

A STUDY OF THE NEWPORT NEWS PUPIL DESEGREGATION PROCESS

by

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ABSTRACT

## Chapter I

### INTRODUCTION

On August 12, 1971, Federal Judge Walter E. Hoffman approved a plan for desegregating the Newport News school system. At the time of Judge Hoffman's decision, the school system's thirty-two elementary schools employed an organizational pattern housing grades one through seven; its six secondary schools housed grades eight through twelve. The plan approved by Judge Hoffman required extensive shifts in the school organization, including restaffing of instructional personnel and a modified pupil assignment plan.

Prior to the court-ordered reorganization, the Newport News pupil assignment policies were founded on the neighborhood school concept. A small proportion of the system's 32,000 students elected to attend a non neighborhood school by a "Freedom of Choice" plan in effect at that time to desegregate the schools. The 1971 court-approved plan called for an organization which paired schools in the northern half of the City with schools in the southern half. To implement the plan required massive student busing up to twenty miles away from what had been the neighborhood school.

The events which finally led to the 1971 Newport News desegregation plan were framed against the backdrop of Brown I which overturned the "separate but equal" education doctrine dating back to 1896 and the subsequent Brown II decision which ordered school desegregation

"with all deliberate speed." Following the U.S. Supreme Court's Brown decisions, the government of the Commonwealth of Virginia reacted to the Federal position by enacting legislation designed to maintain segregated schools across the State, setting the stage for a compliance struggle between the Federal and State governments that lasted for several years and influenced the course of events which occurred in Newport News.

During the 1960's, the Federal government, through a combination of civil rights legislation and the program leverage gained from large scale financial assistance, pressured for an accelerated pace of school desegregation. In response to this mounting pressure, Newport News in 1965 adopted the "Freedom of Choice" pupil assignment plan. However, by 1968, this method of school desegregation was under attack by the Department of HEW, and in July of 1970, the plan was challenged in the Federal District Court for the Eastern District of Virginia in litigation that ultimately led to the court-adopted plan.

Although there is "general knowledge" of the seventeen-year period between Brown I and the August, 1971, decision, the actions and reactions, the tactics employed by each side of the controversy, and the interactions of the various sources of influence, the issues, and the local history involved have never been publicly documented. Such is the undertaking of the present research effort.

### Need for the Study

Without doubt, the broad social context of school desegregation in the United States is well known as is the "massive resistance"

reaction of the government of the Commonwealth of Virginia during a crucial period of this era.<sup>1</sup> The implementation process of the Federal court order as it was played out in the ensuing years had not been as well documented, however, certainly not as that process was engaged in the complexity of a seventeen-year implementation effort in Newport News, Virginia. In addition, the Newport News situation and how that situation interacted with Federal and State actions had not been sufficiently documented to determine what factors were most directly involved in the case. Also not explored were the unique local conditions, as attested to by the Federal District Judge involved in the case, that characterized Newport News, such that the local impact on Federal policy implementation could be explored.

History is not likely to repeat itself in this instance, but a thorough review of the events and issues involving conflicting law and policy, a shifting political jurisdiction, and the effect of previous decisions on the context of the 1971 decision would provide insights into subsequent local conditions and provide a fertile arena in which to study the countervailing local effects on Federal government intent.

#### THE PROBLEM

The problem of this study was to identify, describe, and explain the causal factors involved in the 1971 Newport News public school desegregation plan. Specifically, major influences and issues,

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<sup>1</sup>See for example, Anna Holder's work in The Bus Stops Here: A Study of School Desegregation in Three Cities, and Benjamin Muses' work, Virginia Massive Resistance.

actors, and events were reviewed in order to determine those significant factors and relationships which shaped the eventual desegregation policy as it evolved and was handed down on August 12, 1971, by the United States Federal District Court for the Eastern District of Virginia.

### Research Questions

The study was intended to answer three major questions.

1. What were the main sources of external policy influences in the seventeen-year Newport News school desegregation process, and to what extent did such sources shape the August 12, 1971, plan?

2. Which, if any, local circumstances and Newport News School Board policies exerted influence over the course of school desegregation events in the City and in shaping the 1971 court-adopted plan?

3. Which groups or individuals, if any, at the local level exercised significant influence over the seventeen-year process and over the shape of the August 12, 1971, plan?

