal is a matter of grave concern to me and to many of you, the parents." He disavowed charges that he was responsible for blocking congressional action on an anti-busing constitutional amendment, insisting the reason for failure of Congress to act was simply that there was not sufficient interest in either the House or the Senate. At one point, disclaiming responsibility for the problems faced by Indianapolis parents, he said, "My name is not Dillin. I'm not a member of the school board. I'm not a member of the state legislature."

His performance did not satisfy his critics. The next day the Marion County Republican chairman said that while Bayh might show concern about busing when in Indianapolis, when he was in Washington he was "pro-busing" and was responsible for the failure of the Senate to vote on an anti-busing constitutional amendment. It was clear that the busing issue would not die but would be used in Bayh's campaign for reelection.[22]

At the meeting with Bayh in the Convention Center a few voices of both whites and blacks had been raised in defense of Judge Dillin and school desegregation, with warnings against using the busing issue to manipulate voters and stir up dissent. One voice was that of a black minister, the Rev. Melvin Girton, chairman of Concerned Ministers for Busing, who said his group was determined to work for "a better city and a world in which to live. We are not going to sit here and see hate stir up strife."

The group of about thirty-five black ministers, expressing support for Judge Dillin and school desegregation, held a mass meeting at a church every Sunday to educate parents and leaders in support of integrated education. They expressed special concern over that they called "black racism" which, they claimed, was as damaging as white. They wanted to prevent blacks from being manipulated by white politicians, saying, "We as an ethnic group, cannot submit to the evils of those who want our signatures to defy the law." They expressed disappointment with Representative Hudnut, a fellow minister, for his stand on busing and for insisting that opponents of busing were not racially motivated. They called upon Mayor Richard Lugar to make a reality of the slogan he proclaimed for Indianapolis, "The All-American City," particularly in the controversy over school desegregation. The people who were playing upon the emotions of blacks and protesting over Dillin's decision, they said, were the same ones who had wanted "law and order" enforcement against anti-war demonstrators and the civil rights followers of Martin Luther King. "If," they

asked, "the neighborhood school concept is so sacred, now that we have been advised to integrate...what happened to the sacredness during the days of segregation. The real issue is not the 'bus' but rather who rides the bus."

A more prestigious voice was that of Father Theodore Hesburgh, President of the University of Notre Dame, who had recently resigned from the United States Civil Rights Commission in protest against President Nixon's lack of commitment to the goals of the commission. At a press conference before the annual dinner of the Indianapolis Urban League, at which he was the main speaker, he said that he was "all for busing if it's the only way to get children from bad schools into good schools." In his address he reiterated his support for busing as one remedy for segregation, while deploring Nixon's inaction on civil rights.[23]

Public expressions like this were rare and received little publicity. As Robert DeFrantz observed in his weekly column in the Recorder, groups who wanted desegregation to succeed needed help from the "opinion shapers" of the city, but these persons failed to speak out and probably would not do so until it was too late. Civic leaders from such influential groups as the Chamber of Commerce and Greater Indianapolis Progress Committee were silent, while some government officials and ambitious politicians enflamed emotions and led parents to believe that school desegregation and busing could be halted.[24]

The General Assembly which convened in January 1974 provided a forum for anti-busing oratory. Dan Burton, back from

Washington, where he had gone to present his impeachment petitions and to confer with members of Congress and the Nixon Administration over anti-busing measures, though not a member of the legislature, was conspicuous as a lobbyist. Early in the session representatives from Marion County introduced a bill to enable parents to "exempt" their children from being bused on grounds of health, safety, and personal welfare. A majority of the Judiciary Committee of the lower house, persuaded by some members that the purpose of the bill could be achieved only by a constitutional amendment, voted to kill the bill. In the senate John Mutz and Leslie Duvall of Marion County introduced a joint resolution asking Congress to call a constitutional convention to pass an amendment that no public school student could be required to attend a particular school because of race, creed or color, a proposal which sailed through the upper house by a vote of 35 to 15. In the house,members of the judiciary committee insisted on amending the resolution to a request to congress to pass a proposed amendment rather than calling a convention. But on the floor the language of the senate resolution was restored.[25]

While debates on how to stop busing for racial balance went on, other members were working on a measure to comply with Judge Dillin's mandate that the General Assembly enact legislation to create a metropolitan school district for Marion County or authorize the crossing of school boundaries so as to make possible inter-district busing. Otherwise, the judge had warned, he would use his equity powers to order a remedy, Under these circumstances

the Education Committee of the senate unanimously, but reluctantly, gave approval to a bill which conformed to Dillin's instructions in the most limited degree possible. Before recommending that the bill pass, every member of the committee expressed strong personal opposition to busing. The law, which passed both houses by narrow margins,did not authorize a metropolitan plan or reorganize school boundaries in any way and would not apply until after all appeals from a court order had been exhausted. It applied "solely in a situation where a court of the United States or the State of Indiana" found that a school district had "violated the equal protection clause of the Fourteenth Amendment to the Constitution of the United States by practicing de jure racial segregation of the students within its borders," and where the Fourteenth Amendment compelled transfer of a student from one school corporation to another. The measure provided formulas for payment of tuition and transportation costs by the corporation from which the student was transferred.[26]

Adoption of this law, intended to constrain Judge Dillin from acting under his equity powers, was not a sign that lawmakers were ready to acquiesce in his decision. In fact, in the following months, publicity for opposition to busing as a political issue intensified.

Any hopes that Dan Burton held to be the Republican chosen to challenge Senator Bayh vanished when Mayor Richard Lugar announced that he intended to seek the nomination. In January, after a trip to Washington, where he conferred with recently elected Vice

But instead of boycotts they were turning to other forms of protests, spurred on, as will be shown in the next chapter, by politicians, who assured them that Judge Dillin could be repudiated and busing stopped by political action.[72]

Hopes of school board members that compliance with Judge Dillin's orders could be delayed or avoided were dashed when Justice Rehnquist denied their petition for a stay on the grounds that it was "insufficient." At a seminar on the Indianapolis suit sponsored by the School of Law of Indiana University, Indianapolis, lawyers agreed that Indianapolis schools could not avoid desegregating regardless of the outcome for the suburban school systems. Nevertheless the school board continued to comply with orders grudgingly.[73]

When Judge Dillin, at the time he appointed the commissioners to draw up an acceptable plan, told the board to apply for federal money available under the Civil Rights Act to facilitate desegregation, the board "formally but reluctantly" voted to submit "a letter of intention" to ask for funds. Lester Neal expressed the feelings of most members when he said: "You are all familiar with my views with [sic] accepting Federal aid - sending the pigs to market - and I'm only going to vote for this under duress of a court order." After this application was rejected, Dillin told the board to apply under the recently enacted 1972 Emergency School Aid Act for money for use in curriculum and staff development in human relations training - money that was administered by the hated HEW. The board, while voting to apply, instructed their lawyers to continue litigation to stop "what will become 'Federal

sardonically, "I have urged my constituents to keep me informed of their concerns on various issues, and I was pleased to receive the first communication from you on the issue of busing...

"As I have said many times, busing is the least desirable tool for insuring equal opportunity for a quality education for our children." He continued that the Board of School Commissioners, of which Lugar was a former member, was responsible for the "distasteful prospect of forced busing" of school children in Indianapolis.[28]

Continuing his attack, Lugar urged the Indiana Republican State Platform Committee to adopt a strong plank against "forced busing," saying peaceful integration must be a national goal, but "the arbitrary ill-conceived policy of forced busing destroys the institution it purports to improve and for that reason it must be stopped now."

Meanwhile in the Senate, Bayh, conscious of the situation in Indiana, introduced an amendment to the 1974 Education Act which specifically precluded districts not found guilty of practicing segregation from busing intended to correct segregation in another district and also barring implementation of a court order for busing until all appeals were exhausted.

Many blacks were disappointed and disgusted with both senatorial candidates. A letter from the office of the Indianapolis Urban League to Bayh expressed deep concern over the current emphasis on busing, saying that an issue which affected the welfare of children should not be used as a "political football" and urging attention to more important issues. "Our country," it said, "is

hungry for reaffirmation - for leadership that will transcend the worst in us and challenge the best in us. Please give us this kind of leadership on the coming campaign-"[29]

The Democratic State Platform Committee rejected Bayh's recommendation for a statement favoring limitations on busing, saying instead that busing was acceptable if necessary "to achieve equal educational opportunity." During the campaign Bayh reminded voters that Mayor Lugar was responsible for the Uni-Gov law - the measure which raised the issue of county-wide busing. The Senator also took credit for an amendment before Congress limiting the use of busing which he sponsored and voted for.[30]

Members of both houses of Congress, worried about anti-busing sentiment among their constituents in an election year and encouraged in their efforts by the Nixon administration, vied with each other in proposing constitutional amendments or laws restricting the use of busing. Knowing that any measure which tried to prevent federal judges from exercising their constitutional powers in segregation cases would be invalidated in the courts, they usually framed bills with escape clauses which made them largely meaningless, but they served the purpose of telling the people back home that their sponsors were opposed to busing and in favor of the neighborhood school. Representative Hudnut said he was basing his campaign for reelection on issues which he considered central to the interests of his district - forced busing of school children and "power of Federal bureaucracies to stifle the economic life of the community." The Indianapolis News said approvingly that Hudnut had been "visible in his opposition to busing" and his record clear, while former

Congressman Andy Jacobs, who was trying to unseat him, had a record which was less consistent. When the House was considering an amendment to an education bill intended to limit busing, Representative Bray, speaking in support, displayed pictures of Indianapolis schools which would be closed if busing to the suburbs was upheld.[31]

The decision of the Supreme Court barring busing to outlying districts as a remedy for de jure segregation in Detroit schools heartened Bray and Hudnut as well as state officials who were defendants in the Indianapolis case. Bray said he was not surprised by the decision - that he had thought that "sanity would finally rule," and "put a stop to the promiscuous busing from school district to school district." Nevertheless he believed that anti-busing legislation was still necessary "to translate the will of the American people into law." He believed that in the coming election voters would instruct their representatives in Congress on this issue "in no uncertain terms."[32]

Republicans continued to denounce busing and supporters of busing, while Democratic candidates were usually equivocal rather than forthright on the issue, but, as the campaign progressed, busing, which was of immediate importance only in the Indianapolis area, faded as an issue as public attention focused on larger questions - how to cope with inflation and the cost of living in a stagnant economy, and, above all , on the Watergate scandal and the resignation of President Nixon. Lugar, who had sometimes been called "Nixon's favorite mayor," sought to evade issues involving

the national administration and to appeal to independent voters and dissatisfied Democrats of the kind who had supported George Wallace of Alabama in 1964. He concentrated on Bayh's record as a "liberal" and "tool of the labor unions," not truly representative of Indiana-type Democrats. In a whistle-stop type of campaign to smaller communities throughout the state he declared: "Just like 1972, Indiana Democrats have been deserted once again. The majority are not for guaranteed annual income plans; they're not for deficit spending; they're not in favor of forced busing and gun control."[33]

Headlines in the first issue of the Indianapolis Recorder after the November election proclaimed: VOTERS REJECT BUSING THEME SEND LUGAR HUDNUT DOWN TO DEFEAT. An unofficial count showed that Bayh had defeated Lugar by about 70,000 votes, and that Democrats had swept the state.

In fact the busing issue probably had little to do with the outcome. William Hudnut's assessment that Watergate had defeated the Republicans was probably accurate. In the Eleventh District Andy Jacobs regained the seat he had lost to Hudnut in 1972, while Representative Bray, who was seeking his thirteenth term, was defeated by a virtually unknown young Democrat, David Evans. Republicans retained only two of eleven congressional seats in the entire state. Democrats won control of the lower house of the Indiana General Assembly, while Republicans retained control of the senate by a margin of 27 to 23. In Marion County Democrats won all thirteen local judgeships, ousting eight Republican incumbents. Most significant for the future of Indianapolis Public

Schools was the defeat by a margin of almost 20,000 votes of John L. Niblack, the "old curmudgeon", as Judge of the Circuit Court, a position he had held since 1946.[34]

After the election, busing and school desegregation subsided temporarily as a political issue. At the 1975 session of the General Assembly no anti-busing measures were introduced. But neither was there evidence of willingness to support measures to carry out further desegregation of the Indianapolis schools or compliance with Judge Dillin's decision. Early in the session representative William Crawford, a young Indianapolis black, first elected to the legislature in 1972, introduced a bill to consolidate the eleven school districts in Marion County, a measure he said was consistent with the concept of Uni-Gov and which would equalize financing and end neglect of the schools in the inner city. Except for Julia Carson, another black, Crawford's proposal found no support among other Democratic members from Marion County. When the bill was referred to the Committee on the Affairs of Marion and Lake County, only Crawford and Carson voted against a motion to table it.[35]

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Throughout 1974, while politicians tried to exploit the busing issue, members of the Indianapolis Board of School Commissioners continued their obstructionist course, apparently hoping that somehow compliance with court orders for desegregation could be evaded. After Judge Dillin ordered them a second time to

apply for federal funds for a human relations program and assistance in planning for desegregation, they petitioned Justice William Rehnquist of the Suprmeme Court for a stay of the order. When he told them first to aply to Judge DIllin, and, if he refused (which, of course, he did), to apply to the Seventh Circut Court of Appeals, they tried another appel fdirectly to Rehnquist. Their Washington attorney argued that if Dillin's order was not stayed the school board would be "irreparably hamed... IN that it will be required to institute and maintain Federally devised educational programs under the oversight and direction of Federal authorities and thus will be prevented from exercising the power to control local eduation which is reserved to it under the 10th Amendment of the U.S. Constitution."[36]

While members of the board engaged in this futile effort, school administrators, under their direction, prepared a plan for further desegregation in the IPS and transfer of students to suburban schools, a plan which Dillin has oredered to be completed by Febraury 15. When the plan, which called for the closing of Shortridge High School and later of Wood and Attucks and sixteen elememtnary schools and the transfer of as many as 11,000 pupils to suburban schools, was presented at a public meeting, there was protests, mostly from opponents of one-way busing. A variety of delegations expressed opnions. Dan Burton, on behalf of the Committee for Constitutional Government, Inc., reminded the board once more that they had been elected on an anti-busing platform, saying, "Responsibility of educating our young rests with the elected School Board,

not with a Federal judge." Representatives of several PTA's spoke against one-way busing and the closing of their schools, while those from Butler-Tarkington and Meridian Kessler associations opposed the closing of Shortridge and one-way busing. The Urban League through Doris Parker offered assistance to the board for developing a genuinely integrated school system.

A detailed analysis of the board plan prepared for the Urban League said that the basic weakness of the plan was that it did not "have a reasonable chance for maintaining desegregated schools and would, in fact, probably encourage re-segregation" because it would close only identifiably black schools, and by closing schools it avoided any attempt to bring in white students to integrate predominantly black schools. By using only one-way busing it placed an undue burden on the black community. Other weaknesses of the plan were failure to make any provision for a meaningful human relations program and lack of any plan to encourage integration in terms of curriculum or such matters as extracurricular programs-

Having prepared a plan, and thus having complied with Dillin's order, a majority of the board voted to take no further action. In a resolution which noted that the plan had been prepared, the majority said: "This board is opposed to the metropolitan plan of desegregation for the reasons that it will be disruptive to the community and violates Indiana law in that it requires the involuntary busing of children across legitimate governmental lines and this board has no legal right to order implementation thereof." Having obeyed the judge and prepared the plan, they said they would take no further action with respect to the plan. After this

non-action Fred Ratcliff told a reporter that the board "had complied with the court order to prepare a plan but would not, submit it. If Dillin (who was in the hospital at the time recuperating from surgery) wanted them to submit the plan "he A»rould "have to issue another order.[37]

After the board decided not to present the plan to Judge Dillin, Jessie Jacobs, the lone black member, wrote to the judge, asking permission to prepare "her own desegregation plan, which would call for two-way busing and involve all the school corporations in Marion County. She thought her plan could protect black personnel in IPS whose jobs were threatened by the plan prepared by the school board. In explaining her request she said; "It seems to me that my fellow board members have always acted as if they had no obligation to move forward as public officers sworn to uphold the law and carry that law out until or unless they were finally commanded to do so someday in the future by ait least the United States Supreme Court."

Following this Jacobs attended a number of meetings called by PTA's and neighborhood associations in various parts of the city. All the groups were trying to preserve their local schools and to prevent one-vay busing. A group including whites as well as blacks, meeting at Holy Angels Catholic Church in a black neighborhood, called for two-way busing as a necessary step for preserving the central city, which whites were destroying by moving to the suburbs. As the result of these meetings a group calling themselves the Community Coalition for Schools organized and

any plan adopted must meet all legal criteria stated by the Court, they emphasized that the primary concern must be the of children involved and that everyone affected by desegregation should share in the burden. They urged that there be no unnecessary closing of schools with adequate physical plants, teachers and staff be trained to meet the challenge of desegregation, and that reassignment of pupils should not affect teacher employment.[39]

All plans for busing to the suburbs depended upon approval of Dillin's decision of the previous July by the Seventh Circuit Court of Appeals, which held hearings on the case on February 20, 1974. The Indianapolis case was important to the appellate court as the first school case to come before it presenting the question of an inter-district remedy. Rulings of other appellate courts furnished no consistent guidelines. All parties were waiting for an answer from the decision of the Supreme Court in the Detroit school case then before it.

Lawyers representing IPS and *nineteen other school corpora*tions as well as a representative *from the office of the Indiana* attorney general crowded into t*he courtroom in Chicago for the* hearing. Craig Pinkus and Davey Ea*gletsfield, who had represented* the Coalition for Integrated Education in the Indianapolis trial as friends of the court, had received permission to join Moss and Ward in presenting *briefs and participating in the* hearing before the

appellate court. The primary issue before the three judge court was expected to be whether Judge Dillin had authority to order crossing borders of school districts to achieve a final remedy for segregation in Indianapolis Public Schools. The lawyer for the Justice Department, still a plaintiff, arguing that there was no constitutional mandate that a desegregated school have a majority of white students, now asked that Dillin be ordered to desegregate all predominantly black schools promptly, whether or not he used an inter-district remedy. When the judges asked him about Dillin"s "tipping point" argument, the Justice Department lawyer replied that he did not necessarily dispute what Dillin had said about this, but there was no constitutional problem involved in desegregating without taking the "tipping point" into consideration.

Lawyers for the suburban schools argued that there was no reason to include outlying districts because an Indianapolis-only plan was workable and Dillin had no authority to violate the autonomy of local school districts. Richard Bogard, representing the office of the state attorney general, said Dillin had been incorrect in imputing the guilt of IPS to the state because the state had never had authority to order Indianapolis authorities to cross school boundaries to achieve racial balance. Asked by one of the judges whether the School Law of 1949 ^iad not given the state authority to prevent segregation, Bogard replied that he did not think the state had authority to interfere in Indianapolis. "We believe," he said, "the Indianapolis school system can be desegregated within its own boundaries and should have the authority to go ahead

and remedy the situation." In countering the arguments for the suburban schools and the state, Craig Pinkus asked: "Do the 14th Amendment and the Indiana Constitution and the courts, in dealing with de jure segregated school corporations, leave us at a dead end when we come against school boundaries?" If this was the case, he said, then the question of segregation in the northern cities was already decided.[40]

The judges of the appellate court gave no sign of when they would issue a ruling, and parties to the Indianapolis suit thought that they might be awaiting a decision from the Supreme Court in the Detroit case to furnish guidance. In the face of these uncertainties, Judge Dillin, after criticizing the Indianapolis school board for "continuing to fail to follow in good faith the orders of the court and in turn the guide lines of the Supreme Court," ordered them to draw up three possible plans for desegregation within the boundaries of IPS. While he continued to favor an interdistrict remedy, he did not want to be without a plan if the appellate court ruled against him and did not want to be compelled to call upon special consultants again.

Although it now appeared probable that busing to the suburbs might not begin in 1974, the school board acted as if that were a certainty. The sharp increases in student enrollment in Indianapolis, sometimes as many as five thousanisk^a year, which had created problems in the sixties, were reversed in the seventies. As the result of declining birthrates and movement out of the city, total enrollment had dropped to less than 100,000 by 1972, a change which meant fewer jobs for new teachers. Faced with the prospect

of the loss of thousands of students to the suburbs if Dillin's order was carried out and the surplus of teachers which would result, the board took drastic action. On April 18, six hundred ninety-four Indianapolis teachers received the following one paragraph letter signed by Superintendent Karl Kalp: "You are respectfully notified that your contract to teach in the Indianapolis Public Schools for the school year 1973-74 will not be renewed for the school year 1974-75 due to the elimination of teaching positions in the Indianapolis Public Schools."

At the same time eighty-five school principals and assistant principals, all of whom were tenured teachers, were informed that they were to be returned to classroom teaching with reductions in salary. The assistant superintendent for personnel explained that the actions were taken because of uncertainty about what courts would decide, and IPS was not in a position to pay teachers who were not needed. Teachers notified of dismissal were non-tenured, with less than four years of experience in the IPS system. This meant that teachers with long experience in other systems were included. The assistant superintendent added that tenured teachers might be added to the list of those facing dismissal if there were not enough non-tenured ones in some overcrowded areas. Special education teachers and mathematics teachers, both groups that were in short supply, would not be affected, while teachers of English and social studies and some elementary grades were most vulnerable. The assistant superintendent later explained further that teachers who were dismissed would not be eligible for

unemployment compensation since the school system did not participate in the state program. Neither would they be eligible for welfare assistance, explained the county welfare director, if they were married and their spouse was employed.[42]

Earlier the Indianapolis Education Association had complained because it had not been consulted by the school board or administrators in formulating plans for compliance with desegregation orders. Now, faced with the dismissal of hundreds of Indianapolis teachers, the Indiana State Teachers Association appealed to Judge Dillin to be allowed to enter the school suit as an added plaintiff. They asked the judge to order a halt to all hiring and firing of teachers in all of the school systems involved in the suit and to order the preparation of a comprehensive plan or plans "covering all aspects of desegregation impact, including, but not limited to needs for instructional, administrative, and guidance personnel." It also asked for a program for reassignment, demotion, dismissals and transfer of teachers. The petition said that dismissal of almost one fourth of Indianapolis teachers was not justified by any projected loss of enrollment from the desegregation plan, and whatever plan was ultimately adopted, there would be the same number of pupils to be taught and presumably the same number of teachers would be needed.[43]

The letters of dismissal created an uproar in the black community. Black teachers hired since the beginning of the desegregation suit in 1968 and black principals who had been promoted from teaching ranks were particularly vulnerable. The Recorder

estimated that more than half of the principals to be demoted were black. The Indianapolis NAACP announced that it would retain counsel to see that legal rights of all teachers and principals were protected. Dr. A.D. Pinckney, president of the local branch, considered the dismissal notices premature since no desegregation plan had been accepted. "We of the NAACP wonder," he said, "whether this is a tactic by the Indianapolis School Board to stir up public resentment against desegregation of schools." A report prepared for the board of the Indianapolis Urban League said notice to teachers had "succeeded only in creating undue chaos in the community," since the board had not even submitted the plan to the court, while the appellate court had made no ruling. The action was "obviously a tactic to shift the blame for firing teachers onto school desegregation and busing. IPS is again trying to abdicate its responsibility to provide quality, integrated education for all citizens."[44]

At the beginning of July, Judge Dillin, because the appeals court had not yet ruled on his 1973 decision, ordered the Indianapolis Public Schools to maintain the 1973-74 pupil assignments during the next school year. This meant that busing to the suburbs would be delayed for at least another year and that nearly all of the teachers who had received dismissal notices would be re-hired, if they had not already accepted other employment and wanted to remain in IPS. This ended the problem of teachers temporarily but their future remained uncertain, while the board's unnecessary haste and insensitivity left an aftermath of ill will among teachers and throughout the community.

Soon after Dillin ordered the retention of existing school assignments, the Supreme Court announced its long awaited decision in the Detroit school case in which both the state of Indiana and some of the suburban school defendants in the Indianapolis suit had filed amicus briefs. In Millikenv. Bradley a bitterly divided court decided that a metropolitan, inter-district remedy could not be used to correct segregation in the Detroit schools since there was no evidence that the state of Michigan or the suburban school systems themselves were guilty of perpetuating segregation.[46]

Greatly elated by the decision, Indiana Governor Otis Bowen said, "I can't see why we can't have quality education in Indianapolis without dragging it out into seven or eight counties." Lawrence McTurnan, attorney for the Indianapolis school board, said that, in his opinion, there would be no busing to suburban schools in Marion County. The optimism of Governor Bowen and other state officials proved premature. In August the Seventh Circuit Court of Appeals upheld Dillin's decision that in Indiana state officials had, by various acts and omissions "promoted segregation and inhibited desegregation within IPS, so that the state, as the agency ultimately charged under Indiana law with the operation of the public school system, has an affirmative duty to assist the IPS board in desegregating IPS within its boundaries."

While upholding Dillin on the question of the state's responsibility, the appellate court overruled him on the inclusion of school systems outside Marion County as co-defendants. Citing the opinion of the Supreme Court in the Detroit case, the judges said that to approve the remedy ordered by the district court would

impose on the outlying school corporations, which had not committed any constitutional violation, "a wholly impermissible remedy." On the question of remedy within the boundaries of Uni-Gov (Marion County), the appellate court remanded the case to the district court to determine whether "establishment of the Uni-Gov boundaries without a like establishment of IPS boundaries warrants an inter-district remedy within Uni-Gov in accordance with Milliken v. Bradley."[47]

The ruling of the appeals court meant that in the next round of litigation the Uni-Gov question would overshadow other issues. The trial in the district court, originally scheduled for December 1974, was postponed until the following March, but at a pretrial conference Judge Dillin indicated that there would be a "full blown" debate on the question of Uni-Gov and the schools and the effect of Uni-Gov on zoning laws and both public and private housing. At the opening of the trial, Dillin overruled, at least temporarily, motions of the Indiana State Teachers Association and the Community Coalition for Schools to be allowed to intervene, as well as a motion of the state attorney general for a panel of three judges. Most of the testimony related directly to the issue of Uni-Gov. Citing his experience as a member of the Indianapolis school board and the rejection of school consolidation in 1959, Mayor Richard Lugar admitted that in 1969 he had made a political judgment that if schools were included in the plan for metropolitan government, the legislation would not pass. Ray Crowe, a former basketball coach at Attucks High

School, who had been a Republican member of the legislature in 1969, testified that race had not entered into the discussion of Uni-Gov. Dillin also questioned other witnesses about the effect of the legislation limiting the annexation powers of IPS, and the selection of sites for public housing.

On the first day of August, Dillin handed down a sweeping opinion on Uni-Gov, answering the questions asked by the appeals court. On the responsibility of the state legislature he said: "When the General Assembly expressly eliminated the schools from consideration under Uni-Gov, it signaled its lack of concern with the whole problem and this inhibited desegregation within IPS." The General Assembly, representing the state as a whole, should not have been "subservient to local pressures, and undoubtedly could have legislated a countywide school system for Marion County as easily as legislating a countywide civil government." Evidence presented to the court, also showed, he said, that the suburban units of government, including the school corporations had "consistently resisted the movement of black citizens or black pupils into their territory." They had resisted civil annexation until the Uni-Gov bill made it clear that schools would not be involved. In buttressing his argument he showed that various agencies, and in particular the Indianapolis Housing Authority, had perpetuated residential segregation im Marion County. Accordingly he ordered the Housing Authority to refrain from building any more family type public housing within the boundaries of IPS and prohibited the renovation of Lockefield Gardens (near Attucks High

School) for family units.

Citing the fact that black students in IPS now made up more than 42 per cent of the entire enrollment, he said that desegregation of the system was impossible unless a substantial number of black students was transferred to outside school corporations. Accordingly he ordered the reassignment of more than six hundred black elementary school pupils to eight suburban school corporations. Over the next three years assignments of high school students would bring the total to more than nine thousand. Eventually blacks should make up about fifteen per cent of the enrollment in each of the suburban school systems. In addition to these transfers, the court ordered further re-assignments by January 1967 within the boundaries of IPS.[49]

As was to be expected, officials of all the school systems affected by the court order announced that they would file for immediate stays pending appeals. After the Seventh Circuit Court of Appeals issued a stay to halt busing to the eight suburban school districts until they had been able to rule on the merits of the district court's decision, Judge Dillin granted an indefinite stay of orders to the Indianapolis school board to submit plans for further desegregation within IPS. This meant that the schools opened for the 1975-76 year without significant changes in pupil assignments.[50]

In December 1975 lawyers were once again in Chicago for another hearing before the Seventh Circuit Court of Appeals. This time Moss and Ward were joined by Dr. Charles Kelso of the faculty of the Indiana University School of Law, Indianapolis. Their brief

filed before the hearing, arguing that the Indianapolis case was different from Detroit, pointed out that, while Michigan had had no history of operating a segregated school system, in Indiana the state's role in the maintenance of segregation within the Indianapolis Public Schools was more than "benign neglect." Moreover, Judge Dillin's inter-district remedy did not seek complete consolidation of all schools in Marion County as had the judge in the Detroit case. At the hearing in Chicago all three judges directed much of their questioning on Uni-Gov, apparently to determine whether that distinguished the Indianapolis suit from Detroit. One of them, noting the opposition in Marion County to school consolidation, bluntly asked William Evans, who represented some of the suburban school corporations: "Do you think, in reality, that the opposition to the consolidation of the schools was not a racially motivated opposition? In other words, if Marion County was all white...would there still be opposition to consolidation?" To which Evans replied that he thought the opposition was economic, not racial.

The lawyer for the Justice Department argued again that a "constitutional remedy" could be achieved within the boundaries of IPS. The position of the government, he said, was that if blacks were assigned to suburban schools, the transfers should be voluntary. He said that in this case, lawyers and court were getting into "virgin territory," and that while the Supreme Court had rejected voluntary transfers as remedies in city-only plans, the issue had not been decided in inter-district cases. After listening to more arguments and rebuttals, all three judges

stood up and walked out of the court room, giving no indication of when they would rule or what their ruling might be.[51]

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By the end of 1975 the word BUSING seldom appeared on the front pages of the Star or News. Transportation of black students to the suburbs had not begun, and there had been no large scale reassignment of pupils within the boundaries of IPS for desegregation purposes since 1973. By 1975 about 17,000 pupils, black and white, were being bused within the borders of IPS, some for purposes of desegregation, others for special education programs and other reasons. School administrators expressed satisfaction with the way things were going. Even Dillin's order for large scale busing in 1975 (later delayed) did not bring the emotional response which had followed his 1973 decision. In the black community there was some resentment but no overt protests over intracity busing. Joe Smith, director of the Human Relations Consortium, said there was a problem of "push outs" - that black students bused to some predominantly white schools were subjected to stiffened rules of conduct than whites and were more likely to be suspended or expelled. White citizens, aware of the violence and turmoil that school desegregation was clausing in Boston, congratulated themselves that there had been no disorders in Indianapolis

Significantly, perhaps to avoid the damage done to the image of Boston and other cities by disorders over desegregation, the

"opinion makers," who had carefully refrained from involvement during 1973 and 1974, when anti-busing sentiment was at its height, now decided to move. The Greater Indianapolis Progress Committee formed a task-force on human relations, with education as its primary concern. Chairman was Rabbi Maurice Saltzman,of the Indianapolis Hebrew Congregation, whom President Ford had recently appointed to the United States Civil Rights Commission. Saltzman called upon the city administration for support in the county wide desegregation expected in September 1976 as the result of Judge Dillin's order. The new mayor of Indianapolis, William Hudnut, who, as a member of Congress, had been a conspicuous opponent of busing, pledged his full support. Saltzman said the city administration had "its credibility on the line" in insuring that desegregation was carried out smoothly.[53]

As the date for the election of a new Indianapolis school board in May 1976 approached, parents, teachers, and the general public showed more concern over evidence of declining academic achievement and problems of discipline in the high schools, some of which were racial in origin, than in desegregation per se.[54] The board would be elected under a new law intended to guarantee representation to all geographical sections of the city. A bill introduced by William Crawford in the 1975 General Assembly provided simply that the city be divided into districts and that voters in each district elect a school board member. But in the law as finally enacted, although members were chosen from districts, they were elected by the voters of the entire city. The city was

divided into five districts, and the person receiving the largest vote from each district was elected. In addition the two candidates receiving the next highest vote were elected, provided they were not from the same district. Not more than two members from the same district were permitted. Terms were staggered, the four candidates receiving the largest number of votes taking office in 1976, the other three in 1978.[55]

From the time of his defeat for reelection in 1972, Robert DeFrantz began to lay plans for 1976. In January 1973, on the birthday of Martin Luther King, Jr., he mailed letters to twenty-five black leaders, inviting them to form a new coalition tentatively called the "Black Educational Vanguard," a group to be drawn from teachers, administrators, parents, and civic leaders. "We will draw up criteria for the learning in 'our schools,'" he announced. He explained that anticipated population shifts would mean a school population of between 45 and 50 per cent black students by 1976. This meant, he said, that the rules would be different, that "what's good for black kids is good for all. If our kids don't get cheated anymore, white kids won't." By 1976 the Black Education Coalition, initiated by the invitation from DeFrantz, included,besides many of the black teachers in IPS, political and business leaders and ministers and other professionals as well. The coalition expected to name its own slate of school board candidates.[56]

Meanwhile former members of the Non-Partisans and others reorganized under the name of CHOICE (Citizens of Indianapolis Helping Children's Education), a mostly white group but including two

former black school board members, Jessie Jacobs and Landrum Shields, and some blacks associated with the Urban League. A slate of CHOICE candidates chosen early in 1976 included two blacks from the inner city, Dr. Mary Busch and Mrs. Lillian Davis, and Robert DeFrantz from the Butler-Tarkington area. Busch, a former elementary school teacher and assistant principal and member of the staff of Congressman Andy Jacobs, held a doctorate in education and was a member of the staff of the School of Education of Indiana University, Indianapolis. Davis, a city employee and secretary-treasurer of the local branch of the American Federation of State, County, and Municipal Employees, was the mother of six children, all of whom had attended or were attending Indianapolis schools. She was president of an elementary school PTA and active in parent affairs at Attucks. The four white candidates included Dr. James Riggs, a political science professor at Indiana Central Unitersity, Patricia Welch, a former IPS teacher, now a candidate for a PhD. in development psychology at Purdue University and a teaching assistant at Purdue in Indianapolis, Donald Larson, a graduate of Northwestern University, president of the PTA at Northwest High School, and Walter Knorr, an accountant and president of an elementary school PTA, a graduate of Pennsylvania State University.[57]

In announcing the list of candidates James Kolb, chairman of CHOICE, said "lack of public confidence and the crisis in academic excellence" would be the focus of the campaign. CHOICE charged that the present school board had "failed to deliver any of their

promises made in 1972." Instead the record was "$600,000 wasted on futile appeals to the courts on busing," a twenty-three per cent drop-out rate, "the lowest achievement rate ever," and the "highest budget ever," disciplinary problems, and "low morale among professional educators." The CHOICE platform said nothing specific about desegregation or busing but called for implementation of "locally designed programs to promote long-term stability with minimum use of pupil transportation." They also pledged to strive for "solid achievement in the basic skills" and courses of study for the development of students' "appreciation of life, economic self-support, and responsible citizenship,"and measures to insure safety of persons and property in the schools. During the campaign, in response to a question from a reporter, Kolb said that rumors that CHOICE members expected to change top IPS administrators were false, adding: "I think (Supt.) Karl Kalp is doing the best he can with the present incompetent Board of School Commissioners."

After the announcement of the slate, the Black Education Coalition, which had named its own selection committee, endorsed the CHOICE nominees and worked energetically for their election. The Indianapolis Education Association joined with the Marion County Central Labor Council CIO-AFL, black political leaders, and black ministers in a full page advertisement in the Indianapolis Recorder urging blacks to vote and to vote for the CHOICE candidates. The director of the BEC emphasized that the election was critical because the quality of Indianapolis schools was declining. BEC wanted an "accountable and responsible school board

for pupils of tile entire community," a board "which, would provide the best educational resources available, reduce class sizes, and provide "fair and adequate discipline." Members of the coalition were concerned over the excessive number of expulsions of black students.[58]

Meanwhile the Committee for Neighborhood Schools, lacking the leadership of former Judge Niblack, who had moved to his farm in southern Indiana and withdrawn from public affairs except for an occasional vitriolic letter to the press, appeared uncertain and demoralized. Speaking for the committee, Harold Hutson, the attorney for Citizens of Indianapolis for Quality Schools, and former school board member Sammy Dotlich, announced that the Neighborhood Schools candidates would run on a platform which called for a return to basics in education and continued opposition to forced busing. They insisted that busing was still an issue because a school board opposed to busing for desegregation purposes could limit the amount of busing to the extent ordered by the court while a board which favored busing might do so "far in excess of that ordered by a court." In the 1912 campaign, they said, they had not promised that there would be no busing but "just opposition thereto." They said they had been "morally bound" to appeal court orders in order to comply "with the mandate of the majority of citizens who voted them into office on the basis of their platform." They pledged to "use every available means" to insure that children attended the schools in their neighborhood and to "promote natural integration," while using all legal measures

to oppose forced busing or re-districting to achieve a "mathematical mix." In addition to emphasizing reading, writing, mathematics, and basic skills, the Neighborhood Schools promised "to encourage the practice of voluntary non-sectarian prayer in the schools, together with the pledge to the flag, to the extent permissable under law," to support principals and class room teachers in enforcing discipline, and to "represent the interests and values of parents" in selection of textbooks which were not "morally offensive," but which reflected "the principles upon which the nation was founded."

But while defending the record of the incumbent board, the Committee for Neighborhood Schools, following the custom of the Citizens School Committee, did not nominate any of them for a second term. Instead they chose a slate of seven new faces, none of them widely known in the community.

Some of the members elected in 1972, evidently piqued at being thrust aside, decided to run as independents, thereby weakening the prospects of the seven official candidates. Three of them, Paul Lewis, Martha McCardle, and William Myers ran as a team on a slate calling itself SOE (Slate of Experience), while Lester Neal joined two unknowns under the acronym KCD (Knowing Caring Doing).[59]

The campaign attracted unprecedented interest in the black community, where the BEC and black ministers worked tirelessly to persuade voters that the election was important to them as no previous school board contest had been. Whites also showed unusual

interest. White teachers in particular, remembering the jailing of some of their members in 1972 and the abortive dismissals in 1974, worked persistently for a CHOICE victory.

