

# Desegregating Schools in the North: The Cincinnati Board of Education and the NAACP

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## Introduction

This is a day that will live in glory. It is also a great day in the history of the court," wrote Supreme Court justice Felix Frankfurter to Chief Justice Earl Warren on the day of the historic Supreme Court decision, *Brown vs. Board of Education*.<sup>1</sup> On this supposedly glorious day, May 17, 1954, the Supreme Court handed down the declaration that separate but equal facilities, particularly schools, were inherently unconstitutional, and the court called for the legal desegregation of public schools across the nation. This mandate brought with it significant weight: no longer would children be forced to attend certain schools because of their race. Education would now be equal for all Americans. However, was this really the case? In many cities, particularly in the North, school segregation persisted despite the passing of *Brown v. Board*. The struggle for an equal education continued despite the fact that segregation was prohibited by law. In areas where this struggle remained, segregation existed on a *de facto* basis only, meaning that it existed as a result of racially imbalanced neighborhoods and inherent cultural concepts, not as a result of law.<sup>2</sup> It was in cities with *de facto* segregation where struggles for equality in education lasted long after the passing of *Brown*.

The racially tense city of Cincinnati, Ohio, was one of the many Northern cities in which *de facto* segregation led to an ongoing struggle by the black community to achieve quality desegregated education. The official efforts for desegregation in Cincinnati took place largely beginning in the 1960s, precisely nine years after the passing of *Brown*. In

1963, the first attempts by the NAACP to achieve desegregation through the court system in *Deal v. Board of Education* led to a lengthy conflict between the NAACP and the Cincinnati Board of Education. Throughout the years, the NAACP attempted to work through the legal system as well as through the hearts and minds of Cincinnati citizens to achieve equality in education for all; this can be seen in the second major lawsuit in Cincinnati, *Bronson v. Board*, which began in 1975. The black community was constantly unhappy with the existing *de facto* segregation and what they saw as the active avoidance of desegregation by the school board. This conflict between the black community and the racism of the school board lasted throughout the 1980s, and took the form of action against the school board by the NAACP in Cincinnati.<sup>3</sup>

The NAACP was a strong force against segregation in Cincinnati and across the nation as leaders recognized the need to defend those who have faced discrimination on the basis of race. Considered "the nation's most significant civil rights organization," the NAACP was undoubtedly a major player in the struggle for desegregated education in the North and in Cincinnati.<sup>4</sup> Overall, the struggle for desegregated education in Cincinnati Public Schools was largely an ongoing conflict between the Cincinnati Board of Education and the Cincinnati Chapter of the NAACP from the 1960s through the remainder of the twentieth century. This is seen through the instigation of court cases and the public relations put forth by the organization to reach out to the Cincinnati public. The complaints from the NAACP were due to continued *de facto* segregation

<sup>1</sup> Felix Frankfurter, Earl Warren, "Note, Felix Frankfurter to Warren," 17 May 1954, from the *Library of Congress: Words and Deeds in American History*, <http://memory.loc.gov/cgi-bin/ampage> (accessed 2 November 2012).

<sup>2</sup> The segregation that is prohibited by law is commonly known as *de jure* segregation. Robert L. Herbst, "The Legal Struggle to Integrate Schools in the North," *Annals of the American Academy of Political and Social Science* 407:1 (1973), 43.

<sup>3</sup> NAACP News Release, April 21, 1981. Marian Spencer Papers, MSS 888, Box 2, Folder 11, Cincinnati History Library and Archives, Cincinnati Museum Center, Cincinnati, Ohio.

<sup>4</sup> NAACP, "NAACP: 100 Years of History," NAACP, [http://www.naacp.org/pages/naacp-history\\_mw?source=BSDAds\\_GoogleSearch\\_NAACP\\_History\\_NAACP%20History\\_Phrase\\_13683517273&gclid=CL2wjOzPg7QCfahQOgod5BcA1w](http://www.naacp.org/pages/naacp-history_mw?source=BSDAds_GoogleSearch_NAACP_History_NAACP%20History_Phrase_13683517273&gclid=CL2wjOzPg7QCfahQOgod5BcA1w) (accessed Dec. 5, 2012).

and the active avoidance of desegregation by the school board, both of which reflected trends across many cities in the Northern United States.

#### Historiography: Historians and School Desegregation

The efforts at eliminating segregation nationwide, both *de facto* and *de jure*, have been written about by several historians who examine this relatively recent topic. Many historians recognize that segregation did not end with the *Brown* decision. When writing about the desegregation of schools, historians have transcended the traditional categories of history. The schools of thought that are represented among the historians include educational history, racial history, social history, cultural history, legal history, political history, or a combination of any of these.

Among the historians who have written about national school desegregation, there are three key themes that are pertinent to the comparison between Northern school desegregation and Cincinnati school desegregation. These include historians who write about the entire process of desegregation across the nation, those who write about the legal struggles for desegregation, and finally, those who have written about *de facto* segregation and the resulting magnet schools and busing controversies.<sup>5</sup>

Many historians have written about the overall process of school desegregation in the North since the passage of *Brown v Board*. One such historian, Reynolds Farley, focused specifically on the years 1967 to 1972 for his article in *Sociological Focus*.<sup>6</sup> In this article, Farley primarily examines integration in the Northern schools in an attempt to recognize trends in the racial segregation of students. Using the years 1967, 1970, and 1972, Farley measures the changes in student segregation, ultimately claiming that by 1972, the schools in the South were more desegregated than those in the North. The study within the article examines 143 school systems using quantitative data and the effects of governmental activities that pushed for integration during the late 1960s. This article also looks at the effects of the Civil Rights Act of 1964, Title IV provisions, as well as the 1965 Elementary

<sup>5</sup> These themes can be considered significantly narrow in relation to the entirety of publications concerning school desegregation. I have, however, only chosen those particular historians and themes that correlate with the process of school desegregation in Cincinnati.

<sup>6</sup> Reynolds Farley, "Focus on Policy: Racial Integration in the Public Schools, 1967-1972: Assessing the Effect of Governmental Politics," *Sociological Focus* 8:1 (1975): 3-26.

and Secondary Education Act. Ultimately, Farley came to three main conclusions: 1) governmental pressures for desegregation increased in the previous decade (1960s-1970s), 2) the declines in segregation were greater in the South than in the North, and 3) substantial progress had been made in the desegregation of the nation's teachers.<sup>7</sup> Throughout his study, Farley uses court cases and census data to make his arguments, as well as previous works studying desegregation, including those by Hickerson, Pfautz, Coons, and Orfield. At the end of his article, Farley discusses his opinions on the future of desegregation. While he did not know specifically what turns the process would take, he set the stage for other historians to write on this topic.

Discussion on the topic of desegregation in the nation's public schools continued through the 1980s. One holistic work that aimed to provide details about the ongoing process of desegregation is Gary Orfield's *Public School Desegregation in the United States, 1968-1980*.<sup>8</sup> In this short monograph, Orfield aims to report data on the status of school desegregation through 1980 in order to "clarify the real issues that remain before us."<sup>9</sup> To do this, Orfield used enrollment data from across the nation, finding that there are various patterns of desegregation, depending upon region of the county. Through his writing, Orfield makes clear that he believed that full desegregation was possible, but only if enforced.<sup>10</sup> He also placed special emphasis on desegregation in the cities, where he claimed the "key problems" were held.<sup>11</sup> Orfield provided recommendations for further desegregation efforts, including the regular collection of racial data in metropolitan areas and the support of city-suburban desegregation plans. Orfield's study and suggestions served as a basis for desegregation studies in the years following his publication.

Bringing the conversation into the twenty-first century, Charles T. Clotfelter wrote his monograph on the process of school integration in the fifty years after the *Brown* decision. Using interracial contact

<sup>7</sup> Farley, 21-22.

<sup>8</sup> Gary Orfield, *Public School Desegregation in the United States, 1968-1980* (Washington, D.C.: Joint Center for Political Studies, 1983). Orfield is an important scholar in school desegregation history, and many of his works have been used by other historians throughout the latter part of the twentieth century.

<sup>9</sup> Orfield, *Public School*, xi.