### Limitations of the Study

The study is limited to the pupil desegregation process in the city of Newport News public school system during the years 1953 through 1971. It was during this period that Federal government pressure to dismantle the dual school system occurred and that State and local government reacted to the pressure. In addition, it was during this period that the Newport News public school system changed from dual segregated schools to a unitary, desegregated system.

In a study of this nature, relevant information may have been lost or distorted. Impressions of the time and events addressed in the work may have changed with the passage of time. On the other hand, sufficient time may not have elapsed to allow for complete objectivity. However, the methodology suggested for informing the study and the writer's awareness of the problem of subjectivity should minimize bias and allow for reasonably objective conclusions.

During the seventeen-year period studied, the meaning of school desegregation terms tend to change and are therefore defined within the context in which they are used.

#### Organization of the Study

Chapter I contained the background of the problem, the statement of the problem, and research questions addressed in the study, along with the need for and limitations of the study.

Chapter II describes the methodology employed to identify and analyze causal factors of the 1971 desegregation plan as well as that utilized to identify and interview the major actors in the Newport News case.

Chapter III describes the Newport News school desegregation process and traces the development of each causal factor over the seventeen-year period studied.

Chapter IV contains the final documentation and analysis of causal factor influence on the Newport News school desegregation process and on the shape of the court-adopted plan.

Chapter V summarizes the study and states conclusions and implications drawn from the work.

## Chapter II

### METHODOLOGY

#### Introduction

The explanation of the development of public policy such as the school desegregation plan addressed in this study depends upon the accessibility of historical data. Information for the study was gathered from official public records, newspapers, personal correspondence, and interviews with the leading actors involved in the desegregation process culminating in the 1971 plan.

This historical case study investigates the issue of racial desegregation in the Newport News, Virginia, public schools over a seventeen-year span of time, beginning with the May 17, 1954, Supreme Court Decision, *BROWN v. BOARD OF EDUCATION OF TOPEKA, KANSAS*, and concluding with the August 12, 1971, court-adopted desegregation plan. The longitudinal character of the study, the limited scope, and the fact that no attempt is made to generalize to a larger population are the fundamental characteristics of the case study approach to research.<sup>1</sup> The methodological procedures recognize that a study of this nature is historically bound and that normally the factors that influence the policy are never replicable.<sup>2</sup>

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<sup>1</sup>Armand J. Galfo and Earl Miller, Interpreting Education Research (Dubuque, Iowa: William C. Brown Company, 1965), p. 15.

<sup>2</sup>Raymond A. Bauer and Kenneth J. Gergen, The Study of Policy Formation (New York: The Free Press, 1968), p. 206.

Procedure for Identifying and Analyzing Causal  
Factors of the August 12, 1971, Newport News  
Public School Desegregation Plan

The research methodology utilized to determine the most prevalent issues relevant to the Newport News school system desegregation process began with a search of public documents. Data sources consisted of School Board Minutes during the 1953-1970 school years; legal documents and records emanating from the Department of HEW compliance review proceedings during the 1968-1971 school years; court records of the Federal District Court for the Eastern District of Virginia and trial proceedings records in the period July, 1970-August, 1971; personal correspondence of the period between the 1967-1971 school years; pertinent newspaper accounts of the 1953-1970 school years; and unpublished records and reports of the Newport News school system during the 1953-1970 school years. Secondary sources were used to develop the study background. The period between 1953 and 1965 of necessity relied heavily on School Board Minutes, newspaper accounts, and major actor accounts. Between the 1965 and 1971 school years, personal correspondence, major actor accounts, HEW records and documents, and records from the Federal District Court for the Eastern District of Virginia were major data sources.

Information pertaining to the problem of the study was initially classified as to source--national, State, or local--the three major levels of policy formulation. Possible causal factors of the 1971

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<sup>3</sup>Robert C. North, Ole R. Holsti, M. George Zaninovich, and Dina A. Zinnes, Content Analysis: A Handbook with Application for the Study of International Crisis (Stanford: Northwestern Univ. Press, 1963), p. 41.

court-adopted plan were noted on data sheets and categorized as national, State, or local in origin. A count in frequency\* of occurrence was made for each issue according to the information sources examined to aid in analysis.<sup>4</sup> During this phase of research, a chronology, or sequencing of the events which were determined pertinent to the problem of the study, was developed to aid in the preliminary identification and analysis of causal factors of the 1971 court-adopted school desegregation plan.<sup>5</sup> The chronology was developed from a combination of primary and secondary documents described above. No formal count was made; however, both frequency of event occurrence and intensity of event impact on the Newport News desegregation case comprised the rationale for developing the chronology. The chronology was validated by cross checking secondary and primary sources.