As in 1968, the Presidential primary, held on the same day, tended to overshadow the school board election. Nevertheless a record number voted in the school election, and, as returns were reported, it became clear that all seven CHOICE candidates were elected. Results were complicated by the number of candidates in four of the five districts. In the only district in which there were only two candidates, Mary Busch received more than 32,000 votes - more than 10,000 more than her opponent. In other districts Patricia Welch, James Riggs, and Walter Knorr received the highest number of votes. This meant that they, along with Mary Busch, would take office in 1976, while Donald Larson, Lillian Davis, and Robert DeFrantz, who ran behind them, would take office in 1978.[60]

An era came to an end with the victory of the CHOICE candidates. For the first time in more than forty years a majority of the board members were not the candidates selected by the Citizens School Committee and its successor the Committee for Neighborhood Schools. As soon as the new members were sworn in, Mary Busch was elected president and Riggs vice president, with all three of the hold-over members voting against them. Next, after a lengthy discussion, the new majority voted to approve James Beatty of the Bamburger and Feibleman law firm as legal counsel. Then, in an unusual and symbolic move, the majority

voted to ask negotiators that a new teacher contract include observance of the birthday of Martin Luther King, Jr. on the school calendar. While the largely black audience applauded the motion, Martha McCardle, the outgoing president, moved unsuccessfully to table it. James Riggs, who offered the motion, said: "I think it's time Indianapolis became a leader instead of a follower," while Patricia Welch, who had seconded, added the board should be responsive to community sentiment which favored the action.[61]

CHAPTER 10

TURNABOUT

Two weeks after the CHOICE members took office, the Seventh Circuit Court of Appeals upheld Judge Dillin's 1975 decision in a strongly worded opinion written by Justice Luther Swygert. The issues, he said, were whether the inter-district remedy ordered by Dillin was supported by the record and whether Dillin's decision was in accord with the principles enunciated by the Supreme Court in Milliken v. Bradley, the Detroit case. Writing for the majority in that case Chief Justice Burger had said that before school boundaries could be changed and an inter-district remedy imposed, there must be a "constitutional violation within one district that produced a significant segregative effect on another district. Specifically, it must be shown that racially discriminatory acts of the state or local school districts, or of a single school district have been a substantial cause of inter-district segregation." Swygert found the evidence required by Burger's criteria in the Uni-Gov act and the repeal of the law which provided for extension of school boundaries when civil boundaries were extended - both measures passed after the Justice Department had initiated the suit against the Indianapolis Board of School Commissioners. These "fail safe" acts, Swygert found, indicated a legislative intent reflecting local sentiment that "by one means or another the boundaries of IPS would not expand with those of

the civil city." The desire of suburban governments made it politically expedient to exclude schools in the governmental reorganization provided for in Uni-Gov. Except for action by the General Assembly, Marion County would have been a consolidated school district under the school reorganization act or as a result of Uni-Gov. In contrast, in Detroit school boundaries were coterminous with the city boundaries and had been established more than a century before the school desegregation case. "In summary," said Swygert, "we are convinced that the essential findings for an inter-district remedy found lacking [in Detroit] are supplied by the record in the instant case."

In upholding Dillin's inter-district remedy, the judge continued, he was "confused" by the reasoning of the Justice Department lawyers. "The government's argument is inconsistent," he said. "On one hand it demands segregation be eliminated, root and branch from within IPS, and on the other it condemns the only relief which can make the demand a reality.

"We are surprised the government seriously offers voluntary transfers as an alternative to mandatory transfers as a means to effectuate its goal, complete desegregation.

"History has taught us that freedom of choice plans produce negligible results."

The opinion of the appeals court also affirmed Dillin's order barring the Indianapolis Housing Authority from constructing additional housing units within the boundaries of IPS. Finally the court indicated that Dillin should retain jurisdiction in the case,

saying, "In affirming the district court order, we suggest the court monitor the transference of black pupils from IPS to the other school districts, periodically, perhaps on a yearly basis, in order that modification, if necessary might be made. This is in the hope that segregation and discrimination will be completely eradicated in furtherance of the goal of equal opportunity proclaimed two hundred years ago in the Declaration of Independence."

The decision of the appellate court should have ended the litigation, and implementation of an inter-district plan should have begun in 1976. Nothing of significance was changed by subsequent appeals, but four more years of legal maneuvering followed. Lawyers for the state and the other added defendants took hope from the dissent of Judge Philip Tone of the appeals court, who did not agree that the exclusion of schools from Uni-Gov had been to prevent desegregation.[2]

After conferring with Governor Bowen and Harold Negley, the State Superintendent of Public Instruction, the state attorney general, Theodore Sendak, instructed his staff to prepare papers for an appeal to the Supreme Court from the decision of the Seventh Circuit Court of Appeals. Soon afterwards all the other added defendants prepared appeals, some through direct appeals, others by writs of certiorari. Meanwhile they asked that the decision of the Circuit Court be stayed, an appeal in which the Justice Department, the original plaintiff, joined. In response Associate Justice John Paul Stevens granted a temporary stay until the full court, which was in recess, met to consider the appeals. The attorneys

for the added plaintiffs, Moss, Ward, and Kelso, well satisfied with the decision of the appeals court, submitted a brief asking the Supreme Court to deny the requests for a stay.[3]

While lawyers for the other defendants were automatically preparing appeals, members of the Indianapolis Board of School Commissioners, the original defendant in the suit, were carrying on a debate over their response to the decision of the appeals court. The four CHOICE members and the constituents who had chosen them were all supporters of desegregation who had applauded Dillin's first decision against IPS and his later findings with regard to Uni-Gov and the responsibility of the State of Indiana for perpetuating segregation, but they had reservations about one-way busing as a remedy.

In responding to petitions of defendants for a stay, the CHOICE board requested that any stay be limited to Dillin's order of August 1975 and make clear that the District Court retain jurisdiction. While recognizing the length of the litigation and the need for a final disposition of the case, they emphasized that IPS and the other affected school corporations had done almost no comprehensive planning, including "analyses of alternatives, and preparation of students, parents, staff and community for proceeding with inevitable desegregation in a manner that will promote maximum community acceptance and minimize disruption." They pointed out that IPS was in the process of establishing a Community Advisory Council to help develop a final plan. There were three principal reasons for opposition to one-way busing. First was the perception, shared by many whites as well

as blacks, that one-way busing imposed upon blacks the burden of correcting a wrong for which whites were responsible. Closely related to this was the concern that failure to bring white students from the suburbs into the city would lead to further deterioration of inner schools and neighborhoods. A second reason for opposition was financial - the cost of buying buses and paying tuition to township school systems. Finally there was the problem of IPS teachers who would be displaced by loss of pupils to the suburbs. At a closed executive session at which these questions were discussed, James Beatty, the new attorney for the board, noting that one-way busing as a remedy had never been argued in court, said there might be some "novel approaches" that had not as yet been considered.[5]

A few weeks later by a four to three vote the CHOICE majority endorsed Dillin's decision and that of the appeals court with the exception of one-way busing. Their resolution instructed their attorneys "to support before the Supreme Court of the United States, in whatever manner they deem appropriate, the decision of Judge Dillin of August 1, 1975, requiring an inter district remedy in the case of the United States versus the [Indianapolis] Board of School Commissioners.

"The board further instructs its attorneys to seek reversal of Judge Dillin's order for transfer of designated numbers of IPS black students to suburban schools on the ground that although an inter-district remedy is warranted, such order is an improper and inappropriate remedy for the violation found, unfairly discriminates against IPS and the students to be transferred and that

other kinds of remedies should be considered." In the discussion of the resolution, John Wood, an attorney for Bamberger and Feibleman with some expertise in school law, explained that there were several kinds of inter-district remedies which could be considered besides one-way busing. The most obvious was two-way busing of both black and white students to and from the suburbs; another, consolidation of school districts; another, clustering of schools across district lines; or establishment of magnet schools to attract students of both races.

Holdover member Fred Ratcliff, protesting, said only a handful of people in the community wanted busing, and, as candidates, the CHOICE members had said that busing was not as issue, "Yet after only two months in office you have directed your attorneys to try to undo all that has been done to limit the extent and expense of busing." James Riggs replied that this was the first time the board had taken a positive position "in favor of the interest and needs of the residents of Indianapolis and not sided with the suburban school districts in trying to protect their interests."[6]

On October 14, lawyers for IPS filed a writ of certiorari with the Supreme Court. While not challenging Judge Dillin's conclusions that suburban school systems should be involved in a remedy, they asked the court to review the decision for one-way busing, citing the reasons given in the resolution quoted above and asking that alternative remedies be considered.

A few months later, in January 1977, the Supreme Court responded to the petitions. Headlines in the Indianapolis News shouted: HIGH COURT OVERRULES CITY-TOWNSHIP BUSING. The

highest court, with Justices Brennan, Marshall, and Stevens dissenting, had remanded the appeals for certiorari of the State of Indiana and the IPS board to the Seventh Circuit Court of Appeals for further consideration in light of two recent decisions in which a majority of the court had introduced a new test in cases involving segregation. Henceforth the record must prove discriminatory intent, not merely that acts of government officials had the effect of creating or perpetuating segregation. The action of the Supreme Court in the Indianapolis case was somewhat unusual. The customary procedure would have been to vote first on whether or not to hear the appeals; instead the case was simply remanded to the appeals court. The decision did not affect the earlier decision that IPS was guilty of de jure segregation but involved the issue of intent in the adoption of the Uni-Gov_law.[7]

Lawyers for the suburban schools, which had never been found guilty of practicing segregation, were jubilant. The general feeling among them appeared to be that the action of the Supreme Court had settled the issue of inter district busing and that the suburban systems should be dismissed as parties in the case. One of them said it put the appeals court in "a very narrow position" to find grounds for upholding Dillin's decision.

The Indianapolis Recorder gloomily agreed. in an editorial, "Court's Smashing Rights Advance," speaking of the requirement that intent must be shown, it said: "If the Court uses these two starting decisions as a basis for the decision in the Indianapolis case, local desegregation is in hot water. Knowing that

school segregation exists - a solid fact here - is one thing; but proving it is discriminatory along those guidelines is nearly impossible.

"Blacks are suddenly finding themselves in the pre-1954 era, and unless they and their friends make themselves heard soon on this and other... issues every gain made during this century might be thrown out the window."

Indiana attorney general Sendak filed a brief with the Seventh Circuit Court of Appeals asking it to vacate its judgment of July 1976 and remand the case to the district court with instructions to proceed with an Indianapolis only desegregation plan. The state asked that the suburban school systems be dismissed, saying that earlier proceedings had shown that "no legal justification exists for ordering any inter-district remedy."[8]

Indeed at this point implementation of an inter-district plan seemed unlikely. While the editorial writer of the Recorder expressed dismay over the implications of the Supreme Court decision, some blacks were not displeased with the prospect of an Indianapolis only remedy. In his column in the Recorder, board member elect DeFrantz said he was not upset by the decision because he had always been opposed to one-way busing. Now, he said, it was up to Indianapolis to develop an Indianapolis only plan - a "creative" one. And if the members of the present school staff (by which he meant Karl Kalp in particular) were unable to make such a plan, they should be dismissed.[9]

At first the IPS school board and their attorneys were uncertain about how to respond to the Supreme Court decision, but after

debate they asked permission from the appeals court to develop their own desegregation plan rather than awaiting a court imposed plan. "It's about time we gave some direction and leadership," said board member Walter Knorr, "so parents will know where their children will be attending school." By a vote of four to three the CHOICE members instructed Superintendent Kalp to prepare an intra-city plan. The request filed with the appeals court said that nine years of litigation had caused continuing instability in the community and the IPS board wanted a "final plan" which would not include other school systems unless the court decided that it was necessary.[10]

In the preparation of the proposed plan the board expected to use community participation, a goal which they had stressed in their campaign for election. Soon after the four CHOICE members had taken office in 1976, they had agreed to create a community board which would deal with a wide range of aspects of desegregation, including community relations as well as operations of the schools themselves. Members would study other school systems which had carried out desegregation plans or were in the process of doing so. Dr. Joseph Taylor and Robert Risch, an attorney active in a number of civic and social action programs, were named co-chairmen of a committee of about one hundred members, who would be divided into subcommittees.[11]

In their campaign for community participation and community support, the board held a workshop where written proposals were presented and discussed with members of the community who had

submitted plans. President Busch emphasized the need for support from the business community and, in particular, from the Greater Indianapolis Progress Committee, to stress the positive aspects of desegregation and to assist in the development of certain magnet programs in the high schools.[12]

Closely related to designing plans for desegregation were plans for a system of "options," a possibility under consideration when the board had prepared its appeal to the Supreme Court in 1976. Parents from neighborhood associations - Meridian Kessler, Butler-Tarkington, and Northeast - later joined by others, took the initiative in advocating an options program. A School Community Action Team (SCAT) funded by a grant from Lilly Endowment was created in August 1976. Chaired by Donald Larson, board member elect, and including parents, teachers, school administrators, and representatives of neighborhood associations, the team held meetings throughout the city to learn how members of the community felt about a program that would mean major changes in the schools. The application for the grant from Lilly Endowment had stated: "Without broad community acceptance and parent understanding, no plan is likely to succeed." Educational options must be what parents wanted.

The SCAT team reported genuine enthusiasm for their proposals at the meetings they sponsored. On April 7, 1977 they presented a plan which they had developed with the assistance of Educational Planning Associates of Boston. The purpose, said the document, was improvement of the quality of education to meet the diverse

needs of Indianapolis children, along with "planning for peaceful compliance with desegregation orders in ways that promote neighborhood stability." It emphasized that the plans represented a "constitutionally acceptable and educationally enriched solution to the problem of desegregation, and that some federal courts had accepted options programs as a part of desegregation plans if racial guidelines were followed. Under the proposal children in all elementary schools would receive training in basics, and all options would be considered "educationally equal," but while some schools would retain their present course of study and teaching methods, others would be less conventional and more innovative in structure and methodology. Magnet programs in high schools would be developed as part of the options program, and teachers would be given some choices as to the kinds of schools and programs to which they would be assigned. "Children will benefit when parents are responsible for selecting the options best suited to their needs and when teachers can select the option best suited to them," said the SCAT report. Two weeks later the school board, with only Fred Ratcliff voting in the negative, approved adoption of the SCAT recommendations, including provisions to seek additional funding and to incorporate the options concept in plans for teacher and pupil assignments.[13]

Meanwhile hearings were being held throughout the city on desegregation plans to be submitted to the district court. It was soon obvious that there would be opposition to any plan that would result in closing of existing schools. Especially controversial were suggestions for closing high schools, although by

1977 the capacity of all high schools was greater than present or anticipated enrollment warranted.

In August 1977, by another vote of four to three, the board agreed upon a plan for desegregation within the boundaries of IPS. Desegregation of all grades of elementary schools would be carried out in September 1978 and would begin in the high schools at the same time. Wood High School would become a center for continuing education, while the ten other high schools would remain open with new attendance districts. At the same time the board expected to develop the options program in elementary schools and special magnet programs in the high schools.

With the presentation of the plan the decision of whether to accept an Indianapolis only plan as an interim, or possibly a final remedy, was again before the district court. And Judge Dillin, aware of declining white enrollments in Indianapolis schools and the increase in the percentage of blacks, remained firmly committed to an inter-district remedy despite any obstacles raised by the Supreme Court.[14]

Not until February 1978, more than a year after the Supreme Court remand of the Indianapolis case to the Seventh Circuit Court of Appeals, did that court remand it to the district court with instructions that Dillin must prove discriminatory intent on the part of the General Assembly or state authorities, if there was to be an . inter-district remedy. The order, written by Justice Swygert, said Dillin must show that the General Assembly in adopting Uni-Gov and related legislation, had acted "with

discriminatory intent of purpose" or that "state action at whatever level, by either direct or indirect action," contributed to segregated residential housing patterns and population shifts. The suburban districts could not maintain that they were innocent of discrimination if the state had contributed to segregation, and, if the state had contributed to segregation, it had "an obligation to remedy the constitutional violation." The district court, Swygert ruled, might determine the matter of intent by reviewing the evidence in the earlier trial or by holding new hearings.[15]

The ruling of the appeals court, raising the possibility of another trail and reviving the issue of busing to the suburbs, led to an unprecedented flurry of complicated legal maneuvers and counter-maneuvers throughout 1978, ten years after the Justice Department has instituted the suit.

Hoping that the ruling meant a new trail and an opportunity to argue for two-way busing, the CHOICE majority on the school board voted to employ a special teams of noted civil rights lawyers to aid in presenting evidence and drawing a plan that would involve busing from the suburbs. Louis Lucas, the desegregation expert from Memphis, had indicated that he thought that if additional evidence were presented two-way busing might be ordered. When William Myers, a hold-over member, objected to the cost of legal fees, which might be as much as $200,000, CHOICE member Walter Knorr argued that one-way busing, with the loss of nine thousand pupils, would wreck the school system and cost millions of dollars for transportation and tuition as well as dismissal of

large numbers of teachers.-[16]

Dillin wanted to avoid another trial, regarding the proposal for two-way busing as unrealistic and leading to more prolonged and futile litigation. After a meeting with attorneys for IPS, the Justice Department, and the intervening black plaintiffs, he announced that he did not intend to hold another hearing. He appeared to think that there was already sufficient evidence in the record. While thus attempting to forestall efforts to argue for two-way busing, he said he would continue to pursue an inter-district remedy and ordered IPS officials not to reassign pupils for purposes of desegregation the following September. He said it would be "counterproductive" to reassign large numbers of pupils until it was determined whether or not the suburbs were to be included, but he offered no objections to plans for options and magnet high schools.[17]

An outburst of legal activity followed. The Justice Department, the original plaintiff, continuing to oppose involvement of the suburban systems, asked the Seventh Circuit Court of Appeals to reverse Dillin's order and to require him to consider a city-only plan on its merits while the suburban issue was on appeal. They argued that Dillin had no authority to prohibit the implementation of a constitutionally acceptable city-only plan. A week later the Indianapolis Board of School Commissioners, the body against which the Justice Department had instituted the suit in 1968, in a remarkable volte-face, filed a brief asking to change their status from defendant to plaintiff on the issue of inter-district violation and remedy. They asked Dillin to grant another hearing

on the grounds that it would show intention to discriminate by the suburban school systems as well as by housing authorities and would thereby justify an order for two-way busing. IPS joined with the Justice Department in asking the appeals court to reverse Dillin's order against their city-only plan.[18]

Meanwhile the Indiana attorney general appealed to the Supreme Court in the hope of ending the litigation once and for all. The state asked the high court to review the decision and instructions of the Seventh Circuit Court of Appeals on the grounds that it had ignored the mandate of the Supreme Court by handing the case back to the district court "with apparent instructions to try it again."

The appeals court, saying that Dillin had been guilty of abuse of discretion in rejecting the city only plan, ordered him to reconsider an intradistrict plan on its merits while the interdistrict plan was on appeal.[19]

Confronted with a ruling which, it appeared, would prolong and complicate litigation and possibly wreck his hopes for a plan which he thought necessary to achieve genuine desegregation, Dillin gambled with a move which took everyone by surprise. At a meeting with the judge, school officials explained that the board regarded the city-only plan as temporary, pending development of a legal case which would lead to two-way busing. When Superintendent Kalp admitted that a city-only plan would probably not bring lasting desegregation, Dillin warned that, according to some precedents, "once you approve a plan you can't change it. There's no way out." He then rejected the intracity plan and ordered IPS to prepare

plans for busing to the suburbs, stating that, in his opinion, the Seventh Circuit Court of Appeals had already ruled that Indianapolis schools could not be constitutionally desegregated within the city boundaries. He based his ruling on the 1974 state law passed under his order which authorized the transfer of students across school district boundaries when a federal or state court found that a school corporation had violated the Equal Protection Clause of the Fourteenth Amendment "by practicing de jure racial segregation of the students within its borders" and when the Fourteenth Amendment compelled transfer of a student from one school district to another. He pointed out that the law meant that only IPS had to be found guilty of de jure segregation and did not require that suburban school be proved guilty. In ordering transfer of Indianapolis students to the suburban schools in his 1975 decision, he said, he had acted in accordance with the 1974 law and none of the attorneys for the suburban systems had challenged the law on appeal. The statute, he added, made it unnecessary for him to consider other constitutional issues, such as intent.[20]

All parties were startled by Dillin's action. One suburban attorney, saying he was "overwhelmed," added that he thought Dillin had "stretched" the intent of the 1974 law, an opinion with which most attorneys agreed. Lawyers for the Indianapolis board thought the district court ruling could not be upheld without another evidentiary hearing.[21]

In an opinion in response to the remand from the appeals court, Dillin argued that testimony presented at previous trials furnished sufficient evidence of discriminatory intent to justify his order for an inter-district remedy. In adopting Uni-Gov and legislation restricting the Indianapolis schools to the old city boundaries, he said the General Assembly had acted "at least in part with racially discriminatory intent and purposes of confining black students to the boundaries of the city school system as it existed" before Uni-Gov. Furthermore, the state housing authority had acted with "segregative intent" when it located all projects within the old city boundaries, with the result that ninety-eight per cent of residents of public housing were black.

Reiterating that the 1974 state law gave him authority to transfer students from IPS to suburban school systems without showing that those systems had violated the Fourteenth Amendment, he asked the appeals court to reinstate his 1975 order for busing over nine thousand black students to schools outside IPS. At the same time he ordered the suburban systems to give priority in employment to teachers dismissed from the Indianapolis system. Saying again that the state had an "affirmative duty" to assist in desegregation of the Indianapolis schools, he ordered the Indiana Department of Public Instruction to provide and fund in-service training in human relations for teachers in the suburbs receiving black students. In addition he extended his injunction against construction of new subsidized housing within the boundaries of IPS.

The Indianapolis board remained unwilling to accept one-way

busing and Dillin's rejection of their proposals for intracity desegregation. Since April, Louis Lucas and a team of lawyers with expertise in desegregation had been working on a case for two-way busing in spite of Dillin's expressed disapproval. At the request of IPS the appeals court agreed to an <oral hearing on Dillin's rejection of the city-only plan. After he ordered the reinstatement of his 1975 decision the scope of the hearing was expended to include the question of whether reassignment of pupils should be delayed until the case had been reviewed by higher courts.[23]

Once again lawyers for all parties to the suit gathered in Chicago. This time lawyers for the original plaintiff, the Justice Department, and the Indianapolis Public Schools, the original defendant sat together at the same table. One lawyer entering the courtroom remarked, "There are sure some strange bedfellows here. Now if we can just decide which side everybody is on, maybe we can proceed."

Louis Lucas urged the court to grant a stay of Dillin's order for one-way busing, saying that IPS intended to present a plan for two-way busing. He repeatedly criticized Dillin's orders as "discriminatory" and said that he had erred in not allowing another hearing to present evidence of alleged violations by state and local officials. Then, saying that the entire case might not be settled for two or three years, he urged the appeals court to allow an intracity plan to go into effect at once, pending the final settlement. In general the Justice Department supported

Lucas' views. Lewis Bose, speaking for the attorneys for the suburban systems, said, "We think two-way busing is wrong and will destroy the independent school systems of Marion County." Asking for a delay in one-way busing until all appeals had been exhausted, he said he thought that Dillin's order would ultimately be reversed. He sympathized with Dillin's concern over white flight from the city but thought that "legally it does not stand up."

The only attorneys to support Dillin's rulings were those representing the intervening black plaintiffs. On the proposal for two-way busing Charles Kelso said forcibly that IPS was making a mistake - that it was unlikely that their proposal could be argued successfully and that he feared the one-way remedy ordered by Dillin would be lost if IPS insisted on pursuing two-way busing.

After the hearing the appeals court gave approval for IPS to go ahead with their plans for desegregation of entering high school freshmen in the city schools in 1978, saying that Dillin had "abused his discretion" in issuing an order against it. It deferred action on busing to the suburbs until Dillin had an opportunity to grant or deny a stay.[24]

Next attorneys for IPS went directly to the appeals court to ask that Dillin be ordered to hold a hearing to consider alternatives to his plan for one-way busing. They hoped to show Dillin's plan was "wholly inequitable and racially discriminatory." Attorneys for the suburban systems responded by saying that the

motion had "the characteristics of a grandstand play." But a few days later the appeals court sent the case back to the district court with orders to consider both one-way and two-way busing as possible remedies. On the same day Dillin granted a stay of his order for reassignment of black students to suburban schools which had been scheduled for January 1979.[25]

Upon the announcement that there was to be another trial, the State of Indiana again asked the Supreme Court to intervene to end the litigation. A petition on a writ of error filed by Governor Bowen, the attorney general, the State Superintendent of Public Instruction, and the State Board of Education, alleged that the district court and the Seventh Circuit Court of Appeals had ignored the Supreme Court and were attempting "to decide a Federal question in a way in conflict with applicable decisions" of the Supreme Court. The petition continued:

"After 10 years of litigation which includes three full trials, the students of IPS (Indianapolis Public Schools) who in 1971 were found to have been denied their constitutional rights, are still waiting for redress of those violations due to the rejected theories [sic] of the District Court and the Seventh Circuit."[26]

By this time all parties involved were weary of the litigation except the special counsel employed by the Indianapolis school board. The "stability" promised by school board candidates in the campaign in 1976 had certainly not been achieved. Teachers continued to worry about job security, and parents to be uncertain about the schools their children would attend. "Each year,"

wrote one black mother, who expressed the views of many, "they must hang onto the edge of their desks, wondering where they'll be attending school next year instead of being able to concentrate on the task at hand." The general public was confused or apathetic. The original issues of racial discrimination and segregation had been lost sight of in the maze of legal actions. No one knew for sure how much money the various parties had spent on lawyers' fees since neither the suburban systems or federal courts kept itemized accounts, but the total for lawyers, paid consultants, and paid witnesses was millions of dollars by conservative estimates, and the end was not in sight.[27]

As the struggle dragged on, and it began to be clear that neither the Indianapolis Public Schools or the added defendants were likely to achieve total victory, there began to be talk of compromise and a possible out of court settlement. Although the possibility of two-way busing was remote, the employment of nationally known desegregation lawyers by IPS spurred some of the lawyers for the suburban school systems to make overtures for a compromise. As seen in the last chapter, the Greater Indianapolis Progress Committee had begun to show concern for an orderly and peaceful outcome of the battle over desegregation. Behind the scenes GIPC began a campaign to encourage an out of court settlement. A remarkable editorial in the Indianapolis News March 30, 1978, reflected both a change in the editorship of the News and the views of the Indianapolis business establishment.[28] The editorial, "A Time to Be Cool," called on all residents of Marion County to

view the school desegregation issue "as thoughtfully and rationally as possible." Over the years, it admitted, the News had objected to "massive busing, fixed racial percentages and usurpation of local educational prerogatives by the courts" and had not "seen eye to eye with Federal Judge S. Hugh Dillin." The editorial continued: "We stand by our views and believe they are held by most people in the community," but popular sentiment seldom altered the machinations of the legal system, and despite public opinion polls, "the courts have pretty much had their own way." Furthermore, "We recognize that our principles and passions are one reality and the law of the land as interpreted by the Supreme Court and the lower courts appears to be another reality." Then came admonitions and advice to the various parties. If the suburban schools persisted in litigation they would not only have to spend more money on legal fees but also the possibility of losing their case and facing obliteration of separate autonomous school systems, two-way busing, or acceptance of large numbers of city pupils under Dillin's orders. An alternative, already under discussion, the News continued, was an out of court settlement by which suburban school corporations would annex predominantly black areas located on the periphery of the city into their own township systems.

As to the Indianapolis Board of School Commissioners, they should be advised "at least to have a clearer understanding of the attitudes of suburban school officials before embarking upon an adversary position on the suburban involvement issue. If there is

one thing this community does not need it is unnecessary polarization along city-suburban or racial lines." With respect to others in the community, "from top governmental, civic and business leaders to average citizens who are concerned about the future of our community and the well being of our youngsters, it is to cooly weigh the alternatives."[29]

There were rumors that Judge Dillin himself was encouraging an out of court settlement. After their initial surprise, lawyers who reread his ruling of June 2, 1978, in which the judge cited the state law of 1974 as authority for ordering busing from IPS to the suburbs, saw that it might create an opportunity for a settlement. Since the law required the party held guilty of de jure segregation to pay the cost of transportation and tuition of transferred students, the Indianapolis school board might agree to a settlement which freed them from this responsibility. A solution might lie in annexation of some IPS territory by suburban school corporations.

In a brief filed in the district court early in September, when another trial was pending, the Justice Department lawyers suggested that IPS and the suburban systems work out a plan for voluntary desegregation through exchange of territory. The suburban corporations might annex some IPS territory or the Indianapolis schools might annex territory in the townships.

A few weeks later the Greater Indianapolis Progress Committee, hoping for a settlement before the trial scheduled for November, openly called for a voluntary settlement, Thomas Binford, saying

that various types of settlement were possible, declared: "The progress committee feels very strongly that the case has gone on too long, and the citizens of Indianapolis deserve the resolution and the opportunity to respond positively to its outcome."

While the Indianapolis News applauded, the Indianapolis Recorder, under headlines reading SCHOOL MIXING FUSS GETTING TIRESOME, said:

"Big Business has finally said something that has been lingering on citizens': minds for years - hurry and settle the school segregation suit.

"It took the Greater Indianapolis Progress Committee, a mayor-appointed cross section, bi-racial contingent of respected citizens charged with keeping the city on the upswing to give voice to the sentiments."[30]

For several months before the public plea by GIPC, attorneys for certain of the township school corporations had been working on a plan and trying to persuade all townships to support it. Population shifts within the boundaries of the Indianapolis Public Schools during the 1970's had created the possibility of desegregation through annexation of territory as increasing numbers of black families moved from the inner city (Center Township) to parts of the city located in the outlying townships. At the same time school enrollments in most townships in Marion County were declining. Attorneys for Lawrence, Warren, and Wayne townships devised a plan under which township systems would annex parts of IPS territory contiguous to them where there were substantial

numbers of blacks. This would increase the percentage of blacks in the suburban schools, and school boundaries would be redrawn so as to make annexed areas an integral part of the township system. Parents living in the annexed areas would be able to vote in school elections, while Indianapolis teachers who were dismissed would be given priority for employment in the suburban schools.[31]

The executive director of the Greater Indianapolis Progress Committee expressed approval of the effort as a city-suburban compromise. GIPC, he said, endorsed no particular proposal but wanted some resolution of the case to relieve "uncertainty and frustration" and to spare the community the "fierce debate" which had accompanied desegregation in Boston and other cities. "Every subject we start discussing," he said, "economic development, employment, race relations - it seems the school case crops up." In an editorial, "We Second the Motion," the Indianapolis News applauded the effort to end uncertainty and confusion, agreeing with GIPC that the future of the schools was hampering plans for revitalization of downtown Indianapolis.

Lawyers for the Justice Department were favorable to the plan for annexation, while Moss and Ward, lawyers for the intervening plaintiffs, voiced no major objections. But lawyers for some of the suburban systems were unwilling to support the proposal. The principal obstacle was Perry Township, directly south of Center Township. Because very few blacks had moved toward the southern edges of Indianapolis, lawyers for Perry claimed there were no suitable areas for that township to annex. Thus, since no plan

for a voluntary settlement was reached, another trial in the district court became inevitable.[32]

Before the trial, which lasted from November 6 to 21, under headlines announcing COURT REJECTS SCHOOL DESEG PETITION, came word that the Supreme Court had refused, without comment, the state's petition for a writ of certiorari which Sendak had filed in May. Meanwhile Dillin had made two rulings which would affect the course of the hearing in his courtroom. While saying he would permit them to present alternative remedies to one-way busing, he rejected the petition of IPS to change its status from defendant to plaintiff because the CHOICE board members elected in 1976 did not hold the same views about desegregation and busing as the members whom they replaced. The judge, saying he could not permit the change merely because of the outcome of an election, explained, "The next election may well reverse the board's position once again. This court should not be required to realign the parties following each election." Responding to objections raised by Moss and Ward, he also ruled that two members of the special legal team could not serve in behalf of IPS, the defendant, since they had appeared briefly in thep.973 trial on behalf of the intervening plaintiffs. It would be an "obvious violation" of the code of the American Bar Association on conflict of interest for them to serve since IPS and the intervening plaintiffs were still adversaries. However, other members of the special counsel, notably Thomas Atkins, who had not previously taken part, did participate.[33]

At the beginning of the hearing, which was called to consider remedies for segregation in the Indianapolis Public Schools,

Dillin said: "We are either going to do what the court ordered five years ago...or we're going to do what the LWW plan [a plan submitted by schools in Lawrence, Warren and Wayne townships to have suburbs annex some periphery areas of IPS containing black pupils] recently suggested or we're going to have some sort of two-way busing program suggested by IPS." Another possibility, he suggested, one not presented by any of the parties to the suit, would be to consolidate all of Marion County into one school district.

Throughout the trial the judge was obviously irritated and impatient with members of the special IPS counsel and the lawyers for the Justice Department for insisting on presenting evidence which he considered a mere repetition of his findings in the earlier trials. At one point he said: "I can't see for the life of me why they [the Seventh Circuit Court of Appeals] sent the case back down here again, creating more turmoil and expense to the taxpayers of this county except for the fact that the original defendant, who opposed any busing throughout these proceedings, after the litigation was within one step of final appeal said, 'Oh, judge, we want to retry this.' I'm tired of it. I'm sick and tired of it."[34]

Once more the lawyers for the Justice Department, a new team from the Carter administration, appeared to switch the position of the government. Earlier the Justice Department had consistently tried to avoid involving the suburbs in a remedy; now they supported efforts by IPS for two-way busing. When one of the Justice

Department team said he felt that additional evidence of discrimination in housing should be introduced because he did not think the existing record supported even the one-way busing ordered by Dillin, the judge replied: "You may be correct, but if you had taken an inter-district position seven years ago we would be out of the woods.

"If the United States is so concerned about an inter-district remedy and believes the record is lacking, why in the name of all that is holy haven't you done something about the record over the last seven years?"

Before the trial began IPS had presented possible plans for two-way busing to Dillin with a document of 493 pages alleging that enactment of Uni-Gov and housing practices warranted busing white students from the suburbs into Indianapolis. At that time Dr. Alexander Moore, former principal of Crispus Attucks, now an assistant superintendent, testified that the one-way busing plan ordered by Dillin "harks back to the Indiana Avenue-Columbia Avenue street car line which connected the separate Negro residential areas within IPS on which Negro children from East Indianapolis rode to segregated Crxspus Attucks High School."[35]

When lawyers for IPS pressed their case for two-way busing as necessary for genuine desegregation, Dillin thwarted their efforts to introduce evidence of community sentiment, just as he had refused efforts of this sort by lawyers of parties opposed to busing at previous trials. When Thomas Atkins asked James Riggs, president of the school board, and Dr. A.D. Pinckney, president of

the local NAACP, as to whether the black community would be more favorable to one-way busing of blacks or a plan for busing whites into the city as well as blacks to the suburbs, Dillin rejected the testimony, saying, "We're holding a court of law here, not a plebiscite." He explained" "if we let in the opinion of one citizen or one group we have to invite opinions from everyone. This is not a town hall meeting." But the court permitted testimony from a number of witnesses considered experts on desegregation, most of them from academic centers, who had helped frame the plan which the IPS board favored. This would divide Marion County into five districts, with part of each within the borders of IPS. Along with the two-way busing plan, the lawyers argued, this plan would do away with the image of city schools as being for blacks, suburban schools for whites. While Dillin's order called for the busing of about 9,555 blacks, the IPS proposal would have required the busing of 40,980 pupils, both black and white.

Attorneys for the suburban schools urged an annexation plan similar to the one they had developed as the basis for a possible out of court settlement. A representative from the education department of Lilly Endowment testified that a county-wide plan such as that proposed by IPS would require too much uniformity and erode local control of schools and suppress innovation. Furthermore, lawyers for the suburban systems argued, IPS was planning to send them blacks from the inner city rather than ones from areas contiguous to the suburbs and were planning to send more than Dillin had ordered.

While urging their case for two-way busing, lawyers for IPS introduced an issue that was to lead to continuing litigation after inter-district busing finally began in 1981. They asked the court to allocate all costs of inter-district desegregation to the State of Indiana, a move they had begun to consider after Dillin's decision of the previous July. After reading what the judge had said about the state's responsibility for perpetuating segregation, James Beatty had said that if the state had acted with "discriminatory intent," and was the culprit, it, rather than IPS, should bear the cost of desegregation.[36]

Dillin refused to admit testimony on discrimination in housing practices over the objections of IPS and the Justice Department, because, he said, it was irrelevant since both the appeals court and the United States Supreme Court had already agreed that housing practices had contributed to school segregation in both the city and the suburbs.[37]

As the trial drew to a close, the deputy attorney general for Indiana, while continuing to insist that it was the state's position that Indianapolis schools could be desegregated by a city-only plan, warned that if the state was required to pay a substantial part of the cost of desegregation, there would probably be a pro-rata reduction in state funds to schools throughout the state.

During the trial, lawyers for IPS and the Justice Department frequently spoke of the unfair burden imposed upon black children by one-way busing. In his final argument John Ward

responded to this by saying that the intervening plaintiffs had come into court in the first place to seek the busing of black children. He and Moss thought that the ultimate decision about a remedy should be left with the court - they did not oppose one-way busing. "Let the court in its wisdom design a plan and insist as the appellate process runs its course we put the plan into effect," he said. "If this happens we will not have worked in vain."

For his part, Judge Dillin announced that there would be no implementation of any plan before September 1979. The delay, he said, would enable him to work on a final remedy and give the appeals court and the Supreme Court time to consider appeals. Thus after more than ten years of litigation the suit remained unresolved and the future of Indianapolis pupils undecided.[38]

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While members of the CHOICE board persisted in efforts to obtain a court decision for two-way busing as the final remedy for segregation and an interim intracity plan, at the same time they pursued their plans for options and magnet schools as complementary to desegregation. Two-way busing, in their view, in addition to sparing IPS a loss of students and enormous cost for tuition and transportation, was an act of justice to blacks, the victims of past discrimination. It was expected to win wide support in the black community. The options program and magnet high

high schools would fulfil other CHOICE objectives by involving community participation and giving parents an increased voice in educational policies and more choices for their children. At the same time they would break down devotion to the concept of the neighborhood school and ease acceptance of desegregation. Enhancing offerings in the city schools, it was hoped, would please educated parents (most of whom were whites) and slow the movement to the suburbs.

As we have seen, the CHOICE majority endorsed the principle of options with high hopes, but efforts at implementation soon added to the frustrations and instability from uncertainties about the outcome of the desegregation case.

Early in 1978 a majority of the board approved a preliminary plan for magnet high schools to supplement the options program scheduled to go into effect in September. Under the plan a major health professional center would be created at Attucks, a career education center at Technical, while Shortridge would offer a specialized curriculum in the performing arts. Magnet schools were expected to facilitate desegregation by attracting students from all parts of the city. However enrollments at all schools would be required to meet racial ratios required by Judge Dillin, which meant that in some cases students would be unable to attend the school of their choice. Transportation costs for students attending school more than a mile and a quarter from their home would be paid by IPS.-39

While voting to cooperate in implementation of the program,

the governing body of the Indianapolis Education Association warned that teachers were concerned with the lack of parental involvement in plans and the short time for preparation for changes. At meetings in schools throughout the city where members of the SCAT team optimistically pushed the options program, few parents responded with enthusiasm. Instead, advocates of options encountered apathy or fear and confusion. A survey of parents at neighborhood meetings showed that eighty per cent wanted the type of school their children already attended, which meant that few changes would be made in 1978. To some white parents, options were "sugar coated busing," a threat to neighborhood schools. Many blacks seemed suspicious. At one largely black inner city school, over eighty per cent of the parents showed up for the first meeting, but few returned for later sessions, causing one of the teachers to comment, "Our parents are not middle class, and many of them are illiterate, but they are not stupid." A black member of the city-county council whose children attended Indianapolis schools, while saying that the options concept was good, told the school board, "When you deal with poor people, you've got to take time, you can't do it in six months."

At school board meetings, crowds of anxious parents, black and white, raised questions, most frequently about whether their children would be bused and whether they would get their first choice of school - questions which neither board members or administrators could answer since no one could foretell the outcome of the desegregation case. One frustrated black parent called the

board's efforts to sell the program "a snow job,[11] which left blacks, teachers, and the community at large without adequate information. A statement from SCLC published in the Recorder reflected the feelings of inner city blacks. Declaring that blacks resented being "enslaved by White Liberal expediency," it explained: "We are not against desegregation and the integration of schools, but we are against you [board members] and others that have 'benignly neglected[1] to inform Black people and Black leaders what the program is....We want change, but we want to be properly informed [so we will] not be enslaved by racist whites in this city again."[40]

Responding to objections of this sort, Mary Busch, the board president said: "This board has consistently assured those parents and community persons who have been so hesitant to believe us that we are listening and that we will, in fact, take their views into consideration.

