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ABSTRACT

It is easy to forget the continuous, slow, often difficult path that the May 17, 1954 Brown decision of the Supreme Court has taken and the many small--and often forgotten--problems that have been faced in the past 22 years. Delaware had some warning in 1952 that desegregation might occur and what it might involve. Most school districts received requests in 1954 that they immediately desegregate their schools. Prior to the court orders, all of Delaware maintained separate schools for white and blacks. Those people who expected something to happen in the fall of 1954 were wrong. The schools of Delaware proceeded almost as if the 1954 decision had not occurred. In September 1956 most schools in Delaware had still not begun any serious desegregation. However, most had submitted tentative plans and were developing programs in their own communities for implementation. Finally, on October 16, 1958 the Supreme Court announced its refusal to grant a review of the desegregation cases. The State Board received the Order on November 19, 1958. Beginning with first grade, and moving on all other grades the following year, a voluntary registration was enacted. A considerable number of black parents accepted the opportunity to enroll their children in the previously all-white schools. (Author/JM)

Desegregation in Delaware Prior to Evans v. Buchanan

George V. Kirk

On May 20, 1954 the Governor of the State of Delaware sent a letter to the State Board of Education in which he wrote: "The recent decision of the United States Supreme Court on public education requires our attention now and for some time to come".

It is doubtful that the Governor realized that the line "some time to come" would extend as far into the future as it has. However, it is easy to forget the continuous, slow, often-difficult path that the May 17, 1954 Brown decision of the Supreme Court has taken and the many small--and often forgotten--problems that have been faced in the past twenty-two years.

Delaware had some warning that desegregation might occur and what it might involve. On April 1, 1952 Collins J. Seitz had ruled that the facilities offered to blacks were not equal to those offered to whites in Claymont and Hockessin. These schools were then desegregated by Delaware court order prior to the 1954 Supreme Court Decision. However, by September of 1953 the State Board had a request from the Board of Trustees of the Hockessin School that "equal facilities are available and transportation provided" and that therefore "no more colored children are to be admitted to the Hockessin White School" and further that "....since equal educational facilities have been provided...." could the "State Board direct the pupils presently attending the Hockessin White School #29 to transfer to the Absalom Jones School." (page 42 Annual Report, State Board of Education, June 30, 1954)

During the same period, Dr. George R. Miller, then State Superintendent of Public Instruction in Dover reported that he had "called together a group of administrators of schools" (prior to April 15, 1954) "who would be directly....affected in the event of the action of the Supreme Court against segregation." This group suggested that children should attend the school nearest their home and that it might be necessary to incorporate all school districts within a taxing area, "and that there might be no such thing as colored districts any longer." (ibid. p.43) It was also the consensus that it would be necessary to tackle the job of placing the Negro teachers "because in desegregation these teachers would have to be cared for." (ibid, p.43)

Before these items could be pursued, the unanimous May Decision of the Supreme Court came down. In June the State Board was preparing changes for the General Assembly of 1955 including the "elimination of Negro districts", (page 44-45, ibid.) and similar items.

The newspapers of Delaware naturally gave the Supreme Court Decision full play. "Segregation is Banned" read the first page of the Journal-Every-Evening, the headline going completely across the final edition of Monday, May 17. The weather was reported as partly cloudy and a little cooler, but this did not reflect what was happening in many Delaware communities. The State Board in its resolution of June 11 hopefully declared, "The State Board of Education has the confidence that the people of the State of Delaware will meet the challenge of the times courageously, intelligently and understandingly." Perhaps the State Board with

J. Ohrum Small, President, James M. Tunnell, Senior Vice President, and Francis Gebhart, George Coulson, Mrs. Edgar Buchanan, Clayton A. Bunting, believed this. But forces were at work in southern Delaware that would make the implementation difficult and slow.

I was in Seaford in September 1954 and saw some of the reactions and emotions first hand. It is difficult today, more than twenty years later, to be certain that one's memory does not play tricks, especially on a topic of this type. Nevertheless it may be of some worth to try to restructure some of the activities that occurred. One must try to remember that the times were different.