After the preliminary identification and analysis of the issues pertinent to the problem of the study, the second methodological problem addressed was one of validating the issues and analyzing their importance in regard to impact upon the 1971 court-adopted plan. Issue importance as causal factors of the 1971 plan, as well as final interpretations of findings, was judged by the researcher based upon his

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\* See Table 1 which shows the number of primary sources in which an issue was mentioned (Appendix H). To illustrate, of the eighty-nine pieces of personal correspondence listed in the bibliography, forty-three made mention of Federal government school desegregation policy decisions, while the same issue was mentioned in the Minutes of seventy-one of the two hundred twenty-one School Board Meetings between the 1953 and 1970 school years.

<sup>4</sup>North, p. 38.

<sup>5</sup>North, p. 37.

knowledge of the events and issues as gleaned from the data sources and from personal knowledge gained as an observer of the Newport News desegregation process between 1961-1971.

#### Procedure for Identifying Major Actors in the Desegregation Process, 1954-1971

An initial list of actors, persons whose names appeared in the documents reviewed and who were involved in the desegregation events of the time period studied, was compiled from document analysis. The initial list of actors was reduced to a list of major actors, that is, those persons found to be directly involved in the issues and events leading to the 1971 desegregation plan and whose names were mentioned more than one time in two or more of the sources examined.<sup>6</sup>

The final selection of interview subjects was based upon the frequency of actor name occurrence in relationship to the issues identified as leading to the 1971 court-adopted desegregation plan and upon a representative perspective of black and white actors.<sup>7</sup> Other reputed actors who were not identified by document analysis were sought through the interviews.

#### Procedure for Interviews

The interviews focused on the major desegregation issues, as determined from the content analysis of the sources discussed, that led to the August 12, 1971, desegregation plan, and served to validate and

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<sup>6</sup>North, p. 42.

<sup>7</sup>North, p. 42.

further enrich the study. A chronology of major desegregation events for the seventeen-year time period studied was developed from the document review and presented to each respondent at the interview. This was to aid the respondent in recalling his or her behavior in relationship to the time and problem addressed in the study.<sup>8</sup> Since the nature and extent of major actor participation in the total desegregation process varied with each of the individuals, the chronology served to focus each interview session on that segment of the entire process and on the issues about which the actor had firsthand knowledge as a participant.<sup>9</sup> (See Chronology, Appendix B).

Interview sessions began with an explanation of the problem and purpose of the study, followed by an explanation of the purpose of the chronology of events to be presented to the respondent. Once the chronology was presented to the respondent, the remainder of each interview session focused on the major events and issues relating to the Newport News school desegregation process. Responses were not limited to the structure provided by the chronology. All information gleaned from the interviews was recorded immediately following each session.

The interview with the Honorable Walter E. Hoffman, Federal District Judge for the Eastern District of Virginia, was conducted by telephone. Initially, a letter was drafted and mailed to Judge Hoffman, requesting the privilege of an interview (See Letters, in

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<sup>8</sup> Bauer and Gergen, p. 219.

<sup>9</sup> Bauer and Gergen, p. 222.

Appendix C and D). The letter was followed by a telephone call to arrange a convenient time for the interview; at that time, Judge Hoffman stated his willingness to assist with the study but indicated a preference to discuss the Newport News case by telephone if possible. His preference was accommodated, and a telephone interview of approximately twenty-five minutes followed during which Hoffman willingly responded to questions.

Interview time varied in length from approximately twenty-five minutes with Judge Hoffman to three hours with former Superintendent of Schools George J. McIntosh. The typical length of time for each interview was one hour and fifteen minutes.

#### Background of Major Actors

Dr. Waldo Scott became the first black member of the Newport News School Board July 1, 1952. He was the only black member of the five-man Board.

Scott served two non-contiguous terms on the Newport News School Board. His first term (July 1, 1952-June 30, 1958) began prior to Brown I and terminated three months before the Virginia "Massive Resistance" legislation closed schools in Warren County, Norfolk, and Charlottesville.