<sup>10</sup> Orfield refers to the schools in the South, where "profound and lasting change" had occurred because those are the areas where enforcement of desegregation policies had been concentrated. He suggests that if enforcement were spread to the North, desegregation would be much simpler (xii).

<sup>11</sup> Orfield, *Public School*, 48.

as a measure of segregation, Clotfelter aimed to reexamine school desegregation by documenting changes in contact over time. Clotfelter built on Orfield's 1983 trend analysis before discussing the connection between residential location and desegregation. Clotfelter references Orfield's study from 1968-1980, but instead chooses to use unpublished data from before 1968 to chart trends by region in a more complete manner than Orfield. It is in this way that Clotfelter contributed to the field. Among other cities, Cincinnati was mentioned throughout the book; Clotfelter placed Cincinnati in a wider set of Northern school districts who "engaged in practices designed to strengthen patterns of segregation."<sup>12</sup> For example, the Cincinnati school board was responsible for requiring swimming classes, but discontinued the requirement when classes were integrated. Using Cincinnati as an example, Clotfelter made the point that many schools employed different techniques for postponing or avoiding true desegregation.<sup>13</sup> These segregationist practices were often used as evidence in the courts as organizations like the NAACP worked to achieve equality in education. It was in the court system that a majority of desegregation in the North came about.

There has been much scholarship published over the last several decades regarding the desegregation of America's public schools through the lens of the court and legal system. One of the earliest works of this type is Barker and Barker's book of studies on civil liberties, published in 1965.<sup>14</sup> In this book, Barker and Barker provided a meaningful framework for the study of civil liberties problems and racial desegregation in the United States. The important chapter for this study, chapter 5, concerns "racial problems in the balance," which includes resistance to the *Brown* decision and school administrative actions with *de facto* segregation. Written before a large portion of the Cincinnati struggle, this book shows the nationwide situation with regards to desegregation in the 1960s. Barker and Barker recognize how difficult it was for black people to actually influence administrative action:

"Though Negroes filed numerous petitions, only in a few instances did school officials attempt to use administrative remedies to meet the problem."<sup>15</sup> Furthermore, Barker and Barker call for school districts to have equitable distributions of black and white children, claiming that this will create an advantageous atmosphere for all involved. The authors claim that administrators *can* make a difference and accomplish desegregation, depending on several factors.<sup>16</sup> This focus on administrative action is telling for the Cincinnati integration story. While the school board did have the ability to enact *de facto* desegregation, they actively avoided it.

In the same year as the publication by Barker and Barker, Oliver Schroeder, Jr. and David T. Smith edited a book that was devoted to the study of *de facto* segregation and civil rights.<sup>17</sup> Compiled in the midst of the civil rights movement, this collection of essays provides a legal, educational, sociological, and historical look at *de facto* segregation, including its causes, results, and suggestions for dealing with it. In several of the essays, authors pose questions surrounding *de facto* segregation as it existed in the mid-1960s. Specifically, the essays by Carter, Bloch, Levenson, and Wright provide the most insight into the legal and educational implications of a segregated education, and are of the most use to this study.<sup>18</sup> As a whole, they work together to create a full picture of *de facto* segregation and how it came to exist through the court system as well as early efforts to eradicate it.

Like the Barker and Schroeder writings, the book by Norman Dorsen was also written in the late 1960s. Focusing on the issue of discrimination in all aspects of life, including employment, voting, housing, and education, this monograph can contribute important information to the civil rights issues during that time period. This book was meant to give students the basic materials pertinent to racial discrimination, including legal aspects and

<sup>12</sup> Charles T. Clotfelter, *After Brown: The Rise and Retreat of School Desegregation* (Princeton, NJ: Princeton University Press, 2004), 19. Italicization added. The practices to which Clotfelter refers are gerrymandering, the creation of attendance zones, crowding black schools, the judicious placement of new schools, and liberal transfer policies.

<sup>13</sup> Clotfelter, 19-20.

<sup>14</sup> Lucius J. Barker and Twiley W. Barker, Jr., *Freedoms, Courts, Politics: Studies in Civil Liberties* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1965).

<sup>15</sup> Barker and Barker, 197.

<sup>16</sup> Barker and Barker, 200. These factors include the legislative mandates under which the administrators operate, the friendly courts that are willing to uphold their actions, and general community attitudes.

<sup>17</sup> Oliver Schroeder, Jr. and David T. Smith, eds, *De Facto Segregation and Civil Rights: Struggle for Legal and Social Equality* (Buffalo, NY: William S. Hein & Co., Inc., 1965).

<sup>18</sup> Robert L. Carter, "De Facto School Segregation: An Examination of the Legal and Constitutional Questions Presented," 28-57; Charles J. Bloch, "Does the Fourteenth Amendment Forbid De Facto Segregation?" 58-70; William B. Levenson, "Educational Implications of De Facto Segregation," 71-80; and J. Skelly Wright, "Public School Desegregation: Legal Remedies for De Facto Segregation," 4-27.

social contexts.<sup>19</sup> The two chapters that prove the most important to this study are the chapters concerning discrimination in education in both the South and the North. In these chapters, Dorsen provides the legal documents from court cases and government policies and accompanies them with his own notes. In the section concerning *de facto* segregation, Dorsen uses a court case from Gary, Indiana, to show resistance to desegregation; this Midwestern town can be compared to Cincinnati in this respect. Dorsen's commentary on the court cases dealing with discrimination allows for a legal framework for the issues during the time period. It does not, however, interact very much with existing scholarship, but instead relies on the primary sources for the basis of notes.

In another commentary on the legal basis of desegregation, Robert L. Herbst, published an article in 1973 for the *Annals of the American Academy of Political and Social Science*.<sup>20</sup> In this article, Herbst aimed to comment on the struggle for integration of schools in the North after the passing of *Brown*. He claimed that because the Supreme Court has not extended the *Brown* decision to include *de facto* segregation, the schools where this segregation exists have fought a separate battle for true integration. Blaming this on the ambiguity of the language of the *Brown* case, Herbst examined the struggle for the courts to have to decide how *Brown* applies outside of the South and if it included racial imbalance that resulted from neighborhood patterns.<sup>21</sup> He showed how the NAACP has worked through the court system to fight for an end to racially imbalanced schools, particularly in the North. He brought to light the fact that there was no attempt to apply *Brown* to the Northern schools until the 1960s; it is in this aspect that we see a correlation between the desegregation experience of schools in the North and schools in Cincinnati. Furthermore, Herbst pointed out that, at the time of his writing, the NAACP changed its strategy to prove that school officials had taken intentionally discriminatory actions in order to isolate black children. By attempting to prove that racially imbalanced schools were also unequal schools, the NAACP hoped to invoke the Fourteenth Amendment that guaranteed fairness between the

racers. Herbst outlined the strategy of the NAACP in the North, stating that they tried to show tangible inequalities as well as intangible inequalities such as lower achievement and emotional difficulties.<sup>22</sup> This discussion can be directly related to the Cincinnati experience. In fact, Herbst divided his article into several sections, many of which are case studies of Northern cities; one of these is Cincinnati. Ultimately, Herbst showed how futile the early attempts by the NAACP were because of their inability to prove that the school board acted out of racism or blatant discrimination. Written after the *Deal* case, but before the *Bronson* case, Herbst was setting the stage for future discourse on the legal basis for desegregation in Cincinnati and across the North.

Like the Dorsen book written ten years prior, Robert F. Cushman's anthology of court cases aims to comment on and explain major cases in civil liberties in the United States. This anthology of court cases provides important background and information specifically on the *Brown v. Board* case of 1954. Cushman writes concisely on the case, stating, "It is doubtful if the Supreme Court in its entire history has rendered a decision of greater social and ideological significance than this one."<sup>23</sup> He outlines the immediate effect of the decision on the local school districts and across the nation and then stresses the importance of the decision. The entry then includes the opinion of the court delivered by Chief Justice Earl Warren on the *Brown* case, which can also be used as a primary source to understand firsthand the feelings of the court. The *Brown* case is also referenced throughout the book within the context of other court cases. Overall, Cushman's discussion of the *Brown* decision suggests that this case would have nationwide effects on the desegregation of schools. What he does not include, however, is the effects of *Brown* on schools in the North, where *de facto* segregation ran rampant and where *Brown* would not have a large impact.