"Thus I feel it is absolutely incumbent upon this board, in order to maintain any degree of credibility in this community, to regroup our ideas and our thinking."[41]

At the next meeting she told the audience that the board had tried to accomplish too much in too little time. "We have to say we have failed in our effort," she said, but it was a failure that could be overcome by more careful preparation. When a motion was made to proceed with plans to implement the options program in 1978, Busch joined with hold-over members Ratcliff and Myers in opposition, while Martha McCardle joined the three other CHOICE

members in voting "aye."[42]

Protests continued after the board voted to proceed. At a news conference the president of the IEA criticized the board for acting hastily, saying the future of the program would suffer from beginning before the community understood it. Her organization, she said, supported the concept of options but resented requirements that teachers spend extra time in planning the program to the neglect of their other duties.

In spite of evidence of lack of support and Judge Dillin's rejection of the intracity desegregation plan, the board voted in May to implement a pilot options program in September. This time Mary Busch joined with the majority. Saying she knew that when the three additional CHOICE members, all strong supporters of options, joined the board in July, they would vote for such a proposal, she wanted the period before July to be used constructively. But at the same time she warned that a further reshuffling of students might come in September 1979 if the desegregation suit was finally settled.[43]

Mary Busch's failure to vote with her CHOICE colleagues in the options program was not the first time she had differed with them. The new board elected in 1976 as a "reform" group after a campaign in which they promised significant and meaningful change soon found that Busch was likely to follow an independent course, sometimes voting with the hold-over members from the Neighborhood Schools board. To other CHOICE members, particularly James Riggs and member-elect Robert DeFrantz, their victory meant immediate

far reaching institutional change, most of all, the replacement of Superintendent Karl Kalp.

The first serious break between Riggs and Busch came when she voted along with the three hold-over board members for salary increases for administrators after negotiations which followed procedures previously adopted. In a letter to the Indianapolis Recorder, Riggs accused Busch of having made a "deal" with the existing power structure of IPS." This attack by a white political science professor on a black woman colleague outraged some blacks. At the next board meeting two black ministers spoke in criticism of Riggs and his methods. In the Recorder, Rozelle Boyd, an Attucks graduate and former Attucks teacher, now a member of the city-county council, wrote a scathing reply to Riggs, saying he had misread the temper of the black community in sending his letter to the Recorder but not to the white press. Blacks, he told the professor, did not need white "paternalistic guidance" or white "paternalistic chastisement."[44]

A further break between Busch and her CHOICE colleagues came when she was elected to an unprecedented second term as board president in July 1977 by the votes of the three Neighborhood Schools members plus her own, while the other CHOICE members voted for Walter Knorr. In accepting re-nomination and voting for herself, Busch was again accused of "selling out" to the white power structure of IPS. DeFrantz, who would not take office for another year, through his columns in the Recorder, was voicing impatience with failure of the board to bring about more rapid change, declaring

that since the CHOICE members had taken office, nothing had happened, and the fault lay with the board president. When she was elected to a second term, he said that never before had he known "a black Afro-American female Judas."[45]

More important than the board presidency was the question of supervisory personnel and, in particular, the status of Karl Kalp. To many supporters of the CHOICE candidates, particularly black teachers and other members of the Black Education Coalition, their victory was seen as presaging a replacement for Kalp, whom they regarded as insensitive on race issues and as responsible for many of the policies of the Neighborhood Schools board. After a year, when Kalp seemed as firmly entrenched as ever, DeFrantz assailed him for lacking any kind of an educational philosophy, saying that while what Indianapolis needed was a creative, innovative superintendent, all Kalp cared about was maintaining the status quo and not rocking the boat. A statement presented to the school board by the Black Education Coalition accused Kalp and school administrators of being [11] insensitive" to the children they served and to their parents, who were made to feel unwelcome in school buildings and administrative offices. Adding that Kalp had "sabotaged" the options program and that women and minorities were not adequately represented in administration, the BEC called for "a major change in the administrative leadership," a call in which they were joined by Indy Pac, the political branch of the Indianapolis Education Association.[46]

The issue of the superintendency became more acute after

three more CHOICE members took office in July 1978 - Lillian Davis, Robert DeFrantz, and Donald Larson. On taking office DeFrantz, saying his commitment was clear, declared, "I do not believe that the present administration is capable of providing the leadership for the best education of our children." He intended to do something, although people were warning him that "the establishment just won't let anything happen."

At the next board meeting the president of the BEC demanded that Kalp resign or be dismissed because there had been no progress in the past year toward the goals announced by CHOICE in the 1976 campaign. But while Riggs and DeFrantz were demanding Kalp's ouster it was not at all clear that other members would support them. Donald Larson and Lillian Davis said they were not yet ready to vote against the renewal of his contract. "The superintendent very logically and properly has the same protection as a tenured teacher," Larson said, adding, "I haven't seen any charges (such as insubordination to the board) that would make his removal legally permissable."[47]

While the debate over Kalp's future went on, Riggs and DeFrantz were demanding that more administrative positions for blacks be created in IPS. The board passed a resolution offered by DeFrantz that Kalp be instructed "to take affirmative steps" within thirty days "to increase the number of minority personnel within the top administrative positions of the IPS system." Busch, who had herself earlier sponsored a resolution for an affirmative action policy for school personnel, outraged Riggs and DeFrantz

by arguing that the meaning of their resolution was not clear and that there might be lawsuits if whites were demoted to make room for blacks or if a large number of qualified whites were passed over in promoting blacks. She asked the board attorney whether white administrators could be removed without cause to make way for blacks and whether the superintendent could legally create a vacancy and designate it for a black applicant. When the attorney reported that there were some possible legal difficulties in implementing the DeFrantz resolution, it was tabled, but the campaign against Kalp himself continued.-[48]

Riggs told reporters that he had sent a memorandum to board members saying it was clear the school system needed new leadership, that the board had met with Kalp, and they expected his resignation about November 1. Meanwhile Riggs was asking board members for names of members of a search committee for Kalp's successor. On October 30, headlines in the Indianapolis News announced SUPT KALP EXPECTED TO RESIGN SCHOOL POST. Asked by a reporter whether he intended to resign, Kalp told him to ask Riggs, saying he did not agree with the memorandum. In spite of Riggs' statement, board members were not in agreement to oust Kalp. Faced with the continuing desegregation suit and all of its ramifications, most appeared to think Kalp should remain until the litigation was resolved.

At a tense board meeting, packed with supporters and opponents of Kalp, Walter Knorr offered a motion to renew Kalp's contract for another three years. A motion by DeFrantz to amend the

motion to provide for renewal only after an evaluation failed by a four to three vote, and a motion by Riggs to renew for one year only failed by the same margin. Then Knorr's motion passed, with Davis, DeFrantz, and Riggs voting against renewal. A racially mixed crowd in the audience applauded the decision, while a group of blacks made clear that they were disappointed. One black man, leaving the meeting, shouted at Busch,"We'll remember you, Mary!" In his next column in the Recorder, DeFrantz's headlines cried: JUDAS STILL ALIVE AND WELL. Previously, he said, he had called Mary Busch a Judas, but the renewal of Kalp's contract had shown that Judas could be any color.

In fact, in renewing Kalp's contract the CHOICE members were not betraying campaign promises, as a little research by a reporter for the Indianapolis News made clear. Prior to the election James Kohl, chairman and spokesman for CHOICE, had said that the candidates had no plans to change the administration, that he thought Kalp was doing as well as he could with the incompetent Neighborhood Schools board. To a questionnaire sent by the News to candidates in 1976 asking whether they would renew Kalp's contract, Riggs had said he would "work with anyone to create a quality educational system." DeFrantz had said he would decide after an evaluation, while Davis said there was no need to consider the question at that time. During the campaign none of the four members who voted to renew the contract had indicated that they would not reappoint Kalp.[50]

But despite these facts, many who had worked to elect the

CHOICE board had become convinced that Kalp's continued presence was an insurmountable obstacle to change and reform. & spokeswoman for the remnant of the CHOICE organization, commenting that the retention of Kalp was "the old story of institutions against people," said CHOICE should spend its remaining funds "apologizing to the voters," but that they would continue to support Riggs, Davis, and DeFrantz. Indy Pac, the political arm of the IEA, said it was withdrawing support for the four members who had voted to retain Kalp, declaring that they "had "been, elected to bring about change and in keeping "him, they "had "thwarted the will of the people." It warned the four "not to run again for any political office in this county. Indy Pac will work to defeat you." The Black Education Coalition also announced that it was "withdrawing support from the members who had voted to renew the contract.[51]

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While members of the Indianapolis school "board "were trapping with the question of Kalp's contract, their legal counsel, as we have seen, were in court, arguing for a two-way "busing remedy to segregation. In March 1979, attorneys Atkins, Taylor, and Wood filed a sixty-five page brief with Judge Dillin in which they developed the arguments they had presented at the trial the previous November. An exchange of some nine thousand white students from the suburbs with an equal number of "blacks from IPS would

"a more complete response" than Dillin's remedy of one-way busing, they argued, but it would still leave the Indianapolis system racially identifiable as black, surrounded by identifiably white suburban systems. Therefore they proposed a plan for a county-wide school system in which all schools would have approximately the same number of blacks as equitable for both races and one which should achieve lasting racial stability. While arguing that Dillin had the power to consolidate all the school systems in the county or to order the Indianapolis Public Schools to annex the suburban systems, they proposed that the General Assembly be given an opportunity to work out a consolidated system before the judge intervened. In the same brief they asked for "ancillary relief" - funds for such matters as human relations training and other preparatory measures and that the state pay most of the costs for ancillary relief and transportation.[52]

While the IPS attorneys were suggesting that the state pay these costs, in the General Assembly, Dan Burton, now a member of the lower house, was urging his colleagues to support a bill to prohibit the use of state or local government funds for busing for desegregation purposes. When the Education Committee reported the bill, a lengthy and emotional discussion followed in which Burton and William Crawford were the principal speakers. Crawford, exclaiming, "I simply will not allow this insult to my children to go unchallenged," saying that all actions of the state legislature on desegregation had been negative for the past ten years, declared that if the state could not do anything positive, "it should just

shut up." Burton, insisting that the measure was not racial in intent, but would allow the courts to decide if the state had the right to withhold funds. To the surprise of many observers the bill was defeated by a vote of forty-one to forty-eight. All the Marion County Republicans voted for it, but five Republicans from other parts of the state voted against. Burton predicted, "This means busing is going to end up being a state liability. I felt this bill was the last avenue open to stop it."[53]

On April 24, in a memorandum of his decision based on evidence submitted at the November trial, Dillin rejected the proposal for two-way busing and reaffirmed his order to IPS to transfer blacks to the suburban systems, while reassigning both black and white students within the city limits to eliminate racially identifiable schools. As a first step, in September 1979 about six thousand pupils in grades one through eight would be bused to eight suburban districts. Over the next four years the number would be increased to about eight thousand. Together with reassignments within the city, this would mean about fifteen thousand Indianapolis students would be affected by his order. In rejecting the IPS proposals for two-way busing and a county-wide school system, he repeated that the suburban corporations had never been found guilty of de jure segregation, hence he had no authority to carry out the IPS proposal. In rejecting the annexation plan submitted by the attorneys for the suburban systems, he said it was good in theory but raised a completely new set of legal questions and would not affect a sufficiently large number of

pupils to achieve real desegregation. In response to objections that one-way busing imposed an unfair burden on blacks, he pointed out that thousands of pupils of both races would be bused in the total plan, while the whites whom blacks would join in the suburban schools were already being bused. Suburban schools were "drive-in schools," not "neighborhood schools." In response to the petition of the Indiana State Teachers Association, Dillin ruled that IPS teachers displaced as the result of his decision be assigned to a pool from which new appointments to suburban schools would be made.[54]

While seeking stays, pending a review by the Seventh Circuit Court of Appeals, the Indianapolis attorneys and those from the suburban corporations began steps to comply with Dillin's order- The Indianapolis board approved a plan which called for closing seven schools, reassignment of pupils in twenty-two schools within the city and the transfer of some six thousand blacks to the suburbs. The individual townships would decide which schools the students allocated to them would attend.[55]

In the suburbs, under Dillin's order, teachers and administrators began training programs to prepare them to receive the new students. Workshops were conducted under federal grants through the Indiana University Desegregation Training Institute and the Illinois-Indiana Race Desegregation Assistance Center. Parents of students assigned to Lawrence Township were invited to meetings where township administrators and teachers and administrators from IPS explained procedures and answered questions.[56]

While these preparations were underway, the Seventh Circuit Court of Appeals issued a stay to Dillin's order relating to city-suburban busing pending a hearing on appeals. Dillin followed this with a stay of reassignment of students within the city schools until after the appeals court had reached a decision. Some three hundred teachers in the Indianapolis system who had received notices of dismissal were invited to return, if they had not already taken other employment. The seven schools scheduled for closing would remain open for another year. These developments led newspaper columnist David Rohn to comment that the course of the Indianapolis school suit read like a scenario for "The Perils of Pauline."

In granting the stay, Judge Thomas Fairchild said: "It is contemplated that the court will give an early decision to these appeals, the highest priority so that whatever remedy is required will be effected without delay." But, whatever the appeals court decided, there was likelihood of appeals to the Supreme Court and the possibility, though not probability, that the high court would agree to hear the case. As Rohn remarked, "As those who have followed this case know, the wheels of justice turn in slow and mysterious ways. The bottom line is, this case could be wrapped up fairly soon or it could drag on in the courts for years."[57]

After granting the stay, the appeals court established a briefing schedule, setting October 25 as the date for hearings. So once more, for the fifth time, attorneys gathered in Chicago, this time to present arguments on whether the suburban systems should be

involved in the remedy and how extensive the remedy should be. Once again the lawyers for the suburban systems argued that they should not be involved in any sort of remedy because Dillin, in previous rulings, had said that the suburban schools had never excluded blacks by any deliberate act. Attorney William Evans said of Dillin's order: "This case represents a district court with a remedy - one-way busing - in search of a violation." He asked for an intradistrict remedy and dismissal of the suburban schools from the suit. Lawyers for Beech Grove and Speedway argued that those incorporated communities should not be included in the suit because they were exempt from the provisions of Uni-Gov. Lawyers for IPS, arguing for two-way busing, said that Dillin was correct in ruling that the suburban school corporations should be involved in the remedy, but that his order was discriminatory and inadequate. Justice Department lawyers agreed that some sort of city-suburban remedy was justified, without endorsing the IPS plan. Attorneys for the state once again argued that IPS was the only party proven guilty of discrimination and thus should be the only one involved in the remedy. Moss, Ward, and Kelso, for the intervening plaintiffs, urged that Dillin's order be upheld. Lawyers for the Indianapolis Housing Authority and the Indiana State Teachers Association also testified.

At the close of the testimony Judge Fairchild, who had upheld Dillin in previous rulings, noted somewhat apologetically that the stay granted in August had come only two weeks before the opening of school, after all the school systems involved had begun elaborate

preparations for compliance with Dillin's order. "This court joins in the hope that those two weeks in August last summer won't be repeated this next August," he said. But whatever remedy the appellate justices might agree upon, it appeared unlikely that it could go into effect before 1980.

CHAPTER 11

ACCEPTING THE INEVITABLE

On April 20, 1980 the Seventh Circuit Court of Appeals handed down a decision which cleared the way for the final resolution of the suit initiated by the United States Department of Justice almost exactly twelve years earlier. Responding to the order of the Supreme Court to determine the question of intent, the appeals court upheld Dillin's finding that the adoption of Uni-Gov by the General Assembly and the actions of the Marion County Housing Authority were discriminatory in intent. The decision, written by Fairchild, was in all major respects an affirmation of the 1976 decision of the same court, with the same three justices participating, except that it excluded the incorporated units, Beech Grove and Speedway, from the ruling, holding that since they had a "peculiar status" under Uni-Gov, Dillin should hold a separate hearing on whether they should be included in the desegregation plan. While upholding Dillin's order for one-way busing to the suburbs, they said that he had the power to order a broader plan (i.e. two-way busing) and "should feel free to use it if modification of the plan should become necessary." In answer to the argument that Dillin's order was discriminatory, the appeals court, pointing out that white students as well as black were bused within the borders of Indianapolis, declared: "Despite our concerns about the possible

inequities of the plan, we are not prepared to say that it was such clear abuse of discretion that it must be set aside in favor of a two-way plan." The court ruled that desegregation within IPS should begin in the fall of 1980, regardless of the status of any appeals to the Supreme Court by the township systems. At the same time it rejected the plea of the State of Indiana that it not be reguired to pay costs of busing.[1]

Although it was probable that the attorneys for the township schools would appeal, one reporter observed that they "breathed a collective sigh of relief" because the appeals court had not ordered them to send their students into the Indianapolis schools. The real loser, he said, was IPS, now faced with the prospect of paying tuition of students bused to the suburbs.[2]

Boards of three of the township school corporations voted to continue efforts to reach an out of court settlement, while at the same time appealing to the Supreme Court and seeking a stay from the Seventh Circuit Court of Appeals. Finally five systems joined in asking the Supreme Court to review the following parts of the district court decision which the appellate court had upheld: whether transfer of black students should be a remedy for discrimination by the Indianapolis Housing Authority; whether the housing violations were intended to have or had a significant effect in increasing the percentage of blacks in the city schools; whether Dillin was following precedent in determining that the General Assembly acted with discriminatory intent in adopting Uni-Gov. An attorney for the Indianapolis school board, which

had not yet decided whether to appeal, said that the chances that the Supreme Court would hear an appeal were less than fifty per cent, but, in response to the appeals of the other school systems, IPS asked the Supreme Court to order all suburban systems, including Beech Grove and Speedway, to receive black students from IPS. The lawyers for the intervening defendants, Moss, Ward, and Kelso, asked the Supreme Court to affirm the decision of the district court, saying there was no need for further review of the case. Meanwhile the Seventh Circuit granted a stay of busing to the suburbs, and it was unlikely the Supreme Court could act before October.[3]

But regardless of what that court might decide, further desegregation of the Indianapolis schools would take place in September 1980, which meant not only more busing within the city but also school closings made necessary by decline in present enrollment as well as the prospect of loss of students to the suburban schools.

The decision of the appeals court ordering immediate steps to desegregate Indianapolis schools came a few days before the election of a new school board, which would face making critical decisions in complying with the court orders. The CHOICE board, elected with such high hopes in 1976, had lost the support of most of the people who had worked for its election. As we have seen, the failure to remove Superintendent Kalp had alienated members of the Indianapolis Education Association and the Black Education Coalition and former members of CHOICE. A long and bitter and unsuccessful teacher strike at the opening of the 1979 school year

had further damaged relations with teachers, who regarded Kalp as at least partially responsible for the failure of negotiations Resentful over uncertainty about reassignments as the result of the options program and declining enrollments, teachers were convinced that the school board, which claimed, and indeed was, faci a financial crisis as reason for refusing salary increases, was not acting in good faith. One group of parents went to court to secure a court order compelling the striking teachers to return to work, while another group, sympathetic to the teachers, undertook a campaign to recall all the school board members except Riggs and DeFrantz.[4]

In preparation for the board election in May 1980 some teachers, along with representatives of labor organizations and disgruntled parents, a group characterized by the Indianapolis Star as "the liberal left-overs of CHOICE," organized to present a slate of candidates under the sobriquet PRIME. They endorsed incumbent members Lillian Davis, who was seeking reelection, and other candidates pledged to remove Kalp. PRIME was but one of several groups trying to organize slates of candidates. In addition, several persons decided to run as independents. At one point it appeared that forty candidates would be on the ballot, a number reduced to twenty-nine aspirants for seven positions by election day.[5]

This was a campaign and election far different from the perfunctory ones in the days when the Citizens School Committee monopolized the board. The number of candidates was evidence of

community interest in the **schools in** *a* **critical period, but few** *of them appeared to have clear cut* **programs. After both Republi***can and Democratic county* **chairmen urged party members to take** ***an interest in school affairs and*** **the board election, a group call***ing itself simply COALITION formed.* **While not claiming any** ***particular philosophy or program, they*** **concentrated on picking a** ***slate of able and diverse candidates.*** **Citizens for Effective** ***Education (CFEE), made up primarily of black*** **ministers and black** ***office holders, expressed*** **dissatisfaction with the present board** ***and their "goody-goody" relationship*** **with Kalp. They were** ***particularly concerned with the high rate*** **of drop outs and suspensions** ***and expulsions among black students and a*** **school system which** ***allowed illiterates to graduate.*** **William Crawford, one of the** ***leaders of CFEE said it was*** **important to elect "a practicing** ***minister" to the board "to articulate the*** **concern for value** ***oriented education." While*** **endorsing** ***some*** **of the PRIME and** ***COALITION candidates,*** **CFEE** ***concentrated*** **most of their efforts** ***on electing Rev. Theodore Lightfoot,*** **pastor of Trinity C.M.E.** ***Church.***

In addition three other groups backed partial slates of candidates. *Because of the large number* seeking election some able *candidates not slated, ran as independents.* Mary Busch, now *Director of Community Relations at* Indiana Central University, *choosing not to identify herself with a* particular slate, formed *her own biracial committee and ran as an* independent. Rozelle *Boyd, a respected black political leader,* chaired *her* committee,

which included some powerful whites from the Greater Indiana Progress Committee.[6]

Busch, opposed by only one other candidate in her district was reelected by a large majority. In the other districts, where there were several candidates, victories were less sweeping. In the final count four COALITION members were victorious - Richard Guthrie, an active Republican, a lawyer, a former speaker of the state house of representatives, David Bowell, a former teacher and principal, now an educational consultant, Andre Lacy, a member of a socially prominent family, president of a family owned business, and Hazel Stewart. **Two** PRIME candidates were elected - **Lillian** Davis **and** Paul Neal, **a** tool **and** die maker. Three of the **victors** were **black** - Mary **Busch**, Lillian Davis, and Hazel Stewart, a **mother of four children in the** Indianapolis schools, slated by **COALITION as one who could speak** with authority for those children **"who need to learn to survive and** will never go to college." **Busch and Davis**, **two members** of the CHOICE board, were reelected, **while two others**, **Walter Knorr and** Patricia Welch, running in **highly competitive districts**, **were** unsuccessful.[7]

During the campaign there was little discussion of busing and desegregation. Candidates and community seemed resigned rather than defiant, and ready to concentrate on other problems. An editorial in the Indianapolis Star was representative of the changed climate of opinion- The Star, which for years had given unswerving support to the control of the schools by the Citizens School Committee and had tried to discredit anyone who challenged

them, now remarked that whereas two decades ago there was never a real contest, now almost forty candidates representing different interest groups were competing, a sign of widespread interest in the schools. "If busing was a divisive issue which helped whip voters first to one side in 1972 and then to the other in 1976," it commented," emotional busing issues have, with 1980, mercifully ebbed in the quiet acceptance of judicial reality."[8]

This optimistic prediction proved to be the calm before the storm. Compliance with the order of the Seventh Circuit Court of Appeals that desegregation begin in the city schools in September 1980 regardless of the status of possible appeals, meant that the school board and administrators faced the unpleasant task of reassignment of white and black students to meet racial requirements. This meant closing some schools and busing students from their neighborhood schools. Prospects of school closings brought an emotional outburst and vocal opposition more intense and powerful than the earlier orders for busing in 1973. The response showed, far more vividly than the talk of the "neighborhood school concept" by the Citizens for Quality Schools, the reality of neighborhood schools as centers of community life and tradition in older parts of the city.

Even without the desegregation order, it was clear that closing of some schools was overdue. Total enrollment, which had reached more than 106,000 in 1970, had fallen to less than 70,000 during the next decade as the result of declining birthrates and

movement to the suburbs. These were problems common to most urban areas, but in Indianapolis the school board, struggling with the litigation over desegregation, had delayed the painful decisions over closings longer than had other cities. Maintenance of unneeded buildings and the costs of salaries of teachers and administrators meant that by 1980 the system faced a serious deficit, while by law it was required to have a balanced budget by the end of the year.

In preparation for the necessary closings the CHOICE board, following its usual practice of involving the community in making plans, appointed a Schools Facilities Task Force, which included representatives of neighborhood associations in the parts of the city most likely to be affected, business leaders, and other community leaders. In determining the schools to be closed the task force tried to use objective criteria such as administrative costs per pupil, present enrollment and future enrollment trends as well as the physical condition of buildings. Using these standards they found thirty-five schools which might be eligible, of which they picked fifteen in a list sent to the school board as the ones where closings would be "least objectionable."[9]

At an informal, unofficial meeting at the home of Mrs. Davis, the board president, five members of the board reached a consensus on the schools to be closed. For reasons never made clear, but probably on the recommendation of school administrators, they decided to close only six of the schools on the task force list, plus five others - eleven in all. James Riggs did not attend the

meeting and later claimed he had not been notified of it and publicly criticized the choice of schools. DeFrantz, the seventh member was not present. He had not attended board meetings for almost a year. Soon after he took office questions had arisen about his eligibility to serve since he was spending much of his time in California, where his wife had accepted a teaching position and where he suffered a heart attack in 1979. At this critical juncture when the board was making decisions over school closings, he sent a letter of resignation to Mrs. Davis with the request that a black be appointed as his successor.[10]

At the announcement of his resignation black ministers from the Indiana Christian Leadership Conference immediately urged the board to appoint Rev. Theodore Lightfoot, whom they had backed unsuccessfully in the recent election. They insisted that action be taken at once, before the new members took office in July. At the next meeting Lightfoot was appointed, although there seemed to be a question as to whether he received a constitutional majority of votes.[11]

The resignation of DeFrantz and the choice of Lightfoot were overshadowed by excitement and protests over the announcement of the closing of the eleven elementary schools. As word of the anticipated closings spread throughout the city, delegations from the affected neighborhoods asked permission to speak at the meeting. A crowd of about five hundred packed the small auditorium, cheering as speakers excoriated the board for closing certain schools and failing to follow the recommendations of the task

force.

This was the last board meeting for three of the CHOICE members who had taken office in 1976/ while the fourth, Mary Busch, would begin a second four year term. As was customary, plaques were presented at the end of their term. Riggs, who had expressed opposition to the school closings, was greeted with applause and cheers as he stepped forward to receive his plaque, while Welsh, Knorr, and Busch were booed by the crowd.[12]

Before the next meeting the three new members who, with Busch, would take office in July, Richard Guthrie, David Bowell, and Paul Neal, along with Lightfoot, visited the schools designated for closing. At some they were greeted with placards pleading "Save Our Schools." The three new members, after making the survey, said they questioned the choice of certain schools which were in stable neighborhoods, had racially mixed enrollments, and active PTA's.[13]

At the next board meeting, where Donald Larson was elected president over new member Guthrie, hundreds of parents and students crowded into the auditorium of the Education Building, waving signs and beseeching the board to keep their schools open. Particularly vociferous was a group from an eastside school in the general area where Guthrie, a graduate of Howe High School, lived. Before the meeting a letter from Mayor William Hudnut was distributed by one of his aides. In it the mayor, explaining that he was responding to talks with citizens from all parts of the city, suggested that the board might want to reconsider its

decision and "make certain that all relevant information has been fully considered in a public forum before the final curtain is rung down." After endorsing the mayor's statement, Guthrie introduced a motion to reconsider all the school closings. It was rejected by a vote of four to three, with Lightfoot voting with the majority, a vote which foreshadowed a continuing split between old and new members.[14]

After this representatives from all of the schools marked for closing announced the formation of a coalition called Save Our Schools (SOS), later changed to Save Our Students, and a plan of action which included appealing to city officials and the Greater Indianapolis Progress Committee, circulating petitions for the recall of board members Busch, Davis, and Larson, and a possible lawsuit under a state law requiring open meetings of public bodies - a requirement which they charged was violated by the unofficial meeting at which the board members selected the schools to be closed. After an appeal from the coalition to the city-county council to "try to do something," that body passed a resolution asking the school board to reconsider the closings. But the Indianapolis Chamber of Commerce indicated that it supported the school closings. Saying, "We recognize that this is a difficult and distressing situation, not only for the Indianapolis Public Schools but for the community at large," the president asserted that the Chamber, recognizing the need to close the schools because of declining enrollments as well as desegregation, urged peaceful compliance.[15]

Meanwhile neighborhood groups undertook legal maneuvers in an effort to block the board's action. Lawyers for LSO filed a suit in behalf of a group of parents, contending that the action should be nullified because the secret meeting at which the decision was made was a violation of the Indiana Open Door Law. Later other plaintiffs joined the suit, questioning the legality of Lightfoot's vote on the grounds that he had been illegally appointed. A judge of a Marion County Superior Court ruled that the board had violated the law but that did not prevent another vote to reconsider the decision at a special session called to approve the final form of the desegregation plan to be submitted to the district court. The judge also refused to issue a temporary restraining order to prevent Lightfoot from voting. At this meeting, once again, before a heckling, cat-calling crowd, four board members voted to stick to their earlier decision to close the eleven schools. As the schools were voted on one by one, in most cases the three new members voted in the negative, while Lightfoot voted with Busch, Davis, and Larson to close.[16]

While preparations for school closings and desegregation went forward, the position of Lightfoot generated continued controversy after the Superior Court judge, ruling that the procedure by which he had been chosen had not followed legal requirements, ordered his removal and a new election. At the same time the judge ruled, however, that the votes Lightfoot had cast were legal. The three members of the old board voted immediately to reinstate the minister, but the three new members insisted that the

vacancy be filled by member elect Andre Lacy, whose term would begin in 1982. The resulting impasse threatened to create an ugly racial crisis. Members of the United Southside Community who had instigated the legal action represented a predominantly white southside school which was scheduled to close, and by removing Lightfoot they hoped to invalidate the vote for its closing.

While they insisted that their suit had nothing to do with race, blacks saw it as a racial affront. Spokesmen for the black community, refusing to accept the suggestion of a compromise candidate, warned of racial troubles if the minister was not reinstated. At the next board meeting, a largely black audience, on hand to support their candidate, applauded Donald Larson, the white member who had voted to seat Lightfoot. A black minister told him: "You have demonstrated you stand for justice and fair play." The president of the NAACP called the removal of Lightfoot and the failure to reinstate him a " moral issue," which was becoming a racial issue and an insult to the black community. A spokesman for the Indianapolis Black Medical Profession said reinstatement "would remove the taint of racism that hangs over the school board," while others reminded board members of its earlier racist history. In the face of these developments, to the surprise of board members and the audience, Andre Lacy announced he was withdrawing his name, opening the way for a unanimous vote in favor of reappointing Lightfoot, which brought the audience to its feet, clapping and cheering. To relieve tensions, board president Larson asked a black minister to lead the assemblage in prayer.

Members of the audience wiped tears from their eyes and one young man wept openly as the minister thanked God "for the leadership of this board whose hearts were not so hardened they could not listen."[17]

By the time Lightfoot's fate was decided, the school year had begun, and the schools he had voted to close had already been closed. About six thousand more students were riding buses than during the previous year. As soon as the board made the decision< teachers at the schools scheduled for closing had been informed and given assurances that they would be placed elsewhere. The president of the Indianapolis Education Association, indicating that wounds from the strike of the previous year were mending, said the placement department of IPS was trying to be "sensitive to teachers' needs and feelings," though the whole problem of closings and teacher and pupil assignments was complicated by uncertainty about the outcome of litigation over busing to the suburbs. However it was impossible to notify parents and students about reassignments until Judge Dillin had approved the plan drawn up by the IPS staff for the entire intracity desegregation plan, as well as the school closings. Finally, on August 19, a bare two weeks before the opening of the school year, school officials announced that notices were being mailed to students who were being reassigned, together with maps of bus routes and schedules. Parents were urged to visit the new schools and to meet principals and teachers. In some schools parents of children already enrolled there met with parents of the newcomers. Some of

those living near the school volunteered to act as "exchange parents," to care for pupils who traveled long distances if any sort of crisis arose or if they missed their bus because they were required to stay after school.[18]

The six thousand students being reassigned were being sent to thirty-four elementary schools. Officials assured parents they would do everything possible to ease apprehensions and avoid confusion. A "hot line" to a rumor control center was installed to answer questions about pupil assignments and busing and to hear complaints. The principal concern of parents appeared to be fear of sending their children to a strange environment in a relatively distant part of the city. They were also fearful about the safety of the buses themselves and possible injury to children riding in them. There was little evidence of complaints or resistance for racial reasons,. Most parents and pupils seemed to accept the fact of racially mixed classes without protest, although a few called the rumor control center to say they would never consent to sending their children to the same school with blacks. There were no threats of boycotts or organized protests as in 1973.

On opening day busing and attendance went smoothly except for isolated incidents where pupils missed their buses or went to the wrong school. One or two buses broke down. Some anxious parents drove their children in their private cars rather than trusting them to the buses, but after a few days most of these children were riding buses. Principals and teachers were waiting at the curb to greet the newcomers on the first day. Some of the

reassigned pupils had ridden buses before, but for most it was a new experience, as was eating lunch at school rather than walking home and back to school again.[19]

In some schools fairly large numbers of pupils failed to appear on the first day, but as tensions eased, most were enrolled by the end of the week. Some parents told teachers they were letting their neighbors "break the ice" before sending their children to the new school. One woman, near the end of the first day, pulled her station wagon up to the school where her children were assigned and sent them inside to register. She had hoped to enroll them in a private school but had found that she could not afford the tuition. "I said I'd go to jail first," she told a reporter, rather than allowing them to be bused but had changed her mind. "I don't have anything against the school," she said. "It's just the distance they have to go," a bus ride taking about twenty minutes.

A few parents continued to keep their children at home or continued to send them to their former school or attempted to enroll them in a nearby school by giving a false address. Some of them claimed they were not sending their children on buses because they were fearful of what would happen if they should become ill at the new school. "I wouldn't mind my kids being bused if it was close enough where I could go get 'em," one mother explained. Others were simply afraid of buses and distrustful of the drivers. On one street where children living on one side continued to attend the neighborhood school, while those across the

sstreet were bused to a more distant one, some parents falsified addresses and sent their children to the nearby school. School officials who found that parents were evading truancy laws by keeping their children at home or falsifying addresses warned them that they were subject to prosecution. "Most of the time when they get the first legal notice served by the school social worker, that gets them back to school," said one school official. One mother remained adamant, saying she would continue to use the wrong address and send her children to the neighborhood school until she was "caught." "I won't send them, if they have to be bused," she said. "They can just put me in jail. If all the parents would stick together, they'd have a lot of us in jail."[20]

Though a few parents managed to evade the law and avoid busing, these recalcitrants were a tiny minority. By the end of September it had become routine for groups of children to wait every day to be picked up by bus and equally routine for parents to greet them as they stepped off the bus on their return in the afternoon. Important progress had been made in the long and tortuous course toward desegregation of the Indianapolis Public Schools.

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Early in October came the news that the final legal obstacle had been removed. Under headlines asking ONE WAY BUSING THIS

JANUARY?, the Indianapolis Star announced that the United States Supreme Court had refused, without comment, to review the appeals by the various parties to the desegregation suit. This meant that the essentials of Judge Dillin's remedy, first announced in 1973, would now go into effect. All the lawyers' arguments, all the lawyers' fees, all the costs of the trials, all the delaying tactics had been wasted. There was no way of estimating the human and social costs paid by students, parents, and teachers because of delays and uncertainties. All avenues of appeal were closed. The only important question now appeared to be was when and how inter-district busing would begin and inner city blacks from IPS attend suburban schools.[21]

At the news of the Supreme Court's action the Indianapolis Urban League issued a statement: "To those who have debated the methods to be used, it must now be understood that the issue in this case has been settled. It falls upon all of us now to continue the peaceful process begun within the Indianapolis Public School boundaries." But it was not at all clear that all parties to the suit and all elements in the community were reconciled to the outcome. Local television news showing students in the suburbs expressing opposition and resentment at the prospect of blacks from the inner city as classmates alarmed some members of the black community. When students in Warren Township were heard to say, "We don't want them out here, tearing up our schools," Mary Busch said she was fearful for the safety of city blacks, exclaiming, "Imagine this kind of hostility before the students even get there!"

On the whole, public and press showed little reaction to the news. There was little editorial comment. Only a handful of people - mostly teachers - appeared at a special conference on desegregation sponsored by the Indianapolis Education Association for parents, teachers, and members of the community at large.[22]

But a few die-hard politicians, given new hope by the election of Ronald Reagan, an opponent of busing, to the Presidency in 1980, did not intend to let the busing issue die. Three Republican members of the General Assembly from Marion County, Dan Burton, Anthony Miles, and Gordon Harper, announced their intention of filing a bill to ban the use of state or local funds for "forced busing," with the expectation that this would lead to a "confrontation" between the state and the federal courts. Harper, saying that courts and legislatures were co-equal branches of government, claimed that a court lacked authority "to legislate laws and appropriate money," while Burton insisted "We want to find out whether the courts can mandate spending when the states don [1]1 want to."[23]

At a hearing on the bill, which prohibited use of state funds for inter-district busing to achieve desegregation, its sponsor said that the basic reason for the bill -was simply that "the people don't want it [busing]." Burton said the state should act to prevent busing from beginning in Marion County before Congress had acted to prohibit it. Pointing out that President Reagan opposed busing for desegregation and that the membership of Congress had changed greatly as the result of the recent election, he

declared "It would be horrible if we let the people of Indianapolis go through with this and then Congress acted [to prohibit it]." In testimony in opposition, A.D. Pinckney of the NAACP warned, "This bill is just another legal maneuver that the NAACP has seen too often. We will be in a court of law before the governor's ink is dry if he signs the bill." Sam Jones of the Urban League, saying that the only impact of the bill would be to cripple the school system financially and that money saved by the state on busing would be spent on litigation, declared he "abhorred" the timing of the proposal when the Indianapolis community was working to insure peaceful implementation of court orders.

In debate on the floor several members expressed their opposition to "forced busing" and "federal mandates," while they were not opposed to desegregation. Others pointed out that the bill raised false hopes - that "We cannot supersede federal laws." But in spite of admonitions the lower chamber passed the measure by a vote of 63 to 31. The bill, having given Republicans an opportunity once again to express their opposition to "forced busing" and federal interference, was sent to the senate where it died in committee.[24]

The question of who would pay for the costs of buses and busing and the other costs involved in county wide desegregation led to renewed efforts by lawyers for the various parties. The State of Indiana argued that its responsibility was defined by the 1974 law which the General Assembly had passed in response to Dillin's order after the 1973 trial which provided that the

"transferor corporation" (Indianapolis Public Schools) pay tuition for each transferred student to the"transferee corporation" as well as such other costs as book rentals. The transferor was also to pay costs of transportation, with the state providing partial reimbursement under a complicated formula.