In April, 1954, Scott had urged the School Board "to plan solutions based on either eventuality" of the Supreme Court's decision in Brown I and encouraged "the interchange of programs and features" between the Negro and white high schools. Scott was not re-appointed to the Board with the merger of the Cities of Warwick and Newport News,

but served as a spokesman for black delegations appearing before the Board to urge a new Negro high school instead of additions to the present structure. Scott's second term, July 1, 1962-June 30, 1966, began one year after the first Negro students were admitted to former white schools and concluded after the school system's "Freedom of Choice" plan had been accepted by HEW.

Philip S. Walker, a black attorney residing in Newport News, was an active participant in the events leading to the 1971 court-ordered desegregation plan. He was uniquely qualified to provide expert testimony relevant to this study because he was the only attorney who participated in the three desegregation suits filed against the Newport News School Superintendent and the Board. In each of the three cases, he was one of a battery of attorneys representing the Negro plaintiffs. Walker was a source of firsthand knowledge of the entire desegregation process as well as of the legal maneuvering that seemed to have characterized the School Board and the NAACP throughout the time studied.

Woodrow Brown was a black minister residing in the city of Newport News at the time of this investigation. Reverend Brown went to Newport News from the Southside Virginia area in 1947. He had observed the urban changes that characterized the congested City following World War II and the City's efforts to expand its territory. His position during these years required that he interact with the black community, thus providing the opportunity for firsthand knowledge of community sub-structures and inner organizations. His church had one of the

largest black congregations on the Virginia Peninsula, and many of its members were recognized leaders of the black community.

Harry M. Franklin was serving his second term as a member of the Newport News School Board concurrent with this study. He became a member of the Board July 1, 1970, and will complete his second term June 30, 1978.

Franklin came to Newport News from New Kent County, Virginia, in 1957, to establish a restaurant business which he continues to operate. Of the four black leaders interviewed, Franklin was the only one to reside outside the former city of Newport News. His residence was located near his place of business in the Denbigh area of the former city of Warwick. His arrival to the City approximated the time that Denbigh residents were adamantly opposing consolidation with the city of Newport News. His appointment to the Board July 1, 1970, was twenty-two days before the "Frank V. Thompson case," the final NAACP desegregation litigation filed against Newport News. Following the Supreme Court decision in the Swann case, Franklin urged school officials and members of the School Board to involve the community and building-level school personnel in planning for the inevitable: complete school desegregation.

George J. McIntosh had served as principal of Brookville High School in Campbell County, Virginia, 1946-1948, before replacing Lamar P. Stanley as principal of Newport News High School in 1948. He served as principal of Newport News High School until the consolidation of the cities of Warwick and Newport News in 1958.

On July 1, 1958, he became Director of Personnel and Assistant to the Superintendent, a position which he held for seven years. On July 1, 1965, he succeeded Dr. R. O. Nelson as superintendent of the Newport News school system. McIntosh retired as superintendent in 1974, and currently resides in Nags Head, North Carolina.

In June of 1965, just prior to assuming the Newport News school superintendency, McIntosh brought back from Washington, D.C., to the City the "Freedom of Choice" plan utilized by Newport News between 1965 and 1970. The August 12, 1971, court-adopted plan was drawn up by local school officials under the supervision of McIntosh.

Oliver C. Greenwood was appointed assistant superintendent of the Newport News city school system on July 1, 1965. A native of Amelia County, Virginia, he began his teaching career at Smithfield High School in the Isle of Wight County schools before becoming principal of Thomas Jefferson School in Suffolk, Virginia. In 1962, he was appointed division superintendent of Accomack County Schools, a position he held until coming to Newport News.

Greenwood assumed his responsibilities in Newport News shortly after the School Board adopted its "Freedom of Choice" pupil assignment plan. In part, his responsibilities entailed administering the plan approved by HEW. During the HEW compliance enforcement proceedings, he was charged with the task of developing a data base to support the Newport News case; he also provided testimony in both the Justice Department hearings and at the August, 1971, trial.

Robert V. Beale entered the city of Newport News Department of Law in March, 1964. As assistant City Attorney, he worked closely with City Attorney Harry Nachman who had served as a member of the battery of lawyers defending the school system in the two preceding school desegregation cases.