As with the Dorsen work, J. Harvie Wilkinson's monograph did not interact largely with other scholars, but he used court case documents to support his claims. Written in the same year as Cushman's anthology, Wilkinson's book solely examines court cases surrounding desegregation of schools in the years following *Brown*. In this book, Wilkinson studies the history of the Supreme

<sup>19</sup> Norman Dorsen, *Discrimination and Civil Rights* (Boston: Little, Brown and Company, 1969), ix.

<sup>20</sup> Robert L. Herbst, "The Legal Struggle to Integrate Schools in the North," *Annals of the American Academy of Political and Social Science* 407:1 (1973): 43-62.

<sup>21</sup> Herbst, 46.

<sup>22</sup> Herbst, 48.

<sup>23</sup> Robert F. Cushman, *Cases in Civil Liberties* (Englewood Cliffs, NJ: Prentice-Hall Inc., 1979), 333.

Court's role in school integration following the *Brown* decision in 1954 to the time of the writing of this book. Calling race a "perpetual dilemma," Wilkinson shows how the court has grappled with the issue of racism throughout the last half of the twentieth century.<sup>24</sup> This analysis shows the difficulty in implementing integration in the face of strong popular racial beliefs, and Wilkinson explains that, "findings in the education cases laid bare the depth of American prejudice and made clear the true dimensions of our difficulties."<sup>25</sup> Overall, Wilkinson's study provides an all-encompassing analysis of the court's role in desegregation.

Continuing the scholarship that examines the reception and fulfillment of *Brown*, Raymond Wolters published his book *The Burden of Brown: Thirty Years of School Desegregation* in 1984. This book examines the desegregation experience of the "school districts where desegregation began."<sup>26</sup> These cities were Washington, D.C., Prince Edward County, Virginia, Clarendon County, South Carolina, New Castle County, Delaware, and Topeka, Kansas. Simultaneously, Wolters looks at the issues of resistance, freedom of choice, and busing within these school districts. Overall, however, this study reinforces the concept that school segregation did not end in 1954 with *Brown*. Wolters claims that *Brown* was a failure at achieving integration, even in the five school districts for which it was meant.<sup>27</sup>

In a publication thirteen years later, Joseph Watras contributes to the desegregation conversation through the analysis of the desegregation plan in place in Dayton, Ohio. This book places a special focus on the integration of schools in Dayton, but Watras claims that "it reflects the national experiences and moods" regarding integration during this forty-year period.<sup>28</sup> As Watras examines the process of desegregation in Dayton, he also provides the national context with regards to the federal courts, school desegregation, and religion. In all, this book shows how Cincinnati and Dayton can be compared because the Cincinnati Board of Education's 1973 resolution was based on a plan implemented years earlier in Dayton. Cincinnati is also mentioned in this book with regard to

magnet schools and integration. [This work has been placed within the theme of the legal aspects of desegregation because of its focus on how Dayton desegregated through the court system.] According to Watras, "Dayton's legal case was important."<sup>29</sup> Like in Cincinnati, the desegregation battle was in the court system.

One of the most recent sources that concern the desegregation of public schools was written by Raymond Wolters. Twenty-four years after his other book concerning school desegregation, this monograph provides a holistic view of the process of school desegregation from the *Brown* decision of 1954 to the 21<sup>st</sup> century.<sup>30</sup> This is one of the only secondary sources on school integration that is recent enough to extend into today's society, and it is helpful in this respect. Wolters immediately places himself in opposition to scholarship that currently does not distinguish between active "integration" and the more passive "desegregation." This distinction is Wolters' contribution to the field as he examines the development in educational reform to early desegregation efforts (*Brown*) to later efforts for true integration (*Swann, Green*) through court cases. Wolters also interacts with other educational historians such as Diane Ravitch, Robert A. Garda, and others. Although Cincinnati schools are never specifically mentioned, this book provides an important look at the national efforts for integration over a wide length of time into today. Wolters takes an "inductive" approach, basing his conclusions on what actually happened in several individual cases.<sup>31</sup> Through his analysis of court cases over several decades in several cities, Wolters found that integration has ultimately been a failure because of the limits of the court system. Like Barker and Barker writing in 1965, Wolters sees that administrators play a large role in desegregation and integration. It is the administrators' responsibilities to devise and implement effective planning for desegregation in the schools. Many different types of plans have been enacted throughout the years in various school districts across the North, including, but not limited to, alternative, or magnet, schools and busing of pupils.

As a final category of recognizable themes within the historiography surrounding school

<sup>24</sup> J. Harvie Wilkinson, *From Brown to Bakke: The Supreme Court and School Integration: 1954-1978* (NY: Oxford University Press, 1979), 8.

<sup>25</sup> Wilkinson, 308.

<sup>26</sup> Raymond Wolters, *The Burden of Brown: Thirty Years of School Desegregation* (Knoxville, TN: The University of Tennessee Press, 1984), 3.

<sup>27</sup> Wolters, *Burden*, 273.

<sup>28</sup> Joseph Watras, *Politics, Race, and Schools: Racial Integration, 1954-1994* (NY: Garland Publishing, Inc., 1997), xii.

<sup>29</sup> Watras, xiii. The legal case was important because "during the appeals process, the federal courts clarified the relationship between a court of appeals and a federal district court" (xiii).

<sup>30</sup> Raymond Wolters, *Race and Education: 1954-2007* (Columbia, MO: University of Missouri Press, 2008).

<sup>31</sup> Wolters, *Race*, 9.

desegregation is the scholarship about desegregation plans, namely magnet schools and forced busing.<sup>32</sup> Because these strategies for desegregation were not created until the late 1960s in the North, much of the existing scholarship was written beginning in the 1970s. One such work was written by Albert I. Hermalin and Reynolds Farley in 1973 in the midst of the “busing controversy” in the Northern United States.<sup>33</sup> This paper provides insight into the *white* perspective of the time period by looking at white receptiveness to residential and school integration. The authors blame residential segregation on the actions and attitudes that have “restricted the entry of blacks into predominately white neighborhoods,” despite the fact that blacks would rather live in racially mixed neighborhoods than in all-black neighborhoods.<sup>34</sup> Through their research, the authors found that whites were becoming more receptive to integration. With this, they call for the potential full integration of public schools, which according to Hermalin and Farley, would end the need for busing to achieve integration.<sup>35</sup>

Also writing about the busing controversy, Gary Orfield provided scholars with a look at the busing issue as it relates to policies across the nation. This monograph, *Must We Bus?*, looks exclusively at the busing issue that arose at the end of the 1960s and extended through the 70s. The book is centered around two questions that “have received little systematic study”: has the court defined an integration policy that *can* be implemented? and will the constitutional requirements outlined by the courts by implemented?<sup>36</sup> In other words, can a judiciary actually transform public schools from the courtroom? Orfield aims to answer these questions through the analysis of national policy through the 60s and 70s, most notably including the effects of the Civil Rights Act of 1964. Orfield ultimately

<sup>32</sup> I have chosen these two desegregation plans in particular because they correlate with some of the strategies used during the process of desegregation in Cincinnati.

<sup>33</sup> Albert I. Hermalin and Reynolds Farley, “The Potential for Residential Integration in Cities and Suburbs: Implications for the Busing Controversy,” *American Sociological Review* 38:5 (1973), 595-610. This source is considered secondary because it provides much background on the movement of the 1960s to expand civil rights despite the tradition of residential segregation and neighborhood schools. The busing controversy arose out of the attempts of schools to expand civil rights to blacks through busing black children to “white” schools and vice versa; it was an attempt to overcome residential segregation.

<sup>34</sup> Hermalin and Farley, 608.

<sup>35</sup> The fact that this was written in 1973 indicates that the research did not necessarily have far-reaching effects since residential segregation still existed in many cities through the 1990s.