But after the State of Indiana was found guilty of perpetuating segregation, attorneys for IPS had urged that the state be required to pay all the costs of inter-district desegregation. Now that all appeals to halt transfer of IPS students to their schools were exhausted, lawyers for the township schools joined with lawyers for IPS in petitioning Judge Dillin to order that the state pay all costs, including tuition for transferred students, costs of transportation, and additional costs which the township would incur in receiving the additional students. During three days of hearings lawyers for the various parties and a variety of experts presented evidence and arguments for and against the responsibility of the state. A deputy attorney general argued that the 1974 law had already provided the answers, but Dillin rejected this, saying that the Seventh Circuit Court had already ruled that the law did not apply since the state was the guilty party. Saying, "The state of Indiana from 1816 on through Uni-Gov, set up a horrible example of treatment of minorities ...[and] it is time it picked up the tab," the judge ruled that the state should pay the costs of desegregation, including the costs of extra buses required to take students home from after school activities.[26]

A few days later he signed a formal judgment, spelling out how costs would be paid. He said Trie would not delay his order if the state appealed, tout if it was stayed by a ruling of the appellate court, IPS would pay the costs until the matter was finally settled and receive reimbursement later if the state's appeal was rejected. The Seventh Circuit Court of Appeals promptly rejected the petition of the state for a stay of Dillin's order, saying it should stand until appeals were exhausted. Saying, "We have no alternative," Governor Robert Orr approved payment.[27]

Early in 1982 the Seventh Circuit Court of Appeals upheld Dillin's order, saying the state's responsibility stemmed from the Uni-Gov law •which consolidated most government services but excluded schools. Declaring, "This is not the end of the road... The Seventh Circuit Court is a way station on our battle," the attorney general prepared another appeal to the Supreme Court. The state argued that the federal judiciary had acted improperly, had "intruded upon a disagreement between a state and its political subdivision." When the Supreme Court refused to review the decision of the Seventh Circuit the matter was finally settled. The state paid, but the costs of the first year were substantially less than earlier estimates.[28]

Meanwhile the Indianapolis Board of School Commissioners had considered asking that the state pay costs of desegregation within the city of Indianapolis since 1968 when the Justice Department instituted the suit against the Indianapolis Board of School

Commissioners. While deciding that approval of this was unlikely, the IPS attorneys asked for and were granted by Judge Dillin an agreement that the state would pay for five years costs incurred by the Indianapolis system for loss of students who were transferred to the township schools.[29]

In one last protest against the responsibility of Indiana to pay and to submit to an order from the federal judiciary, the state house of representatives, by a margin of 49 to 46, passed a bill barring school corporations from spending state funds to bus students into another district, a proposal which died in the senate. The sponsor, Anthony Miles, an Indianapolis Republican, declared that money could be appropriated only by the General Assembly and that appropriation by a federal judge was clearly unconstitutional. To this a fellow Republican from the northern part of the state, countered that Miles' proposal was "absolutely useless" and introduced "specifically for political purposes."[30]

Earlier Judge Dillin had advised the lawyers for the intervening plaintiffs, who had finally won their case after thirteen long years of litigation, to submit a bill for their legal services, without specifying an amount. At first the three (Moss, Ward, and Kelso) suggested a fee of five million dollars, to be allocated among the various defendants. To justify this they asked that all the defendants produce statements showing how much they had spent on lawyers' fees over the thirteen years. Finally Dillin approved an award of $1.3 million. Kelso was to receive $100,000, with the remainder divided between Moss and Ward. Of

this the state was to pay $425,000, Indianapolis Public Schools $380,000, the Indianapolis Department of Metropolitan Development and Housing $150,000, and township school corporations lesser amounts.[31]

While their attorneys argued that the state assume responsibility for costs, the Indianapolis school board struggled with developing a plan for transfers to the suburban schools which the district court would approve. This meant more reshuffling of pupils within IPS boundaries and more painful decisions about school closings. Late in January 1981 the board voted to close, ten more elementary schools in addition to the eleven closed in 1980, which meant about a fifth of the elementary schools in the city would have been closed in a little more than a year. At the meeting where the closings were announced, members of a largely black audience protested and pleaded that particular schools be spared and booed board members. Some patrons of schools in the Haughville section in the west part of the city tried to intercede with Dillin personally to forestall the loss of their schools. Although Dillin was unmoved, the board once more announced an open meeting to solicit community opinion on their plans. At a sparsely attended meeting few persons made concrete suggestions for changes, but several blacks were loud in their criticism of the whole concept of achieving desegregation by sending their children to the white suburbs. "Desegregation without a change of heart is no good," said one parent. "It really hurts to think that the board would sit there and send those kids." Another protested,

"If you bus our kids into a hostile environment... that is less than a condition conducive to learning." But other parents were more conciliatory, thanking the board for giving them an opportunity to express opinions and recognizing that they were forced to comply with court orders. One person said Judge Dillin was giving orders, "but he doesn't live in our neighborhoods."[32]

At this juncture Paul Neal introduced a resolution to ask Judge Dillin to issue an order to annex all of Marion County, including Beech Grove and Speedway, into a single school district for Indianapolis. He proposed creating a new governing board consisting of five members from Center Township and one member from each of the other school systems. He argued that consolidation would save taxpayers millions of dollars but admitted that his plan would probably be resisted and impossible to implement in 1981. The other board members, taken by surprise, voted to postpone discussion until a later meeting.

The response of the suburban school corporations to Neal's proposal was negative. Their representatives protested that they did not want to "consolidate into some large conglomerate," that each township district was unique and the quality of education would suffer if they were combined. While the possibility of consolidation was dropped, Dillin reminded suburban systems that they could be abolished if they did not cooperate in implementation of cross-district desegregation. "While I don't want to threaten anyone," he said, "I want to remind the [school] corporations that under the 7th Circuit rulings, a non-cooperating

corporation could be abolished."[33]

Attorneys for Lawrence, Warren, and Wayne townships still hoped that desegregation could be achieved for them by annexation of parts of IPS territory where there were substantial numbers of blacks. But the Indianapolis school board by a vote of four to three agreed to table their proposal and asked Dillin to reject it. One reason was the fear that if they agreed to this "de-annexation," the three townships would ask to be removed from the desegregation order. Black members of the board wanted to retain jurisdiction over the students sent to the suburbs, to be able to protect them from discriminatory treatment. Representatives of the Black Baptist Ministerial Association applauded the rejection, saying, "We do not accept giving up territory, voting power, and a tax base in the inner city."[34]

Meanwhile a High School Facilities Task Force appointed by the IPS board was struggling with the problem of closing some of the high schools where enrollments had declined drastically. This aroused even more intense opposition than the closing of elementary schools. As the team visited each of the high schools, patrons organized to convince them that their school should be saved. Supporters of Attucks and Shortridge were most vocal. At Attucks total enrollment had fallen to about 1,000, but a "Save Attucks Coalition" urged its continuation, emphasizing that about a third of the students were white and that the magnet program for preparing students for employment in health professions attracted some whites from all parts of the city.

The task force recommended the closing of Attucks and Marshall High School on the far eastern border of the city. Instead the school board by a vote of six to one decided to close Shortridge rather than Attucks and to move the magnet program for the performing arts from Shortridge to Broad Ripple. Although Dillin gave his approval to the closings, protests continued. Shortridge parents and students, -who favored desegregation, nevertheless wanted to know by what criteria the board had decided to close their school rather than Attucks. Other white parents remained adamantly opposed to having their children bused within IPS borders.[35]

Some of the latter hoped to evade court ordered desegregation by enrolling their children in Catholic schools although the Archdiocese had already developed a general policy which said, "Catholic schools have not been, nor shall they become, havens for those "wishing to avoid social problems confronting them in the public sector." School principals were asked to try to determine motives of parents and to deny admission if the reasons were to escape busing or desegregation. During the summer the Archdiocese Department of Schools reported an unusually large number of applications for transfers to parochial schools, but the policy was to refuse admission for reasons "not consistent with the mission of Catholic schools." Out of more than one thousand requests only 229 were granted to students from Indianapolis schools, while 111 were granted to persons moving into the Indianapolis area.[36]

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Although completion of desegregation within the boundaries of IPS affected a far larger number of students than the six thousand or so transferred to the township schools, press, television, and the general public focused their attention principally on busing to the suburbs. One by one Judge Dillin gave approval to plans developed by the township systems for receiving the transfers and assigning them to specific schools, while at the same time IPS school officials notified black students of the township to which they were assigned.[37]

While many black parents remained suspicious and resentful, an attitude which some black community leaders fostered, other blacks urged a more positive response. Doris Parker, the director of the Y.W.C.A., who had worked unsuccessfully along with other leaders of the Urban League, for a desegregation plan which would bring white students from the suburbs into the city, in a letter to the Recorder deplored negative attitudes. She urged blacks to take certain positive steps in preparation for the busing to the suburbs, which was now inevitable. Officers of PTA's in the Indianapolis schools affected by the transfers should join together, she said, to help parents and students prepare for the transition. "Without support from their parents, their church, and the community as a whole," she said, "the children face tremendous obstacles."

In response to the concerns expressed by Parker and others, the Human Relations Consortium planned a series of meetings for parents to discuss possible problems their children might

encounter and ways to deal with new surroundings and new experiences. The staff of IPS planned a number of programs under the direction of the Superintendent for Human Relations for pupils who would go to the suburbs as well as arranging meetings between black parents and students with parents and students from the township schools.[38]

Administrators from the township school corporations were also taking steps to reassure parents and the new students. Barred, on the advice of lawyers, from any kind of preparations so long as litigation continued, they now showed that they did not intend to wait until the opening of the school year to prepare for the arrival of the black students. As soon as their plans were approved by the district court, some school systems began sending letters to parents and arranging meetings with them at various Indianapolis schools. Letters from Warren Township, which would receive the largest number of blacks, inviting parents to meet with some administrators and teachers to learn about the schools, added that informal meetings "will also enable us to listen to your ideas." But in spite of friendly overtures and efforts to reassure them, some parents remained skeptical. At a meeting with representatives from Decatur Township, where blacks made up less than one per cent of the school population, one man asked why no blacks had been included in the preparations for desegregation in that school system. "You've introduced a lot of people here today," he said, "but none of them are black. My children relate to blackness. We want somebody on

your committee who can relate to blackness."

In addition to efforts by the school systems involved in desegregation, civic leaders from the Greater Indianapolis Progress committee announced, as they had in 1976, when county-wide desegregation seems imminent, that they intended to assist in insuring peaceful compliance with court orders. In the period since 1976 suburban school officials had been reluctant to co-operate with efforts by GIPC representatives. According to Henry Ryder, who had headed the previous GIPC task force, "The suburban school administrators said...they would not cooperate with our kind of activity until the last battle in the courts had been fought." Now the last battle had been fought, said Ryder, and it was "time to try to get a cooperative attitude from the suburban administrators - and not just administrators, but teachers, students , and parents." Another problem to be dealt with, he recognized, was objections by black parents who felt their children were being forced to bear the entire burden of desegregation.

PRIDE (Peaceful Response to Indianapolis Desegregation of Education)|was coined as the name and slogan for a campaign launched with great fanfare. Hundreds of parents, teachers, school administrators, ministers, civic and business leaders turned out for a dinner and rally in downtown Indianapolis, where T shirts and buttons bearing the words "Show your PRIDE" were distributed. Speaker after speaker urged a peaceful response and cooperation. Mayor William Hudnut, pledging that the city

administration was "100 per cent committed to a lawful and peaceful desegregation experience," called for a "peaceful, responsible compliance with the law of the land, coupled with generous hearts and cooperative spirits." He emphasized that violent or vocal opposition to plans under way could leave only "a scar of bitterness and pain" on the community. Methodist Bishop James Armstrong told the audience that school desegregation provided an opportunity for Indianapolis to distinguish itself by recognizing the "divine potential" in all persons. City-county council member Rozelle Boyd, pointing out that the opening of the school year would represent the culmination of years of legal battles and uncertainty, said "We deserve the stability that I hope we are on the brink of." Although there was no hint that there would be trouble, he urged careful preparation. "If there are negative results," he warned, "the world will remember them in detail."[40]

Some blacks remained resentful and skeptical despite these pleas for harmony and cooperation. The Black Baptist Ministerial Alliance led the way in insisting that a series of measures be taken to insure "fair and equitable" integration of black students into the suburban schools, warning that if this was not done, they would urge parents to keep their children at home "until federal or state marshals can provide for their protection and equal educational opportunities." Past experience, said the ministers, had led them to fear that there might be violence.

Measures which they said must be taken included a grievance procedure to insure protection of black students and their parents from racism and "community hate groups"; guarantees that blacks would participate in after-school activities and receive transportation home; more black administrators in the suburban schools; a system to monitor the desegregation process; and a plan to give black parents a voice in policy making.

At a meeting with school officials from the six townships involved, the black leaders presented a proposal for a monitoring commission representing "a cross section" of the community to report to Judge Dillin. The commission would have the power to hold hearings and and make investigations in response to complaints. State funds would pay for a staff director, an office, and clerical assistance. School officials expressed doubts about the need for such a plan and gave assurances that they were already taking steps to prevent trouble and that they would be able to deal with any situation which arose. However the black spokesmen continued to insist that there should be a separate agency to review complaints because, as Sam Jones pointed out, in spite of good intentions, "we can't put a guarantee on human beings.[41] It's one of the first principles of Psychology 101."

Black leaders and organizations continued to urge Dillin to authorize a monitoring agency and to criticize him for his failure to act. The NAACP, while acknowledging that school officials and community leaders were making careful plans, nevertheless insisted that additional steps were needed. The judge's failure to

authorize an independent monitoring agency, said the president of the local NAACP, "places an almost impossible burden on the black students to obtain relief from any injustice that might be imposed upon them by those who had not wished to be a part, of the **remedy** in **any manner.**" The **chief concern of** the NAACP, he said, **was the safety of black children, their next concern was that black students were not treated differently from** their **white counterparts. To protect the rights of the transferred students the** NAACP **intended to ask that United States marshals and** FBI **agents be present** in **the schools when** inter-district **"busing began. The** Rev. Andrew Brown of SCLC **said** he had conferred with representatives of the Justice Department and recommended that a monitoring commission similar to one created in Cleveland be appointed in Indianapolis. But Dillin was reluctant to interfere, preferring to allow the various school systems to handle **their own problems and avoid offending local sentiment by using the authority of the federal government.**[42]

At this point the Greater Indianapolis "Progress Committee, under the aegis of PRIDE, stepped in to propose a compromise which the black ministers **found** acceptable. An independent bi **racial group**, the **Community** Advisory Desegregation Council,, would **be created to monitor the suburban schools. While it would have no formal powers, said Henry Ryder, it would be a mechanism for "screening out" problems not solved at the local level. It would assist in carrying out "the letter and spirit of the federal court order and provide the court and the public with information**

and recommendations for implementation of court orders and desegregation plans. But, Ryder promised, the council members would negotiate with the schools before making public recommendations. The council was to include three members selected jointly by the Interdenominational Ministerial Alliance, the Baptist Ministerial Alliance, the Urban league, the NAACP, and Operation PUSH; four members chosen by the executive committee of the Greater Indianapolis Progress Committee, and three members selected by representatives of the township school systems and IPS. Dr. Joseph Taylor and Ryder were chosen as co-chairmen. Black members in addition to Taylor included Sam Jones, Doris Parker, and two black ministers.[43]

On the eve of the opening of the first township school, the Indianapolis Star, which had so long opposed "federal interference" and busing, published a special edition describing in detail the townships and the school systems to which IPS students would be bused and the preparations which were being made for the reception of the new students. Urging the public to study the report carefully, the Star admonished: "Restraint and good will are essential to a smooth, successful transition to between district busing. The good name of our community as well as the learning environment of our tender young citizens are at stake."[44]

CHAPTER 12

LIVING WITH BUSING

A public opinion survey commissioned by the Greater Indianapolis Progress Committee in June 1981 showed that many Indianapolis residents were indifferent at the prospect of "busing to the suburbs which was now scheduled. Only a fraction of those polled by telephone were willing to answer questions. Of those who responded a substantial number were doubtful that "busing would actually begin after delays of so many years. But a majority of respondents thought that the final steps in desegregation would be peaceful?" The Indianapolis Star and News, which for years had denounced the prospect of "busing, now optimistically predicted harmonious compliance and lavished praise on PRIDE/ school personnel, pupils, and parents for careful preparation for peaceful and orderly acceptance of court orders.

All six townships which were to receive pupils from TPS had joined in opposition until all legal means had been exhausted, each of them had an identity of its own and each school system made its own preparations for compliance.

In July 1981, IPS submitted plans to Judge "Dillin for busing a total of 5,583 black students to six Marion County township school systems, a number slightly higher than the judge had required. The total assigned to each township depended on the total enrollment in the township for grades 1-9 and was intended to equal about fifteen per cent of the whole, except in Lawrence

Township, where the number was smaller because the black enrollment there was already about eight per cent. The smallest number of students (357) was assigned to Franklin Township, the least populous of the six, while Perry received the largest contingent (1579). Under the plan the township school officials determined the individual schools to which the transferred students were assigned.

As seen in earlier chapters, some largely black neighborhoods within the boundaries of IPS were adjacent to parts of Lawrence, Warren, and Wayne townships outside the city. Following instructions from Judge Dillin, the IPS Planning Department assigned pupils from these neighborhoods to the township system adjacent to them. But the problem of determining which pupils to assign to Franklin, Perry, and Decatur, along the southern boundary of Marion County, was more difficult since there were few blacks in those townships within the borders of IPS. Nearly all the black population in the city was concentrated in a belt stretching northward from about Tenth Street to Thirty-Eighth Street and across the city from east to west. A smaller, rapidly growing sector thrust northeastward from Thirty-Eighth Street toward the vicinity of Arlington High School. None of this belt from which transferred students must be drawn was close to the three southern townships. The IPS Planning Department used two main criteria to decide the districts from which pupils for these suburban systems were chosen. First, they were from areas with a very high concentration of blacks, which meant that buses

picking them up would have to make few stops. Second, the areas in the northern and eastern parts of the city from which the pupils were drawn, were near main highways, which would enable buses to transport them to their new schools in the shortest possible time.[2]

The first schools to open were those of Franklin Township in the southeastern corner of Marion County, the most rural and least populous of the six, with an enrollment of about 3,000 pupils in its schools, less than one per cent of them black. The transfer of students from IPS who would raise their number to about fifteen per cent, came from an area around School 66 on East Thirty-Eighth Street, a neighborhood of tree lined streets and spacious houses where upper middle class families had lived only a few years before and from which students had gone on to Shortridge High School and then to college. Now many of the houses had been converted into multi-family dwellings, making the area one of the most densely populated in the city. Many of the residents were recipients of Aid to Families with Dependent Children and food stamps. The buses bringing the transferred pupils to the Franklin Township schools traveled about forty minutes on an interstate highway before reaching an area of cornfields and pastures and small clusters of houses. School officials in the township recognized that the contrast in background of the new students with the local ones might create problems, but the superintendent and the desegregation coordinator were making preparations for welcoming them. "We have some people out here who are not

too enthusiastic about this [the prospect of black pupils from the inner city], I'm not going to kid you," the superintendent admitted. "But I think most everyone accepts the fact that it's happening, and they're going to abide by that law of the land." A total of seven new black teachers had been hired, and there would be at least one black teacher in every school.[3]

The opening of school and the beginning of busing from IPS began without incident, more smoothly than Franklin Township officials had expected, but there were serious apprehensions among both blacks and whites about what would happen when the first buses arrive in neighboring Perry Township, an area that had a reputation as a stronghold of white racism. Many of the whites, who made up 98 per cent of the population had moved there, into large ranch-style houses and attractive apartment complexes, in part, at least,to avoid the prospect of an invasion of blacks such as was occurring in the more fashionable northern suburbs in Washington Township. School officials insisted that apprehensions of black parents who hesitated to send their children there were groundless and were based on Perry's proximity to the town of Greenwood in nearby Johnson County, a notorious center of the John Birch Society and some Ku Klux Klan members. School board members said that Perry Township had fought desegregation in the courts, not because they were racists, but because they were defending "the record of the townships." Now, one member told a reporter, people recognized that desegregation was the law of the land, and they would support it. The school superintendent

admitted that there were people who thought the influx of black students was in itself deteriorating to the schools and would lower academic standards. But, he said, there were no signs of organized opposition. There had been only sixty-two blacks among the ten thousand students in the Perry schools in 1980; in 1981 there would be some 1,500 blacks from a shabby area on the near Eastside in Indianapolis. School officials, civic leaders, and ministers were working to insure that they would be accepted peaceably.

Many blacks remained skeptical, but there were no incidents on the day the buses first arrived. In addition to teachers and other school personnel who welcomed the newcomers, some mothers of white students, eager to allay fears and dispel an unfavorable image, were on hand to help register them. At the end of the day one woman said thankfully, "God love them all. The people of this township can be proud of themselves because they really accomplished something today."[4]

In neighboring Decatur Township, in the southwest corner of Marion County, where schools opened on the same day as in Perry, there was less fear of trouble although few blacks lived there. Only one per cent of the school population was black. Decatur, the least populous township after Franklin, was primarily a bed-room community for people who were employed in Indianapolis. Some of the pupils from IPS would attend schools in the southwest part of the township, where there were new ranch-type houses and spacious lawns; others in the northeastern section near the

Indianapolis airport and some of the factories in the city, would find themselves in working class neighborhoods where houses were as shabby as the Mapleton Fall Creek area from which they were bused. The arrival of 576 new pupils who would be distributed among the township schools so that each had a black enrollment of between 12 and 19 per cent, necessitated hiring twenty-five more teachers from the pool of surplus IPS teachers. Six of them were blacks who would join the one black already in the system.

Wayne Township, adjacent to Decatur on the north, the site of subsidiaries of General Motors Corporation, RCA Corporation, and FMC Corporation, and other industries, was more industrialized and less rural than any of the other suburban townships. Most residents were employees of these corporations, which also provided a tax base for a good school system. Local citizens were proud of their schools. There were few blacks in the township, but the prospect of the transfers from IPS did not appear to disturb either school personnel or citizens. The new pupils would come primarily from the industrial area west of White River, usually known as Haughville, already a part of Wayne Township within the city limits. Earlier, it will be recalled, black parents from the area and township officials had wanted to annex the area into the Wayne Township school corporation so as to give blacks a legal voice in school affairs. But because of opposition from the Indianapolis school board Judge Dillin had refused their petition. Even though the black students and their parents would not be legal residents, school officials said they hoped that they would feel they were a part of the system. The township,

rather than IPS was to provide the buses to transport the new pupils, and white residents seemed ready to accept them. Forty-seven new teachers, thirty-six of whom were black, had been hired to meet increased enrollment, and pupils in all the township schools would be reassigned to insure that there would be space to place black students in all schools.[6]

Lawrence and Warren, the two remaining townships affected by the court order, had made more extensive preparations than any of the others to receive the pupils from IPS. Beginning two years earlier, when busing appeared imminent until it was temporarily stayed, they had continued measures to prepare for the final orders which school officials thought were inevitable. Lawrence in the northeast corner of Marion County, one of the fastest growing districts in central Indiana, was an area of contrasts, fast growing business districts, shopping malls, some of the most expensive residential areas in the county as well as many blocks of small houses on cramped lots. The school system had been dealing with a changing population for several years. During the seventies it had gained about 12,000 black residents, most of them employees at the Federal Finance Center at Fort Benjamin Harrison, and had lost about the same number of whites. By 1980, out of 8,500 pupils in the township schools about 12 per cent were black, and a black woman had been appointed to the school board. Only 430 additional pupils would be bused from IPS, but they would give Lawrence the highest percentage of blacks in any of the townships. Most of the blacks living in the township

were concentrated in the southwestern section, which was contiguous to the part of Indianapolis from which the transferred pupils would be bused. An assistant superintendent and a full time desegregation coordinator were in charge of preparing teachers and students for acceptance of the newcomers, which they hoped would be accomplished smoothly, with little publicity. A special concern, they said, was "how to get the kids involved in the total school program, not just the classroom." The township would provide buses to take students from athletic practice and other after school activities. Elections for the student council and such positions as cheer leaders were being postponed from spring until fall so that the new students could have a share in them.[7]

Warren Township, south of Lawrence, along the eastern border of the county, carried on the most elaborate program of any of the school corporations in preparation for desegregation. Only 3.5 per cent of the students in the entire system were black, and some schools were entirely white in enrollment. Transfers from IPS would raise the total of blacks to 17 per cent, to be distributed among all the schools. Most of the IPS students came from the adjacent part of the city which was in Warren Township. They would ride in buses furnished by the township, usually for no longer distances than Warren students.

In addition to employing a full time desegregation coordinator and requiring that all school personnel - bus drivers, cooks, maintenance workers - as well as teachers and administrators,enroll in courses in human relations and "multi-cultural awareness," the school system held a "Leadership Camp" for old students and new

ones from IPS. The school board also appointed a bi-racial community advisory committee to hear complaints from parents and students and to make recommendations about problems which might arise. A newsletter sent to parents kept them informed of plans, of meetings with IPS students, and appointment of new teachers and staff, including a black principal for one of the schools.[8]

By the end of August elementary schools in all six townships had enrolled black students from IPS. Desegregation of the high schools was to take place in stages. In 1981 only ninth graders were bused to the suburbs, but as they advanced and blacks graduated from the elementary schools, all levels would be desegregated.

The final steps in the court ordered desegregation process came with the opening of the Indianapolis Public Schools. Once more school districts were redrawn and pupils assigned to schools different from those they had attended the previous year. Since 1968, when the desegregation suit was initiated, enrollment had declined from more than 108,000 to a little more than 57,000. In 1968 approximately 34 per cent of the student body was black; by 1981 it was almost 45 per cent. In this final stage the IPS Planning Department decided to abandon the interim intracity plan which had been used the year before, an extremely complicated one under which pupils within a single district were sometimes transferred to several different schools. In drawing up what they hoped was a plan that would last they were guided primarily by two objectives - to devise one which was equitable, involving the busing

of equal numbers of white and black students, and which gave promise of stability. In each elementary school district part of the student body would be pupils from the neighborhood who could walk to school, part would be bused from another district. No route would require that students spend more than thirty minutes on a bus. All students graduating from the elementary school would go on to the same junior high school. Under this plan white students were bused for the first time to five predominantly black schools. Shortridge High School was finally closed and its students assigned to Broad Ripple High School.[9]

On opening day attendance at some Indianapolis schools was low, but there was no evidence of organized resistance to reassignment of students and increased busing. By now most parents were resigned to accepting these changes. They simply hoped that from now on stability would follow years of uncertainty.

On September 25 the PRIDE information center which had been answering telephone calls about desegregation, most of which had been questions about bus routes rather than complaints, announced that it was closing. Henceforth the Community Desegregation Advisory Council (CDAC) would hear complaints and receive uggestions.[10]

During the first month of busing to the suburbs all had gone smoothly, to the relief of school officials, teachers, parents, civic leaders, and the general public. But a few weeks later a violent incident occurred in Perry Township, where it had been most anticipated. As black students were boarding the yellow IPS

bus at Perry Meridian High School, a crowd of whites, some of them outsiders, not students, began jeering them and pelting them with various articles. In the fray which followed one black student was struck in the face and injured.

The incident shattered the complacency of the Indianapolis community. The Community Desegregation Advisory Council, faced with their first challenge, after meeting with school authorities, assured black parents that their children would be protected from such incidents in the future. In the hope of improving race relations at Perry Meridian a retreat attended by students and teachers at the school was sponsored by the National Conference of Christians and Jews and the Race Desegregation Center of Indiana University. This enabled white and black students and their teachers to discuss racial questions and prejudices in the hope of countering racial stereotypes.[11]

Except for this incident at Perry Meridian, the first year of county-wide busing passed calmly, without any other racial incidents considered newsworthy. As a result, in October 1982 the National Conference of Christians and Jews gave an award to Indianapolis for its record of peaceful response to desegregation, the first such award given to any city.[12]

In his acceptance speech Mayor William C. Hudnut said it was easier to carry out a court order than "to really integrate the schools." A few weeks later the truth of this observation appeared to be confirmed when the Community Desegregation Advisory Council issued its first annual report. This document, based on

information and statistics furnished by the township school corporations, while commending efforts to promote peaceful and orderly desegregation urged the appointment of more black teachers and administrators and emphasized two problems. The first and more serious was the "disparity" in the treatment of black and white students in disciplinary cases, a difference so great, said CDAC, that it was impossible to escape recognition that some actions "grew out of racial insensitivity." It was "absolutely mandatory" for Indianapolis "to tackle and solve the problems that produce disproportionately high disciplinary actions against black students." The second problem was the disproportionate number of black students being held back from promotion to higher grades - a problem attributed to complex reasons, cultural, social, and economic - but also partly due, it appeared, to the fact that the IPS pupils had not had the opportunity to attend kindergarten.[13]

The CDAC report broke the calm that had prevailed during past months. Some black leaders who received copies in advance of publication in the press criticized it as "too vague" and general and demanded more specific facts. It did not reveal, they said, the magnitude of the problem of expulsions and suspensions for disciplinary reasons and violations of other rights of black students. Most vocal in criticism of the CDAC were IPS school board member, Lillian Davis, state representative William Crawford, and members of the Black Baptist Ministerial Association. At the insistence of Davis, who said she had received complaints from many parents who were "very unhappy" with suburban school disciplinary

practices, the Indianapolis school board voted to instruct IPS administrators to investigate the extent of the authority of IPS over the transferred students- "Be it [the authority] moral, be it legal, they were IPS students at one time," said Davis. James Adams, the superintendent who had succeeded Karl Kalp, agreed that he should investigate the extent of his authority but cautioned that other school corporations did not "particularly want superintendents from outside their corporations intervening."

Crawford said he had conducted his own investigation and that the disciplinary policies of the township schools should receive immediate attention and should not wait on an annual CDAC report. Decatur and Lawrence, he said, were willing to admit that they had problems and were trying to involve the community in solving them but other townships "won't even recognize that they have a problem." Crawford and the black ministers said they intended to renew their efforts to obtain "court-appointed powers" for the Community Desegregation Advisory Council. They wanted Judge Dillin to give the council substantive rather than merely advisory powers.

Administrators in the township schools expressed surprise at the complaints. The desegregation coordinator in Perry Township asked why Crawford and Davis had not communicated with them. "If they hear, why don't they let us know about it. Yes, we've got problems just like everybody else. But we haven't gotten any complaints in a year." Some black members of CDAC defended their report as objective. There were problems, Doris Parker admitted, but they wouldn't be solved overnight. Moreover, she pointed out,

"those kids [who were bused to the suburbs] didn't come from perfection. There are problems in IPS, so why should people feel the township schools would be different?"[14]

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Any lasting judgment about the Indianapolis desegregation suit and its consequences is beyond the scope of the present work; it must await the passage of time and analysis of data not yet available. But a brief summary of developments since 1981 will be attempted.

By 1984 implementation of the court orders for inter-district transfers to the suburban school systems was completed. In 1981, 5,600 pupils from IPS were sent to the six townships. Each year as these pupils advanced to higher grades and new children were sent to enter the first grade, this number increased until 1984, when black pupils from IPS were in all grades 1-12.

School officials in the townships and most school personnel generally appeared sincere in attempts to make transferred pupils and their parents feel they were a part of the school to which they were assigned, although the efforts and the degree of success varied from township to township. All the school corporations employed special counselors and advisers to help both black and white students to adjust to attending school together. All townships maintained offices in the city in the school district from which their black pupils were bused, where they were available for consultation

with parents and students. In the schools, they helped students with academic or disciplinary problems and sponsored human relations programs for pupils of both races. All schools had human relations councils to provide means of communication and interaction among parents and between parents and school personnel.[15]

The state paid the cost of all these "ancillary" programs as well as tuition for the transferred students and the costs of transportation. The cost of busing, so often presented as justification for opposition to desegretation, is in reality much less than the public assumes. In 1986-87, of 13.5 million dollars paid to the townships for desegregation purposes, only 2.6 million dollars were spent for transportation.

Dillin's orders to the townships in 1981 gave them the option of transporting the black students in their own buses or using buses furnished by IPS. Lawrence, Warren, and Wayne chose to furnish their own buses, labeled with the names of their townships, as a means of making the transferred pupils feel they were a part of the school to which they were assigned. Sam Jones of the Urban League said that sending pupils on buses with words "Indianapolis Public Schools" painted on them gave the wrong message and should have been eliminated. However, at first Franklin, Perry, and Decatur chose to use IPS buses. But in 1986 Decatur Township began to use its own buses for after school activities, and in 1988 bought eleven buses from IPS and began carrying all the pupils assigned to it from the Mapleton Fall Creek area in buses bearing the township name.[16]

Black leaders and members of the Community Desegregation

Advisory Council as well as black parents continued to emphasize that while the employment of black teachers and staff would benefit both white and black students, black teachers were particularly important to blacks to help them to adjust to their new environment and to serve as role models. As an inner city black minister said, "They [black kids] are coming from one-parent homes without role models, then they come to schools with no black teachers... How do you think the kids feel?"

All townships claimed they were trying to hire black teachers although not all had explicit affirmative action programs. The Wayne Township desegregation coordinator traveled to Texas and Louisiana to recruit, but the percentage of black teachers remained small, particularly in Franklin and Perry townships. School officials blamed the decline in the number of black college students preparing for careers in education as one of the obstacles they faced as well as reluctance of some blacks to move into districts where few blacks lived.[17]

Black administrators also appeared reluctant to seek jobs in the suburban school systems and were few in number. A notable exception was Percy Clark, Jr., who came in 1982 from Shaker Heights, the Cleveland suburb, to become superintendent of the Metropolitan School District of Lawrence Township, a district with a rapidly growing and diverse school population. He proved to be immensely successful, winning strong support from both black and white parents and the Indianapolis Chamber of Commerce, as well as recognition nationally.[18]

Reports of the Community Desegregation Advisory Council and newspaper articles continued to emphasize disciplinary problems and lack of academic achievement of the IPS students in the township schools. Blacks were disciplined for fighting more than for any other offense and also for disruptive behavior, truancy, and smoking. On an average they were suspended and expelled at a rate two or three times as great as the rate for white students. Black parents, complaining to the Community Desegregation Advisory Council, the council director said, "want their children to be disciplined, but the perception of lack of fairness of administering the discipline is what causes most concern."

Some township school officials responded indignantly to suggestions that they discriminated against black students, saying that pupils were expelled for breaking rules and not because of their color. The superintendent of Perry Township Schools pointed out that the black students bused into that township came from a high crime area in Indianapolis. "I cannot change their home environment," he said, "and that has a great deal to do with the behavior of students. If you live in a violent community, you are going to have, more than likely, violent behavior."[19]

Parents were also concerned over the low academic achievement of the pupils sent to the suburban schools. The retention rate (i.e. the rate of failure to be advanced to the next grade) was two or three times as great as the percentage of blacks in the total enrollment. Some parents felt that white teachers did not try to understand black pupils and expected them to fail - that they did not encourage pupils to achieve at levels of which they

were capable. Few black students were enrolled in classes for the "gifted," those who were considered to have high academic potential. Some students, as well as parents, thought there was a tendency to discourage them from admission to accelerated classes, but others spoke of white teachers who encouraged and stimulated them. Among the few blacks who graduated from the township high schools, only one or two seniors were found in the top ten per cent of the class. But an occasional student shattered stereotypes and won the highest honors. In 1987, for example, a black youth who ranked sixth in a graduating class of 240 at Franklin Township High School, won a four year scholarship to Stanford University.[20]

A few black students were elected to the National Honor Society, a few more to positions on student councils or as cheer leaders. Blacks were numerous in athletics, though few were in golf and swimming. On the whole, despite efforts of counsellors and teachers to encourage them to participate, and the fact that schools furnished transportation for after school activities, few students from IPS were found in dramatic activities or most school clubs. There seemed to be a general feeling among them that they did not "belong" in the suburban school and they preferred to return as soon as possible to their home neighborhood. In later years black students appeared to feel less alien and uncomfortable than in 1981 when busing began, and white students appeared more willing to accept their presence. But one black with a high academic record, while saying he had made a few real friends, said that in general there was little communication between blacks and white. "It's

more or less 'leave us alone and we'll leave you along,'" he said, but added, "That sounds worse than it is. There isn't any tension between the groups."[21]

Like the students, black parents who were interviewed, said that they did not feel that they "belonged" to the schools their children attended - that they wanted more than friendly gestures and the right to attend human relations councils and PTA meetings. Black civic leaders agreed that the parents should have an official voice in making school policy and in the conduct of school affairs. Early in 1983 the Indianapolis Urban League announced that a major part of its program for the year would be to involve parents of students bused to the suburbs in all levels in the schools. This would include the right to vote in school board elections in the townships where their children attended school. Sam Jones pointed out that under Uni-Gov residents of Beech Grove and Speedway could vote for the mayor of Indianapolis as well as the mayor of their own town, but that IPS parents could not vote in school elections in the districts where their children were enrolled, an anomaly which he called a "double whammy" against blacks.

A few months later state representative William Crawford sponsored a bill to give parents of city children bused to outlying school districts the right to vote in school elections. After his proposal died without a hearing, John Moss sought voting rights in a petition filed as an addition to the original desegregation suit, claiming that denial of voting rights was a violation of the guarantees of the Fourteenth Amendment.[22]

Once more lawyers for the various parties gathered in Judge Dillin's court room. Arguing for the parents, Moss said that "the right to vote is the core of the fabric of our society and should not be denied for any frivolous reason." But a representative of the state attorney general's office argued that the state election board did not have authority to grant the franchise. John Wood, representing IPS, supported the right of the black parents to vote. Legal counsel for Lawrence, Warren, and Wayne townships did not oppose this but continued to urge that a preferable remedy would be annexation to the township of the parts of IPS where the students lived. Attorneys for Franklin, Perry, and Decatur opposed granting the vote. The attorney for Decatur Township said that parents . of the IPS students were "free to participate in activities, come to board meetings, anything of that nature," but that the right to vote depended upon residency. Moreover, he insisted, the vote which the parents sought was not comparable to the voting rights of residents of Beech Grove and Speedway under Uni-Gov.

Judge Dillin, whose support of the parents was evident throughout the hearing, replied: "They do vote twice. If you live in Beech Grove...you get to vote for the mayor of Indianapolis. There is precedent in Indiana coming out of the Uni-Gov case, which made it possible to transfer the students in the first place." In refusing to dismiss the suit the judge said he was considering the right to vote in school board elections as part of the larger problem of desegregation which had already been decided, not a separate constitutional question. A few days later, after receiving approval of the state election board, Dillin announced a plan for completing

in the townships.[23]

Black parents voted in the township elections for the first time in May 1984. An analysis by the Indianapolis News showed low voter turnout. Of over three thousand on a list of eligible voters only about seven hundred or 23.2 per cent voted. Because Judge Dillin's ruling on the right to vote came on the final day for filing to run for office, only one black was a candidate - Lloyd Hall, father of a child attending school in Warren Township. He received the largest vote of the parents voting in the city, but was unsuccessful in the overall vote.

A few months later four blacks were among applicants for appointment to a vacancy on the Warren Township school board created when a member resigned. Cleo Moore, who was appointed, became the first black from IPS to serve on a township board. The next year the Wayne Township school board insured representation of parents from IPS by adding two new members to the five member school board and designating one of them for the IPS district from which Wayne Township pupils were bused. After the state board of education approved the change, Wayne Township school superintendent said that this meant that the IPS parents would have a voice in the governance of the schools. The action meant that the school board viewed the school board as permanently altered. They wanted, he explained, "to indicate the reality and not talk of 'transfer kids' and a 'transfer district' but consider them a part of our system itself." Outside of Wayne, however, black parents who sought

school board membership, continued to run at large, with less likelihood of election.[24]

A variety of kinds of statistical data are available which have shown the comparative scores of black and white students on standardized achievement tests, the percentage of blacks who fail to advance to the next grade, the number who have made high grades and won scholarships and have been elected to student councils or become cheer leaders. They also show the number of expulsions, suspensions, and drop outs. But they do not measure intangible, subjective matters - attitudes of black and white students toward each other, the feelings of blacks toward the school to which they have been assigned and toward their teachers. Such efforts as have been made to deal with subjective matters have been mainly the work or newspaper reporters. Writers for the Indianapolis Star, in particular, have done substantial research on desegregation in the township schools, and the Star has given them extensive coverage. But, at best, articles which are based on personal interviews are only a sampling. The reporters have conscientiously tried to present a balanced account. The tenor of the reports is always the same - that although schools have been desegregated, "true integration" has not been achieved. While all observers would agree that the kind of "integration" that some idealists hoped for has not been achieved, the results of desegregation are probably more positive than the newspaper articles suggest. Critics point out that in the effort to be "balanced" and to "show both sides," writers have probably distorted the true picture by

giving too much attention to negative responses. The only "scientific" survey of parental attitudes (made by Advanced Technological Survey from telephone interviews in 1987 with almost one thousand parents, of whom about one half were white) showed predominantly positive attitudes by both blacks and whites. Although parents from both races voiced concerns about such matters as discipline, lack of black teachers, and lack of parental involvement, the survey indicated that ninety-five per cent of those interviewed were in favor of children of both races attending school together and generally approved the course that the schools were following. White parents frequently said that the greatest value of desegregation was that it taught blacks and whites to learn to get along with each other. Black parents valued especially the quality of the township schools, feeling that their children received a better education than they would have in IPS. Other samplings of opinion showed that while some black parents felt their children were not fully accepted in the suburban schools, the experience of attending school together with whites helped to prepare them for the "real world" they would enter after leaving school, a society in which increasing numbers of blacks and whites worked together.[25]

A statement by Rozelle Boyd, black educator and long-time member of the Indianapolis city-county council, appears to be a fair appraisal. "I think the way we have handled desegregation here, by and large, is exemplary," he said. "In this kind of effort there is a tendency to accept the negative. You can have 90 percent smoothness and 10 percent rough spots, and the 10 percent will get the notoriety.