In 1969, Beale succeeded Nachman to the office of City Attorney and assumed charge of the school system's legal fight with the Department of HEW. He argued the Newport News case in both the HEW compliance enforcement proceedings and the U.S. District Court for the Eastern District of Virginia. During the period of time between August, 1968, and August, 1971, Beale was the legal strategist for the Newport News stance. He prepared the defense by analyzing the issues with regard to the changing Federal policy and recruiting witnesses to substantiate the Newport News' argument. Although Beale as a participant entered the Newport News desegregation process near its final resolve, his was the most frequently mentioned name in the literature reviewed.

Harry E. Atkinson was elected to the Newport News City Council in 1962, four years after the cities of Newport News and Warwick had consolidated and three years after the State's "Massive Resistance" program had collapsed. He was not re-elected in 1966 but returned to the Council in 1972, one year after the final resolve of the Newport News desegregation question. He served as mayor between 1972 and 1976.

Between 1962 and 1966, Atkinson was involved in the controversy surrounding the Newport News School Board's school construction policies and made it his business to understand the issues and political

power structures peculiar to Newport News. He was in a position to describe Council and City agency involvement in the Newport News desegregation process.

Dr. J. T. Jobe III served two consecutive terms on the Newport News School Board, beginning his first term July 1, 1964, approximately one year before the Newport News school system adopted the "Freedom of Choice" plan, and completing his second term June 30, 1972, one year after Judge Walter Hoffman had ordered the 1971 Newport News school desegregation plan. A lifetime resident of Newport News and a graduate of Newport News High School, Dr. Jobe provided expert testimony about the issues that characterized the Newport News case. He participated in the events surrounding the HEW challenge of the Newport News "free choice" plan and had personal knowledge of fellow major actors as well as the means used to develop the August 12, 1971, Newport News desegregation plan.

Judge Walter E. Hoffman's appointment to the bench of the Federal District Court for the Eastern District of Virginia was confirmed July 8, 1954, shortly after the U.S. Supreme Court handed down the historic Brown I decision. During the seventeen-year Newport News school desegregation process, Judge Hoffman presided over the three NAACP-sponsored suits filed against the Newport News School Superintendent and School Board.

Hoffman first ordered school integration in Newport News on February 11, 1957, and in 1961, the first racial mixing to occur in the Newport News school system was in part due to litigation before his

court. In August, 1971, the third NAACP-sponsored civil rights suit against the Newport News school system was argued before Judge Hoffman's court. It was during this trial that the final Newport News desegregation plan was handed down.

### Summary

Issues pertinent to the problem of the study were identified through a search of public documents, and causal factor categories were established through document analysis. Major actors, persons reputed to have participated in the events and issues that comprised the Newport News desegregation process, were identified during the document analysis and subsequent interview sessions.

Testimony provided by major actors was used to validate and further enrich the study. Interview sessions focused on the major school desegregation events identified during document analysis. Information gathered from the interviews was recorded immediately following each session. Final analysis and interpretations of issue importance as a causal factor of the court-adopted plan were judged by the researcher based upon his knowledge of the events and issues gleaned from the data sources and from his personal role as an observer of a major portion of the seventeen-year school desegregation process.

## Chapter III

### CAUSAL FACTORS GOVERNING THE NEWPORT NEWS DESEGREGATION PROCESS

#### Introduction

Major actor accounts corroborated the major issues and events around which the Newport News case evolved. There was consensus in the documents and among major actors as to the importance of the five issues described in the following sections of the study with regard to the Newport News desegregation case. Both sources accented the extent of Federal and State government influence on the events and issues that prevailed in Newport News during the seventeen years examined. Similarly, the three local issues described in the following sections were most salient in the document search and were said to be the most important local determinants of the Newport News' desegregation outcome.

It should be noted that not all major actors identified were accessible for interviews. Other reputed actors identified by respondents during the interviews and not previously identified by document analysis were City Councilman Harry Atkinson and the Reverends Jesse Flauntleroy and Woodrow Brown. Reverend Flauntleroy could not be reached for interview, nor could former School Board members Mary Paulson and Gordon Pullen, both reputed major actors.

The following chapter traces the development of each Newport News school desegregation issue from a time approximating the U.S. Supreme Court's Brown I decision on May 17, 1954, to the time that

the final Newport News school desegregation plan was handed down on August 12, 1971.