Most school districts received requests that they immediately desegregate their schools. The State Board of Education seemed to waver in its direction. Most school systems acted by "inaction". Some however made at least token attempts to begin to move in the direction that the court had ordered. One of these was Wilmington. Another was Milford and it appears that their plan was never approved by the State Board. Groups of parents massed on the Milford school lawns and protested any desegregation action.

Three of their four school board members resigned creating an unprecidented situation. Eventually their High School Principal and Superintendent (Ramon C. Cobbs) resigned. Bryant Bowles arrived on the scene and began a series of anti-desegregation rallies.

Even in nearby Seaford, where no desegregation action was taking place, a rumor began that black children were being enrolled in the Central Elementary School. Parents by the dozens drove up, entered the building and took their children out of classes.

Prior to the court orders, all of Delaware maintained separate schools for whites and blacks. The exact arrangement was complex. In the "state schools" there were separate school districts that overlapped; some were white, some black. These appear in the State Directories as "Millsboro #204-C" and "Selbyville #210 C", etc.. In the 15 "special" school districts and the city of Wilmington, single districts with single taxing base operated separate both black and white schools. For example, in Seaford there were elementary and secondary schools for whites. Then there was the Frederick C. Douglass school for blacks that went through grade 8. In grade 9 the black students went to the all-black county high school at Georgetown. This pattern also existed in Smyrna were blacks went to school at the Thomas D. Clayton School east of Route 13 until they were eligible to go to the all-black high schools in either Wilmington or Middletown. In Newark most black students went to the New London Avenue School, which was part of the Newark Special School District, but the State Board also operated the Iron Hill one-room school for blacks within the Newark School District.

Delaware also had segregated facilities. For example, in Seaford blacks sat in the balconies only of the movie houses. Some restaurants in Dover would not serve blacks, and one incident involving a foreign black visitor made headlines as late as 1957.

In some ways attempts were made to treat all students equally. There was a single salary schedule for all teachers, male and female, black and white. The state unit system provided equal funds for books and supplies for all pupils. If funds were unequally allocated, the fault was--at least in part--that for the local

School officials.

Those people who expected something to happen in the fall of 1954 were wrong. The schools of Delaware proceeded almost as if the 1954 decision had not occurred.

In fact it should be remembered that in August 19, 1954, reacting to the Supreme Court Decision, the State Board stated (page 35, A.R. 1955). "No pupils, except those with proper transfer permits shall be accepted by any school from other schools unless and until plans from that school for desegregation have been approved by the State Board of Education" and "In September 1954 all buses will run as usual and all teachers will appear at their regular posts...." and further "all schools....present a tenative plan for desegregation in their area on or before October 1, 1954".

The June 30, 1955 Annual Report of the State Board of Education (Mrs. Edgar W. Buchanan had now become vice-president) quotes with favor a statement from the Christian Science Monitor calling it "The soundest philosophy on the approach to the problem of integration". (page 11, Annual Report, June 30, 1955.) It is quoted in full here to help one see the philosophy that then existed:

> "Experience in connection with school integration indicates that successful integration of white and Negro pupils in school systems where segregation has been the custom and the law for generations will require careful planning and tactful execution. It calls for a gradual approach in the best interests of both white and Negro pupils.
>
> "Since it is an adjustment involving practically the whole community, the community, it is obvious, should be brought into the planning and kept abreast of all developments.
>
> "No one should know better than educators that education is a slow, methodical process; that it is something to be acquired over a period of time and not overnight."

The State Board then adopted "In keeping with this philosophy" (page 12) a three point, "clear-cut" plan for "voluntary desegregation of the public schools". In this, "only those districts which were fully prepared for the change were to be given State Board approval toproceed."