"Having said that," he added, "I must tell you that I encountered racism - and I am not one to use that term loosely - at a meeting in one of the townships. I hope that was just a pocket.

"And I would say the one-way busing just sort of half does the job. Certainly it places the burden or handicap on black parents and black students."[26]

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While the press and public attention focused on desegregation in the townships, with emphasis on one-way busing of black pupils, within the borders of IPS the number of pupils, white as well as black, bused for desegregation was far greater than the number bused to the suburbs, and the problems faced by IPS as the result of desegregation were far more formidable than those faced by the township school systems.

Desegregation has contributed to decline in enrollment, school closings, dismissal of teachers, and decline in revenue, although other factors are also involved. As the result of movement to the suburbs and elsewhere and continued low birthrates, the total enrollment of IPS, which was more than 108,000 in 1968, had declined to 57,000 in 1981, and to 50,000 by 1988. Black students made up 33.7 per cent of the total in 1968; since 1981 the percentage has ranged from about 45 to 49 per cent. Since the beginning of the desegregation suit fifty schools, including four high schools have been closed. Harry E. Wood High School was closed earlier in

the desegregation process, and Shortridge in 1981. But enrollment at the remaining schools continued to decline. In 1986, although there were some protests, the school "board voted by a six to one margin to convert John Marshall High School into a junior "high, school and consolidate its student body with that at Arlington.. The decision to change Crispus Kttucks, where enrollment "had fallen to less than one thousand by 1986, to a junior "high, school "was more painful. Amid cries of "racism," the four "white members of the school board voted for the change, while the three black members voted " no." A member of the city—county council who "was present lamented: "There's not a black institution left in the city. It's all being snatched away from blacks."[27]

Before 1968 less than five hundred pupils rode on school buses, usually because they were enrolled in special education classes. During the 1970's the number grew to several thousand, primarily because of court ordered desegregation but also because of new programs. By 1981-82 it reached more than 23,000, and by 1987-88 more than 29,000. The increase was due in part to the closing of some schools but also to increase in special programs. These figures show, of course, that more than half the school population rode buses and that less than half continued to attend neighborhood schools.[28]

Of the students who ride buses the vast majority are part of the desegregation program, but many are also "bused for other reasons - because they are enrolled in options or magnet programs classes for the academically talented or attend special school

those with physical or learning disabilities. Precise figures for the numbers bused for purposes of desegregation are not available because many who are bused for desegregation purposes also ride buses for other reasons. One group largely forgotten, left in a kind of no-man's land as the result of desegregation, is the handful of white pupils (less than two hundred) who live in predominantly black school districts from which pupils are bused to the township schools, When the schools in the districts were closed, the white pupils were bused to schools in IPS. At the end of the school day they return to neighborhoods where all the other students attend schools in the suburbs.[29]

In the city schools discrepancies in academic achievement between black and white students are less marked than in the townships. Superintendent James A. Adams, who succeeded Karl Kalp in 1982, has said that socio-economic differences make it unfair to compare academic records of blacks with whites - that poverty rather than race is the determining factor. "If you pull out the poverty whites and the poverty blacks, you will see the same achievement," he says. Both black and white pupils from lower income level ranked lower on standardized tests than those from higher income levels. Among both blacks and whites the highest retention rate (failure to advance to the next grade) was among first graders, but this has declined somewhat in recent years. Almost twenty per cent of black students drop out of high school without graduating, but of the 1,003 who graduated in 1987, slightly more than half expected to enter college. However, in Indianapolis, as in other

cities, the number of blacks who go to college has shown a decline in recent years.[30]

The magnet programs in the high schools and the options programs in the elementary schools begun in the 1970's and a more recent program in elementary schools for the academically talented have continued, but on a limited scale, because of lack of financial support. Pupils in regular courses are also assigned to all the buildings where special programs are given, and the ratio of black and white pupils in each building conforms to the ratio in the total enrollment in IPS as ordered by Judge Dillin. Among the selected pupils in the academically talented program about thirty per cent of those enrolled in 1988-89 were black. Fewer black than white parents choose to enroll their children in options programs, but in all of the programs more than a third of the pupils are black. In the Montessori program, which includes kindergarten and has the largest enrollment of any of the options except Basics, more than 46 per cent of the pupils are black.[31]

Two years after closing Shortridge High School in 1981 the school board by a margin of four to three voted to renovate the building and reopen it as a magnet junior high school. In 1985 the school reopened with programs in foreign languages and in mathematics and science to which pupils from all parts of Indianapolis and outlying districts were admitted by examination. In 1988-89 slightly more than half of the students enrolled in foreign languages were black, but only 36 per cent of those in the math/science program. The largest enrollment at Shortridge was in performing arts, in which 47 per cent of the pupils were black.

Blacks were also well represented in the performing arts program at Broad Ripple High School (43 per cent), but the number in the Humanities program was slightly smaller (38 per cent). At Technical High School blacks made up 61 per cent of the enrollment in the Health Professional Program, and 30 per cent of those in the math/science program.[32]

There appears to be general agreement among parents and the teachers involved that these special programs are successful, but they reach only the fortunate few among the student body. In 1988-89, of the 50,000 pupils in IPS, slightly less than four thousand were enrolled in all special programs.[33]

Black students in the city schools have disciplinary problems similar to those in the township schools but on a larger scale because the numbers and percentages are higher. In 1987-88 in junior high schools, out of a total of 903 students suspended, 520 were black. Thirty out of 52 students expelled were black. Among older black students disciplinary problems were more serious and the discrepancy with whites more marked. Out of 1,920 students suspended, 1,429 were black, and blacks were a large majority of those expelled - 88 out of 106.[34]

There were also disproportionate examples of less serious disciplinary problems among black pupils. One black teacher deplored the fact that she saw too many black children standing in the halls of elementary schools for hours as punishment for minor incidents of misbehavior. She attributed the situation in part to the insensitivity of white teachers and lack of understanding

of black children which persisted in spite of human relations training - a judgment with which many black parents concurred. But although there were numerous incidents of fighting and scuffling in the school system as a whole, there were no large scale racial confrontations. Joseph Smith, former head of the Human Relations Consortium, now executive director of Flanner House, has criticized black parents for not demanding more of the schools and white educators for putting too much stress on discipline. "We permit educators to instill discipline, rather than to educate," he has said. "Therefore our kids reject behavioral commands, and we miss the chance for quality education."[35]

Observers have also frequently commented that desegregation has resulted in racially mixed enrollments but has not broken down racial barriers. Black children bused to formerly "white" schools remain isolated from their white classmates. Nevertheless in the city schools the greater number of black students brings more blacks into extra-curricular activities than in the townships. Though there are no funds in IPS to transport them to and from after school activities, blacks are more active in school clubs and other activities than in the suburban schools, although few are elected to positions of leadership.[36]

The Indianapolis schools have been more successful in recruiting and retaining black teachers than the township systems. The total reached twenty-eight per cent of the total in 1984, but declined slightly thereafter, partly because fewer blacks were seeking careers in education and partly because salaries in Indianapolis became less competitive with other systems.[37]

In choosing a successor to Karl Kapl, who retired in 1982, after court-ordered desegregation finally had gone into effect, the school board chose a white man, James A. Adams. A native of Kentucky with a doctorate from Ohio State University, Adams came to Indianapolis from Winston-Salem, North Carolina. He was chosen in part because in previous positions he had had experience with declining enrollments and school closings as well as desegregation. In 1988, Shirl E. Gilbert, a black educator, was appointed deputy superintendent, the highest rank of any black in IPS. Meanwhile the number of blacks in lesser administrative positions increased to more than forty per cent.[38]

School board elections and school board members, as well as staff, reflect changes that have come since 1968. No longer is there a group comparable to the Citizens School Committee or any single person with the power which Judge Niblack wielded. In fact, not since the CHOICE victory in 1976, has an entire slate selected by a committee been elected. Today members are socially and racially diverse and drawn from all parts of the city. In 1980 the system of election was changed to provide for members chosen from districts but elected by voters at large. In 1984 the law was changed once again to provide for six members elected by the voters in each of the districts and for one member from the city at large. While this method insures representation from all parts of the city it appears to have had the effect of limiting city wide debate on broad educational issues during pre-election campaigns. Election of members by districts has led to a continuity of membership unknown in the days of the Citizens

School Committee when members were never nominated for a second term. Today, Mary Busch, first elected in 1976, is serving her fourth consecutive term, and Lillian Davis, also elected in 1976, whose term began in 1978, is still a member, as is Hazel Stewart, first elected in 1980. In addition to these three black women, Richard Guthrie has served continuously since 1980. Experience and continuity enable board members and administrators to undertake long range planning and programs, but some observers think that some limitation on the number of consecutive terms a member could serve would encourage new ideas and fresh approaches to problems.[39]

No differences over policies comparable to those which split board members over the desegregation suit have developed, and members deny that decisions are made along racial lines, but a new racial assertiveness on the part of black members is evident. It has become customary for black and white members to alternate as board president, and the election in 1988 for the first time resulted in a black majority on the board. David Girton, a young man of twenty-eight defeated incumbent Mary Lou Rothe, a white woman with long experience in promoting desegregation since the days of the Coalition for Integrated Education, for the position of member-at-large. In an election which coincided with the Presidential Primary, in which large numbers of black voters went to the polls to vote for Jesse Jackson, Girton was elected by a margin of about five hundred votes. White board member, Richard Guthrie, speaking of the outcome, which made Indianapolis the first city in the state with an elected school board with a

black minority, said he hoped the public would discount the racial factor, saying, "You could just as easily say the board makeup has changed in gender. We've switched from four women and three men to four men and three women." But Lillian Davis openly expressed gratification over the election of a black male, the first since the election of Robert DeFrantz in 1976. She said, "I think it is important with a population like that of IPS to have black role models."[40]

While the end of the long struggle over desegregation may not have eliminated awareness of race and racial problems, it has permitted school board members, administrators, and teachers to devote attention to other problems, some of them related to race, similar to those faced by most urban school systems - low academic achievement, truancy, drop outs, and increasingly disciplinary problems. Board and school personnel have prepared goals and long range plans to deal with these problems, and have introduced some successful innovations, but on the whole IPS has an unfavorable image in the eyes of the public. City schools are regarded as inferior to those in the suburbs. As a program of "revitalization" of downtown Indianapolis and some inner city neighborhoods continues, more whites in upper income brackets, particularly young professionals, are moving back to the city, but few of them have children who attend public schools. In a prosperous neighborhood in the northeast corner of IPS, both white and black parents have supported a move for legislation to permit that segment of IPS to be annexed to the Lawrence Township school system. While testifying before a legislative committee parents

have denied that they are racially motivated. "We are uniting in trying to get quality education for our children," said one, "and we should be extolled instead of accused of motives that simply are not there."[41]

The failure of IPS to provide the "quality education" sought by these parents is largely the result of problems not faced by the suburban school corporations - a school population drawn predominantly from lower income, lower educational levels. The difficulty of dealing with these problems is compounded by lack of money, and as the result of the settlement of the desegregation suit, the township school corporations involved enjoy financial advantages which IPS lacks. When Superintendent Adams assumed his new duties in 1982, he said that financial problems were the greatest threat to public education, "the cornerstone of our society." At the time he spoke, the truth of his statement was not so apparent and the financial problems of which he spoke were not so acute, as they became because IPS was still receiving state funds ordered by Judge Dillin as part of the desegregation settlement to enable IPS to adjust to the loss of students to the suburbs. From 1981 to 1985 Indianapolis Public Schools received more than twenty-one million dollars from the state, money spent to upgrade the schools by introducing new programs, reducing class sizes, and hiring additional teachers. When the court ordered payments came to an end, IPS was forced to retrench. To compensate for the loss of state money and to continue programs begun under it, the Indianapolis school board sought a referendum to authorize an increase in property taxes, the principal source of local revenue available

to schools. Among a population of whom only twenty-seven per cent had children who attended public school, but many more owned real estate on which they paid taxes, the plea for additional revenue for schools found little support. A well financed and effective campaign against increased taxes, and, in effect against the school board and IPS, by a group calling themselves the Indianapolis Taxpayers Association, resulted in an overwhelming defeat. In a special election in December 1985 a handful of voters defeated the proposed increase by a margin of 22,424 to 9,351. Eighty-five per cent of eligible voters failed to go to the polls.[42]

Defeat in the referendum forced school board members and administrators to consider other ways of increasing revenue and led them to raise an issue on which they had previously been silent - the inequity resulting from the court order which continued to bring money to the township school corporations to pay costs resulting from desegregation but not to IPS, where the consequences of desegregation affected a much larger number of students. Under the court order the state paid tuition for students bused to the suburbs and "ancillary" costs of desegregation. A study made by the Indianapolis Star in 1987 showed that a bonus ranging from $1,238 to $2,134 over the actual cost to the township was received for every student bused from IPS. State money allocated for desegregation was spent for a variety of purposes related directly and indirectly to desegregation, some of which, such as books for libraries, benefited all students, not merely

those from IPS. State money also made possible higher salaries for teachers than those paid in IPS.

While some Indianapolis school board members urged efforts to reduce payments to the township school corporations, Superintendent Adams said, "We're not interested in taking dollars away from any other school system. But this [situation] has placed IPS at a disadvantage." Moreover, he said, the city schools had special needs and costs in educating a large urban student body and, "We've got to have special recognition of those needs." As a result the school board voted to hire a Washington law firm to investigate the possibility of modifying the court order which benefited the townships but not the Indianapolis Public Schools.[43]

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The history of school desegregation in Indianapolis is a record of delays, obstructionism, and prolonged legal maneuvers in attempts to avoid the inevitable. It is a record of missed opportunities. If the Indianapolis Board of School Commissioners had carried out in good faith the intent of the 1949 school law abolishing segregation in public education, instead of circumventing it, the United States Justice Department would not have intervened. If, after the suit against IPS was instituted, the school board had been willing to take steps which the Justice Department demanded, a trial could have been avoided. When Stanley Campbell came to Indianapolis in 1969 to become Superintendent of

Schools, he said he came because he believed that Indianapolis was one of the few large cities, perhaps the only one, where there was the chance of reversing the decay of urban education and urban life, but to accomplish this would mean putting human needs before financial needs and would require the help of the Federal government as well as the state. Campbell spoke approvingly when Judge Dillin found IPS guilty of de jure segregation and announced that he expected IPS teachers and staff to comply with his decision without grumbling. But the school board voted to appeal and public backlash led to the election of a school board which fired Campbell, continued the legal battle, and followed a course even more obstructionist and defiant than its predecessor. The Indianapolis Public Schools continue to suffer from the intransigence of earlier school boards.

If state officials had shown willingness to carry out the intent of the 1965 state law to facilitate school desegregation, and, more importantly, if the General Assembly had not exempted the suburban school corporations in enacting the Uni-Gov law, the State of Indiana would not have been found guilty of de jure segregation and would not have been ordered to pay the costs of desegregating the Indianapolis schools.

Opposition by the white voters in suburban Marion County was clearly the reason that school systems were not included in Uni-Gov. Although the suburban corporations were never charged with practicing de jure segregation, for years they paid enormous fees to legal counsel in an attempt to avoid accepting a modest number

of black pupils from the inner city, a policy which has left a legacy of resentment and suspicion in the black community in Indianapolis. But ironically, in spite of their resistance, the township schools have benefited financially from desegregation and the transfer of the black pupils.

By 1981 when the inter-district remedy finally began, enthusiasm for civil rights and elimination of racial discrimination, which had been at their height in 1968, when the Indianapolis desegregation case began, had waned nationally. The Reagan administration appeared indifferent, if not opposed, to further action to enhance opportunities for blacks. The United States Department of Education and the Justice Department publicly opposed mandatory measures to reduce racial isolation in the schools. But in Indianapolis, where a long battle against school desegregation had proved futile, civic pride and appeals by the city's leaders led to peaceful and orderly compliance with court orders.

In retrospect the remedy fashioned by Judge Dillin seems pragmatic and moderate and the prolonged opposition difficult to understand. While it may be argued that one-way busing is inequitable, the judge undoubtedly recognized that an order for two-way busing would create bitter opposition and lead to more legal battles. The suburban school systems today appear satisfied with the present arrangements, the more so because they benefit financially from desegregation.

While IPS has suffered, the desegregation plan imposed by Judge Dillin places a share of responsibility upon the white suburbs and thereby has prevented the bitterness which has

resulted in some cities, particularly in Boston, where court orders placed the entire burden for desegregation upon the city and its residents, and did not affect the suburbs.

To most people probably the greatest benefit brought by the final settlement is stability after years of controversy and uncertainty. Not everyone is satisfied. Undoubtedly, many blacks and some whites are still resentful that two-way busing was not ordered. Some city whites resent the two-way busing within the borders of IPS. One white parent, when asked by a reporter what his greatest hope for desegregation was, replied. "I'd like to see someone shove the whole thing up Dillin[1]s...We bought our house for three reasons - the price and the convenience of School 18 and Manual High School. Now our daughter is being bused across town." As already noted, some parents in northeastern Indianapolis want the district to be annexed to Lawrence Township. But a bill for that purpose was decisively rejected by the education committee of the state house of representatives.

The public generally seems reconciled to school desegregation, if not actively supportive. There is little disposition to rock the boat and possibly renew court battles. In testimony against the bill to annex IPS territory to Lawrence Township, representatives of IPS pointed out that Judge Dillin retains jurisdiction and that enactment of the proposal would undoubtedly lead to more court hearings - that it might even cause the judge to order a metropolitan school system for the entire county. But though the annexation proposal appears dead, there is a real probability that

IPS may seek to reopen the desegregation suit to seek an adjustment in which Indianapolis Public Schools would share state aid for desegregation with the township schools.[44] More than twenty years after the Justice Department initiated the suit the final chapter may not have been written.

NOTES

CHAPTER 1

1. Emma Lou Thornbrough, The Negro in Indiana before 1900: A Study of a Minority (Indianapolis, Indiana Historical Bureau, 1957), pp. 5-16, 68-69 and passim.

2. Ibid., pp. 161-164; Indiana Senate Journal, 1842-43, pp. 521-22; Revised Laws of Indiana, 1843, p. 320.

3. Thornbrough, Negro in Indiana, pp. 161, 165-66; Lewis v. Henley et al, Ind. 332-35 (1850); Laws of Indiana, 1855, p. 161.

4. Thornbrough, Negro in Indiana, pp. 317-19; Indianapolis Daily Journal, October 25, 1865. Many adults as well as children enrolled in these schools, causing the Indianapolis Journal to comment: "The desire of the enfranchised negro [sic] for knowledge is wonderful. The perseverance and success with which the adults apply themselves to the study of reading and writing excites surprise in all who have given the matter any attention." Ibid., June 15, 1870.

5. Indianapolis Public Schools, Annual Report, 1866, pp. 16-17.

6. Thornbrough, Negro in Indiana, pp. 320-23; Laws of Indiana, 1869 (special session), p. 41.

7. Thornbrough, Negro in Indiana, pp. 325-28; Cory et al v. Carter, 48 Ind. 326-27 (1874).

8. Laws of Indiana, 1877, p. 124; State, ex rel. Oliver et al v. Grubb, Trustee, 85 Ind. 213-19 (1882).

9. Herman Murray Riley, "A History of Negro Elementary Education in Indianapolis," Indiana Magazine of History, XXVI (Dec. 1930) 289;

Indianapolis Public Schools, Annual Report, 1879, p. 27; Ibid., 1908-09, pp. 30-31. By 1908 enrollment in the colored schools was reported to be 2,470 out of a total of 28,342.

7. Black teachers were never assigned to white or racially mixed schools. The first two black teachers were Mrs. Lottie Douglass and Miss Susan Depew. Another early black principal was William D. McCoy. In 1888 he resigned his position to run for the state legislature. Defeated in that attempt, he was appointed by President Benjamin Harrison to one of the highest posts then open to blacks - minister to Liberia, where he died. He bequeathed his small estate to the Indianapolis public schools. The school which he had headed was later named the William D. McCoy School. Thornbrough, Negro in Indiana, p. 334.

8. Indianapolis Public Schools, Annual Report, 1908-09, p. 92.

9. Ibid., pp. 194, 218. A compulsory school attendance law had been passed in 1897. A report of the attendance officer suggested that truancy was sometimes due to "the prejudice of parents against colored schools and colored teachers." Ibid., p. 218.

10. The case was Thornton v. Gross, Indianapolis News, July 9, 1895.

11. Indiana House Journal, 1897, pp. 489, 746, 751-54, 842, 1011, 1310; Thornbrough, Negro in Indiana, pp. 337-38.

12. Indianapolis Freeman, Jan. 23, Feb. 20, 1897; Indianapolis World, Jan. 9, Jan. 30, 1897. The possibility that black teachers might teach white pupils apparently did not occur to persons debat-ing the Jones bill in 1897.

7. For examples see "Historical Sketch of School Number *19*," pp. 1-2 and "Historical Sketch of School Number 42," pp. 3-4 (Indianapolis Board of School Commissioners, Indianapolis *Public* Schools 1853-1953. Mimeographed booklets in Teachers Library, Indianapolis Education Building.)

8. Thornbrough, Negro in Indiana, p. 341. The student was Mary Rand. Indianapolis High School was remaned Shortridge High *School* in 1897.

9. Ibid., p. 229.

10. Ibid., p. 298.

11. In every national election in Indiana from 1872 to 1892 the outcome was so close that the Negro vote may have been crucial to Republican victory. Lawrence Grossman, The Democratic Party and the Negro, Northern and National Politics 1868-1892 (Urbana: *University* of Illinois Press, 1976), p. 100.

12. Laws of Indiana, 1909, pp. 341-42. Prior to the enactment of this law at least three blacks had been elected to the city *council.*

13. Thornbrough, Negro in Indiana, p. 368. A letter by a black man to the Indianapolis Journal, Feb. 22, 1870 summed up prevailing attitudes and practices: "There is another great question that will come up in Church and State, and we may as well meet it now; that is the social mingling of the white and colored people. I have read the Bible through five times, and I find nothing left on record as evidence that God will condemn either party for mingling or not mingling. But, according to the custom of the American people, it is certainly best not to mingle. We can live united in all great national affairs, when properly administered, and live socially separate."

23. Thornbrough, Negro in Indiana, pp. 383-88. The Leader ceased publication after a few years. The World survived until 1924; The Freeman until 1926. The Recorder continues publication today.

24. Laws of Indiana, 1885, pp. 76-77. The Indiana legislature,as well as legislatures in several northern states, passed the state law after the Supreme Court declared the federal Civil Rights Act of 1876 unconstitutional in 1883.

25. Indianapolis Ledger, Oct. 11, 1913; National Association for the Advancement of Colored People, Fourth Annual Report, 1913, pp. 27-

26. Indianapolis Freeman, March 25, August 12, 1916.

27. Indianapolis Recorder, Nov. 18, 1916; Indianapolis Freeman, April 22, Sept. 3, Oct. 28, Nov. 11, 1916.

28. Emma Lou Thornbrough, Since Emancipation;' A Short History of Indiana Negroes, 1863-1963 (Indianapolis: Indiana Division American Negro Emancipation Centennial Authority, 1963), p. 17.

29. Leonard Joseph Moore, "White Protestant Nationalism in the 1920's: The Ku Klux Klan in Indiana" (Ph.D. dissertation, University of California Los Angeles, 1985), p. 17 and passim.

30. Emma Lou Thornbrough, "Segregation in Indiana during the Klan Era of the 1920's," Mississippi Valley Historical Review, XLVII (March 1961), pp. 597-98; The Crisis, Jan. 1925, p. 131; Indianapolis Recorder, Jan. 30, 1926.

31. Thornbrough, "Segregation during the Klan Era," p. 598; Indianapolis Freeman, March 1, 1924.

32. For an account of the 1925 mayoral campaign and election see below pp. 36-39.

23. Thornbrough, "Segregation during the Klan Era," pp. 598-99; Journal of the Common Council of the City of Indianapolis, 1926, pp. 54, 77-78, 82; Indianapolis News, March 16, 1926; Indianapolis Star, March 16, 1926. Persons owning property before the adoption of the ordinance were allowed to reside in it and to sell it, but if a Negro sold property to a white or if a white sold to a Negro, the purchaser was not allowed to take up residence without the written consent of a majority of the people living in the "community," a term defined as every residence within 300 feet of the property involved.

24. William Pickens to Mrs. Olivia Taylor, March 17, 1926, National Association for the Advancement of Colored People Papers, Manuscript Division, Library of Congress. Hereafter cited as NAACP Papers. See Chapter 2 below for more of the history of the Indianapolis branch of the NAACP.

25. Indianapolis Recorder, March 13, May 15, June 8, June 15, 1926; The Crisis, Jan. 1927, p. 142; Edward S. Gaillard v. Dr. Guy L. Grant, Indianapolis News, November 23, 1926. The Louisville case was Buchanan v. Warley 245 U.S. 60 (1917).

26. Harrison v. Tyler, 273 U.S. 668 (1927). This did not deter the White Protective League from further efforts to keep white neighborhoods whits. .A few months later an improvised bomb was thrown at a house recently purchased by a black fireman, a crime which the police made little effort to solve. But white neighbors initiated a damage suit against the black victim, alleging that he and others had conspired to place a colored man in the neighborhood in order to depreciate real estate values. Lawyers Brokenburr and Henry, intervening

in behalf of the black fireman, succeeded in blocking the suit, which never came to trial. Indianapolis Recorder, June 23, 1927.

7. NAACP, Sixth Annual Report, 1915, p. 9; Indianapolis Freeman, Nov. 18, 1916.

8. Indianapolis News, May 13, 1919.

9. Blacks continued to attend Shortridge High School (formerly Indianapolis High School) and two newer high schools opened about the turn of the century - Emerich Manual Training High School and Arsenal Technical. It was estimated that perhaps five-sixths of the blacks who graduated from elementary schools entered high school, but few of them remained to graduate. In 1914 a total of 19 blacks graduated from Shortridge and Manual; in 1918 there were 23. Increased employment opportunities resulting from entry of whites into military service during World War I were reported to have caused some blacks not to continue their education. Indianapolis News, June 11, 1914; June 15, 1918.

10. Indianapolis Star, Sept. 30, 1921; Indianapolis Times, Nov. 3, 1921; Indianapolis News, Oct. 23, 1921.

11. Indianapolis Times, Nov. 3, 1921; another editorial in similar vein,ibid., Nov. 4, 1921.

12. Indianapolis Board of School Commissioners, Minutes, May 27, 1919 (Book S), p. 252. For a recent history of Shortridge see Laura Sheerin Gaus, Shortridge High School 1864-1981: In Retrospect (Indianapolis, Indiana Historical Society, 1985).

13. Indianapolis Times, April 28, 1922.

14. Ibid., May 27, 1922. The committee report did include a recommendation for better facilities for treating Negroes suffering

from tuberculosis, but members of the Federation of Civic Clubs seemed oblivious of the fact that the crowded and insanitary housing of which the resolution spoke was due in part to efforts of civic clubs to contain the Negro population in these very crowded and insanitary surroundings.

7. School Commissioners, Minutes, June 13, 1922 (Book W), pp. 226-27.

8. Ibid., Sept. 19, 1922, pp. 396-97; Nov. 22, 1922 (Book X), p. 30. In later years there was a tradition in the white community that the black high school was authorized by the school board in response to petitions from the black community. There is some evidence that some blacks wanted a separate school because it would provide employment for black teachers, but this author has found no such evidence in surviving documents. See Indianapolis Recorder, August 6, 1927.

9. Indianapolis News, Dec. 9, Dec. 13, 1922; School Commissioners, Minutes, Dec. 12, 1922 (Book X), p. 63.

10. Ibid., Feb. 14, 1924 (Book Z), pp. 319-321; Indianapolis Freeman, Feb. 14, 1924. Another white delegation requested that "in the interest of economy," the old buildings at Shortridge be used for the "colored school," while a new Shortridge was constructed, "thus releasing funds for other construction projects," This suggestion was not accepted by the school board.

11. Director of Branches to Mr. Harry D. Evans, President of the Indianapolis Branch, Jan. 19, 1923, NAACP Papers.

12. School Commissioners, Minutes, May 12, 1925 (Book AA) , p. 14.

13. Greathouse v. Board of School Commissioners of City of

Indianapolis, 198 Ind. 95 (1926); The Crisis, May 1925, p. 36; Assistant Secretary to Mr. Lucas B. Willis, June 6, 1924, NAACP Papers; Indianapolis Freeman, May 24, 1924; Indianapolis Recorder, April 3, June 19, 1926.

52. School Commissioners, Minutes (Book Y), pp. 22, 85, 159, 192, 304-05; Indianapolis Freeman, March 1, 1924.

53. The Mapleton Civic League, recording its accomplishments in 1923, said: "Through our efforts the School Board has promised to provide separate schools for colored pupils of the city, especially a high school of their own," measures which the Mapleton members hoped would help in accomplishing residential segregation. Indianapolis Freeman, March 1, 1924.

54. James H. Madison, Indiana Through Tradition and Change: A History of the Hoosier State and Its People, 1920-1945 (The History of Indiana, Vol.V, Indianapolis: Indiana Historical Society, 1982), pp. 61-66; Indianapolis Times, Oct. 25, 1925. Walter Myers, the Democratic mayoral candidate, was a Protestant, but Roman Catholics were prominent in the Democratic Party Organization.

55. One of the brochures is in the NAACP Papers. A xeroxed copy is in the author's possession.

56. Indianapolis Star, Nov. 4, 1925.

57. Indianapolis News, Oct. 23, 1925.

58. Indianapolis Times, Nov. 2, 1925; Indianapolis News, Nov. 2, 1925.

59. Indianapolis Times, Oct. 10, Oct. 25, Nov. 4, 1925; Indianapolis News, Oct. 30, 1925. Charles Barry, a member of the school board elected in 1921, a Catholic, who had been under attack by the

Fiery Cross, the Ku Klux Klan publication, for obstructing school construction, was not a candidate for reelection in 1925.

52. Indianapolis Times, Nov. 5, 1925.

53. School Commissioners, Minutes, March 29, 1927 (Book CC), p. 166.

54. Indianapolis Recorder, March 27, 1926, Oct. 5, 1929, and passim,- Directory of Indianapolis Public Schools, 1929-30; "A Historical Sketch of George Merrit School Number 4," (Indianapolis Board of School Commissioners, Indianapolis Public Schools, 1853-1953), p. 18; School Commissioners, Minutes, Sept. 10, 1929 (Book FF), pp. 238-39.

55. Madison, Indiana Through Tradition and Change, pp. 70-75.

56. Indianapolis Times, Oct. 29, 1929; similar editorials in Indianapolis Star,Oct. 22, 1929; Indianapolis News, Nov. 2, 1929.

57. Indianapolis Times, Nov. 6, 1929.

58. School Commissioners, Minutes, June 30, 1925 (Book AA)

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p. 84; March 30, 1926 (Book BB), p. 113; Indianapolis Recorder, Aug. 6, 1927.

59. Material on the early history of the school from Frederick H. Gale, "The First Twenty-five Years of Crispus Attucks High School, Indianapolis, Indiana " (Master's thesis Ball State University, 1955), passim; Indianapolis Recorder, April 30, May 14, Sept. 10, 1927 and passim; Indianapolis News, April 18, 1934; "Attucks Beacon," the school newspaper.

60. Laws of Indiana, 1935, pp. 1457-58.

61. Indianapolis Recorder, May 12, 1934; March 21, 1949; "Indianapolis Public Schools, Outline of Facts, 1940" (Mimeographed pamphlet, clipping file, Indiana Department Indiana State Library).

NCTES

CHAPTER 2

1. Indianapolis Recorder, April 27, 1935. In similar vein Freeman Ransom, one of the most highly respected leaders in the black community, had written earlier to Pickens: "The Negro suffers every type and kind of discrimination in this state that he suffers anywhere, even jim-crow theaters and moving picture houses," F.B. Ransom to William Pickens, March 10, 1933, NAACP Papers.

2. ' Except for the book by Judith Endelman cited below, there is a dearth of published and primary material on ethnic communities in Indianapolis, but a growing interest in the subject. The following pamphlets are useful: James Divita, Slaves to No One: A History of the Holy Trinity Catholic Community in Indianapolis (Indianapolis, 1981) and The Italians of Indianapolis: The Story of Holy Rosary Catholic Parish 1904-1984, by the same author.

3. Judith Endelman, The Jewish Community in Indianapolis (Bloomington: Indiana University Press, 1984), pp. 178-79, 212, 219 and passim. In addition to these organizations there were state and local branches of the Anti-Defamation League, the American Jewish Committee, the American Jewish Congress, the National Council of Jewish Women, and others.

4. James M. Madison, "The American Constitution and the Old Federalism, Views from the Hoosier State," Bicentennial of the U.S. Constitution Lecture Series (The Poynter Center, Indiana University, May 1985), p. 9; Madison, Indiana Through Tradition and Change,

pp. 88-93, 104-05, 243 and passim.

1. Quoted in Madison, "The American Constitution and the Old Federalism," p. 10.

2. Ibid.

3. John Paul Dundan, Control of the City Government of Indianapolis Evidenced by the Forces Determining Its Ordinances, 1925-1941 (Abstract of Ph.D. thesis in Government, Indiana University, 1943), p. 27 and passim.

4. Edward A. Leary, Indianapolis: The Story of A City (Indianapolis and New York: Bobbs Merill Co., 1971), p. 220.

5. Post-War Plans for Indianapolis Presented to the Citizens of Indianapolis by the Mayor's Committee on Post-War Planning... October 10, 1944, p. 13 (Pamphlet, Indiana Department of Indiana State Library. Cited hereafter as ISL.)

6. Leary, Indianapolis, pp. 221-22; Indianapolis Star, April 14, 1965.

7. John Miller, Indiana Newspaper Bibliography (Indianapolis: Indiana Historical Society, 1982), pp. 280-81, 285-86. A recent biography by a grandson is Russell Pulliam, Publisher Gene Pulliam, Last of the Newspaper Titans (Ottowa Illinois: Jameson Books, 1984).

8. Indianapolis Star, Nov. 17, 1953; Indianapolis Times, Nov. 18, 1953.

9. New York Times, quoted in Indianapolis News, Nov. 21, 1953; Indianapolis Star, Nov. 21, 1953; Indianapolis Times, Nov. 21, 1953.

10. Ibid., Nov. 19, 1953. The Indianapolis Star, Nov. 24, 1953, while defending the right of the ICLU group to meet and be heard, said that the American Legion was performing a worthwhile service

in bringing to light facts about the ACLU which local people had not known. It praised Cale Holder for his remarks about Arthur Garfield Hays, who was "deliberately trying to discredit the anti-Communist investigations of congressional committees."

1. Indianapolis News, Dec. 16, 1953.

2. The ICLU continued to seek recognition of its right to meet in the War Memorial, a right finally upheld by the Indiana Supreme Court in 1973. Indianapolis Star, Feb. 2, 1973; Indianapolis News, Feb. 2, 1973.

3. A typical campaign brochure said "...the control of the board had fallen into the hands of certain pressure groups with emphasis on religious intolerance and racial prejudice. The schools were treated as political plums; money was spent for reasons of political expediency; sectarianism, favoritism and nepotism were the order of the day." (Mimeographed leaflet, "History and Accomplishments of the Citizens School Committee, 1942," ISL.)

4. Indiana University Alumni Magazine, 46 (May-June, 1984), p. 31. In his memoirs, The Life and Times of A Hoosier Judge (n.p., n.d.), Niblack dwells at length on his experience as a newspaper and reporter during the Klan era, but says nothing about KlaiV segregation in the schools.

5. "History and Accomplishments of the Citizens School Committee, 1942;" Indianapolis Times, June 26, 1950, May 10, 1955.

6. Ibid., June 6, 1950.

7. Ibid., Nov. 26, 1952; Indianapolis News, Oct. 14, 1953.

8. The First Fifty Years of the Indiana Congress of Parents and Teachers, Inc. (n.p., 1962), p. 8; "Indiana PTA Members Study

Group on Federal Aid to Education," (Mimeographed leaflet, ISL).

1. Indianapolis Times, April 8, 1956. For an account of the 1959 school board campaign see below, pp.

2. Indianapolis Times, Jan. 24, 1964.

3. Emma Lou Thornbrough, Since Emancipation; A Short History of Indiana Negroes, 1863-1963 (Indianapolis: Indiana Division American Negro Emancipation Authority, 1963), pp. 19-20; U.S Bureau of the Census, U.S. Census of Population, 1960, Vol. Is Characteristerics of the Population, Part I (Washington: U.S. Government Printing Office, 1964), Table 33; Community Service Council of Metropolitan Indianapolis, Inc., "The Negro in Indianapolis: A Summary of Local Data, September 1967" (ISL), pp. 10, 19; Indianapolis News, Nov. 20, 1956. See map

In Beech Grove, an industrial community centering around railroad shops in the southeastern part of Marion County there was only one black out of a total of over 10,000 inhabitants, according to the 1960 census. In Speedway City, on the western edge of Indianapolis the site of the Five Hundred Mile auto races, there were three blacks out of a total population of more than 9,000 in 1960.

4. Max Cavness, The Hoosier Community at War (Bloomington: Indianapolis University Press, 1961), pp. 137-38; Indianapolis Recorder, Jan. 10, 1942, March 8, 1952; Indianapolis News, Nov. 9, 1949; Indianapolis Times, Aug. 6, 1959.

5. Cavness, Hoosier Community at War, p. 140. In urging the razing of the slum area and building new houses on the site, George Kuhn, former president of the Chamber of Commerce, said that one of the disadvantages of government subsidized housing was that it

tended "to move slums to other areas." Post-War Plans for Indianapolis , p. 16.

1. Indianapolis News, Nov. 23, 1956. Few blacks moved south of Washington Street, the main east-west thoroughfare, nor had the white population expanded southward as rapidly as in other directions ; but after World War II expansion of whites increased, in part because of the absence of blacks and the threat of black neighbors.

2. Indianapolis Recorder, Sept. 19, Sept 26, 1944; Indianapolis News, Nov. 23, 1956; Feb. 25, 1960.

3. Report of the State Advisory Committee on Civil Rights, 1959, pp. 121-22 (ISL); Thornbrough, Since Emancipation, pp. 81-82; Emma Lou Thornbrough, "Breaking Racial Barriers to Public Accommodations In Indiana, 1925-1963," Indiana Magazine of History, LXXXIII (Dec. 1987), pp. 307,310; Indianapolis News, Nov. 11, Nov. 12, 1949; Indianapolis Times, Aug. 4, 1959.