The Impact of Federal Policy on the  
Newport News Desegregation Case

This section speaks to the major policy decisions determined from research to have occurred at the Federal level and to have caused activity on the part of the local school officials and School Board. In Brown II, the U.S. Supreme Court decided that because of Federal district court proximity to local conditions and the possible need for further hearings, "the courts which originally heard these cases can best perform this judicial appraisal."<sup>1</sup>

For almost a decade after Brown II, the Federal District Court for the Eastern District of Virginia was the sole agent of the Federal government formulating policies designed to effectuate school desegregation in Newport News. By the time Congress enacted the Civil Rights Act in August, 1964, the Newport News pupil assignment policy had been challenged twice through the Federal District court.<sup>2</sup>

Certain portions of the 1964 Civil Rights Act were to have a direct bearing on the course of school desegregation events in Newport News. Section 601 of Title VI of the Act specifically denied the benefits of Federal assistance to any school district whose Federally

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<sup>1</sup>Kern Alexander, Roy Corns, and Walter McCann, Public School Law Cases and Materials (St. Paul, Minnesota: West Publishing Co., 1969), p. 646.

<sup>2</sup>School Board Minutes, February 12, 1957; April 21, 1960.

assisted programs excluded participants or were discriminatory on the basis of "race, color, or national origin."<sup>3</sup>

Newport News had been receiving Federal monies authorized by PL #815 and #874, dating back to 1953,<sup>4</sup> and with the July, 1958, consolidation of Warwick and Newport News, #874 monies increased significantly with the acquisition of the Fort Eustis military installation in the former city of Warwick. In addition, Newport News was to receive substantial Federal assistance from PL #89-10, the Elementary and Secondary Education Act, passed by Congress in 1965.<sup>5</sup> By 1970, near the end of the HEW non-compliance enforcement proceedings against Newport News, total Federal assistance to the City school system exceeded \$1,900,000.00.<sup>6</sup>

There were other sections of the Civil Rights Act utilized by both HEW and the local school system once compliance enforcement proceedings were underway in 1968. Section 602 of the Act assigned to Federal Departments and agencies the task of administering the Act and authorized the Department of HEW to develop guidelines to implement its intent.<sup>7</sup> Section 80.7 of the Department's revised Guidelines,

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<sup>3</sup>Alexander, Corns, and McCann, p. 681.

<sup>4</sup>School Board Minutes, November 11, 1953:p. 1.

<sup>5</sup>Newport News Public Schools Progress Report, July 1, 1965-January 1, 1975, Newport News, Virginia, pp. 7-8.

<sup>6</sup>School Board Minutes, February 19, 1970:p. 5.

<sup>7</sup>Administrative Proceedings in the Department of HEW, "In the Matter of the SCHOOL BOARD OF NEWPORT NEWS, VIRGINIA, AND STATE BOARD OF EDUCATION OF VIRGINIA, Respondents, INITIAL DECISION AND ORDER," February 11, 1970:p. 5.

published and circulated in March, 1968, provided for a periodic review of local school systems receiving Federal financial assistance to determine if discrimination existed. The review occurred in Newport News during the week of May 20-24, 1968; the ensuing decision was one of non-compliance with the 1964 Civil Rights Act.<sup>8</sup>

In defense, Newport News cited sub part D of the Department of HEW regulations which stated that the HEW policies did not require the correction of racial imbalance resulting from private housing patterns.<sup>9</sup> Furthermore, throughout the HEW administrative proceedings, the City pointed to Sections 401 (b) and 407 (a) of Title IV of the Civil Rights Act to substantiate its contention that "free choice" was constitutional. Section 401 (b) stated that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance," while Section 407 (a) prevented any U.S. court or official from issuing an order "seeking to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another. . . ." <sup>10</sup>

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<sup>8</sup>Office for Civil Rights, Department of HEW, Personal Correspondence from Eloise Severinson, Regional Civil Rights Director, to George J. McIntosh, Superintendent of Newport News Public Schools, June 5, 1968.

<sup>9</sup>Newport News School Board, Personal correspondence from J. M. Dozier, Jr., Chairman of City of Newport News School Board to W. Kenneth Haddock, Chief, Educational Branch, Office of Civil Rights, Region III, June 14, 1968; pp. 1-2.