Incidentally, in 1955 the Wilmington school system had 14,197 students, which meant that twenty per cent of the entire enrollment of pupils in the State were in attendance in the Wilmington School system that year. The State Board continued its attempt to reduce the number of school districts in Delaware from over one hundred to fifteen, but noted that such legislation was not given serious consideration and that the "Legislation sponsored....to give Delaware fifteen school districts instead of the 105 that now exist," was soundly defeated, and that "a new approach would have to be found." President Eisenhower held the White House Conference on Education and teachers were earning an average salary of $4000.

In March 1956 the State Board in a letter to Mr. Louis L. Redding stated in part:

> "The State Board has recognized the fact that communities differ from one another in tradition and attitudes and, therefore, the desegregation process will require a longer period of time in some parts of the State than in others.
> "Certain local school authorities have, either for lack of facilities or for other reasons caused by unique local conditions, indicated that desegregation of schools was impractical at this time." (page 37, Annual Report, June 30, 1956)

In September 1956 most schools in Delaware had still not begun any serious desegregation. However, most had submitted "tenative" plans and were developing programs in their own communities for implementation. The State Board had received a number of questions

on what the word "colored" included and the State Department had reviewed the status of children born of "Korean, Hawaiian, Japanese and Porto Rican mothers married to men who have been overseas". (page 36, Annual Report, June 30, 1955) The status of Delaware Moors was also raised in this connection. On August 26, 1954 the Board ruled that "the word 'colored'....refers to 'Negro' persons".

The State Board had also ruled that in the desegregation process there would be no gerrymandering, separation in intramural activities, study halls or classrooms, or "racial seating arrangement" and no special examinations.

Finally on October 16, 1958, the Supreme Court announced its refusal to grant a review of the desegregation cases. The State Board received the Order from Judge Caleb R. Layton on November 19, 1958. (page 26, Annual Report, June 30, 1959)

The specific implementation of the order in the Smyrna School District took the following form: The Board held a series of public meetings, and the Superintendent and Board members explained the ruling and plan to various community groups. The plan began with first grade (as per State Board Directive). It was to proceed a grade at a time, but in actual fact it moved on all other grades the following year. Registration was voluntary, and signs were posted at first grade registration points making the opportunity clear. Teachers were not moved. The NAACP protest of the voluntary plan received the following reaction from the State Board on February 11, 1959; "The plan (NAACP's) forces children to go to desegregated schools. We believe that freedom of choice

must be maintained as a fundamental right". (page 27, Annual Report, June 30, 1959)

A considerable number of black parents accepted the opportunity to enroll their children in the previously all-white schools. The opening of school that September stirred many emotional reactions. The Delaware State News sent reporters and photographers to cover the first day. Some blacks were placed in every class, in spite of some parent requests for "some non-integrated classes". There were no incidents. As in many Delaware Districts, joint faculty meetings had been begun several years earlier. Such procedures as having the high school band play in all elementary schools were small, but important, steps. (Note: The specific orders dated April 24, 1959 and June 15, 1959 resulted in the final plan of June 18, 1959 by the State Board of Education. Each year thereafter all first grade students were to be admitted, but Districts could move faster.)

We have not attempted here to go into detail on the current case, as we were specifically asked not to move into this area. Nevertheless the entire Evans v. Buchanan case and the action of the State Board under the relatively brief tenure of State School Superintendent Richard P. Gousha moved schools in Delaware into fuller desegregation of students and staffs.

FOOTNOTE:

It should be noted that the Brown v. Board of Education (Brown I) decision included cases from Kansas, South Carolina, Virginia and Delaware. In all but Delaware the lower courts had refused to desegregate on the basis of the separate but equal prior Supreme Court Decisions. The much-quoted line from the Brown I decision is "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal". (347 U.S. at 495) The Brown I decision appears to be a straight-forward legal interpretation of the equal protection clause of the United States Constitution: "No state shall... deny to any person within its jurisdiction the equal protection of the laws." (U.S. Constitution, Amend. XIV, par. 1)

It should also be noted that the Brown II decision (May 31, 1955) asked local authorities to make a "prompt and reasonable start" and to move "with all deliberate speed". (349 U.S. at 300-301)