<sup>36</sup> Gary Orfield, *Must We Bus?: Segregated Schools and National Policy* (Washington, D.C.: The Brookings Institution, 1978), 3.

comes to the conclusion that busing is the only suitable solution available if true racial integration was to be achieved in the schools. Orfield uses numerous court cases and Congressional records to construct his argument. He also interacts with existing scholarship largely in the footnotes. Authors like Herbst and Rossell are mentioned. Overall, Orfield argues for the development of public policy that is positively committed to national integration, particularly in metropolitan areas. He sees this as the major issue of “our generation” that requires much more action.<sup>37</sup>

Bringing the conversation surrounding desegregation strategies into the 1990s, Christine Rossell wrote a commentary on the strategies of magnet schools and forced busing. In this book, Rossell compares the desegregation effectiveness of voluntary plans to mandatory reassignment plans, both with magnet schools in the late 1970s. First, Rossell provides an analysis of the evolution of school desegregation, followed by an in-depth comparison of voluntary versus mandatory magnet schools. She comes to the conclusion that voluntary plans with incentives produce more desegregation and thus are more effective than mandatory plans.<sup>38</sup> Rossell discusses the schools in many cities, and Cincinnati is mentioned several times throughout the book. Despite some successes in other cities, Rossell points out that Cincinnati schools had the “least successful magnet-voluntary plan” in the 1970s. What she maintains, however, is that by the early 1990s, the conditions in Cincinnati were favorable for an expansion of the desegregation plan.<sup>39</sup>

In 1992, Brian L. Fife published an analysis of the struggle for desegregation in both the North and South, providing comparisons of integration plans of twenty school districts across the nation.<sup>40</sup> Among these integration plans are the magnet schools and the forced busing policies. Fife details the plans implemented in many school districts, including Cincinnati Public Schools, arguing that Cincinnati did not start a desegregation plan until 1973 which included magnet schools, majority to minority (M to M) transfers and rezoning.<sup>41</sup> Throughout

<sup>37</sup> Orfield, *Must*, 455.

<sup>38</sup> Christine H. Rossell, *The Carrot of the Stick for School Desegregation Policy: Magnet Schools or Forced Busing* (Philadelphia, PA: Temple University Press, 1990), 26-27. Rossell claims that she is the first to make this argument in existing historiography.

<sup>39</sup> Rossell, 64.

<sup>40</sup> Brian L. Fife, *Desegregation in American Schools: Comparative Intervention Strategies*, New York: Praeger Publishers, 1992.

<sup>41</sup> Fife, 41.

the book, Fife interacts with works from Rossell, Orfield, Farley, and Clotfelter; he uses the works of these historians to support his own arguments. Overall, Fife argues that the most coercive school desegregation plans were the most successful; it is with this evidence that he deems the Cincinnati desegregation plans “unsuccessful” compared with other Northern school districts.<sup>42</sup> This is all based on the fact that, if given the choice, whites will not choose to mix with other racial groups. This finding conflicts with the claims of Hermalin and Farley, who argued that whites were ready for integration in the 1970s.

When it comes to historians who have written solely about Cincinnati school desegregation, the field is much narrower. While Cincinnati is a case study within the studies done by other historians, it is rare to find a work that concentrates specifically on Cincinnati. Nevertheless, these works still exist, and largely focus on the black struggle for quality education in Cincinnati. Within these works, however, it is possible to recognize how, at times, Cincinnati’s desegregation experience mirrors that of other Northern cities. Nevertheless, this research demonstrates that Cincinnati is different in its continued struggle between the NAACP and the school board. One of the earliest sources that concerns Cincinnati is J. Milton Yinger’s unpublished essay on the desegregation of Cincinnati schools. While it is not published, its contents were used in Harry Ashmore’s 1954 book, *The Negro and the Schools*.<sup>43</sup> Because it was difficult to access Yinger’s full memorandum, the information concerning Cincinnati in Ashmore’s book provides a relevant look at the efforts of desegregation in Cincinnati as they were in 1954. This information provides significant background on the process; Cincinnati integrated its faculty before its pupils, and by 1953, seven different schools had a 50-50 integrated faculty. Ashmore also comments on the early failures of Cincinnati desegregation, claiming that the first four “districtings” resulted in no change because they occurred in all-Negro neighborhoods.<sup>44</sup> It is in this that we see the first attempts at the Cincinnati school board to avoid desegregation.

<sup>42</sup> Fife, 137. The other school districts that were more successful were in Dayton, Buffalo, Milwaukee, and San Bernardino.

<sup>43</sup> Harry S. Ashmore, *The Negro and the Schools* (New York: Van Rees Press, 1954). Throughout the book is information from: J. Milton Yinger, “A Memorandum on Negro-white Integration in the Cincinnati Public Schools, 1953.”

<sup>44</sup> Ashmore, 72.

By the time that lawsuits were brought about in Cincinnati in the 1960s and 70s, some scholars began to write about the legal battle for desegregation in Cincinnati. In 1977, Virginia K. Griffin wrote an essay in which she provided the legal background on desegregation in Cincinnati. As part of a larger anthology of essays on race and urban schools, Griffin’s essay provides important historical background on the ongoing process of desegregation in Cincinnati, beginning in 1963 with the *Deal* case. Using mostly information from court cases, Griffin makes the argument that Cincinnati has done the correct measures to provide “quality integrated education” through magnet and alternative schools.<sup>45</sup> Because she was writing in 1977, Griffin cannot yet foresee how these desegregation efforts may fail.

It was not until 1984 that a full-length study of the desegregation process of Cincinnati was published. In his dissertation, Michael H. Washington wrote about Cincinnati schools during the twenty years after *Brown*.<sup>46</sup> In this dissertation, Washington looks specifically at the evolution of the perceptions of Blacks during the time period and their views of the Cincinnati Board of Education as they changed from the last third of the nineteenth century into the 1970s. Washington provides essential historical background, beginning in 1870, as he traces the black responses to segregation in Cincinnati. Washington used newspaper articles, interviews, court cases, and school board reports to support his claims.<sup>47</sup>

Published in the same year, the information from Washington’s dissertation was included in a compilation of essays edited by Marvin J. Belowitz and Ronald S. Edari.<sup>48</sup> In this paper, Washington traces the development of *de facto* segregation through the creation of black ghettos and the neighborhood-school policy in Cincinnati. He also argues that the federal government provided the appropriate atmosphere to support the legitimacy

<sup>45</sup> Virginia K. Griffin, “Desegregation in Cincinnati: The Legal Background,” in *The Future of Big-City Schools: Desegregation Policies and Magnet Alternatives*, eds. Daniel U. Levine and Robert J. Havighurst (Berkeley, CA: McCutchan Publishing Corporation, 1977), 93.

<sup>46</sup> Michael H. Washington, “The Black Struggle for Desegregated Quality Education: Cincinnati, Ohio, 1954-1974,” PhD diss., University of Cincinnati, 1984. Microfilm.

<sup>47</sup> Unfortunately, no bibliography was provided on the microform copy that I have acquired from OhioLink.

<sup>48</sup> Michael H. Washington, “Historical Analysis of the Black Struggle for Desegregated Quality Education: Cincinnati, 1954-1974,” in *Racism and the Denial of Human Rights: Beyond Ethnicity*, eds. Marvin J. Belowitz and Ronald S. Edari (Minneapolis, MN: MEP Publications, 1984), 116-128.

of this residential segregation. Washington uses the 1954-1973 timeframe to demonstrate the years in which the Cincinnati school board drew on the neighborhood-school plan to deliberately maintain *de facto* segregation. Overall, Washington provides an intensive look at the efforts of the Cincinnati School Board to maintain segregation despite the black struggle for integration that followed the Brown decision through the use of school consolidation, alternative schools, and the neighborhood-school concept.

Following the publication of Washington's dissertation in 1984, two other University of Cincinnati students wrote doctoral dissertations concerning the process of desegregation of Cincinnati's schools. First, Charles C. Jackson wrote specifically on the programs proposed by the Cincinnati school board as they attempted to comply with the NAACP's wishes.<sup>49</sup> Where Jackson's work differs from Washington's is in his selection of years to study. While Washington studied the first twenty years after *Brown*, Jackson chose to pick up where Washington left off and study the years 1974-1988. Jackson analyzes the strides in desegregation made by the Cincinnati School Board after the election of the conservative school board in 1974. Within his dissertation, Jackson examines the implementation of the Alternative School Program by the conservative school board and the resulting actions by the black community and the NAACP in the years that followed. This doctorate of education dissertation by Jackson serves as a partial basis for the subsequent study completed by Erkins in 2002.