4. Men belonged to Kappa Alpha Psi and Omega Psi fraternities; women to Alpha Kappa Alpha and Delta Theta Sigma.

5. Planner House, Annual Report, 1947: Flanner House of Indianapolis, Fiftieth Year (ISL.) IN 1940 Blackburn received the Distinguished Service Award of the Junior Chamber of Commerce. He later was a member of the board of directors of the United States Chamber of Commerce, and in the 1960's of the Greater Indianapolis Progress Committee, which had close ties with the Chamber of Commerce. Blackburn served as executive director of the Board of Fundamental Education, an organization supported by William Book and Eugene C. Pulliam, among others. With offices in several cities, the Board of Fundamental

Education sponsored programs for training unskilled, uneducated workers for jobs. Blackburn was also a trustee of Christian Theological Seminary. Indianapolis Star, June 7, 1978.

1. Post-War Plans for Indianapolis, p. 18.

2. Roger William Riis and Webb Waldron, "Fortunate City: Story of Flanner House Negro Neighborhood Settlement in Indianapolis," Survey Graphic, XXXIV (Aug. 1945), pp. 339-42.

3. For a brief sketch of Henry L. Hummons see Indiana Historical Society , Black History News and Notes, Nov. 1987, p. 1.

4. Bertram E. Gardner, "The Negro Young Men's Christian Association in the Indianapolis Community" (Master's thesis, Sociology, Butler University, 1951), pp. 23, 44.

5. Ibid., pp. 74-75; Indianapolis Star, Sept. 25, 1964; Indianapolis Recorder, Sept. 26, 1964.

6. Gardner, "The Negro Young Men's Christian Association," pp. 52-55; Indianapolis Star, Sept. 25, 1964.

7. Thornbrough, Since Emancipation, pp. 33-40 and passim.

8. "Biographical Sketch of Robert Lee Brokenburr" (Typed manuscript, Indiana Historical Society Library); Thornbrough, Since Emancipation, p. 41; Indianapolis Recorder, May 24, 1941; Indianapolis News, Nov. 16, 1949; May 15, 1953; July 21, 1964; Mar. 25, 1974. In 1943 Brokenburr became the first black elected to the Indianapolis Bar Association. In 1952 President Eisenhower appointed him as an alternate delegate to the United Nations.

9. The Crisis, March 24, 1924, pp. 206-08; Indianapolis Times, Aug. 6, 1947; Indianapolis Star, Aug. 7, 1949; Indianapolis Recorder,

Jan. 28, 1927; Aug. 9, 1947; Indianapolis News, Nov. 17, 1949. Ransom received various honorary appointments for his service to the Democratic Party but did not actively seek political office except for one term as a member of the Indianapolis city council.

1. Richardson and Dr. Robert Stanton, a dentist, from East Chicago, were the first black Democrats elected to the General Assembly.

2. Thornbrough, "Breaking Racial Barriers," pp. 304-06.

3. Typed sketch of Richardson's life in Inventory of Henry J. Richardson Papers, Indiana Historical Society Library; Indianapolis Recorder, April 7, 1934; Jan. 26, 1935; Indianapolis News, July 26, 1968. Roselyn Comer Richardson, wife of Henry J. Richardson, graduated from Spellman College and the Atlanta School of Social Work. As the mother of two school age sons, she took an active interest in the Indianapolis Public Schools and played an important part in the campaign to desegregate them.

4. Indianapolis Star, March 4, 1952; Feb. 3, 1953; Indianapolis Times, Dec. 21, 1952.

5. Thornbrough, "Breaking the Racial Barriers," p. 311.

6. Ibid., p. 312. In the NAACP Papers in the Library of Congress there are a number of letters derogatory to Ransom, asking the national organization to take steps to remove him from office in Indiana.

7. Thornbrough, "Breaking Racial Barriers," p. 312; Indianapolis Recorder, April 8, 1944. Jessie Jacobs was the wife of Cary Jacobs, a lawyer and owner of a funeral business.

1. Indianapolis Recorder, July 2, 1927; Indianapolis Star, May 11, 1973.

2. Dallas Daniels, "History of the Federation of Associated Clubs, 1939-1949" (Master's thesis, History, Butler University, 1975); Thornbrough, "Breaking Racial Barriers," pp. 312-14.

3. An American Dilemma; The Negro Problem and Modern Democracy (1944), by the renowned Swedish economist, Gunnar Myrdal, a massive study of the economic, social, and political condition of American blacks, was considered influential in shaping attitudes of white Americans on racial issues.

4. Thirty-Second Annual Banquet of Church Federation of Indianapolis (ISL), pp. 9-10; Indianapolis Star. Aug. 2, 1943.

5. Henry J. Richardson, Attorney and Councillor at Law, and Dr. Howard J. Baumgartel, Secretary, Church Federation, "History and Progressive Facts of the Passage of the Law Prohibiting Discrimination and Segregation in Public Education in the State of Indiana" (Typed manuscript Henry J. Richardson Papers, Box 20, Indiana Historical Society Library), pp. 1-2.

6. Thornbrough, "Breaking Racial Barriers," p. 314 and passim.

NOTES

CHAPTER 3

1. Educational Committee Report of the Indianapolis Branch to the Branch Secretary of the National Office, Oct. 8, 1947, NAACP Papers.

2. Indianapolis Recorder, Jan. 26, 1946. The group meeting at the "Y" included Lowell Trice, president of the NAACP, Faburn DeFrantz and Freeman Ransom of the "Y," members of the League of Women Voters, the Y.W.C.A., the American Legion, and others from the black and white communities.

3. School Commissioners, Minutes, Jan. 29, 1946, Feb. 12, 1946, (Book 00), pp. 1517, 1524; Indianapolis Recorder, Feb. 2, Feb. 16, 1946. Included in the delegation were members of the League of Women Voters and the Y.W.C.A., Walter Frisbie, state chairman of the CIO, Rabbi Maurice Goldblatt from the recently organized Jewish Council on Community Relations, and several white Protestant ministers as well as black leaders.

4. School Commissioners, Minutes, Feb. 26, 1946 (Book 00), pp. 1537-38.

5. Indianapolis Recorder, Feb. 16, Sept. 7, 1946.

6. Ibid., Oct. 19, 1946. This was the "new" Shortridge, opened in 1929, at Meridian and 34th Streets.

7. Ibid., Dec. 14, 1946; School Commissioners, Minutes, Dec. 30, 1946 (Book 00), pp. 1740-42.

8. Ibid.; Indianapolis Times, Dec. 31, 1946; Indianapolis

Recorder, Nov. 9, 1946. The state law authorizing segregated schools was passed in 1869 and amended in 1877, not 1875. The ten elementary schools were in outlying parts of the city where a few scattered black families lived.

1. Indianapolis Recorder, June 29, 1946.

2. Indiana Senate Journal, 1947, pp. 77, 132; Indiana House Journal, 1947, p. 410; Indiana Laws, 1947, pp. 157-60; Henry J. Richardson to Thurgood Marshall, Jan. 30, 1947, NAACP Papers.

3. Indiana House Journal, 1947, pp. 151, 302-03; Indianapolis Star, Jan. 30, 1947; original of House Bill 406 in Indiana State Archives.

4. Indianapolis Star, Feb. 21, 1947; Indianapolis Times, Feb. 21, 1947; Henry J. Richardson to Thurgood Marshall, Jan. 30, 1947, NAACP Papers; copy of statement of Indianapolis Board of School Commissioners, Feb. 20, 1947, in NAACP Papers.

5. Indianapolis Times, Feb. 21, 1947; Indianapolis News, Feb. 28, 1947; Indianapolis Recorder, March 1, 1947; Indiana House Journal, 1947, pp. 672-73.

6. Indianapolis Recorder, March 1, 1947.

7. Ibid., March 15, 1947; Baumgartel and Richardson, "History . ».of the Passage of the Law Prohibiting Discrimination and Segregation," pp. 5-6.

8. Indianapolis Star, April 19, 1947; Indianapolis Recorder, June 28, 1947.

9. Indianapolis Times, July 16, 1947.

10. Indianapolis Recorder, Aug. 2, 9, 30, Nov. 8, 1947.

19. Educational Committee Report of the Indianapolis Branch to the Branch Secretary of the National Office, Oct. 8, 1947, NAACP Papers.

20. Ibid.; School Commissioners, Minutes, Sept. 30, 1947 (Book PP), p. 1917; Indianapolis Star, Oct. 1, 1947; Indianapolis Recorder, Oct. 4, 1947. Earlier in the day Nelson, Jacobs, and Ransom had conferred with Gloster B. Current, Director of Branches of the NAACP, who was in Indianapolis and who helped plan strategy and frame the petition. Undated memorandom from Current and copy of Nelson petition in NAACP Papers.

21. Willard Ransom to Thurgood Marshall, April 8, 1948, NAACP Papers.

22. Indianapolis Recorder, May 15, 1948.

23. Indianapolis News, Sept. 17, 1948; William T. Ray to Thurgood Marshall, Oct. 2, 1948, NAACP Papers.

24. Indianapolis News, Sept. 29, 1948; Baumgartel and Richardson, "History... of the Passage of the Law Prohibiting Discrimination and Segregation," p. 7.

25. Memorandum to the Legal Department from Gloster Current, Oct. 6, 1947; Henry J. Richardson to Franklin H. Williams, Assistant Special Counsel, Nov. 5, 1947, NAACP Papers; Indianapolis Recorder, Oct. 11, 1947.

26. Mark V. Rushnet, The NAACP's Legal Strategy Against Segregated Education, 1925-1950 (Chapel Hill: University of North Carolina Press, 1987), pp. 34, 114. The two cases involving admission to graduate and law school in which the justices considered "intangible"

factors as criteria for violation of "equal protection of the laws," were Sipuel v. Board of Regents, 332 U.S. 631 (1948) and Sweatt v. Painter, 339 U.S. 629 (1950).

19. Henry J. Richardson and Willard Ransom to Thurgood Marshall, Oct. 6, 1947, NAACP Papers.

20. Jessie Jacobs to Atty. Franklin Williams, National Legal Staff of the NAACP, Oct. 21, 1947, NAACP Papers. The absence of "fresh air" facilities for black children was ironical in view of the evidence that they were particularly susceptible to tuberculosis and other maladies that "fresh air" facilities were intended to alleviate.

21. Thurgood Marshall to Henry J. Richardson, Feb. 4, 1947; Gloster Current to William T. Ray, Feb. 17, 1948; Willard Ransom to Thurgood Marshall, April 8, 1948, NAACP Papers.

22. Baumgartel and Richardson, "History... of the Passage of the Law Prohibiting Discrimination and Segregation," p. 6; Report to the Indianapolis Community Relations Council from Dr. Max Wolff, "Pilot Study as to the kind of survey best suited to Indianapolis' needs. Re segregation of the school system, June 23, 1948," NAACP Papers.

23. Ibid.

24. Indianapolis Star, Sept. 26, 1948.

25. Henry J. Richardson to Thurgood Marshall, Oct. 23, 1948, NAACP Papers.

26. Indianapolis Star, Dec. 5, 1948.

27. Thurgood Marshall thought it a mistake to delay completion

of the survey and wanted to press on with the preparations for a law suit. He was pessimistic about the prospects of adoption of a law abolishing segregation. Marshall to Henry J. Richardson, Feb. 17, 1949, NAACP Papers.

19. Henry J. Schricker, a small town banker and newspaper man from Starke County in the extreme northern part of Indiana, had been governor during the war years 1941-45. The only Democrat to win state office in the Republican sweep of 1940, as governor he had battled Republicans over power and patronage. An independent Democrat, not enthusiastic about New Deal reforms, incorruptible, "folksy," and unaffected, he was immensely popular.

20. Ronald D. Cohen, "The Dilemma of School Integration in the North: Gary, Indiana, 1945-1960," Indiana Magazine of History, LXXXII (June 1986), pp. 103, 164-65, 168-69, and passim. In spite of the declared policy of integration, "resegregation" led to an increase in all-black or nearly all-black schools. It was estimated that by 1962 more than 90 per cent of black students were attending racially segregated schools. Ibid., p. 181.

21. Indianapolis Recorder, Dec. 20, 1947, March 6, 1948.

22. Ibid., Sept. 13, 1947, June 28, July 3, 24, Aug. 7, 1948, March 27, May 8, 1949; Marian Perry Wynn to Earl Dryer, President Elkhart Branch, NAACP, Sept. 3, 1947; Earl Dryer to Marian Perry Wynn, Oct. 11, 1947, Aug. 18, 1948, NAACP Papers.

23. A few small communities, like New Albany and Jeffersonville, on the Ohio River, continued to maintain separate schools for a dwindling black population.

24. Indianapolis Star, Feb. 20, 1949.

19. Indianapolis Recorder, June 15, 1948; Indiana Senate Journal, 1949, p. 77.

20. Indianapolis Recorder, Jan. 8, 1949; Indiana House Journal, 1949, pp. 221, 466, 628-29; Indianapolis Star, Feb. 18, 1949. The bill was a joint effort of Richardson and Ransom with some assistance from interested white lawyers. Ransom appears to have been the principal author. The Democrats voting against the measure were from Shelbyville, Connersville, Brazil, Sellersburg, and Terre Haute. Except for Terre Haute all were small towns with few black residents.

21. Indianapolis Star, Feb. 22, 1949; Indianapolis Recorder, March 19, 1949.

22. Indianapolis Times, Feb. 21, 1949.

23. Indiana Senate Journal, 1949, pp. 506, 508; Indianapolis Times, Feb. 23, 24, 1949; Indianapolis Star, Feb. 23, 24, 1949; Indianapolis Recorder, Feb. 26, 1949.

24. Indiana Senate Journal, 1949, pp. 711-12; Indianapolis Star, March 1, 1949. The text of the amendments is not in the Senate Journal, but it is filed with H.B. 242 in the Indiana State Archives. The Senate Journal does not give the numbers voting for or against the amendments.

25. Indiana Senate Journal, 1949, p. 814.

26. Press release, March 17, 1949, NAACP Papers; Indianapolis Star, March 2, 1949; Indianapolis Recorder, March 5, 1949; interview with William T. Ray, Aug. 17, 1988.

27. An Act establishing a public policy in public education and abolishing and prohibiting racial or creed segregation, separation, or discrimination in public schools, colleges and universities,

Indiana Laws, 1949, pp. 604-07.

19. Indianapolis Star, March 10, 1949; Indianapolis Recorder, March 12, April 16, 1949; Press release, March 17, 1949, NAACP Papers.

20. Willard Ransom to Gloster Current, April 14, 1949, NAACP Papers; Indianapolis Recorder, July 1, 1950. There were three blacks in the Indiana house of representatives in 1949, no blacks in the senate.

21. Thornbrough, "Breaking Racial Barriers," pp. 329-343.

NOTES

CHAPTER 4

1. School Commissioners, Minutes, April 12, 1949, (Book QQ), p. 169; Indianapolis Recorder, April 16, 23, 1949. Under the plan for districting, pupils from one all-Negro school, Number 10 on the near Southside, were assigned to Manual High School. Pupils graduating from all other Negro elementary schools were assigned to Attucks.

2. Ibid., June 1, 1949.

3. Ibid., Sept. 3, 1949.

4. Indianapolis News, Nov. 25, 1953.

5. Ibid.; Indianapolis Times, Aug. 8, 1953.

6. Indianapolis News, Nov. 30, 1953.

7. Indianapolis Times, Oct. 10, 1954. Another article in the Times said: "Race friction in the East and South...have emphasized by contrast - how well Negro and white pupils have mixed in Indianapolis schools." Ibid.

8. Indianapolis News, Sept. 17, 1954.

9. Indianapolis Recorder, Jan. 28, 1950.

10. Ibid., Aug. 12, 1950.

11. Ibid., Oct. 28, Dec. 16, 1950; March 13, 1951.

12. Ibid., Sept. 20, 1952. Boone, a machinist, a Republican precinct committeeman, was regarded as a person of some status in the black community. His lawyer, Patrick Chaves, a Democrat, was later elected to the Indiana General Assembly.

1. State ex. rel. Boone v. Superior Court of Marion County, 232 Ind. 289; Indianapolis Recorder, Sept. 13, Oct. 24, 1952; Feb. 10, May 13, July 4, 1953; Indianapolis Times, Feb. 10, 1953. Because the judge had set a date for a hearing by the time the appeal reached the Supreme Court, that court declared the case moot. At the hearing in the Superior Court, Boone's lawyer presented evidence that white children who had recently moved into the district were admitted to the school from which the Boone children were excluded.

2. Indianapolis Recorder, Sept. 23, 1950.

3. Ibid., May 26, 1951; May 17, 1952. In September 1951, as already noted, one black teacher had been assigned to a white school. Indianapolis Times, Jan. 16, 1957.

4. Indianapolis News, Nov. 25, 26, 1953.

5. Ibid., Nov. 27, 1953; Indianapolis Recorder, Sept. 3, 1949; Indianapolis Public Schools, Annual Report, 1950-1951, p. 1; ibid., 1952-1953, pp. 7-8.

6. Indianapolis Recorder, Feb. 7, 1953.

7. Ibid., June 19, 1954; Indianapolis Public Schools, Annual Report, 1955, p. 18.

8. Indianapolis News, Jan. 1, 1955.

9. Indianapolis Recorder, Oct. 6, 1956.

10. Indianapolis Times, Jan. 14, 1957.

11. Indiana Senate Journal, 1941, pp. 342, 712, 808, 1066, 1304, 1372; Dale Glenn, History of the Indiana High School Athletic . Association (Greenfield ,Indiana: Mitchell-Fleming Printing Co. 1976),

p. 121; Herbert Schwomeyer, Hoosier Hysteria: A History of Indiana High School Basketball (6th edition, Greenfield, Indiana: Mitchell-Fleming Printing Co. 1985), pp. 236, 240, 252.

1. Indianapolis Recorder, Nov. 29, 1958; Jan. 27, 1962; Indiana polis Times, Jan. 17, 1957.

2. Indianapolis Recorder, Oct. 6, 1956; Indianapolis Times. Jan 16, 1957.

3. Indianapolis News, Sept. 3, 1954; Indianapolis Recorder, Sept. 4, 1954; June 4, 1955; Indianapolis Times, Jan. 17, 1957.

4. Indianapolis News, Aug. 29, 1958; Indianapolis Recorder. Aug. 30, 1958; School Commissioners, Minutes, Aug. 28, 1958 (Book ZZ), pp. 1109-1112.

5. Indianapolis Recorder, Aug. 27, 1955; Jan. 12, 1957; May 24, 1958. Roselyn Richardson speaks highly of Dr. Shibler. She remembers him as tactful but firm in dealing with parents, both white and black. Interview with Roselyn Richardson, Jan. 1987.

6. Indianapolis News, Dec. 17, 1954; Indianapolis Star, Dec. 31, 1954; Jan. 5, 1955; Indianapolis Times, Jan. 5, 1955.

7. Indianapolis Star, May 1, 1955. Specific policies on which a majority of the board were reported to have overridden Shibler were endorsement of a symphony orchestra made up of students from all high schools in the city; approval of a course in the history of religion and its importance in the American heritage, which some lawyers thought might raise constitutional questions; bargaining with the salary committee of the Indianapolis Education Association without prior authorization from the school board.

1. Indianapolis Recorder, July 15, 1950.

2. Ibid., March 31, April 7, 1951. Robert L. Brokenburr.served as a member of the executive committee of the Citizens Committee but apparently had no voice in the selection of candidates.

3. Ibid., Aug. 4, 1951; Indianapolis News, Nov. 5, 1951.

4. Indiana Laws, 1955, pp. 257-58; Indianapolis Star, April 1, 1955.

5. Indianapolis Times, May 10, 1955. Niblack's account also ignored the fact that by the date of the 1925 election D.C. Stephenson's power was already shattered. He was in jail, awaiting trial on charges of murder. An even more improbable account of the Klan era was given in another article by Irving Liebowitz in which he said: "Under the direction of Grand Dragon D.C. Stephenson, the Klan brought about the erection of Crispus Attucks High School in 1927." Ibid., Aug. 18, 1955.

6. Indianapolis Star, June 9, 1955. Perhaps this was a stratagem to discourage challenges to the Citizens ticket.

7. Indianapolis Recorder, May 7, July 2, 1955; Indianapolis Times, Nov. 3, 1955.

8. Indianapolis Star, Jan. 28, 1959.

9. Indianapolis Times, May 22, 1959; Indianapolis Recorder, July 4, 1959. Subsequently, it appears, the executive committee of the Citizens Committee was instructed to study the recommendations and make a report, but the League of Women Voters received no communication concerning this.

10. Indianapolis Times, May 22, 1959.

1. Indianapolis Recorder, June 27, 1959; Indianapolis Star, Oct. 27, 1959; Indianapolis Times, Dec. 31, 1961. Men nominated by the Citizens Committee were: Edward R. Raub, an attorney, former president of the Shortridge Alumni Association; Elbert Gilliom, another graduate of Shortridge, an attorney, graduate of the University of Michigan Law School; Henry F. Schricker, Jr., son of the former governor, an insurance executive, also a Shortridge graduate; two men in the public relations business, Wallace Sims and Fred Surface. Of the two women candidates, Ardith Burkhart was well known in civic, philanthropic, and cultural affairs. She was the wife of John Burkhart, an insurance executive, president of the Chamber of Commerce, the man who had led the fight in Indianapolis against the state and national PTA organizations. Alice Coble, wife of a realtor, was a graduate of Butler University, active in the Daughters of the American Revolution, with some reputation as a poet. Both Burkhart and Coble were known as particularly strong opponents of federal aid.

2. Indianapolis News, June 21, 30, 1959; Indianapolis Recorder, July 4, 1959; Eastern Sun (clipping ISL), June 25, 1959.

3. Indianapolis Recorder, Sept. 12, 1959; Indianapolis Times, Oct. 4, 1959; Indianapolis Star, Oct. 27, 1959.

4. Indianapolis News, Sept. 11, 1959; Indianapolis Recorder, Sept. 12, 26, 1959.

5. School Commissioners, Minutes, June 30, 1959 (Book AAA), pp. 880-81; Indianapolis Recorder, July 18, 1959. Shibler[1]s one paragraph letter of resignation, in long hand, obviously written in

haste, is in the minutes. The board agreed to pay his salary until January 1960.

1. Indianapolis Times, Oct. 25, 1959.

2. Indianapolis Recorder, July 11, 1959. The timing of the demand for Shibler's resignation on the day after the announcement of the organization of the Committee for Better Schools may have been entirely a coincidence. But the fact that Shibler had been receptive to suggestions and recommendations of the PTA Council and that PTA members were prominent in the Better Schools group suggests a connection. Probably one of the "pressure groups" about which the board complained was the PTA; perhaps the NAACP was another.

3. Indianapolis Times, Oct. 4, 1959; Indianapolis News, Oct. 28, 1959.

4. Indianapolis Star, Jan. 20, 1960.

5. Indianapolis News, Sept. 21, 1959.

6. Indianapolis Recorder, Oct. 31, 1959.

7. Indianapolis Times, Oct. 1,1959. Rudolph Schrieber felt compelled to make a public answer to Shotwell's personal attack on him, while the president of the PTA Council pointed out that individual members of the PTA, not the organization, were active in the Better Schools Committee. She denied that the PTA had ordered its members to write letters and work at the polls in behalf of the Better Schools candidates.

8. Ibid., Oct. 23, 1959.

9. Indianapolis News, Oct. 29, 30, 1959.

10. Indianapolis Star, Oct. 31, Nov. 1, 1959.

56. Indianapolis News, Oct. 29, 1959? Indianapolis Star, Nov. 1, 1959. It might be noted that only one of the candidates of the Better Schools Committee was a member of a labor union.

47. Indianapolis Recorder, Oct. 31, 1959. The writer of the letter was Nettie Scoot King, owner of a funeral home.

58. Indianapolis Star, Nov. 4, 1959; Indianapolis News, Nov. 4, 1959.

59. Soon after the school board members elected in 1959 took office, a committee from the National Education Association came to Indianapolis to initiate an investigation of the Shibler resignation. Members of the school board refused to appear before the committee or give testimony. William Leak, board president, said the NEA had no jurisdiction - that the school board was "responsible to our local people, not to any national commission." Editorials in both the Star and News castigated the NEA group and its investigation, the Star saying it was "unwarranted" interference" and "indefen-sible, offensive and unreasonable." Indianapolis Star, Jan. 20; May 24, 1960.

60. "De facto segregation," never precisely defined, was a term used to describe segregation which was not the result of statutes expressly authorizing segregation.

61. Indianapolis Recorder, Feb. 16, July 6, 1963.

62. Ibid., July 27, Dec. 28, 1963.

63. Ibid., May 26, 1962; July 27, Oct. 5, Dec. 28, 1963; Feb. 24, 1964; Indianapolis Star, July 4, 1964.

64. Indianapolis Recorder, Dec. 1, 1962; May 11, May 18, Oct. 5, 1963.

65. Ibid., Dec. 28, 1963; Indianapolis News, Oct. 4, 1963.

NOTES

CHAPTER 5

1. Indianapolis Nevs, July 28, 1965.

2. For a summary of state civil rights legislation see Thornbrough, "Breaking Racial Barriers,"pp. 327-43.

3. Population of Marion County, Indiana by Minor Civil Divisions, compiled from 1960 Census by Metropolitan Planning Department and Indianapolis Chamber of Commerce (ISL); C. James Owen and York Wilburn, Governing Metropolitan Indianapolis (Berkeley: University of California Press, 1985), p. 17; Indianapolis Nevs, June 2, 1970.

4. Indianapolis Times, Aug. 7, 1959; Indianapolis News, July 28, 1965. Evidence of rapid northward spread of blacks during the 1950's is shown by the fact that the area from Thirtieth to Thirty-fourth Streets west of Boulevard Place changed from less than three per cent Negro in 1950 to 87 per cent in 1959; the area from Thirty-fourth and Thirty-eighth Streets between Illinois Street and White River from two-thirds white and one third Negro to two thirds Negro. See Map

In addition to Butler-Tarkington other northside associations working for maintaining racially mixed neighborhoods were Mapleton Fall Creek and Meridian Kessler.

5. Indianapolis Times, March 29, 1963.

6. Ibid., Dec. 19, 1965.

7. Ibid., Sept. 27, 1963.

8. Ibid., June 17, 1963; Indianapolis Recorder, June 6, 1963;

Indianapolis News, Aug. 13, 1964, April 12, 1965.

1. Indianapolis Times, March 15, 1964.

2. Ibid., April 21, 1964; Indianapolis News, Aug. 12, 1964.

3. Indianapolis Recorder, July 13, 1963; Indianapolis News, Aug. 6, 10, 1964. Said Ramsey: "If racial troubles do happen in Indianapolis, don't blame the NAACP, CORE and the Indianapolis Social Action Council. There are a lot of situations over which we have no control.

"We're trying to buy the people some time, so the white community can wake up and take corrective measures to end the abuse of discrimination ."

4. Ibid., April 12/ 1965; Indianapolis Recorder, May 1, 1965.

5. Endelman, The Jewish Community of Indianapolis, p. 214; Indianapolis Recorder, March 28, 1959. Paul Moore had been active in the NAACP and community relations work in New Jersey before coming to Indianapolis. He left Indianapolis to become the Episcopal Bishop in Washington, D.C. and later Bishop of New York City.

6. Indianapolis Times, April 27, 1965. In 1967 dissident young Democrats, impatient with the slow pace of change under Barton, tried to prevent his renomination. The internal feuding among Democrats contributed to the election of Republican Richard Lugar as mayor in 1967.

7. Indianapolis Star, Sept. 24, 1963; Indianapolis Times, June 29, 1965. Carl Dortch, a more pragmatic man, who had been director of governmental research and general manager of the Chamber of Commerce, was Book's successor. He was particularly interested in consolidation of many city and county functions. Some leaders and the

Pulliam newspapers resisted the change in philosophy and policy. When funds from the Hill Burton Act were accepted for building a new wing for Community Hospital, the Indianapolis News published an editorial entitled "A Bad Mistake," deploring the fact that "the hand of Washington bureaucracy, at long last, has been invited into our self-reliant city." William Book and John Burkhart refused to sit on the board of the Community Hospital after federal funds were accepted. Indianapolis News, Dec. 28, 1962; June 4, 1963.

1. Ibid., Oct. 24, 1964; June 10, 1965; "Who Really Runs Indianapolis," Indianapolis Times, Feb. 16-20, 1964.

2. Indianapolis Star, Aug. 19, 1965.

3. Indianapolis Times, Aug. 17, 1958; Aug. 30, 1960; Dec. 19, 1965.

4. Indianapolis News, Dec. 2, 1964; Indianapolis Recorder, Dec. 19, 1964.

5. Indianapolis News, Dec. 2, 1964. Sam Jones, a native of Mississippi, was a graduate of Clark College in Atlanta and the Atlanta School of Social Work.

6. Indiana Laws, 1963, p. 529. Critics of the law charged that it was a ploy to distract public attention from the school election, since most publicity would be focused on the Presidential primary and the nomination of the governor.

7. Other candidates for the Citizens Committee were: Mark Gray, an attorney and former Democratic member of the Marion County Elections Board; Harry McGuff, director of the Evening Division of Indiana Central College; Ortho Scales, a former teacher, now in management of a local business; Marvin Lewallen, a pharmacist; Gertrude Page,

a black operator of a family owned coal business; Anna Margaret Alexander, described in the press simply as a "club woman." Robert G. Robb and Col. Robert Mottern, already appointed members of the board, were also candidates. Indianapolis Recorder, Feb. 29, 1964; Indianapolis Times, April 12, 1964.

1. Other Non-Partisan candidates were: Ed Strickland, an executive of the Haag Drug Company, active in the Butler-Tarkington Association; Rev. Robert Smith, the only black on the ticket, minister of the Riverside Methodist Church, the first member of his race elected to full membership in the Northwest Conference of the Methodist Church; Julia Fangmeir, holder of a divinity degree from Yale University, wife of the Executive Director of the United Christian Missionary Society; Elizabeth Streeter, wife of a physician, graduate of Vasser.College; Herman Kothe, a graduate of Shortridge High School and the University of Michigan, a realtor, member of a socially prominent family; Harry S. Kane, an industrial engineer; James A. Weber, instructor in Bible history at Indiana Central College. Indianapolis Times, March 14, April 12, 1964; Indianapolis Star, May 1, 1964.

2. Ibid., April 19, 1964; Indianapolis Times, April 12, 19, 1964.

3. Indianapolis News, Feb. 17, 1964; Indianapolis Times, Jan. 12, April 2, 12, 27, 1964.

4. Ibid., April 1, 26, 1964; Indianapolis News, April 27, 1964.

5. Ibid.

6. Indianapolis Star, May 1, 6, 1964.

7. Indianapolis Recorder, July 4, 1964.

1. Ibid., Aug. 1, 1964; Indianapolis Times, Aug. 11, 1964.

2. Indianapolis News, Aug. 19, 1964; Indianapolis Star, Aug. 28, 1964. Efforts to maintain racial balance at Shortridge High School are described below, p. 206 ff.

3. Indianapolis Times, Dec. 18, 1964.

4. Indianapolis Recorder, Jan. 15, 1965; Indianapolis Star, Nov. 21, 1964; Jan. 21, 26, Feb. 3, 1965; Indiana Laws, 1965, p. 149.

5. Indianapolis Star, Feb. 5, 1965; Indianapolis Times, March 10, 1965. Coble, explaining her vote, said: "Our policy must be to disregard race entirely."

6. School Commissioners, Minutes, May 25, 1965 (Book EEE), pp. 2055-56; Indianapolis News, May 26, 1965; Indianapolis Star, May 26, 1965; Indianapolis Recorder, June 5, 1965.

7. School Commissioners, Minutes, July 27, 1965 (Book FFF), pp. 241-42; Indianapolis Star, July 27, 1965; Indianapolis News, July 28, 1965.

8. Indianapolis Times, July 28, 1965; Indianapolis Recorder, July 31, 1965.

9. Indianapolis Times, July 13, 1965; Indianapolis Recorder, May 15, July 10, 1965.

10. Indianapolis Recorder, April 18, 1967; Indianapolis News, April 15, 20, 1967. In an interview with the Indianapolis News a few days earlier, J. Griffin Crump, executive director of the Indianapolis Commission on Human Rights, had pointed out that more than ninety per cent of Negro teachers were in all-Negro or predominantly Negro schools and that this situation, unlike that of pupil segregation, could

not be excused as de facto segregation. In reply Superintendent Ostheimer said that only seven teachers in the entire system, most of them Negroes, had requested transfers to schools of the "opposite race." He thought that Negro teachers generally were satisfied to be in predominantly Negro schools and were reluctant to ask for transfers.

1. Indianapolis Recorder, June 5, 1965.

2. Ibid., April 8, Nov. 4, 1967.

3. Indianapolis Times, Sept. 15, 1965; Indianapolis Star, Jan. 7, 1968.

4. Indianapolis Recorder, May 30, 1964; April 28, 1967.

5. Bell v. School City of Gary, Indiana, 213 F Supp 819; 324 F 2d 209; 377 U.S. 924; Cohen, "The Dilemma of School Integration in the North, " pp. 169, 181-82; Indianapolis News, June 15, 1962; Nov. 23, 1963; Indianapolis Star, May 5, 1964.

6. Ibid., Nov. 20, 1964. Groups in Indianapolis working to reduce segregation in the schools which they labeled "de facto" were discouraged by the Gary decision. Andrew Ramsey, president of the Indiana State Conference of the NAACP, writing to the national office of that organization, said that the Gary decision "had practically knocked the props" from the 1965 Indiana law to facilitate desegregation. Ramsey to June Shagaloff, Education Specialist, NAACP National Office, March 8, 1965, NAACP Papers. This discouragement, however, did not deter Ramsey from efforts to bring action by the Justice Department against IPS.

7. A recent history is Laura Sheerin Gaus, Shortridge High School 1864-1981, In Retrospect (Indianapolis: Indiana Historical Society,

1985).

1. Indianapolis Recorder, Jan. 18, March 22, 1958. In editorials the Recorder frequently denounced Joseph Hadley and Shortridge patrons for deploring the "changed complexion" of the student body. It was disheartening, it said, to see "'classicists' so imbued with the spirit of the past that they cling to the past's sociological theories." Ibid., May 6, 1956; May 11, 18, 1957.

2. Gaus, Shortridge High School, pp. 238-39; Indianapolis Times, Oct. 25, 1961.

3. Ibid., Aug. 6, 1961. The dissertation by John Brooks, an elementary school principal, was based on questionnaires answered by 656 students and 228 sets of parents.

4. Indianapolis News, Aug. 23, 1963. Ebner Blatt, a prominent physician who served as president of both the Shortridge Alumni Association and the Shortridge PTA, spoke optimistically of race relations at the school, saying students of both races learned from being in school together. "Education," he said, "means more than cramming youngsters with facts and figures." It also meant teaching standards of citizenship "and that everyone of goodwill can live together." Ibid.

5. Indianapolis Times, Aug. 11, 1964. In 1964, as the result of rapid population increases in Washington Township, a second high school called North Central was opened. The previous North Central High School, which opened in 1957, became a junior high school. Indianapolis News, April 3, 1957; Indianapolis Times, April 12, 1964.

6. Indianapolis Star, Aug. 28, 1964; Indianapolis Recorder, Aug.

29, 1964.

1. Indianapolis News, Sept. 2, 1964.

2. Ibid., Sept. 21, 1964.

3. Gaus, Shortridge High School, p. 241; Indianapolis Recorder, Oct. 3, 1964; Indianapolis Times, July 13, 1965.

4. School Commissioners, Minutes, Aug. 26, 1965 (Book FFF), pp. 428-29, 431-33; Indianapolis News, Aug. 27, 1965.

5. Ibid., Aug. 27, 1965; April 15, 1967; Indianapolis Star, Jan. 4, 1967.

6. Indianapolis News, Aug. 27, 1965; Indianapolis Recorder, Sept. 4, 1965; Indianapolis Times, Sept. 15, 1965.

7. School Commissioners, Minutes, Nov. 23, 1965 (Book FFF), pp. 799-800.

8. Ibid., Dec. 2, 1965, p. 839; Indianapolis Star, Dec. 3, 1965; Indianapolis News, Dec. 3, 1965.

9. SchoolCommissioners, Minutes, Dec. 21, 1965 (Book FFF), pp. 902-03.

10. Indianapolis News, Jan. 29, 1966.

11. Indianapolis Star, July 13, 1965. Retiring members were Alice Coble, Harry McGuff, and Ortho Scales. New members were Mark Gray, Anna Margaret Alexander, and Marvin Lewallen.

12. Indianapolis Star, Jan. 24, 1967.

13. Ibid., Dec. 17, 1967; Indianapolis News, Feb. 7, 1968.

14. Ibid., Feb. 3, 1967; Indianapolis Star, June 25, Aug. 11,1967; Gaus, Shortridge High School, p. 248; Letter from Thomas Preble guoted ibid., p. 257.

1. Indianapolis Times, July 18, 1965; Indianapolis Star, June 25, 1967; Indianapolis News, Dec. 4, 1969.

2. Indianapolis Star, Feb. 10, 1968.

3. Indianapolis News, Jan. 29, 1969, March 11, 1970. For further details about Shortridge see below pp. 267-70.

4. Indianapolis Star, Jan. 15, 1969; Gaus, Shortridge High School, p. 260.

NOTES

CHAPTER 6

1. Indianapolis News, April 5, April 10, 1968; Indianapolis Star, April 10, 1968; April 3, 1988.

2. Indianapolis News, Nov. 23, 1967.

3. Indianapolis Star, Nov. 20, 1964; Indianapolis News, Nov. 3, Nov. 27, Dec. 8, 1967.

4. Ibid., Jan. 20, 1968.

5. Ibid., April 28, 1968. Other Citizens Committee candidates were: Jeremy Belknap, an attorney, graduate of the University of Michigan Law School; Sammy Dotlich, owner of a small business, already a member of the board, appointed to fill the unexpired term of Richard Lugar; Erie Kightlinger, law partner of Mark Gray, graduate of the University of Michigan Law School; Kenneth Martz, an engineer, Eli Lilly and Co.; Mrs. Winifred Shields, a former teacher, wife of a chemical engineer.

6. Indianapolis Recorder,Jan. 6, 1968; Indianapolis News, April 22, 1968. Moss was a graduate of the School of Law of Indiana University. Other Non-Partisan candidates were: William Bateman, a minister of the United Church of Christ; Providence Benedict, a social worker; Jonathan Birge, an attorney, graduate of Yale and the university of Michigan Law School; Jack Killen, head of both the Indianapolis Foundation and the English Foundation; Jean Tyler, former president of the League of Women Voters of Indianapolis, mother of a Shortridge student.

7. Indianapolis Recorder, Jan. 13, 1968; Indianapolis News, March 29, April 24, April 26, 1968. Niblack's charge that the Non-Partisans were allowing themselves to be the tools of the Democratic organization brought a cutting response from Edward Tyler, a professor at the Medical School of Indiana University, and husband of one of the Non-Partisan candidates. Saying that he was a Republican while his wife was a Democrat, he referred to Niblack's well known association with politics and added: "Frankly I don't understand why a politician with all the powerful appointive power Judge Niblack already has, can be so greedy as to want to control the Indianapolis School Board election." Ibid., May 1, 1968.

8. Indianapolis Recorder, Jan. 13, 1968; Indianapolis News, April 25, 1968.

9. Ibid., April 24, May 2 1968; Indianapolis Recorder, May 4, 1968.

10. Indianapolis News, May 8, May 9, 1968. Others whose terms began in July 1968 were Sammy Dotlich and Jeremy Belknap.

11. Ibid., May 8, 1968.

12. Indianapolis Recorder, May 4, 1968; Indianapolis News, June 1, 1968.

13. 42 U.S. Code, 2000-6 (a) and (b).