<sup>10</sup>Transcript of School Board Meeting, June 27, 1968:p. 5.

HEW maintained that the school system had agreed to comply with the requirements of the Department policy statement in regard to the type of desegregation plan by signing the Assurance of Compliance in 1965, and that Newport News was charged with the affirmative duty to eliminate racial discrimination and to correct the effects of past State-imposed racial discrimination.<sup>11</sup> With regard to the Newport News "free choice" pupil assignment plan, the Department cited the 1968 edition of its Guidelines: where steps taken under a voluntary plan had not proved effective, compliance with the law required that the school system adopt and carry out an effective plan by the opening of the 1968-69 school year. The burden was on the school system to determine an effective desegregation plan.<sup>12</sup>

Meanwhile, on May 27, 1968, the U.S. Supreme Court handed down the Green v. New Kent County decision which dealt specifically with "free choice" as an effective tool for desegregating the rural New Kent County, Virginia, school system. The Court's reasoning held implications for Newport News since the City had operated a "Free Choice" pupil assignment plan beginning in 1965.

The New Kent ruling, in short, stated:

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<sup>11</sup>Administrative Proceedings in the Department of HEW, . . . "INITIAL DECISION AND ORDER," February 11, 1970:pp. 5-6.

<sup>12</sup>Administrative Proceedings in the Department of HEW, . . . "INITIAL DECISION AND ORDER," February 11, 1970:p. 7.

. . . that a freedom of choice plan which resulted in only a small portion of Negro students attending "White" schools and in no white students attending "Negro" schools had to be replaced by some other plan. Less than fifteen percent desegregation was insufficient.<sup>13</sup>

On the other hand, Newport News maintained that the first sentence of the case emphasized the importance of local conditions,<sup>14</sup> and contrasted the circumstances that characterized rural New Kent County, Virginia, with those that prevailed in urban Newport News.<sup>15</sup> However, the Newport News interpretation of New Kent was eventually ruled out by the Federal District Court for the Eastern District of Virginia.<sup>16</sup>

Two years into the HEW-Newport News compliance proceedings and shortly after the final desegregation suit was brought against the City, both the U.S. District Court and HEW deferred their cases against Newport News pending the U.S. Supreme Court's verdict in Swann. The two cases had similar issues, and it was believed that the Court's decision would clarify the Newport News situation.<sup>17</sup>

When handed down April 20, 1971, the Court established busing as a tool to desegregate racially segregated schools and noted that

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<sup>13</sup>Administrative Proceedings in the Department of HEW, "In the Matter of the SCHOOL BOARD OF NEWPORT NEWS, VIRGINIA, AND STATE BOARD OF EDUCATION OF VIRGINIA, Respondents, STATEMENT OF THE GOVERNMENT'S CASE," December 8, 1969:p. 3.

<sup>14</sup>Personal interview, June 7, 1977.

<sup>15</sup>Exceptions to Initial Decision and Order, City of Newport News, Department of Law, April 3, 1970:p. 19.

<sup>16</sup>Pre-trial Transcript, May 10, 1971:p. 2.

<sup>17</sup>Personal Interview, June 7, 1977.

"racial balance or racial quotas may be used as a starting point in the process of shaping a remedy" and that some one-race schools might continue to exist. However, remedial pupil assignment plans "may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some."<sup>18</sup> A part of the Court's reasoning allowed for an exception to the busing of students for desegregation purposes:

When the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process . . . . The limits on time of travel will vary with many factors, but probably with none more than the age of students.<sup>19</sup>

Finally, the U.S. Supreme Court in Swann ruled that the location of schools in regard to neighborhood patterns and the separation of races was no longer solely a school administrative matter but a matter for the Federal courts.<sup>20</sup>

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<sup>18</sup>Administrative Proceedings in the Department of HEW, "In the Matter of the SCHOOL BOARD OF NEWPORT NEWS, VIRGINIA, AND STATE BOARD OF EDUCATION OF VIRGINIA, Respondents, SUPPLEMENTAL RESPONSE TO MOTION FOR SECRETARIAL REVIEW IN NEWPORT NEWS, VIRGINIA, SCHOOL DISTRICT, IN LIGHT OF SUPREME COURT DECISION IN SWANN v. CHARLOTTE-MECKLENBURG," May 11, 1971:p. 3.