Esther Kay Erkins expanded on the information written by Jackson in her 2002 dissertation, which included research on the years 1974-1994.<sup>50</sup> In this dissertation, Erkins specifically analyzes the years 1974 to 1994 in order to study the effectiveness of the desegregation programming implemented by the district that took place during that twenty-year period, or the Bronson Settlement. Erkins concludes that the progress toward desegregation was minimal as a result of the programming. This places her in agreement with Rossell, who wrote that desegregation programs were a failure in Cincinnati.

<sup>49</sup> Charles C. Jackson, "The Struggle for Quality Desegregated Education Beyond the Alternative School Program: Cincinnati, Ohio 1974-1988," PhD Diss., University of Cincinnati, 1988. We see the influence of Washington in Jackson's use of "struggle," and "quality desegregated education."

<sup>50</sup> Esther Kay Erkins, "A Case Study of Desegregation in Cincinnati Public Schools: 1974-1994," PhD. Diss., University of Cincinnati, 2002.

Erkins has a lengthy bibliography, as she interacts with sources from Berlowitz and Sapp, Farley, Jackson, Orfield, Rossell, Washington, and Watras. Erkins also researched many newspaper articles from *The Cincinnati Enquirer*, *Cincinnati Post*, and the *Cincinnati Post and Times Star*, providing her with concrete primary sources to support her argument that the Bronson Settlement did not have a large positive effect on school desegregation in Cincinnati.

One of the most recent sources written about desegregation of schools in Cincinnati was written in 2005 by Thomas A. Kessinger. Kessinger examines the Cincinnati desegregation court cases of *Deal* (1963) and *Bronson* (1974) with the goal of comparing them and understanding if any gains were made in the effort to full integration of blacks into public schools. With background information on the racial climate regarding education in Cincinnati, Kessinger enters into a discussion of the efforts by black people to gain quality education through the court system. He comes to the conclusion that *Deal* negatively affected *Bronson* and no gains were made from either court case. Kessinger mentions two major works concerning the struggle for integrated education in Cincinnati: those by Jackson and Washington and uses them in his background section. Other sources used were newspaper articles and Board of Education proceedings. A negative aspect of the article, however, is in Kessinger's implication that Cincinnati was legally segregated before the Brown decision.<sup>51</sup> This is a minor error, however, in that the entirety of the essay provides an informative view on the legal aspects of desegregation in Cincinnati.

Many historians have written about the subject of desegregation in education, and Cincinnati has often been a case study for this type of research. As a Northern city with a "Southern exposure," Cincinnati's desegregation experience has not been one without conflict.<sup>52</sup> The existing historiography covers aspects of *de facto* segregation including legal issues as well as strategies to implement desegregation. Even though racial isolation and segregation was supposed to end across the nation with the passing of *Brown*, historians have understood that racial segregation existed on a wide scale for decades after the 1954 decision. This group includes historians who have written about Cincinnati Public Schools and their own battle for true equality in education.

<sup>51</sup> Thomas A. Kessinger, "Legal Efforts Toward Desegregation of Education in Cincinnati," *American Educational History Journal* 32:1 (2005), 86.

<sup>52</sup> Ashmore, 71.

### Cincinnati: De Facto Segregation Immediately Following Brown

Despite *Brown's* legendary denunciation of separate but equal facilities and racial discrimination in education, Cincinnati Public Schools remained in the midst of an entrenched system of segregated schools. Between the years 1954 and 1963, the Cincinnati School Board engaged in various practices that were meant to strengthen segregation in the face of the abolishment of *de jure* segregation occurring in the South. Because of these practices, the Cincinnati school district became *more* segregated than it was before the 1954 *Brown* decision.<sup>53</sup> This active avoidance of desegregation takes many forms, and, until the *Deal* court case of 1963, went largely unchallenged by the black community of Cincinnati.

One of the discriminatory, segregationist practices that was implemented by the school board before *Deal* was the closing of schools and reassigning of students in order to appear to comply with the dictates of *Brown*. After *Brown* was passed, seven existing "colony" schools were closed and those students were reassigned to other schools.<sup>54</sup> These students were not dispersed throughout the school system, however, but placed in other predominantly black schools. This perpetuation of segregation was mirrored in the closing and reassigning in the white schools as well. Overall, as Erkins states, "the cumulative impact of these patterns of student reassignment was increased and intensified segregation in the Cincinnati School District."<sup>55</sup>

Another ploy used by the school board to maintain segregated schools was its selective location and construction of new schools. Growing out of the need to close schools, the Cincinnati School District also had to build new schools across the city rather than just simply reassigning all of the students. As an example, Charles Jackson points out the location of Millvale Elementary, which was constructed near the public housing project and was built to serve black students only. Millvale was among several other schools in the Cincinnati area that were purposefully built near public housing projects, causing the facilities to

be predominantly black.<sup>56</sup> The same ideology of maintaining segregation drove the construction of schools in the West End of Cincinnati, where Porter Junior High School and Hays Elementary were built to hold 1,500 displaced black students in February of 1954. At this time, there were only two white students enrolled in Porter, "and plans were being made by the administration to allow the less than sixty-six white students attending Hays to receive permissive transfers to other schools if they objected to being taught by black teachers."<sup>57</sup> On the eve of the Supreme Court decision to outlaw segregation in education, the Cincinnati school board made plans to maintain and even increase racial segregation, and as Washington points out, did it with considerable symbolism in favor of segregated education: the schools were both named after two historical figures that were in favor of placing black youths in separate public education, Jennie D. Porter and George W. Hays.<sup>58</sup>

Along with intentionally building schools in black and white neighborhoods, the school board also created boundaries and attendance zones that were meant to corral black youth into certain schools, which, according to the Erkins, represented the most deliberate example of the school board's plan to maintain and intensify segregation.<sup>59</sup> These zones were drawn as geographical areas that were meant to create attendance in schools that was exclusively a single race. The school board used these attendance zones to replicate the residential patterns that were found throughout the city. Because blacks and whites did not often live side-by-side in all areas of the city, the attendance zones were effective in perpetuating segregation into the 1960s.<sup>60</sup>

These policies, among many others, were part of the neighborhood-school policy that was followed strictly by the city of Cincinnati from 1954 through the mid-1960s. This policy maintained the city's black population in certain areas, allowing them to only attend designated schools. The inability of blacks to move into new areas was due to the white "Relocation Department" that was attempting to "keep Blacks hemmed in."<sup>61</sup> Therefore, the school board was able to maintain

<sup>53</sup> Erkins, 100.

<sup>54</sup> Erkins, 100-101. The colony school system was designed to maintain segregated schools. All of the colony schools were 100 percent black. Their existence was in conflict with *Brown* and after the decision in 1954, they were forced to be dismantled.

<sup>55</sup> Erkins, 102.

<sup>56</sup> Jackson, 100. The public housing projects were where a majority of Cincinnati's black population lived. The other schools include Winton Terrace Elementary, Douglas, Burdett, Rockdale, and Peasee Elementary schools, Taft High, Heinold and Sawyer Junior High schools.

<sup>57</sup> Washington, *Historical*, 121.

<sup>58</sup> Washington, *Historical*, 121.

<sup>59</sup> Erkins, 105.

<sup>60</sup> Erkins, 111.

<sup>61</sup> Washington, *Historical*, 119.

an intentional policy of *de facto* segregation using the segregated housing policies that were in place in the city, claiming that the schools should be located where they were most convenient for the largest number of students. By the early- to mid-1960s, Cincinnati's black population was increasingly dissatisfied with the presence of segregated schools and what they saw as unequal education for children of different races. It was by this time that the NAACP in Cincinnati began to take action against the segregationist school board, both through the court system and through the citizens in the city. The NAACP was seen as an organized voice for the students discriminated against as well as their dissatisfied parents. Their role was paramount in bringing the unrest of the community to the attention of the school board. As an organization working toward equality, the NAACP was a lead player and a source of power and influence for the citizens of Cincinnati.