14. Interview with Andrew Ramsey, Indianapolis Recorder, May 23, 1968. In an interview in the Indianapolis News, June 17, 1968, Ramsey said he had "a major responsibility in developments leading to the suit." The Indianapolis NAACP was not a party to the suit, nor were NAACP lawyers involved.

15. Pollack to Gray, April 23, 1968 in School Commissioners, Minutes (Book III), pp. 2053-2057.

16. Gray to Pollack, April 26, 1968, ibid., pp. 2058-2060; Indianapolis Star, April 25, 1968; Indianapolis Recorder, Hay 4, 1968.

17. Pollack to Gray, May 11, 1968, in School Commissioners, Minutes (Book III), pp. 2061-2065.

18. Ibid., May 14, 1968, pp. 2052, 2069.

19. Gray to Pollack, May 21, 1968, ibid., 2068.

20. Indianapolis News, June 1, June 20, 1968. The above sentence from the 1964 law (42 U.S. Code, 200-C-6) , inserted during an election year to reassure constituents who were alarmed that the law might mean increased busing, continued to be used as the principal legal "weapon by opponents of busing and "racial balance" even after the Supreme Court had rejected their interpretation. See Chapter VII below.

22. School Commissioners, Minutes, May 23, 1968 (.BooY: III^ , pp. 2070-2071.

23. Indianapolis Star, June 30, Nov. 10, 1968.

24. Ibid., July 2, 1968; Indianapolis Nevs, July 2, 1968; Indianapolis Recorder, Aug. 3, 1968.

25. School Commissioners, Minutes, July 30, kug. 6, 1968 (BooYl III), pp. 257, 390.

26. Indianapolis Recorder, kug. 3, kug. 10, 1968.

27. Indianapolis Star, kug. 13, 1968; School Commissioners, Minutes, Aug. 26, 1968 (Book III), pp. 400-401. Later by a close vote a badly divided IEA passed a resolution saying that mandatory transfers should be abolished and "the neighborhood school concept... be maintained unless the affected citizens desire otherwise." Indianapolis Star, Feb. 24, 1969. The Indianapolis Federation of Teachers, a much smaller

group, of which Andrew Ramsey was president, supported the idea of transfers. Ibid., Dec. 29, 1968.

28. Ibid., Nov. 26, 1968; School Commissioners, Minutes, Nov. 26 1968 (Book III), pp. 943-944. Wilson was president of the Northwest High School PTA and manager of an apartment complex near the school.

29. Indianapolis Recorder, April 26, 1969; School Commissioners Minutes, April 29, 1969 (Book JJJ), p. 159; Indianapolis Star, May 4 1969.

30. Ibid., Feb. 16, 1969; Indianapolis News, Feb. 27, 1969. The six high schools were: Northwest, Broad Ripple, Technical, John Marshall, and Howe.

31. School Commissioners, Minutes, March 25, April 29, 1969 (Book JJJ), pp. 1471, 1590.

32. Indianapolis Star, April 22, May 1, 1969; Indianapolis News, May 12, Dec. 29, 1969.

33. School Commissioners, Minutes, May 13, 1969 (Book JJJ), pp. 1734-1736. Daniel Lee Burton, a graduate of Shortridge High School, Attended Cincinnati Bible Seminary and graduated from Indiana University. He owned an insurance agency and was also interested in the real estate business. He served three terms in the lower house of the General Assembly and two terms in the state senate before being elected to the United States house of Representatives in 1982. Mrs. Valdez was elected to the Indianapolis Board of School Commissioners in 1972.

34. Indianapolis News, May 15, 1969. In an earlier editorial on May 5 the News had criticized the school board for failing "to mount an effective legal defense" and adopt policies which would win

community support.

28. School Commissioners, Minutes, May 20, June 3, 1969. (Book JJJ), pp. 1853, 1914, 1916.

29. Ibid., May 20, June 2, June 17, 1969, pp. 1850-1851, 1853, 1921, 1995, 1999, 2000. Community Action Against Poverty was an agency created under the federal anti-poverty legislation enacted during the johnson administration. Robert DeFrantz was a paid director of CAAP.

30. Ibid., June 17, 1969, pp. 1993-1995; Indianapolis News, June 7,
1969; Indianapolis Star, June 17, June 29, 1969; Indianapolis Recorder, June 21, 1969.

31. School Commissioners, Minutes, Nov. 12, 1968 (Book III), p. 938; April 29, 1969, June 17, 1969 (Book JJJ), pp. 1593-1594, 1990-1991. A firm of consultants employed in 1968 had urged clarification and strengthening the position of the superintendent. Ibid., July 9, 1968 (Book III), pp. 68-70. A law passed by the General Assembly in 1969 incorporated some of their recommendations. Indiana Laws, 1969, pp. 1187-1188.

32. School Commissioners, Minutes, June 17, 1969 (Book JJJ), pp. 1992-1993. Campbell came to Indianapolis from Rosetree Media Schools, a consolidated school system near Philadelphia. A native of Minnesota, he held both an A.B. and a M.A. in History from the University of Wisconsin. Indianapolis Star, June 15, 1969. Members of the school board were said to be enthusiastic about Campbell and to have confidence that he could deal with problems of desegregation and salary negotiations

with teachers. But David Rohn of the Indianapolis News (July 14, 1969) predicted that he was walking into an "educational maelstrom."

28. Indianapolis Star, June 14, 1969; Indianapolis News, Aug. 27, 1969.

29. Ibid., Nov. 17, Dec. 31, 1969.

30. Indiana Laws, 1969, pp. 357-448. The vote was 67 to 28 in the lower house, 28 to 16 in the senate. The entire Marion County delegation in both houses, all of whom were Republicans, voted for the bill. Owen and Willburn, Governing Metropolitan Indianapolis, p. 76.

31. A file of letters in support of the Uni-Gov bill to members of the General Assembly in the clipping file, "Metropolitan Government, " ISL; Owen and Willburn, Governing Metropolitan Indianapolis, pp. 66-69.

32. Ibid., pp. 90-91.

33. Ibid., pp. 94-95, 180; Indianapolis Recorder, Jan. 18, March 1, 1969. In 1970 blacks made up about 27 per cent of the population of the old city of Indianapolis but only 17 per cent of the total population of Marion County.

34. "Metropolitan Government," clipping file ISL.

35. Annexation by the city government expended services such as police and fire protection, sewers, and garbage collection for the suburbs and gave valuable property for tax purposes to the city.

36. Indianapolis Star, May 10, June 17, 1960; Indiana Laws, 1961, pp. 439-440. Lewis Bose, attorney for the Metropolitan School District of Warren Township, who played an important part in framing the 1961 law, later served as attorney for Warren and Wayne Townships in the Indianapolis school desegregation suit.

28. A copy of the report of the Marion County School Reorganization Committee is in the exhibits (pp. E 85-86) filed with an appeal to the Seventh Circuit Court of Appeals in 1973 by attorneys for Carmel-Clay Schools, added defendants in U.S. v. Board of School Commissioners of Indianapolis (Pamphlet ISL).

29. Indianapolis Star, June 8, 1966; Indianapolis News, June 13, July 27, 1966.

30. Ibid., Sept. 26, Nov. 1, 1976. The Metropolitan Assembly of School Boards, composed of representatives of the 11 school corporations in Marion County was a vehicle for proposing and implementing voluntary cooperative programs.

31. Carl Dortch, "Consolidated City-County Government, Indianapolis-Marion County, Indiana Style"(Mimeographed pamphlet, Oct.1974, ISL), p. 2; Richard Lugar, "The Need for Strong Local Leadership in Local Government Modernization" (Mimeographed pamphlet, ISL), pp. 2-3.

32. Indianapolis Recorder, Jan. 3, 1970.

NOTES

CHAPTER 7

1. Indianapolis Nevs, Jan. 14, 1970. An editorial in the News, Jan. 16, 1970, said that a trial "should be welcomed rather than feared by the board. The law is on their side."

2. Indianapolis Star, June 17, July 9, 1969; School Commissioners, Minutes, July 7, 1969 (Book KKK) , pp. 1-2.

3. Indianapolis News, July 15, 1969. By 1969 such organizations as CORE and SNCC were moving toward separatism and black nationalism.

4. Ibid.

5. Indianapolis Star, Oct. 10, Oct. 28, 1969; Indianapolis News, Nov. 4, 1969.

6. Ibid., Jan. 20, 1970.

7. Ibid., Jan. 21, 1970.

8. Ibid., Jan. 16, 1970.

9. School Commissioners, Minutes, Jan. 27, 1970 (Book KKK), pp. 1015-21; Indianapolis Star, Jan. 28, 1970; Indianapolis News, Jan. 28, 1970. Superintendent Campbell, who did not like the Shortridge academic plan, favored the phase-out of the two schools. Ibid., Jan. 30, 1970.

10. Indianapolis Recorder, Feb. 7, 1970.

11. Indianapolis Star, Jan. 30, 1970; Indianapolis Recorder, Feb. 7, 1970.

12. School Commissioners, Minutes, Feb. 10, 1970 (Book KKK), p. 1042; Indianapolis News, Feb. 11, Feb. 12, Feb. 16, 1970. At the meeting on February 10, the school board also voted to end the academic program

at Shortridge but to continue Shortridge as a regular comprehensive high school rather than closing it. Another editorial in the Indianapolis News, Feb. 26, 1970, said again that the Justice Department didn't "have a leg to stand on," because the Civil Rights Act of 1964 expressly prohibited the kind of "racial balance" now being demanded of the board.

1. School Commissioners, Minutes, July 31, 1970 (Book LLL), p. 194; Indianapolis Recorder, March 28, 1970. It was expected that the entering class at the Tudor Hall campus would be about 53 per cent white, 37 per cent black. Indianapolis News, April 29, 1970.

2. Indianapolis Recorder, May 9, 1970. Some Attucks parents demanded that the board abandon plans to phase-out the old Attucks and "integrate it as the Justice Department requested," and "let the whites integrate for a change." School Commissioners, Minutes, March 24, 1970 (Book LLL), p. 1263.

3. Indianapolis News, June 1, 1970.

4. School Commissioners, Minutes, Oct. 13, 1970 (Book LLL), p. 703, Jan. 12, 1971, pp. 1096-97, Jan. 26, 1971, pp. 1220, 1223, March 9, 1971, p. 1558; Indianapolis Recorder, Jan. 16, May 6, May 27, 1971; Indianapolis News, April 27, 1971.

5. Ibid., June 22, June 24, 1971.

6. Ibid., April 27, 1971. In February 1971, Jerris Leonard, Assistant Attorney General for Civil Rights, had come to Indianapolis to confer with the school board. An editorial on WFBM television expressed the hope that a voluntary settlement could be worked out and a trial avoided. Editorial, Feb. 18, 1971 in Indianapolis Urban

League Papers, Indiana Historical Society Library, Hereafter cited as IUL Papers.

1. School Commissioners, Minutes, April 27, 1971 (Book LLL), pp. 2179- ; Indianapolis News, April 27, 1971; Indianapolis Recorder, May 1, 1971. Sam Jones of the Urban League and representatives of the League of Women Voters and Butler-Tarkington made the customary statements in favor of desegregation.

2. School Commissioners, Minutes, May 25, 1971 (Book LLL), pp. 2386-87; Indianapolis News, May 26, 1971.

3. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971).

4. Ibid., pp. 15, 20-22, 29.

5. Ibid., pp. 17-18. The portions of the Civil Rights Act of 1964, already referred to in the previous chapter, p.237 , are as follows: "'Desegregation' means the assignment of students to public schools and within such school without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance....

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards." (Emphasis added.)

6. Indianapolis Star, July 4, 1971.

1. United States v. Board of School Commissioners of Indianapolis, 332 F Supp. 655 (1971).

2. Indianapolis News, June 14, 1956; Sept. 22, Oct. 7, 1961; Indianapolis Star, Nov. 11, 1960; March 16, May 5, 1961; July 9, 1978; Kan Ori, "Basic Ideas in Federal State Relations: The Indiana 'Revolt' of 1951." (PhD. Dissertation, Department of Government, Indiana University, 1961), pp. 199-200.

3. Indianapolis News, July 12, 1971; William E. Marsh, "The Anatomy of a Desegregation Case: The Indianapolis Experience," Indiana Law Review, Vol. 9, No. 5 (June 1976), pp. 916-19.

4. Indianapolis News, July 13, July 15, 1971; Indianapolis Recorder, July 17, July 24, 1971; Marsh, "Anatomy of a Desegregation Case," pp. 920-21.

5. Indianapolis News, July 19, July 20, 1971; Aug. 6, 1971.

6. Ibid., Indianapolis Recorder, Aug. 16, 1971.

7. 332 F. Supp., 655-60, 677-78.

8. Ibid., 669.

9. Ibid., 676. At the trial Dillin asked William T. Ray, the black realtor, former president of the NAACP, now president of the Washington Township school board, about the number of blacks in the township schools. Ray replied that except in Washington township there were almost no blacks. Indianapolis News, July 17, 1971. Washington Township had been busing blacks to preserve racial balance since 1968. Ibid., Feb. 17, 1970.

10. 332 F. Supp., 678-79, Indianapolis News, July 20, 1971. Some examples cited to show the percentage of black enrollment in school

systems which had carried out desegregation programs: Baltimore 67.1; Washington, D.C., 94.6; Louisville, 48.3; Gary, 64.7. In Atlanta, one of the first major cities in the South to abandon a dual school system in ten years, 1961-1971, the balance had shifted from 70 per cent white and 30 per cent Negro to 70 per cent Negro and 30 per cent white

1. 332 Fed. Supp., 679-80.

2. Indianapolis Star, Aug. 28, Sept. 9, 1971; Indianapolis News, Aug. 19, Aug. 28, Sept. 6, 1971.

3. Ibid., Aug. 20, Aug. 28, 1971. Before coming to Indianapolis M. Stanton Evans, a Yale graduate, had been a member of the editorial staff of The National Review and associate editor of Human Events from 1956-59. He became chief editorial writer for the Indianapolis News in 1959 and editor of the paper in 1960. His philosophy was reflected in his books, Revolt on the Campus (1961) and The Liberal Establishment (1965). At a news conference Theodore Sendak, state attorney general, spoke of busing for racial balance as "a kind of Hitlerism on wheels." Indianapolis Star, Sept. 2, 1971.

4. Ibid., Sept. 1, Sept. 2, Sept. 27, 1971.

5. Indianapolis Recorder, July 17, 1971; School Commissioners, Minutes, Aug. 26, Aug. 31, 1971 (Book MMM), pp. 323, 341, 490.

6. Ibid., Aug. 31, 1971, p. 502; Indianapolis Star, Sept. 1, 1971

7. Ibid. Granting a stay would have halted implementation of the court order, while the order would be carried out pending the decision of a higher court in an appeal. Campbell made it clear that the court order would be carried out during the appeal. Indianapolis Recorder, Sept. 4, 1971.

1. School Commissioners, Minutes, Aug. 3, 1971 (Book MMM), p. 315; Indianapolis Recorder, July 15, Sept. 11, 1971; Indianapolis News, Aug. 4, Sept. 7, 1971.

2. Indianapolis News, Sept. 3, Sept. 15, 1971.

3. Ibid., Sept. 3, 1971.

4. Ibid., Sept. 7, 1971; Indianapolis Recorder, Sept. 11, 1971.

5. Indianapolis News, Oct. 22, 1971. The lawyers who joined Moss were Louis R. Lucas, William E. Caldwell, Jack Greenburg, and Norman Cochlin. The role of John Moss became crucial in later stages of the litigation as he persisted in seeking an inter-district remedy, while Justice Department lawyers were reluctant to involve the suburbs. Indianapolis blacks had begun to doubt the sincerity of Justice Department lawyers in trying to win the suit against IPS after Nixon became President. As early as July 1969 John Preston Ward, who later joined Moss on behalf of the intervening plaintiffs, threatened new legal action if the Justice Department appeared reluctant to press the suit. In April 1970 the Indiana Conference of NAACP threatened a new suit against IPS, demanding immediate desegregation. Indianapolis Recorder, July 5, 1969, April 4, 1970.

6. Indianapolis News, Feb. 21, 1970. Burton was defeated by the incumbent Democrat, Andy Jacobs in November 1970.

7. Ibid., Feb. 23, 1970, Jan. 2, 1971; Indianapolis Recorder, Sept. 17, 1970. Lugar was sometimes called "Nixon's favorite mayor."

8. It was reported that more than 100 homes were for sale in the school districts from which whites would be sent to Attucks. There were rumors that Mayor Lugar was influential in preventing acquisition

of a new site for Attucks high School, rumors which he officially denied. His children later attended Attucks. Indianapolis News, Aug. 4, Aug. 20, 1971; Indianapolis Star, Sept. 4, 1971.

1. Ibid., Sept. 1, 1971. The Mayor of Lawrence, an incorporated town in Marion County, now a part of Uni-Gov, joined Neff in the petition.

2. Indianapolis Recorder, Oct. 9, Oct. 16, Oct. 23, Oct. 30, Nov. 6, 1971.

3. Indianapolis News, Dec. 18, Dec. 20, Dec. 21, 1971; Indianapolis Star, Dec. 21, 1971.

4. Indianapolis Recorder, Nov. 21, 1971; Jan. 2, 1972; Indianapolis Star, Dec. 29, 1971; Feb. 11, 1972; Indianapolis News, Jan. 13, Feb. 5, 1972; Indiana Senate Journal, 1972, p. 225; Indiana House Journal, 1972, pp. 219, 268. As the result of a constitutional amendment the Indiana General Assembly now met every year instead of biennially .

NOTES

CHAPTER 8

1. Gary Orfield, Must We Bus? Segregated Schools and National Policy (Washington, D.C.: The Brookings Institution, 1978), pp. 103-04.

2. Indianapolis News, July 9, 1971. As we have already seen, one of the charges of the Justice Department against IPS was that sites for new high schools had been selected with the intention of maintaining racial segregation.

3. Ibid., Dec. 4, 1969; Oct. 18, 1971.

4. A session at the convention of the American Historical Association in Washington, D.C. in 1987 entitled, "Reactionary Populism: Race, Class and Ethnicity in the 1960's and 1970's," included papers called "Reactionary Populism: The Anti-Busing Movement in Boston," by Ronald P. Formisano and "'Jews Run, Italians Stand Fast': White Backlash in Carnesie, Brooklyn, 1960-1980," by Jonathan Reider.

5. Indianapolis Star, April 28, 1972.

6. Indianapolis News, Feb. 20, 1970.

7. Indianapolis Star, Sept. 26, 1972. Niblack's bitter personal attacks on Dillin were no doubt motivated by jealously. Both he and Dillin came from the same part of Indiana, had similar pioneer ancestry, graduated from the Law School of Indiana University, but while Dillin was making a distinguished record on the federal bench, Niblack had not risen above petty local politics and a county judgeship.

8. School Commissioners, Minutes, June 3, 1969 (Book KKK),p. 1916.

Studies of demographic patterns in cities in the 1960's showed that "natural" integration through residential patterns was unlikely. Instead central cities were becoming increasingly black, while outlying areas remained mostly white. A study completed in 1975 showed that the nation's neighborhoods were almost as segregated as they had been 30 years earlier and that if present trends continued, schools organized on a neighborhood basis would remain racially segregated indefinitely. Orfield, Must We Bus?, p. 91.

9. Indianapolis Star, Sept. 26, 1972; Indianapolis News, Sept. 19, 1972.

10. Indianapolis Star, March 10, 1972.

11. Indianapolis Recorder, May 15, 1971. Nolan had been active in the NAACP from the time he began his law practice and had lobbied for the adoption of the 1949 law abolishing segregated schools.

12. Indianapolis Star, Feb. 29, 1972; Indianapolis Recorder, Aug. 7, 1971; March 4, 1972.

13. Indianapolis News, March 29, 1972; Indianapolis Recorder, April 15, 29, 1972.

14. Indianapolis Star, April 28, 1972.

15. Indianapolis News, April 23, 1972; Indianapolis Star, May 1, 1972.

16. Ibid., May 3, 6, 18, Oct. 10, 1972. For a time the Urban League and the executive board of the League of Women Voters considered filing a suit in federal court on the grounds of the violation of federal election laws. The seven Non-Partisan candidates filed a petition for a recount in the Marion County Superior Court. The three

member commission assigned to ths recount, while admitting that there were some irregularities and that the recount showed more votes for the Non-Partisans than the original count, nevertheless affirmed the election of the Neighborhood Committee candidates. DeFrantz received the largest number of votes among the Non-Partisans but was nosed out by Constance Valdez. Indianapolis Star, May 3, 6, 18, Oct. 10, 1972.

9. School Commissioners, Minutes, July 5, 1972 (Book NNN), pp.4-5; Indianapolis News, July 6, 1972. Baker and Daniels law firm had 25 senior partners and 15 associates, among them some of the most able and prestigious in the city. Kightlinger and Jacobs, two of the holdover members voted against the change in lawyers. Kenneth Martz, the third holdover member, was elected the new board president, Carl Meyer, vice president.

10. School Commissioners, Minutes, July 17, 1972 (Book NNN), pp. 95-96. Indianapolis News, July 18, 1972. Under the terms of an agreement to which Campbell acquiesced his duties ended July 17, but he was to be paid his salary until July 31 and an additional $16,000 plus one month's salary. Under the agreement both parties were released from any claim against the other. Karl Kalp was named acting superintendent; he was later named superintendent in September. Ibid., September 12, 1972, p. 464.

11. Indianapolis News, Aug. 1, 1972; Indianapolis Star, July 21, 1972.

12. School Commissioners, Minutes, Aug. 1, 1972 (Book NNN), pp. **181-82.**

9. Ibid., Aug. 21, 31, 1972, pp. 268-69, 453; Marsh, "Anatomy of A Desegregation Case," p. 943.

10. School Commissioners, Minutes, Sept. 12, 1972 (Book NNN), p. 470; Indianapolis News, Sept. 6, 1972; Memorandum from Bob Ronseyall, Director of Education and Youth Activities, September 19, 1972 in Papers of the Indianapolis Urban League, Indiana Historical Society- Hereafter cited as IUL Papers.

11. Indianapolis News, Sept. 16, 18, 1972.

12. School Commissioners, Minutes, Sept. 21, 26, 1972 (Book NNN), pp. 566, 670; Indianapolis News, Sept. 21, 1972.

13. Ibid., Sept. 23, 1972.

14. Ibid., Sept. 16, 19, 1972.

15. Indianapolis Star, Oct. 18, 19, 20, 21, 24, 25, Nov. 9, 14, Dec. 13, 1972; Indianapolis News, Nov. 1, 1972; School Commissioners, Minutes, Nov. 14, 30, 1972 (Book NNN), pp. 859, 928.

16. Ibid., Nov. 30, 1972, p. 928; July 16, 1973 (Book 000), p. 79; Indianapolis News, Feb. 8, 15, April 12, 1973.

17. Indianapolis Recorder, Jan. 8, 1972; Indianapolis News, Feb. 3, 1972.

18. Hortense Young to Karl Kalp, Nov. 3, 13, 1972, IUL Papers. When Dillin ordered the school board to submit a desegregation plan by
the end of the year the ad hoc committee submitted a county-vide plan which involved busing of both black and vhite pupils, a plan which, it
said, provided for "equitable sharing" and equitable "benefits and adjustments." Indianapolis Nevs, Dec. 6, 1972.

Hortense Young, wife of a radiologist-physician member of the

faculty of the Indiana University School of Medicine, was a resident of suburban Lawrence Township and a tireless and intrepid worker in the Urban League, the Coalition for Integrated Education, and the Unitarian Fellowship for Social Justice.

9. Bob Ronsevall, "A Summary of Involvement of Indianapolis Urban League and Position on School Desegregation, 9-7-73," IUL Papers.

10. Indianapolis News, Sept. 13, 1972.

11. 474 F2 d 81; Indianapolis News, Feb. 2, 1973.

12. School Commissioners, Minutes, Feb. 13, 1973 (Book NNN), pp. 1486, 1541. The Supreme Court rejected the appeal without comment. 413 U.S. 920; Indianapolis News, June 25, 1973.

13. Ibid., Sept. 19, Dec. 20, 1972; April 20, 1973. The Justice Department had filed briefs against inter-district busing in the Detroit and Richmond, Virginia desegregation cases. The legislation recommended by Nixon was the Educational Opportunity Act of 1972, in which he asked for $2.5 billion in federal funds to improve inner city schools.

14. United States of America Plaintiff, Donny Brurell Buckley, Alycia Marquese Buckley, by their parent and next friend, Ruby L. Buckley, on behalf of themselves and all Negro school children residing in the area served by original defendants herein, Intervening Plaintiffs v. The Board of School Commissioners of the City of Indianapolis, Indiana, et al. Defendants Otis R. Bowen as Governor of the State of Indiana et al. Added Defendants, Citizens for Quality Schools, Inc. Intervening Defendant, Coalition for Integrated Education, Amicus Curiae. Hamilton Southeastern School, Hamilton County, Indiana, et al. Additional Defendants, 468 F Supp 1191; Marsh, "Anatomy of A

Desegregation Case," p. Ill note.

9. Indianapolis News, May 29, July 6, 1973. Dillin permitted two of the lawyers to withdraw and dismissed all of them in December. Indianapolis Star, Dec. 7, 1973.

10. Ward, who had been blind from birth, was born in Marion, Indiana, into a family of six children. Although the Marion schools had no provisions for handicapped children, his parents were able to enroll him in the first grade at the local school. After this he was sent to the Indiana School for the Blind in Indianapolis, where he remained until he entered Indiana University. At Indiana he majored in government and was elected to Phi Beta Kappa. He won a prestigious scholarship to the Law School of New York University. After graduation from law school he returned to Indianapolis to practice and serve for a time as legal counsel to the ICLU. He later worked with LSO and taught courses in government. Marion E. Rosensweig, "In Pursuit of Justice," Indiana Alumni Magazine, Vol. 46, (Oct. 1983), pp. 36-37.

11. Indianapolis News, June 12, 1973; Marsh, "Anatomy of A Desegregation Case," p. 941.

12. Indianapolis News, July 12, 1973. "The United States continued as the 'plaintiff' in the case, but during the trial the Justice Department was more nearly aligned with the defendants than with the intervening plaintiffs." Marsh, "Anatomy of A Desegregation Case," p. 953.

13. Indianapolis News, June 12, 14, 1973; In the United States Court of Appeals for the Seventh Circuit United States of America.

Plaintiff, Appellant, Donny Brurell Buckley et al. Intervening Plaintiffs v. The Board of School Commissioners of the City of Indianapolis et al. . .. Brief for Appellant Carmel-Clay Schools, Hamilton County, Indiana et al. (Pamphlet ISL), pp. 27-28.

9. Indianapolis News, June 14, 1973. Later the Justice Department, the original plaintiff, submitted a city-only desegregation plan identical with one prepared by IPS, the original defendant. Ibid., June 26, 1973.

10. Ibid., June 19, 1973.

11. Ibid., June 18, 1973.

12. Ibid., June 15, 1973; Indianapolis Recorder, June 16, 1973. The usual reply by the superintendents was that there were no objections so long as busing was within the school district.

13. Indianapolis News, June 14, 26, 1973; Marsh, "Anatomy of A Desegregation Case," p. 957.

14. Indianapolis News, June 14, 25, 1973; In the United States Court of Appeals for the Seventh Circuit...Brief for Appellant Carmel-Clay Schools, pp. 94-95.

15. Indianapolis News, July 12, 1973.

16. Ibid., July 6, 1973; Indianapolis Recorder, July 14, 1973. Earlier testimony had shown that there were almost no black students in any of the outlying schools except in Washington Township, where they numbered about 11 per cent of the total enrollment, and Pike Township, where they numbered about 8 per cent.

17. 468 F Supp 1203. Article VIII of the Indiana constitution mandated the General Assembly "to provide by law for a general and

uniform system of common schools, wherein tuition shall be without charge, and equally open to all." It provided for a State Superintendent of Public Instruction, whose duties were to be prescribed by the legislature.

9. 468 F Supp 1205.

10. Ibid., 1203. The industrial areas were the incorporated towns of Speedway and Beech Grove.

11. Ibid., 1205, 1208.

12. Ibid., 1209-10; Indianapolis News, July 21, 1973. Washington and Pike townships were required to accept smaller percentages of black students because there were already sizeable black enrollments in each.

13. Ibid., July 21, 25, 26, 31, 1973.

14. Ibid., July 20, 21, 1973; Indianapolis Star, July 21, 1973. Hortense Young, president of the Coalition for Integrated Education, said, "If I were a black parent I would be disappointed."

One influential black voice which was not heard was that of Andrew Ramsey, who had died May 11, 1973. The Indianapolis Recorder praised Ramsey for his courage, leadership, and dedication to his belief that educated blacks should use their resources for the benefit of the black community. Of his role in the Indianapolis schools the Recorder said: "He showed enormous personal courage in initiating the desegregation suit against the Indianapolis School Board...Again he laid his job on the line for what he thought was right." Ramsey was honored at the national convention of the NAACP which met in Indianapolis in July 1973. Indianapolis Recorder, July 14, 1973.

9. Indianapolis News, July 31, Sept. 5, 1973; Indianapolis Star, Aug. 5, 1973.

10. Indianapolis News, June 19, 1973; School Commissioners, Minutes, July 16, 1973 (Book 000), pp. 79-82. The action of the Supreme Court did not, of course, deal with the issues of a metropolitan plan or remedy.

11. Ibid., July 24, 1973, p. 122. Board members Kightlinger and Jacob voted against an appeal.

12. Ibid., Aug. 9, 1973, pp. 348-49; Indianapolis Star, Aug. 4, 1973; Indianapolis Recorder, Aug. 11, 1973.

13. School Commissioners, Minutes, Aug. 11, 1973 (Book 000), p. 354.

14. Indianapolis Recorder, March 11, 1972; Indianapolis News, March 31, 1973.

15. Indianapolis Star, Aug. 5, 1973; Indianapolis Recorder, Aug. 4, 11, 1973.

16. School Commissioners, Minutes, Aug. 21, 1973 (Book 000), pp. 356-57; Indianapolis News, Aug. 21,22,1973.Informally expressing his frustrations with the Indianapolis school board, Judge Dillin was reported to have said: "Never, since this thing started on the complaint of the United States in 1968...has any [IPS] Board...gone very far to do anything really, unless they were pushed and ordered. And then, when they were ordered, they usually...come up with an alternate that does not go as far as the order, or they want a stay or something -
anything to put it off." Marsh, "Anatomy of A Desegregation Case," pp. 966-67, footnote.

17. Ibid., pp. 968-69; Indianapolis News, Aug. 27, Sept. 4, 6, 11,

1973; Indianapolis Star, Aug. 31, 1973.

9. Indianapolis News, Aug. 24, 1973; "The Quest for Human Dignity," to Hon. S. Hugh Dillin from Dr. Joseph T. Taylor and Dr. Charles Glatt, August 30, 1973, IUL Papers.

10. "Women for Peaceful Desegregation, August 31, 1973," invitation in IUL Papers.

11. Indianapolis Recorder, Sept. 11, 1973.

12. A Committee to Make Desegregation Work was formed under the auspices of the NAACP, Urban League, and church groups. In a letter to city officials they asked support "in alerting the community that it is in the enlightened self-interest of everybody to make desegregation work." But no public statements of support resulted. Letter of A.D. Pinckney, August 31, 1973, IUL Papers.

13. Indianapolis News, July 23; Sept. 17, 18, 1973.

14. Ibid., Sept. 4, Oct. 2, 15, 1973; Indianapolis Star, Oct. 18, 1973.

15. Reports of the two commissioners incorporated in the school board minutes show the steps in the implementation of their plan. In December, Dillin relieved them of their duties and ordered the school board to prepare a contingency plan for busing to the suburbs by February 15, 1974. School Commissioners, Minutes, Sept. 13, Oct. 11, Dec. 11, 1973 (Book 000), pp. 653, 873, 1292. In 1975 Dr. Glatt was shot to death by a white man while he was in the Federal Building in Dayton, Ohio, working on a proposal for school desegregation in that city. His assailant said simply, "I had to do it." Indianapolis News, Oct. 20, 1975.

9. Indianapolis Star, Sept. 15, 1973; Indianapolis News, Sept.21, 1973.

10. Ibid., Aug. 22, Dec. 10, 1973; School Commissioners, Minutes, Aug. 21, Dec. 18, 1973 (Book; 000), pp. 357, 1385-86. While complying with Dillin's order to apply for federal funds a majority of the board adopted a resolution making clear that they did so under duress and expressing fear that the "control artists" in Congress would even try to dictate the curriculum in the Indianapolis schools. President Kightlinger voted against the resolution, saying that there had been no undue federal influence in programs for which federal funds had been used; Jessie Jacobs was not present to vote.

11. Indianapolis News, Sept. 21, 1973.

12. Ibid., Nov. 8, 1973; Indianapolis Star, Dec. 12, 13, 30, 1973.

13. Indianapolis News, Dec. 7, 1973; School Commissioners, Minutes, Dec. 11, 1973 (Book 000), p. 1291.

NOTES

CHAPTER 9

1. Indianapolis News, Aug. 24, 25, 1973. Burton was referring to Dillin's appointment of Drs. Glatt and Taylor.

2. WRTV, Channel 6 editorial, Aug. 28, 1973, Copy in IUL Papers.

3. Indianapolis Star, Aug. 31, 1973.

4. U.S. v. Indianapolis Board of School Commissioners. Statement in open court. Xeroxed copy in possession of author.

5. Indianapolis News, Sept. 12, 1973.

6. John L. Niblack, Judge Marion Circuit Court, to the Right Reverend John P. Craine, President of Indianapolis Urban League, October 19, 1972, IUL Papers.

7. Statement of The Right Reverend John P. Craine, President of the Indianapolis Urban League, Oct. 20, 1972; Progress Report from Hortense Young, chairman, to members of the Coalition for Integrated Education, July 9, 1973; copies of letters from Bishop John P. Craine to Craig Pinkus and Davey Eaglesfield, November 27, 1973, show that each received $250.00. A letter from Lawrence M. Reuben, another lawyer, to Sam Jones, Nov. 28, 1973, speaks of problems the Urban League is encountering with the United Way and offers to testify that no fees were paid by the Urban League. IUL Papers.

8. Sam Jones, Executive Director,Indianapolis Urban League, Inc. to Vernon Jordan, Jr., Executive Director, National Urban League, Inc. September 5, 1973, IUL Papers. In his letter Jones said that in the attempt he saw "the fine hand of Judge Niblack, who has been a

controlling influence in the Indianapolis schools for several decades." M. Stanton Evans, editor of the Indianapolis News also appeared to be involved.

1. Copy of letter, July 29, 1973 in IUL Papers.

2. Statement by the President of the Urban League, Bishop John P. Craine, August 18, 1973; Memorandum by Bishop Craine to board members, August 2, 1973, IUL Papers; Indianapolis News, Aug. 2, 1973.

3. School Commissioners, Minutes, Aug. 2, 1973 (Book 000), pp. 54, 344; Copies of letter of Robert Gordon, Director of Anti-Defamation League to Fred Ratcliff, Aug. 23, 1973; Statement of Rev. Andrew Brown, Aug. 30, 1973 and other letters and statements of protest in IUL Papers.

4. School Commissioners, Minutes, Sept. 11, 1973 (Book 000), pp. 40-43; Indianapolis News, Sept. 12, 1973. A WRTV editorial broadcast after the adoption of the resolution pointed out that neither the United Fund nor the Urban League distributed to needy individuals. Money was distributed only to organizations. The editorial pointed out that "lobbying" forbidden by law meant "trying to influence a legislative body" and not to support court decisions. "For our part," said the editorial, "we think the School Board should mind its own business. And we hope the United Way and the people in this area will reject this shocking effort to misuse public office." WRTV editorial, Sept. 17, 1973, IUL Papers.

5. Indianapolis News, Sept. 12, 1973; Indianapolis Star, Sept. 13, 1973.

6. Indianapolis News, Oct. 23, 1973. In spite of his public

statement, Richard B. DeMars, president of the United Way, announced that he would appoint a committee to determine whether the Urban League had used funds allocated to it "to support busing or for political lobbying." Indianapolis Star, Nov. 21, 1973.

15. Indianapolis Urban League Inc., Community Education Minutes, December 5, 1973, IUL Papers; Indianapolis Recorder, Dec. 8, 1973. After learning of this move, Henry J. Richardson recommended that blacks who contributed to the United Way demand that their money be returned.

16. Ibid., Dec. 22, 1973; Minutes Urban League Executive Committee, Jan. 5, Feb. 12, 1974; Minutes Urban League Board Meeting, Jan. 30, 1974, IUL Papers; Marsh, "Anatomy of A Desegregation Case," p. 946.

17. Memorandum from Legal Services Organization of Indianapolis, October 28, 1972; LSO Staff Memorandum, November 1972, Pamphlet file, ISL; Indianapolis News, Sept. 19, 1972.

18. Indianapolis Star, Sept. 11, 1973. Beurt Servaas, majority leader of the city-county council, said he was forced to accept the vote eliminating LSO, that otherwise he could not have persuaded the Republican majority to pass the budget. In a signed article editor M. Stanton Evans praised the action of the city-county council. Indianapolis News, Sept. 17, 1973. The action of the council came on the same day that the Associated Press brought news that the Seventh Circuit Court of Appeals had rejected the school board appeal from Dillin's 1972 order for reassignment of pupils in IPS.

19. "Position Statement on Education, October 1973," IUL Papers;

Indianapolis News, Sept. 15, 1973; Indianapolis Star, Sept. 15, 1973.

15. Indianapolis News, Sept. 21, 1973; Indianapolis Recorder, SEpt. 29, 1973. Hudnut, a Presbyterian minister, a Princeton graduate, who claimed Henry Ward Beecher as an ancestor, had resigned from the pulpit of the Second Presbyterian Church, one of the largest and most fashionable in Indianapolis, to embark upon a political career. In 1972 he defeated incumbent Democrat Andy Jacobs in a contest for Representative of the Eleventh Indiana District in the U.S. House of Representatives.

16. Indianapolis News, Sept. 20, Oct. 1, 1973.

17. "Statement by Senator Birch Bayh, Indianapolis Convention Center, October 2, 1973," IUL Papers; Indianapolis News, Oct. 2, 3, 1973; Indianapolis Star, Oct. 3, 4, 1973.

18. Indianapolis News, Oct. 3, 1973; Indianapolis Recorder, Oct. 6, 1973; "The Ministerial Illuminator," Nov. 11, 18, 1973, IUL Papers.

19. Indianapolis Recorder, Sept. 15, 1973.

20. Indiana Senate Journal, 1974, pp. 19, 82, 625; Indiana House Journal, 1974, pp. 431, 518; Indiana Laws, 1974, p. 692; Indianapolis Recorder, Jan. 28, 1972.

21. See above, pp. 332-33. Indiana Senate Journal, 1974, pp. 20, 30, 158, 662; Indiana Laws, 1974, pp. 345-47; Indianapolis News, Jan. 18, 1974.

22. Indianapolis Recorder, Jan. 26, 1974.

23. Copies of letter and news release, May 14, 1974, IUL Papers; Indianapolis Star, May 15, 1974. After reading Lugar's letter, Clarence Mitchell, director of the Washington bureau of the NAACP, wrote

that he was returning a key to the city which he had received from Mayor Lugar at the national convention of the NAACP in Indianapolis. Lugar's letter, he said, was "so filled with the language employed by racists and demagogues that it is revolting," and that it "profaned the judicial system of our nation." Indianapolis Star, May 15, 1974, Indianapolis Recorder, May 18, 1974.

15. Ibid., May 24, 1974.

16. Ibid., June 22, 1974; "While Others Talked... Birch Bayh Acted," Pamphlet file ISL.

17. Indianapolis Star, March 7, 1974; Indianapolis News, Nov. 1, 1974. Under pressures from constituents, members of Congress voted for measures which they knew would be invalidated by the courts. But skillful supporters of desegregation, particularly in the Senate, managed to prevent enactment of really meaningful laws. Orfield, Must We Bus?, p. 20.

18. Indianapolis Star, July 26, 1974.

19. Ibid., Oct. 5, 1974.

20. Ibid., Nov. 6, 7, 1974; Indianapolis Recorder, Nov. 9, 1974. After his defeat, Niblack retired to his farm in Washington County. He died in 1986.

21. Indiana House Journal, 1975, p. 75; Indianapolis Recorder, Jan. 25, Feb. 22, 1975. As the result of legislative reapportionment ordered by the federal court, Marion County was divided into single member districts. Blacks could expect to control three or four inner city districts. This meant that representatives from those districts, who were invariably Democrats, had an opportunity to gain seniority

and experience.

15. Indianapolis News, Feb. 11, 1975.

16. School Commissioners, Minutes, Feb. 12, 1974 (Book 000), pp. 1656, 1739, 1822-24; Indianapolis News, Feb. 13, 19, 1974; Indianapolis Urban League Education Committee, "Responses to the IPS Desegregation Plan of January 30, 1974," IUL Papers.

17. Indianapolis News, Feb. 18, 1974; Indianapolis Recorder, Feb. 22, 1974; School Commissioners, Minutes, Feb. 26, 1974 (Book 000), pp. 1901-02.

18. Ibid., March 12, 26, April 9, 1974, pp. 1921, 2004, 2100; Marsh, "Anatomy of A Desegregation Case," pp. 976-78. Neighborhood associations involved included Butler-Tarkington, Mapleton Fall Creek Meridian Kessler, Forest Manor, and Northwest Neighborhood Association, Inc.

19. Indianapolis News, Feb. 20, 21, 1974.

20. Indianapolis Star, March 22, 1974; School Commissioners, Minutes, March 26, 1974 (Book 000), p. 2077. The school board respon ded to Dillin's order by instructing the staff to prepare three plans On May 6, 1974 they voted to submit them to the court. Ibid., May 6, 1974, p. 2366.

21. Indianapolis News, April 22, 24, 29, 1974; Indianapolis Star, April 30, 1974; Bob Ronsevall and Joe Smith, "The Threat of Job Loss to IPS Teachers. A Report to the Indianapolis Urban League Board of Directors," IUL Papers.

22. Indianapolis Recorder, Feb. 9, 1974; Indianapolis Star, April 20, 1974.

15. Indianapolis Recorder, April 27, May 4, 1974; Ronsevall and Smith, "The Threat of Job Loss to IPS Teachers," IUL Papers.

16. Indianapolis Star, July 4, 1974.

17. Milliken v. Bradley, 418 U.S. 717 (1974).

18. 503 F 2d, 85-86; Indianapolis Star, Aug. 23, 1974. The appeals court upheld Dillin and overruled the defendants on several other grounds on which they had appealed, including charges that Dillin showed personal bias, that a three judge panel should have been named, and that psychological evidence should not have been excluded.

19. Indianapolis News, Dec. 2, 1974; Indianapolis Star, March 20, 21, 1975. While awaiting a decision of the district court, which did not come until August, the Indianapolis school board learned that the Supreme Court had once again refused to review the Indianapolis case. 421 U.S. 929; Indianapolis News, April 21, 1975.

20. 419 F Supp 183; Indianapolis News, Aug. 1, 1975. Schools within IPS where further desegregation was ordered included Shortridge High School, one junior high school, and eighteen elementary schools. For the present no black pupils were assigned to Washington or Pike townships, where there were already substantial numbers of blacks.

21. School Commissioners, Minutes, Aug. 22, 1975 (Book QQQ), pp. 455-56, 541-42; Indianapolis News, Aug. 2, 23, Oct. 2, 1975.

22. Ibid., Nov. 25, Dec. 4, 1975.

23. Ibid., Aug. 16, Sept. 1, 1975.

24. Indianapolis Star, April 26, 1975. Hudnut had succeeded

Richard Lugar as mayor following the election in November 1975. Lugar, who under existing law could not run for a third term as mayor/ was again a candidate for the U.S. Senate in 1976/ defeating incumbent Vance Hartke.

15. Violence between whites and blacks at Marshall High School in October 1975 caused police to close the school for one day. Indianapolis News, Oct. 2, 1975. The Indianapolis school board, which had resisted Judge Dillin's orders to apply for federal funds for Human Relations training, sought a grant of $150,000 from the Indiana Criminal Justice Agency, which received federal funds. Indianapolis Star, Feb. 23, 1975.

16. Indianapolis Recorder, Feb. 22, March 29, 1975; Indiana Laws, 1975, pp. 1250-51.

17. Emphasis added. Indianapolis Star, Jan. 22, 1973.

18. Indianapolis Recorder, Jan. 10, 1976; Indianapolis Star, Feb. 4, March 21, 1976. DeFrantz, former president of the Shortridge PTA, had a son who attended Dartmouth and a daughter who attended Connecticut College for Women.

19. Indianapolis Star, March 21, 1976; Indianapolis Recorder, April 17, May 1, 1976. James Kohl, a community organizer, had come to Indianapolis in 1968 as deputy director of the Community Action Against Poverty program. He was closely associated with DeFrantz at CAAP. He was killed in a bizarre balloon accident in 1978. Indianapolis News, Aug. 31, 1978.

20. Indianapolis Star, March 21, 1976.

21. Indianapolis News, May 7, 1976. DeFrantz, who received the

smallest number of votes of any CHOICE candidate, apparently antagonized some whites by his emphasis on the importance of electing blacks.

61. School Commissioners, Minutes, July 1, 1976 (Book RRR), pp. 4, 7; Indianapolis Star, July 2, 1976.

NOTES

CHAPTER 10

1. 541 F2, 1219-21; Indianapolis Star, July 17, 1976; Justice Fairchild concurred with Swygert; Justice Philip Tone dissented.

2. Ibid., 1266 ff. Schools of the incorporated towns of Beech Grove and Speedway, which enjoyed a special status under Uni-Gov, were later removed from the inter-district remedy.

3. Indianapolis News, Aug. 9, 15, 1976; Indianapolis Star, Aug. 21, 1976.

4. School Commissioners, Minutes, Aug. 26, 1976 (Book RRR), pp. 320-36.

5. Indianapolis Star, July 29, 1976.

6. Ibid., Sept. 26, 1976; School Commissioners, Minutes, Sept. 14, 28, 1976 (Book RRR), pp. 656, 811.

7. 429 U.S. 1068-69 (1977); Indianapolis News, Jan. 25, 1977; Indianapolis Star, Jan. 26, 1977. The two cases which introduced the question of intent as the standard for judging discrimination were Washington v. Davis, 426 U.S. 229 and Arlington Heights v. Metropolitan Housing Authority, 429 U.S. 252.

8. Indianapolis Star, Jan. 26, April 8, 1976; Indianapolis Recorder, Feb. 19, 1977.

9. Ibid., Jan. 28, 1977.

10. School Commissioners, Minutes, April 7, 1977 (Book RRR), pp. 2567-68, 2608; Indianapolis Star, April 8, 1977.

11-School Commissioners, Minutes, July 20, Sept. 14, 1976, (Book **RRR**), pp. 188, 517; Indianapolis Star, July 21, 26, 1976.

12. School Commissioners, Minutes, June 21, 1977 (Book RRR), p. 3925; Aug. 18, Sept. 22, 1977 (Book SSS), pp. 540-41, 578, 1066.

13. Ibid., April 7, 26, 1977 (Book RRR), pp. 2591-94. 2598, 3067, 3174-75; Indianapolis Recorder, March 19, April 16, 1977; Indianapolis Star, April 27, 1977.

14. Indianapolis News, May 23, 1977; Indianapolis Star, Aug. 19, 1977. By 1978 black enrollment in the Indianapolis Public Schools had reached 46 per cent. Ibid., June 1, 1978.

15. 573 F2, 400; Indianapolis Star, Feb. 17, 1978.

16. Indianapolis News, March 29, 1978.

17. Ibid., April 7, 1978. All parties wishing to do so might file briefs by May 22; answering briefs were to be filed by June 2.

18. Indianapolis News, May 10, 1978; Copies of motions filed by IPS and the Justice Department in School Commissioners, Minutes (Book SSS), pp. 4772-78, 4974-82.

19. Ibid., p. 5172; Indianapolis Star, May 2, 18, 1978; Indianapolis News, May 2, 1978.

20. Ibid., June 2, 1978; Indiana Laws, 1974, pp. 345-47. See above p. 374.

21. Indianapolis News, June 2, 3, 1978.

22. 456 Fed. Supp. 183-191; Indianapolis News, July 11, 1978; Indianapolis Star, July 12, 1978.

23. School Commissioners, Minutes, July 6, 1978 (Book TTT), p. 139; Indianapolis Star, July 7, 1978.

12. Indianapolis News, July 26, 1978; Indianapolis Star, July 28, 29, 1978.

13. School Commissioners, Minutes, Aug. 11, 1978 (Book TTT), pp. 1248-49; Indianapolis News, Aug. 12, 1978; Indianapolis Star, Aug. 12, 1978. In accordance with the order from the appeals court, Dillin gave approval to plans for desegregation of freshmen in Indianapolis high schools, a plan which he had rejected earlier on the grounds that it might be ruled incompatible with his inter-district plan. Ibid., Aug. 25, 1978.

14. Indianapolis News, Sept. 13, 1978.

15. Indianapolis Recorder, Dec. 2, 1978; Indianapolis Star, Oct. 1, 1978.

16. Harvey C. Jacobs succeeded M. Stanton Evans as editor of the Indianapolis News in February 1975. Eugene C. Pulliam died in June 1975. His son Eugene S. Pulliam succeeded him as owner and publisher of the News and Star.

17. In contrast to the News, the Star remained adamantly opposed to involvement of townships in desegregation for IPS. In an editorial the Star said the truth was gradually dawning that there was no way of desegregating the Indianapolis system with any assurance that the schools would remain desegregated, but any plan involving the townships would not work. It added: "The farther busing for racial balance is spread, the farther families will go to escape its disruptive effects.... The hope for stability, we believe, lies in abandonment of busing and concentration of resources on making each school the best it can be made." Indianapolis Star, June 5, 1978.

12. Indianapolis News, July 3, Sept. 15, 1978; Indianapolis Star, Oct. 10, 1978; Indianapolis Recorder, Oct. 14, 1978.

13. Indianapolis News, Nov. 3, 1978. Copy of Lawrence, Warren, Wayne Plan in School Commissioners, Minutes (Book TTT), pp. 2682-88. It provided for transfer of territory to Wayne and Warren townships from IPS territory "closely adjacent to their borders," so that, after the transfer, black students would number at least seven and one half per cent of the township enrollment. Voting districts would be changed so that parents in the annexed territory could vote in township school elections. Lawrence Township was not included in the annexation plans because by 1978 more than eight per cent of Lawrence enrollment was black.

14. Indianapolis News, Oct. 31, Nov. 3, 1978; Indianapolis Star, Nov. 4, 1978.

15. Indianapolis News, Sept. 15, 20, 21, Oct. 2, 1978. Copy of complaint of intervening plaintiffs to appearance of Lucas and Dimond on grounds of conflict of interest and letters dated September 20, 1978 from Lucas and Dimond withdrawing from case, School Commissioners, Minutes (Book TTT), pp. 1844, 1847. Thomas Atkins and William L. Taylor continued to represent IPS.

16. Indianapolis News, Nov. 7, 8, 1978.

17. Ibid., Nov. 8, 16, 1978.

18. Indianapolis Star, July 12, Nov. 16, 1978; Indianapolis News, Nov. 3, 11, 14, 17, 20, 1978; School Commissioners, Minutes, Aug. 12, 1978 (Book TTT), pp. 905-06.

12. Indianapolis Star, Nov. 8, 9, 1978. Although Dillin rejected testimony about housing in the schools trial, he was visibly disturbed by testimony from an Indiana official of the U.S. Department of Housing and Urban Development who described unsuccessful efforts of HUD to secure approval of the Indianapolis city-county council for scattered site public housing in suburban Marion County. He indicated that he might order a separate hearing on whether city and county officials had conspired in an "end run" to evade his 1973 injunction against new public housing within the boundaries of IPS. Indianapolis News, Nov. 11, 1978.

13. Ibid., Nov. 21, 22, 1978.

14. Indianapolis Star, Jan. 11, 1978; Indianapolis News, Jan. 3, 24, 1978. The categories of options programs for the elementary schools were: Back to Basics; Traditional/Contemporary; Continuous Progress; Open Concept; Free Schools; Montessori Schools; Eclectic Schools. Except for Back to Basics, the option programs used the team teaching concept. Some of them did not use the traditional system of advancement from one grade to the next, but allowed pupils to progress at their own pace. The Free Schools were intended for parents who subscribed to the philosophy "that there is need to liberate for purposes of greater personal and social development." In the Montessori schools "imaginative teaching materials" were the heart of the process. They were intended to be self-correcting, enabling the child to proceed at his own pace and see his own mistakes. School Commissioners, Minutes, Feb. 22, 1978 (Book SSS), pp. 3389-3471.

40. Indianapolis News, Jan. 24, 1978; Indianapolis Star, Feb. 27, 1978; Indianapolis Recorder, Feb. 18, March 4, 1978.

41. School Commissioners, Minutes, Feb. 22, 1978 (Book SSS), pp. 3472-74; Indianapolis Star, Feb. 27, 1978.

42. School Commissioners, Minutes, Feb. 28, 1978 (Book SSS), p. 3782; Indianapolis News, March 1, 1978; Indianapolis Recorder, March 4, 1978.

43. Ibid., March 11, 1978; Indianapolis News, May 10, 1978. Donald Larson, one of the incoming school board members, was chairman of the task force planning the options program. While school officials continued to express confidence that the options program could go into effect for the entire school system in 1979, with most pupils and teachers given their choices, teachers and parents remained skeptical. The prospect of reassigning pupils for options, added to mandatory transfers as the result of desegregation orders, were disturbing to teacher morale. The question of teacher assignments loomed as an important issue in contract negotiations scheduled to take place in 1979. Indianapolis Star, Jan. 13, 1979.

44. Ibid., Jan. 26, 1977; Indianapolis Recorder, Jan. 22, 29, 1977. Board member Martha McCardle accused Riggs of violating the code of ethics of the Indiana School Boards Association.

45. Indianapolis Star, July 6, 1977; Indianapolis Recorder, July 9, 1977.

46. Ibid., June 4, 1979; June 10, 1978; School Commissioners, Minutes, July 19, 1977 (Book SSS), p. 131; Indianapolis News, May

24, June 12, 1978; Indianapolis Star, June 9, 1978.

40. Ibid., June 30, 1978; Indianapolis Recorder, July 1, 22, 1978.

41. School Commissioners, Minutes, Sept. 12, 1978 (Book TTT), p. 1769; Indianapolis Star, Oct. 11, 1978; Indianapolis Recorder, Nov. 4, 1978. In December 1976 the CHOICE board had adopted a statement that it was board policy not to discriminate and also to eradicate effects of past discrimination. In 1977 Busch had sponsored a motion, which the board adopted, to employ a full time affirmative action officer. School Commissioners, Minutes, Dec. 14, 1976; July 21, 1977 (Book RRR), pp. 1490, 4118.

42. Indianapolis News, Oct. 30, Nov. 15, 1978; Indianapolis Recorder, Nov. 18, 1978; School Commissioners, Minutes, Nov. 14, 1978 (Book TTT), pp. 2841-42.

43. Indianapolis News, Dec. 29, 1978. After voting to renew Kalp's contract, the school board voted to develop a system of evaluating the performance of the superintendent and establish a committee for that purpose. School Commissioners, Minutes, Dec. 12, 1978; Jan. 9, March 13, 1979 (Book TTT), pp. 3301, 3449, 4321.

44. Indianapolis News, Nov. 27, Dec. 29, 1978.

45. Ibid., March 6, 1979.

46. Indiana House Journal, 1979, pp. 15, 463; Indianapolis Star, March 7, 1979; Indianapolis News, March 14, 1979; Indianapolis Recorder, March 10, 1979.

47. 506 F Supp. 657; Indianapolis Star, April 25, 1979. Dillin's decision, in finished form, was sent to the Seventh Circuit Court

of Appeals on July 9, 1979. The plan for busing to the suburbs which Dillin ordered would mean black enrollment of about 15 per cent in the suburban schools. He reduced the number of students assigned to Lawrence Township because of the increase in black residents in that township.

40. Indianapolis Star, May 12, 1979. The plan was adopted by a vote of six to one. DeFrantz voted "no," saying he was still opposed to one-way busing.

41. Indianapolis News, Aug. 7, 1979.

42. School Commissioners, Minutes, Aug. 7, 1979 (Book UUU), p. 583; Indianapolis News, Aug. 9, 1979.

43. Ibid., Oct. 25, 1979; Indianapolis Star, Oct. 26, 1979.

NOTES

CHAPTER 11

1. 637 F2, 1101-114; Indianapolis Star, April 30, 1980. As in 1976 Fairchild and Swygert upheld the district court; Judge Tone dissented. When a reporter asked John Wood, IPS attorney, about the court's statement that Dillin had the power to issue an order for two-way busing, he replied that it didn't mean anything because "if that's all they [the appeals court] said, because he [Dillin] obviously has no intention of doing that," Ibid.

2. Ibid., May 1, 1980.

3. Ibid., June 29, 1980; Indianapolis News, July 29, 1979.

4. Ibid., Sept. 28, 29, Oct. 2, 1979.

5. Indianapolis Star, May 4, 1980.

6. Indianapolis Recorder, April 12, 1980; Indianapolis Star, April 30, 1980. Indiana Central University later changed its name to the University of Indianapolis. It is a private institution.

7. Ibid., May 4, 1980. Riggs and DeFrantz did not seek re-election .

8. Ibid.

9. Ibid., July 25, 1980.

10. School Commissioners, Minutes (Book VVV), pp. 1217-20; Indianapolis Star, June 14, 1980.

11. Busch and Knorr voted against Lightfoot, while Larson, who was presiding, tried to abstain, but the parliamentarian counted him as voting for Lightfoot. Ibid., June 14, 18, 1980; Indianapolis

Recorder, June 21, 1980.

1. Ibid.; Indianapolis Star, June 18, July 25, 1980. The most vocal groups were from the Near East Side Community Organization (NESCO), the United Southside Community Organization (USCO), and the Southside United Neighborhoods.

2. Ibid., June 29, 1980.

3. School Commissioners, Minutes, July 1, 1980 (Book VVV), p. 1139; Indianapolis Star, July 2, 1980.

4. Ibid., July 3, 5, 11, 1980.

5. School Commissioners, Minutes (Book VVV), pp. 1095, 1105-22; Indianapolis Star, Aug. 16, 1980.

6. Ibid., Sept. 10, 1980; Indianapolis Recorder, Sept. 20, 1980.

7. Indianapolis Star, July 8, Aug. 19, 31, 1980.

8. Ibid., Aug. 31, Sept. 3, 1980.

9. Ibid., Sept. 3, 6, 1980.

10. 449 U.S. 838; Indianapolis Star, Oct. 7, 1980.

11. Indianapolis Recorder, Oct. 11, 1980; Indianapolis Star, Oct. 12, 1980.

12. Ibid., Nov. 21, 1980.

13. Ibid., Jan. 16, 1980; March 7, 1981; Indiana House Journal, 1981, pp. 210, 510, 664; Indiana Senate Journal, 1981, p. 308. All Republican representatives from Marion County voted for the bill except one who abstained". All Democrats from Marion County voted against -it• .

14. Indiana Laws, 1974, pp. 345-47.

15. Indianapolis Star, July 9, 11, 1981; School Commissioners, Minutes (Book VVV), pp. 8103-06. Estimates of total costs varied widely and were usually too high. But headlines in the newspapers

usually emphasized the cost to the taxpayers, particularly the cost of buses.

1. Indianapolis Star, July 18, Aug. 31, Nov. 20, 1981.

2. Indianapolis News, March 29, 1982; Indianapolis Star, Dec. 14, 1982. Costs to the state for 1981-82 were about $8 million. Earlier estimates had been as high as $12 to $15 million. Ibid., Sept. 29, 1982.

3. Ibid., July 18, 1981; Indianapolis News, Nov. 20, 1981.

4. Indianapolis Star, Jan. 22, Feb. 6, 1982; Indianapolis News, Feb. 2, 1982.

5. Indianapolis Star, July 11, 1981; March 26, 1983; Indianapolis News, May 18, 1982; Feb. 10, 1983.

6. Indianapolis Star, Jan. 30, Feb. 3, 5, 6, 1981.

7. Ibid., Feb. 11, 12, 20, March 7, 1981.

8. Ibid., May 20, 1981; Indianapolis Recorder, June 6, 1981.

9. Ibid., Jan. 17, 31, Feb. 28, May 9, 1981; Indianapolis Star, May 15, 17, 1981.

10. Ibid., May 18, Aug. 1, 1981.

11. Ibid., April 30, 1981.

12. Indianapolis Recorder, March 4, June 6, July 25, 1981; Indianapolis Star, July 1, 1981.

13. Indianapolis Recorder, April 11, 1981; Indianapolis Star, April 23, 1981.

14. Ibid., Feb. 20, May 8, 1981.

15. Ibid., May 20, June 21, 1981.

1. Ibid., June 24, July 17, 1981.

2. Ibid., July 16, Aug. 15, 16, 1981; Indianapolis Recorder, Oct. 3, 1981.

3. Indianapolis Star, Aug. 16, 1981.

NOTES

CHAPTER 12

1. Indianapolis Star, June 13, 1981.

2. Indianapolis Public Schools, "Areas Designated for Transfer to Listed Townships, September, 1981" (Planning Department, Indianapolis Public Schools, 1981); Interview with Matthew Winter, Director of Planning, Indianapolis Public Schools.

3. Indianapolis Star, Desegregation Supplement, Aug. 16, 1981.

4. Ibid., Aug. 16, 24, 25, 1981.

5. Ibid., Aug. 16, 1981.

6. Ibid. Speedway, an almost entirely white community within the borders of Wayne Township was not included in court ordered desegregation .

7. Ibid.

8. Ibid.

9. Indianapolis Public Schools, "Statistical Profile, Indianapolis Public Schools, 1988-89" (Planning Department, Indianapolis Public Schools, 1988); Part Is "Student Enrollment and Attendance Data," pp. 5-6; Indianapolis Star, Aug. 16, Sept. 6, 9, 1981; Indianapolis Recorder, Sept. 12, 1981. Interview with Matthew Winter, Director of Planning, Indianapolis Public Schools.

10. Indianapolis Star, Sept. 25, 1981.

11. Indianapolis Recorder, Oct. 24, Nov. 7, 1981.

12. Indianapolis Star, Oct. 6, 1982.

13. Indianapolis News, Nov. 22, 1982.

1. Ibid., Nov. 17, 21, 22, 1982.

2. Indianapolis Star, Nov. 12, 1984; Oct. 25, 1987.

3. Ibid., Oct. 29, 1987; Indianapolis News, Sept. 3, 1988.

4. Ibid., May 22, 24, 1984; Indianapolis Star, Nov. 1, 1987.

5. Indianapolis News, Aug. 17, 1987.

6. Indianapolis Star, Oct. 27, 1987. The total number of expulsions was actually quite small. In 1986-87, in Franklin Township of 17 students expelled, 5 were black; in Perry, of 15 expelled, 9 were black; in Warren of 28 expelled, 16 were black. In Lawrence Township the percentage was smaller. Figures are not available for Decatur and
Wayne townships.

7. Indianapolis Star, April 12, Oct. 26, Nov. 1, 1987.

8. Ibid., Oct. 26, 1987.

9. Indianapolis News, Jan. 7, 1983; Indianapolis Star, Dec. 24, 1987.

10. Ibid., March 10, 16, 1984.

11. Indianapolis News, May 22, 24, 1984; Indianapolis Star, Sept.
7, 1984; Dec. 6, 1985; Jan. 8, 1986.

12. Ibid., May 12, Nov. 1, 1987.

13. Indianapolis News, May 28, 1984.

14. Indianapolis Public Schools, "Statistical Profile," I: "Stu-
dent Enrollment," pp. 2, 6; Indianapolis Star, April 11, 1986.

15. Indianapolis Public Schools, "Statistical Profile," VII: "Transportation," Table 1; Indianapolis Star, March 16, 1986; Oct. 28, 1987. Most of the students ride on buses owned by IPS, but some on buses owned by the Indianapolis Metro system under contract. In 1987-88,

a total of 23,746 pupils rode on 293 buses owned by IPS, while 5,336 rode on buses which operated under contract. Superintendent Adams, speaking to a reporter on the effects of desegregation, said: "The thing that would probably be the biggest negative in the whole desegregation effort is that it moved so many parents further away from the schools. It's much more difficult to get parents to come out and get involved in school." Indianapolis Star, Oct. 28, 1987.

1. Indianapolis Star, Oct. 25, 1987.

2. Indianapolis Public Schools, "Statistical Profile," IV: "Student Management Data," pp. 1, 14; Indianapolis Star, Nov. 1, 1987; Nov. 29, 1988.

3. Indianapolis Public Schools, "Statistical Profile," I: "Student Enrollment," pp. 50-51.

4. Ibid. IV: "Student Management Data," pp. 54-55; Indianapolis Public Schools, "Magnet and Options Program" (Planning Department, Indianapolis Public Schools, 1987); Indianapolis Star, March 23, 1983.

5. A total of 1,346 students were enrolled in Options programs, of whom 42.2 per cent were black; 1,098 in the Academically Talented programs, of whom 30.5 per cent were black. A total of 1,553 were enrolled in the Magnet programs at Shortridge Junior High School and the two senior high schools, Broad Ripple and Technical. Indianapolis Public Schools, "Statistical Profile," I: "Student Enrollment," pp. 21, 55.

6. Ibid. IV: "Student Management," pp. 7, 9, 10.

7. Indianapolis Star, Oct. 27, 1987; Indianapolis Recorder, May 12, 1988.

1. Indianapolis Star, Oct. 27, 1987.

2. Indianapolis News, May 22, 1984; Indianapolis Star, Oct. 28, 1987.

3. Indianapolis News, May 22, 24, 1984; Indianapolis Recorder, May 28, 1988.

4. Indianapolis News, Aug. 28, 1988.

5. Indianapolis Star, July 13, 1983; Indianapolis News, May 6, Aug. 28, 1988; Indianapolis Recorder, April 30, May 8, 1988.

6. Indianapolis News, Feb. 8, 1988.

7. Ibid., May 22, 1982; Dec. 4, 1985; Indianapolis Star, Nov. 24, 1985; Oct. 28, 1987.

8. Ibid., Oct. 28, 1987; June 22, Nov. 23, 1988.

9. Indianapolis News, May 24, 1984; Indianapolis Star, Feb. 15, 1989.

BIBLIOGRAPHY

UNPUBLISHED MATERIALS

MANUSCRIPTS AND ARCHIVAL MATERIALS

Indianapolis Board of School Commissioners, Minutes.

Henry J. Richardson Papers, Indiana Historical Society Library, Indianapolis, Indiana.

Indianapolis Urban League Papers, Indiana Historical Society Library Indianapolis Indiana.

National Association of Colored People Papers, Manuscript Division, Library of Congress, Washington, D.C. Because this collection is being reprocessed items from it are cited only by dates.

DISSERTATIONS AND THESES

Daniels, Dallas. "History of the Federated Association of Clubs, 1939-1949"(M.A. Thesis in History, Butler University, 1975).

Gale, Frederick K. "The First Twenty-Five Years of Crispus Attucks High School, Indianapolis, Indiana, 1927-1955" (M.A. Thesis in Education, Ball State University, 1955).

Gardner, Bertram E. "The Negro Young Men's Christian Association in the Indianapolis Community" (M.A. Thesis in Sociology, Butler University, 1951).

Moore, Joseph Leonard. "White Protestant Nationalism in the 1920's: The Ku Klux Klan in Indiana" (Ph.D. Dissertation in History, University of Southern California, Los Angeles, 1985).

Kan, Ori. "Basic Ideas in Federal State Relations: The Indiana 'Revolt' of 1951" (Ph.D. Dissertation in Government, Indiana

University, 1961).

PUBLISHED MATERIALS

GOVERNMENT DOCUMENTS

Indiana: House of Representatives, Journals; Senate, Journals; Indiana Lavs.

United States: Reports of U.S. District Court for the Southern District of Indiana; U.S. Seventh Circuit Court of Appeals; United States Supreme Court.

NEWSPAPERS

Indianapolis News.

Indianapolis Recorder(Weekly).

Indianapolis Star.

Indianapolis Times (Ceased publication, 1965).

BOOKS

Cavnes, Max Parvin. The Hoosier Community at War (Bloomington, Indiana University Press, 1961).

Endelman, Judith. The Jewish Community of Indianapolis (Bloomington, Indiana University Press, 1984).

Gaus, Laura Sheerin. Shortridqe High School 1864-1981. In Retrospect (Indianapolis, Indiana Historical Society, 1985).

Glenn, Dale. History of the Indiana High School Athletic Association (Greenfield, Indiana: Mitchell Fleming Printing, Inc., 1976).

Grossman, Lawrence. The Democratic Party and the Negro: Northern

and National Politics, 1868-1892 (Urbana, Chicago, London: University of Illinois Press, 1976).

Leary, Edward. Indianapolis: The Story of A City (Indianapolis and New York: the Bobbs Merrill Co., 1971).

Lukas, J. Anthony. Common Ground. A Turbulent Decade in the Lives of Three American Families (New York: Alfred A. Knopf, Inc., 1985).

Madison, James H. Indiana Through Tradition and Change: A History of the Hoosier State and Its People, 1920-1945 (The History of Indiana, Vol. V; Indianapolis: Indiana Historical Society, 1982).

Miller, John. Indiana Newspaper Bibliography (Indianapolis: Indiana Historical Society, 1982).

Orfield, Gary. Must We Bus? Segregated Schools and National Policy (Washington, D.C.: The Brookings Institution, 1978).

Owen, C. James and Wellborn, York. Governing Metropolitan Indianapolis (Berkeley: University of California Press, 1985).

Pulliam, Russell. Publisher Gene Pulliam, Last of the Newspaper Titans (Ottawa, Illinois: Jameson Books, 1984).

Schwomeyer, Herbert. Hoosier Hysteria: A History of Indiana High School Basketball (Sixth edition, Greenfield, Indiana: Mitchell Fleming Printing, Inc., 1985).

Thornbrough, Emma Lou. The Negro in Indiana before 1900: A Study of a Minority (Indianapolis: Indiana Historical Bureau, 1957).

. Since Emancipation: A Short History of Indiana Negroes 1863-1963 (Indianapolis: Indiana Division American Negro Emancipation Authority, 1963).

Tushnet, Mark V. The NAACP's Legal Strategy Against Segregated

Education, 1925-1950 (Chapel Hill: University of North Carolina Press, 1987).

ARTICLES AND PAMPHLETS

Begley, Thomas M. and Alker, Henry. "Anti-Busing Protests: Attitudes and Actions" (Social Psychology Quarterly, Vol. 45, December, 1982, pp. 187-197).

Citizens School Committee, "The History and Accomplishments of The Citizens School Committee" (Indianapolis, 1942).

City of Indianapolis, Indiana, Department of Metropolitan Division of Planning and Zoning, "Demographic Trends in the Indianapolis SMFA from 1970-1980."

Cohen, Ronald D. "The Dilemma of School Integration in the North: Gary, Indiana, 1945-1960," (Indiana Magazine of History, Vol.82, June, 1986, pp. 161-184).

Community Service Council of Metropolitan Indianapolis, "The Negro in Indianapolis: A Summary of Local Data" (Indianapolis, 1967).

Flanner House. "50th Year. Flanner House of Indianapolis."

Divita, James J. "Slaves to No One; A History of the Holy Trinity Catholic Community in Indianapolis" (Holy Trinity Parish Rectory, 1981).

Duncan, John Paul. "Control of the City Government of Indianapolis, Evidenced by the Forces Determining Its Ordinances, 1925-1941" (Abstract of Ph.D. Thesis in Government, Indiana University, 1943, Akron, Ohio, 1945).

Foster, Gordon. "Desegregating Urban Schools: A Review of Techniques"

(Harvard Educational Review, Vol. 43, Feb. 1973, pp. 5-36).

Indianapolis Board of School Commissioners, "Indianapolis Public Schools: An Outline of Facts Concerning Organization, Administration and Finances" (Indianapolis Board of School Commissioners, 1940).

Indianapolis Chamber of Commerce. "Post War Plans for Indianapolis: Presented to the Citizens of Indianapolis by the Mayor's Committee on Post-War Planning" (Indianapolis, 1944).

Indianapolis Public Schools, "Areas Designated for Transfer to Listed Townships" (Planning Department, Indianapolis Public Schools, 1981).

. "Statistical Profile Indianapolis Public Schools 1988-89" (Planning Department, Indianapolis Public Schools, 1988).

Jacobson, Cordell K. "Desegregation Rulings and Public Attitude Changes: White Resistance or Resignation?" (American Journal of Sociology, Vol. 85, Nov. 1978, pp. 698-705).

Keldey, Jonathan. "The Politics of School Busing" (Public Opinion Quarterly, Vol. 38, Spring 1974, pp. 22-39).

Kimble, Charles E. "Factors Affecting Adults' Attitudes Toward School Desegregation" (Journal of Social Psychology, Vol. 110, April 1980, pp. 211-18).

League of Women Voters of Indianapolis. "Who's in Charge Here? A Look at Local Government" (Indianapolis, 1959).

Madison, James H. "The American Constitution and the Old Federalism: Views from the Hoosier State" (Bicentennial of the U.S. Constitution Lecture Series, Indiana University, Bloomington, 1985).

Marsh, William E. "The Anatomy of a Desegregation Case: The Indianapolis Experience" (Indiana Law Review, Vol. 9, No. 5, 1976, pp. 897-993).

McClendon, McKee J. "Racism, Rational Choice, and White Opposition to Racial Change: A Case Study of Busing" (Public Opinion Quarterly, Vol. 49, Summer, 1985, pp. 214-33).

McMillan, Charles. "Magnet Schools: An Approach to Voluntary Desegregation" (Phi Delta Kappa Educational Foundation, Bloomington, Indiana, 1980).

Riis, R.W. and Waldron, William. "Fortunate City: Story of Flanner House Negro Neighborhood Center in Indianapolis" (Survey Graphic, Vol. 34, August 1945, pp. 339-41).

Riley, Herman Murray. "A History of Negro Elementary Education in Indianapolis" (Indiana Magazine of History, Vol. 26, December 1930, pp. 288-305).

Rosenszweig, Marion E. "In Pursuit of Justice" (Indiana Alumni Magazine, Vol. 46, October 1983, pp. 36-37).

Sears, David 0. and Kinder, Donald R. "Whites' Opposition to Busing: On Conceptualizing and Operationalizing Group Conflict" (Journal of Personality and Social Psychology, Vol. 48, May 1985, pp. 1148-61).

Shibler, Herman L. "Annual Report of General Superintendent of Education to the Board of School Commissioners, Indianapolis Public Schools, 1950-51 and 1952-53" (Indianapolis, 1951 and 1953).

Thornbrough, Emma Lou. "Breaking Racial Barriers to Public Accommodations in Indiana, 1935 to 1963" (Indiana Magazine of History, Vol. 83, December 1987, pp. 301-43).

. "Segregation in Indiana During the Klan Era of the 1920's" (Mississippi Valley Historical Review, Vol. 57, March 1961, pp. 594-618).

BIOGRAPHICAL SKETCH

Emma Lou Thornbrough (1913-), professor emeritus, Butler University was born in Indianapolis, where she received her early education. A recipient of degrees from Butler University and a PhD in history from the University of Michigan, she is a pioneer among professional historians who have researched and published in the field of African-American history. Although she has written numerous scholarly articles and books, the concentration of her work has been in Indiana history with a focus on African-Americans. Her vast range of interest and expertise is suggested by a selected review of her published works which include Black Reconstructionists, Booker T. Washington, Eliza A. Blaker: Her Life and Work, Indiana in the Civil War Years, The Negro in Indiana before 1900, Since Emancipation: A Short History of Indiana Negroes, 1863-1963, and T. Thomas Fortune, Militant Journalist.

Source:

Directory of American Scholars, 8th ed. Jacque Cattell Press (ed.) New York: R.R. Bowker, 1982.

SCOPE AND CONTENT NOTE

The collection consists of one bound copy of Emma Lou Thornbrough's original, unpublished manuscript, "The Indianapolis Story: School Segregation and Desegregation in a Northern City." The 620-page study, completed in 1989, contains a preface, twelve chapters, notes, and a bibliography. (Although they are listed in the table of contents, the volume contains no maps.) Chapters 1 and 2 give an overview of the historically pervasive climate of segregated education in Indiana and Indianapolis. Commencing in chapter 3, Thornbrough details the city's desegregation strides dating from the passage of the 1949 Indiana School Desegregation Law. She presents in great depth the roles of the Indianapolis Public School (IPS) Board, various advocacy groups, and the public-at-large in response to a lawsuit initiated by the United States Justice Department against IPS. Although the lawsuit was brought in 1968, the case did not come to trial until 1971 when IPS was found guilty of practicing de jure segregation. The case, along with subsequently related trials, was held in the Federal District Court of Southern Indiana before Judge Samuel Hugh Dillin.

The study demonstrates the posturing of several school-related groups, Citizens for Quality Schools, CHOICE, Citizens School Committee, Non-Partisans, and the Citizens

Advisory Committee; civic organizations, National Association for the Advancement of Colored People, Indianapolis Urban League, League of Women Voters, Butler-Tarkington Neighborhood Association, and the Young Women's Christian Association; and governmental agencies, Greater Indianapolis Progress Committee and the Indianapolis Chamber of Commerce, as city residents struggled for two decades to develop an acceptable plan to desegregate their schools. Although there were many changes instituted in the school district as a result of the lawsuit, the most dramatic consequence was the decision to impose one-way busing (black children were bused out of the inner city to predominantly white township schools) to achieve integration.

9 July 2004

BV 2631

A photocopy of BV 2631, *The Indianapolis Story*, is located on the shelf directly above BV 2631.

Please use the photocopied text when making additional copies of this bound volume.

USER INFORMATION

VOLUME OF COLLECTION: one bound volume

COLLECTION DATES:

PROVENANCE: Emma Lou Thornbrough, 3012 N. Cold Spring Road, Indianapolis, IN 46222, October 1992

RESTRICTIONS: None

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ALTERNATE FORMATS: None

OTHER FINDING AIDS: None

RELATED HOLDINGS: None

ACCESSION NUMBER: 93.0029

NOTES: The manuscript, "The Indianapolis Study: School Segregation and Desegregation in a Northern City," was originally completed by Emma Lou Thornbrough in compliance with a University of Illinois Press contract.

CATALOGUING INFORMATION

MAIN ENTRY: Thornbrough, Emma Lou
The Indianapolis Story: school segregation and desegregation in a northern city, 1993

SUBJECT ENTRIES: Dillin, Samuel Hugh, 1914-
Indianapolis Public Schools
Segregation in education--Law and legislation--Indiana--Indianapolis
Education--Indiana--Indianapolis
School integration--Indiana--Indianapolis
Busing for school integration--Indiana--Indianapolis
Afro-Americans--Education--Indiana--Indianapolis
Discrimination in education--Law and legislation--Indiana--Indianapolis
Indianapolis (Ind.)--Race relations