### **The NAACP, the Deal Case, and the Community**

It wasn't until 1963 that the first evidence of the NAACP's involvement in desegregating Cincinnati's schools appears. Because of the intensification of segregation committed by the school board during the nearly ten years after *Brown*, the NAACP and the city's black population could no longer remain stagnant. On November 6, 1963, the NAACP filed suit against the Cincinnati Board of Education (CBOE) under the name of Tina Deal on behalf of several families affected by a segregation issue in the city's schools. The initial reasons for the case are best explained in the NAACP Education Committee records:

On September 3, 1963, approximately 100 Negro Children transferred from Evanston School (a 99% Negro school) were retained intact in all-Negro classes in Oakley Elementary School rather than distributed among the student body and were segregated at recesses... On September 3, 1963, Mrs. Jacqueline Stonom, on behalf of Yolanda Stonom, and Mrs. Joan Woody, on behalf of Gregory Woody, went to the Board of Education office and attempted to have their children transferred out of the Oakley School because of segregated classes. A representative of the Board in charge of transfers refused this

request. On the same date, these two parties went to the attendance center and requested that their children be transferred to Hyde Park Elementary (a 95% white school) because of practices of segregation at Oakley. This transfer of request was denied by a Mr. Ranhlesburg who said he was in charge of the transfers for the schools involved... On September 9, 1963, at a public board meeting, the CBOE again refused to abandon segregating the Negro students transferred to Oakley from the Evanston School.<sup>62</sup>

The continual refusal by the school board to transfer students on the basis of segregation was seen as a blatant violation of the constitutional rights of the black children, who were being forced to have segregated classes, recesses, and lunch periods at the Oakley school.<sup>63</sup> Furthermore, the NAACP saw inherent inequalities between the predominantly white schools and the predominantly black schools; they pointed out the fact that the school board was selective in its drawing of district attendance zones that they were "disabling members of the Negro race from attending school with white students...[and] setting up special college preparatory courses for virtually all-white schools and not establishing the same for the virtually all-Negro schools..."<sup>64</sup> These complaints of obvious discrimination and racism from the NAACP were not made known only in the court system, but also through public relations and by reaching out to the citizens of Cincinnati continually throughout the 1960s.

With the support of civil rights groups, community groups, and labor unions, the black community of Cincinnati staged an immense struggle in opposition to the segregationist policies put in place by the CBOE.<sup>65</sup> One demonstration that correlates directly with the complaints brought about in the *Deal* case took place in September of 1963. During this display of discontent, members of the Cincinnati Branch of the NAACP and parents staged a picket protest in front of the Oakley

<sup>62</sup> "Tina Deal, et al vs. Cincinnati Board of Education, et al," 1963, NAACP Education Committee Records, Box 19, Folder 2, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>63</sup> Jackson, 106.

<sup>64</sup> "Tina Deal, et al vs. Cincinnati Board of Education, et al," 1963, NAACP Education Committee Records, Box 19, Folder 2, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>65</sup> Washington, *Historical*, 122.

School in “an orderly demonstration against what they call ‘de facto segregation.’”<sup>66</sup> This nonviolent protest served to raise awareness and work toward equality in education. It was followed by another large-scale protest during October of the same year. On October 27, local civil-rights activists arranged the largest march for civil rights in Cincinnati history, where up to 30,000 people marched from Washington Park to Fountain Square carrying signs with public statements in opposition to Jim Crow racial policies, one of which was segregated education.<sup>67</sup> These demonstrations in Cincinnati are representative of the wider civil rights movement sweeping the nation at the time period. The year before the Civil Rights Act was passed, 1963 featured the publication of Martin Luther King Jr.’s “Letter from Birmingham Jail,” as well as the famous March on Washington in August. These nationwide events may have served as inspiration for the NAACP and citizens in Cincinnati as they exercised their rights to protest and fight injustice.

The widespread conviction that Cincinnati schools were unlawfully segregated lasted through the *Deal* court case, which began in November of 1963. In October of 1964, black reporter for the *Cincinnati Herald*, Marjorie Porter wrote a short article to the community, stating the beliefs of the staff at the all-black newspaper: “We [at the herald] DO BELIEVE that de facto segregation exists in the Cincinnati School System and that every effort must be expediently made by Neighborhood and Parent-Teacher groups, Civil Rights organizations, and the Board of Education and, above all, housing authorities, to correct it.”<sup>68</sup>

The newspapers were not the only way for parents of students to learn about the views of the black community within Cincinnati. On more than one occasion throughout the hearings of the *Deal* case, the NAACP contacted parents, calling for action and making public their discontent and their struggle against the CBOE. In February of 1964, the Vice President of the Cincinnati NAACP, Lucille Green, wrote a letter appealing to parents to keep their children out of school on February 11<sup>th</sup> of that year; on this day, the NAACP organized a city-wide boycott of public schools in order to get

the attention of the school board. Green even went so far as to deliberately call out the school board, saying that, “You also know that segregated schools breed bad racial attitudes. If we are to have better schools, we must have integrated schools. But the Board of Education has not even admitted that we have a problem. And the Board never will, unless we act.”<sup>69</sup> The language employed by Green played on the emotions of the parents, calling them to either act or lose their children to racism and inadequate educations. In a similar letter about one month later, the NAACP again wrote to parents. In this letter, the NAACP reassured the parents that the *Deal* case was being fought with the highest regard to the children’s education and that “the rights of [the parent’s] child will be protected” and a settlement would be reached.<sup>70</sup>

Finally, the NAACP also reached out for support to members of the community who were not specifically parents during the 1960s. This is evident in a phone-call script written for NAACP volunteers. In the script, the NAACP brings to light the conflict that is occurring between their organization and the school board: “We feel that our Negro children are being denied their Constitutional rights for an equal education. The Problem is that the Board is crowding Negro children in Negro schools. They are building new schools in all white or all Negro areas.”<sup>71</sup> Again directly calling out the school board, the NAACP paints a picture of good versus evil; the citizens should join the “good” side and fight against inequality. The script ends with a plea for support of desegregating “our children.”<sup>72</sup> This almost constant communication between the NAACP and Cincinnati’s community demonstrates how the NAACP took an active role in fighting the school board’s avoidance of desegregation.

Nearly two years after the *Deal* lawsuit began, the case went to trial on June 15, 1965, and ended

<sup>66</sup> “NAACP to Meet with School Board,” *The Cincinnati Enquirer*, Sept. 4, 1963, NAACP Education Committee Records, Box 19, Folder 3, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>67</sup> Washington, *Historical*, 122.

<sup>68</sup> Marjorie B. Porter, “Across My Desk,” *The Cincinnati Herald*, October 31, 1964, NAACP Education Committee Records, Box 19, Folder 5, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>69</sup> Lucille Green, Letter to Parents, February, 1964, NAACP Education Committee Records, Box 19, Folder 6, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>70</sup> NAACP Letter to Parents, March 4, 1964, NAACP Education Committee Records, Box 19, Folder 5, Cincinnati History Library and Archives, Cincinnati, Ohio. The letter also congratulates the parents on the “fine” way that they have acted during the trial so far.

<sup>71</sup> NAACP Phone Call Script, no date, NAACP Education Committee Records, Box 19, Folder 12, Cincinnati History Library and Archives, Cincinnati, Ohio. Because this source does not have an exact date, I have placed it within the *Deal* years because of an earlier sentence in the source: “We feel that our Negro children are being denied their Constitutional rights for an equal education.” This is the same language used in the *Deal* case with regards to constitutionality and segregation, as mentioned in the sentence for footnote 63.

<sup>72</sup> NAACP Phone Call Script.

about a month after starting. The judge ruled in favor of the school board, claiming that the school board had no constitutional duty to transfer classes for the sole purpose of race and that the NAACP had not shown sufficient evidence to prove that *de facto* segregation existed. Despite an appeal to the U.S. Court of Appeals, the court continued to rule in favor of the school board.<sup>73</sup> Instead of abolishing the *de facto* segregation in the public schools, the court indirectly provided its support for the CBOE and permitted the board to legitimately enforce the neighborhood-school policy that contributed to segregation.<sup>74</sup> This victory for the school board did not end the community's discontent with the racial imbalance of the schools, however. The school board was still held responsible by members of the community who continued to see the discriminatory practices that the board upheld. In spite of the efforts of individuals and organizations in the Cincinnati community, the school board continued to deny responsibility for the segregated conditions of the schools.<sup>75</sup> The unrelenting issue of segregation in the schools eventually led to a brief change in board politics in the early 1970s that featured the emerging leadership of Cincinnati's black community.

### The Cincinnati Board of Education in the 1970s

Prior to 1969, the Cincinnati school board only had one African-American member. By 1971, however, two new African-Americans changed the way that the school board conducted business. Ronald Temple and Tecumseh Graham provided leadership in the way of outspoken criticisms against the previous board's actions with regards to segregation. Overall, the board had changed from its prior conservative agenda to enter into a "brief period of liberal domination."<sup>76</sup> In agreement, the now-liberal school board could fully and responsibly tackle the issue of segregated education. Their actions took the form of a plan known as the "December 10 Resolution," which included a full-fledged strategy that had the potential of making large-scale changes in the district. Based on the strategy employed by Dayton City Schools, the

December 10 Resolution "prescribed a racial and income balance for each school" with a sketch of the "administrative and financial machinery to accomplish" the goals, noting that "transportation could be one of the tools."<sup>77</sup> The plan included several program and policy suggestions, including the immediate cancellation of attendance zones, a complete redistricting, and full desegregation by September 1, 1974. The resolution passed, and the school board was finally poised to begin programming that could lead to the complete desegregation in Cincinnati schools. This possibility came to a shattering halt, however, with the election of a new school board in November of 1973.<sup>78</sup> To the despair of the NAACP, the newly-elected school board was harshly conservative and one of its immediate actions was to set aside and disregard the December 10 Resolution passed by the previous board. The new board knew that its actions were essentially unjust, but continued in hope of evading a lawsuit: "By not rescinding the plan outright – an action which courts have held to be unconstitutional – the conservatives hope to avoid a lawsuit... Nathaniel Jones, general counsel for the NAACP, said in Washington Friday a 'close eye' will be kept on the new board's actions."<sup>79</sup> It is in this and subsequent actions that it is possible to see how the school board *actively* avoided full desegregation despite that fact that it was completely possible.<sup>80</sup> Together, they decided not to enact the December 10 Resolution because of its inadequacy, calling it "incomplete, inaccurate, misleading, and erroneous with respect to both matters of fact and matters of law."<sup>81</sup> Instead of adopting or revising the December 10 Resolution, the new board met in January of 1974 and created an alternative-school plan in an effort to avoid desegregation.

The new board's January Resolution was much less comprehensive than the December

<sup>73</sup> Erkins, 116-117. Jackson, 109. An attempt to take the case to the Supreme Court failed.

<sup>74</sup> Jackson, 110.

<sup>75</sup> Erkins, 120. The organizations putting forth efforts against the school board included the NAACP, the Cincinnati Human Relations Commission, the Cincinnati School Foundation, and others. Nationally, the U.S. Department of Health, Education, and Welfare also indicated that segregation had worsened in Cincinnati.

<sup>76</sup> Erkins, 122, 127.

<sup>77</sup> Fred E. Ewing, Greater Cincinnati Chamber of Commerce, "Information Paper: Developments in School Desegregation Case *Mona Bronson v. Cincinnati Board of Education*," November 24, 1975, Marian Spencer Papers, MSS 888, Box 2, Folder 8, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>78</sup> Erkins, 131.

<sup>79</sup> David Bauer, "New Board to ignore Desegregation Plan," *The Cincinnati Enquirer*, January 12, 1974, Mary T. Schloss Papers, MSS 881, Box 8, Folder 6, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>80</sup> The fact that the plan was already created and set in place for this new school board reinforces the argument that they did not want to accept desegregation even though the work was already done for them.

<sup>81</sup> "Findings of the 1974 CBOE and Plan for Quality Integrated Education," NAACP Education Committee Records, Box 19, Folder 16, Cincinnati History Library and Archives, Cincinnati, Ohio.

10<sup>th</sup> plan and was later called the “Voluntary Integration Plan.” The major goals of the new resolution included racial balance of the staff, open enrollment to improve racial balance, alternative schools, and program improvements such as reading enrichment, restoration of secondary schools hours from 120 to 160, and other proposals.<sup>82</sup> What was eventually implemented, however, was only open enrollment, expansion of alternative programs, and faculty integration. The results from this new plan were drastically different from the goals of liberal December 10 Resolution.<sup>83</sup> Appealing more to the members of the segregationist white community, this new plan sparked a second lawsuit filed by the NAACP against the school board in yet another attempt to achieve racial balance and equality in education.

### **The Bronson Case: The NAACP Continues the Struggle**

In 1974, the NAACP once again filed suit against the school board in an attempt to achieve full desegregation. The purpose of this second suit was to force the school board to implement the December 10 Resolution, halt the construction of new schools, and to assign staff to new schools based on the racial balance of the district. This time, the NAACP filed on behalf of Mona Bronson and other black students and was equipped with support from the Cincinnati community and the national NAACP. *Bronson v. Cincinnati* provided an opportunity for the NAACP to revisit issues relevant to *Deal* as well as an opportunity for the national chapter to work on a metropolitan case that was similar to various urban Northern school districts.<sup>84</sup> In an official statement, the national NAACP claimed that they and all NAACP “units” would take action to inform parents, students, and organizations of the negative effects that the school board’s actions would have on “delaying the march of minority communities from Jim Crow public schools to quality desegregated education.”<sup>85</sup> The national NAACP took part in many desegregation cases throughout the North in the 1970s, and they were

active in supporting chapters throughout the nation in their attempts to gain equality in education.

This national support system was aided by a solid foundation of support from organizations in Cincinnati. For example, the Cincinnati Federation of Teachers (CFT) expressed their support of the NAACP and intended to file as a “friend of the court brief on the side of the NAACP” in its suit against segregation.<sup>86</sup> The NAACP had sufficient support from community members as well. On February 20, 1974, Cincinnati Public School teachers staged a protest against the conservative schools board’s plan for setting aside the December 10 Resolution in favor of a faculty integration plan, something that they believed was a “smoke screen to divert attention” from their controversial decision of not implementing the December 10 plan.<sup>87</sup> The NAACP was confident in its case, as evident in a 1980 News Release in which the NAACP rallied for more support and stated, “. . .we have no more time for voluntary, non constitutional proceedings. The Cincinnati School Board will lose its case in court.”<sup>88</sup> Declaring to the community that their position was just and legal, and would win in the court, the NAACP again painted the school board as the loser in the legal battle over desegregation.

Additionally, members of the community knew that the voluntary integration plan of the new board was ineffective, and made their comments known to the NAACP. In a request for assistance in 1979, a black parent wrote to the NAACP, stating that in her attempt to take part in the open enrollment plan put in place by the new board, her children were denied acceptance to Western Hills High School, despite the fact that the school had not yet reached the 60/40 ratio of racial balance that was desired by the courts. In a blatant attack on the neighborhood-school plan, she then wrote, “The high school in the community in which we live is Hughes, however I do not wish to send my children to Hughes because it would be detrimental to there [sic] education after attending a quality school.”<sup>89</sup>

<sup>82</sup> Fred E. Ewing, Greater Cincinnati Chamber of Commerce, “Information Paper: Developments in School Desegregation Case *Mona Bronson v. Cincinnati Board of Education*,” November 24, 1975, Marian Spencer Papers, MSS 888, Box 2, Folder 8, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>83</sup> Erkins, 134.

<sup>84</sup> Kessinger, 89.

<sup>85</sup> “1975-6 National Position of the NAACP,” Marian Spencer Papers, MSS 888, Box 2, Folder 8, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>86</sup> “A Typed Motion to Refer a CFT Paper on Desegregation to the CFT Human Rights Committee,” Marian Spencer Papers, MSS 888, Box 2, Folder 9, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>87</sup> Jackson, 113.

<sup>88</sup> “NAACP News Release,” April 21, 1981, Marian Spencer Papers, MSS 888, Box 2, Folder 11, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>89</sup> “Complaint/Request for Assistance,” December 7, 1979, NAACP Education Committee Records, Box 19, Folder 28, Cincinnati History Library and Archives, Cincinnati, Ohio. This complaint came about in the midst of the *Bronson* case and points to the inefficiency of the alternative plan put in place by the new school board.

The NAACP was backed with this community support, proving to them that they were justified in their efforts against the new plan of the school board.

All of this community support for the NAACP does not mean that there were no Cincinnati citizens that were rooting for the school board to prevail in their segregationist policies. There was a portion of the Cincinnati population that was against desegregation and the use of busing to achieve it. One organization, Citizens for Neighborhood Schools (CNS), made an announcement in 1974 that it would intervene in the lawsuit brought against the school board in order to “assert to the court that there is a large class of people in the Cincinnati School District currently not represented in the suit who are opposed to the ‘relief plaintiffs’ request in the suit and massive busing as a means of establishing racial balance.”<sup>90</sup> The people of Cincinnati were deeply divided on this issue, and had been for years. The schism between community members reflects the decades-long conflict between the NAACP and the school board as they each defended and worked toward their respective racial and educational interests.

After the *Bronson* suit was initiated, it took ten years of deliberation before reaching a conclusion. The settling of the desegregation suit was paramount in the minds of people affected by the situation. Professor of Education at the University of Cincinnati, Hendrik D. Gideonse, set forth a plan for the ultimate conclusion of the suit in a paper written in 1980:

No single matter is more important...An acknowledgment that race remains a key problem in Cincinnati is first. Second is a forthright commitment by the Board to *lead* in the resolution of racial tensions, to reduce and remove racism and bigotry, and to help create, through affirmative action in its own domain of the schools, an open, free, and integrated community. These should be both administrative *and* curricular goals for the school. The goal is fairly easy to state and difficult to achieve. If the Board wanted to

accomplish such an end it could do so in the style recommended above.<sup>91</sup>

Like the NAACP, Gideonse also calls on the school board to take action against segregation, claiming that desegregation could be accomplished, but only if the school board *wanted* to. A fair conclusion to the trial would only come about if the board would be proactive in eliminating segregation. Like Gideonse wrote, however, the task is easier said than done. The majority of the contention in the *Bronson* suit involved the issue of whether or not the evidence prior to 1965 could be used since it was already used in the *Deal* case. It wasn't until 1982 that the court ruled that the NAACP would not be allowed to use such evidence; this decision seriously weakened the case of the NAACP.<sup>92</sup>

After years of time and money, the case never even went to trial. In June 1984, the NAACP focused their attention on attempting to gain some “relief” from the discrimination that was perpetuated by the school board. This took the form of the Bronson Settlement, a consent decree entered into by the NAACP and the CBOE.<sup>93</sup> Meant to represent the twenty-year struggle by the black community to gain access to quality education in Cincinnati, the settlement would be enforced for the next seven years with the goal of reducing racial isolation. This was seen as inadequate to some, who believed that it was necessary to include sweeping changes to the district and address the problems brought about by the years of segregation. It was also criticized because it allowed the district to devise its own methods of desegregation within the seven years.<sup>94</sup> Even with the Bronson Settlement, the NAACP had not won its battle; the struggle for full desegregation and quality education for all would continue.

The Bronson Settlement included some of the programs that had been a part of the new school board's alternative plan, including an expansion of the then-current magnet, or alternative, school program. The voluntary magnet school program was one of the areas of the settlement that reflected progress in implementation, but it still had many

<sup>91</sup> Hendrik D. Gideonse, “Cincinnati's Public School Problems: Setting Things Right,” January 7, 1980, NAACP Education Committee Records, Box 2, Folder 10, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>92</sup> Kessinger, 90-91.

<sup>93</sup> Kessinger, 91.

<sup>94</sup> Erkins, 143.

<sup>90</sup> “NAACP Suit Opposed by Citizen Unit,” Unknown newspaper, 1974, Mary T. Schloss Papers, MSS 881, Box 8, Folder 3, Cincinnati History Library and Archives, Cincinnati, Ohio.

critics in Cincinnati.<sup>95</sup> This critical and watchful eye over the CBOE from the community members was accompanied by a community-wide task force that was to provide the district with guidance on the implementation of the settlement plan. The task force, however, had no official powers over the school board and only served an advisory role.<sup>96</sup>

Overall, the voluntary magnet school program was not as effective as it could have been and faced much criticism in the community. In the black community, many felt that the school district “swapped inequalities and created problems almost as grave as those they were intended to correct.”<sup>97</sup> Even though the students were placed in a position to attend the same schools, critics of the program felt that the black children still did not have the same access to education as the white children. In a letter from the Kennedy Heights Community Council, citizens complained that the magnet schools drew attention away from the neighborhood schools, where “achievement is low, discipline is poor...[and] Low teacher morale is an understatement.” They went on to say that many people have begun to “resent and lost faith in the Cincinnati Public School System.”<sup>98</sup>

Despite these criticisms from Cincinnati citizens, the school board was released from federal oversight. After review in 1991, the district was released due to a reduction in racial isolation and faculty integration. In 1994, they were released for improved student discipline and improvements for the eight lowest-achieving schools.<sup>99</sup> After ten years of the Bronson Settlement, the school district was fully removed from federal oversight and given “unitary” status. This meant that the federal government had declared that the district had done all that it could to remedy historical problems created by segregation; in other words, nothing more could be done by the district to conquer segregation in Cincinnati.<sup>100</sup> In 1996, however, the NAACP attempted to reopen the *Bronson* case,

<sup>95</sup> Kessinger, 92. This progress is reflected in the fact that the number of magnet schools was increased for a greater capacity of desegregated students. The other successful aspect of the settlement that was implemented well was faculty integration. The poorly implemented aspects included unbiased discipline and programming in the district’s seven lowest-achieving schools.

<sup>96</sup> Erkins, 147.

<sup>97</sup> Krista Ramsey, “Debt Might End Progress: Schools Method of Desegregation Effective, Costly,” *The Cincinnati Enquirer*, May 29, 1991, quoted in Kessinger, 92.

<sup>98</sup> *Ibid.*, quoted in Erkins, 152.

<sup>99</sup> Erkins, 152.

<sup>100</sup> Kessinger, 92.

claiming that the board had never honored the commitment to address low achievement in the eight previously identified schools. Their attempts, however, never came to fruition and no more was officially done about desegregation in Cincinnati Public Schools. On the forty-second anniversary of the *Brown* decision, it seemed that the NAACP had concluded its battle with the school board with less-than ideal results; the full official desegregation of Cincinnati schools was never achieved. Working against an ingrained and strong barrier of racism, the NAACP had done all that it could to remedy *de facto* segregation. Today, we are only left with the question: does racial segregation still exist in Cincinnati schools?

## Conclusion

“Feb., ’82: Moeller High School – Montgomery: Black student, who did not wish to be identified, told of problems trying to have some Black History observance. Volunteered to do bulletin board. Principal said “what’s the point?” “Oct., ’82: Colerain Senior High School: Parents feel their son gets no break on football team. Say they are not able to take the coach out to dinner as white parents do.”<sup>101</sup> These quotes, handwritten by Cincinnati NAACP President Marian Spencer, demonstrate the subtle, but very real, ways in which black students were discriminated against in schools in Cincinnati. Black students faced incredible racism, even when the schools had been legally desegregated. Throughout the last half of the twentieth century, the NAACP continually fought for the full desegregation of schools, something that they believed could happen through the actions of the school board. The school board, however, often took measures to avoid desegregation, and ultimately prevailed when they were released from federal oversight in the 1990s. What are still most at stake are the educational opportunities of our nation’s children. According to professor of public policy, David L. Kirp, when the courts stopped overseeing desegregation plans in the 1990s, the black students in those communities began to perform at lower levels. Kirp, therefore, calls for revisiting the integration question that came about over fifty years ago.<sup>102</sup>

<sup>101</sup> “NAACP Education Concerns,” Handwritten, Marian Spencer Papers, MSS 888, Box 2, Folder 15, Cincinnati History Library and Archives, Cincinnati, Ohio.

<sup>102</sup> David L. Kirp, “Integration Worked: Why Have We Rejected It?” *The New York Times*, May 19, 2012, Sunday Review, Opinion Pages.

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