<sup>19</sup>SUPPLEMENTAL RESPONSE TO MOTION FOR SECRETARIAL REVIEW IN NEWPORT NEWS, VIRGINIA, SCHOOL DISTRICT, IN LIGHT OF SUPREME COURT DECISION IN SWANN v. CHARLOTTE-MECKLENBURG, May 11, 1971:p. 2.

<sup>20</sup>U.S. District Court for the Eastern District of Virginia, Newport News, Virginia, Frank V. Thompson, et al., Plaintiffs, v. The School Board of the City of Newport News, VA., et al., Defendants, Comments made During Argument of Counsel, Vol. II, August 4, 1971: p. 5.

The Impact of State Policy on the Newport  
News Desegregation Case

The Commonwealth of Virginia formulated policies that were of consequence to the Newport News desegregation process. At several points throughout the seventeen-year time period, the government of the Commonwealth of Virginia determined the posture assumed by Newport News on school desegregation. This section describes the State setting, especially State government policy and actions which were to control public school desegregation at the local level.

Prior to the Supreme Court's historic decision in Brown v. The Board of Education of Topeka, Kansas, localities were required by State law to operate dual school systems segregated by race. Section 140 of Virginia's Constitution stated that "white and colored children shall not be taught in the same school."<sup>21</sup>

The May 17, 1954, Brown decision caused varied reactions across the Commonwealth. Reactions ranged from indifference along the Appalachian plateau to opposition in Southside Virginia where Prince Edward County was a co-defendant in the May 17, Supreme Court case and had been involved in integration litigation since 1951. In addition, the Southside strip, along with rural Tidewater counties of Virginia, had the highest concentration of Negroes in the State (See Appendix E). The

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<sup>21</sup>J. Harvie Wilkinson, Harry Byrd and the Changing Face of Virginia Politics, 1945-1966 (Charlottesville: University of Virginia Press, 1968), p. 118.

Southside section was rural and conservative in social and political change.<sup>22</sup>

After the May 17, 1954, Brown I U.S. Supreme Court decision, political leaders from the Southside section of Virginia went on record as being "unalterably opposed" to school integration.<sup>23</sup> They gathered at the State Capital to publicly display and denounce the Court ruling. Subsequently, on June 25, 1954, Governor Thomas B. Stanley publicly opposed school integration. In the State political arena, organized segregationist efforts prevailed primarily because of Southside leaders' pressure to resist and the uncertainty and indifference of remaining sections of the State.<sup>24</sup>

On May 12, 1954, five days before the U.S. Supreme Court decided Brown I, the Newport News School Board, under pressure to prepare for either outcome of the Court's decision, deferred planning for school integration. The Board preferred instead to wait for decisions from the Court and the General Assembly.<sup>25</sup>

The May 31, 1955, Brown II decision directed the lower courts to frame remedies "with all deliberate speed" that would permit desegregation of the schools. The Supreme Court, in remanding the 1955 cases to district courts, had in effect placed the burden of change on local

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<sup>22</sup> Benjamin Muse, Virginia's Massive Resistance (Bloomington: Indiana University Press, 1961), p. 6.

<sup>23</sup> Muse, p. 7.

<sup>24</sup> Muse, pp. 11-28.

<sup>25</sup> School Board Minutes, May 12, 1954:p. 3.

school districts and on Federal district courts.<sup>26</sup> That evening, after the ruling became public, the Prince Edward County Board of Supervisors voted not to fund education for the 1955-56 school year. This persistent resistance, coupled with the conservative political philosophy of Senator Harry Byrd, Sr., swayed the Virginia political apparatus to the posture of "massive resistance."<sup>27</sup> On June 14, 1955, two weeks after Brown II became public, the Newport News School Board voted four to one to operate segregated schools in the coming 1955-56 school year, and on June 28, the State announced the same policy for public schools throughout Virginia.<sup>28</sup>

In June, 1955, immediately following the Court decision, the Virginia NAACP, realizing the resistance posture the State was assuming with regard to the Supreme Court order, announced a State-wide policy designed to pressure local school officials to implement the change and to force the issue through the lower courts. Local NAACP branches were first to petition school boards to admit Negro students, wait a reasonable period of time, and then petition the court.<sup>29</sup>

Subsequently, Mrs. Clara Atkins and other black parents residing in Newport News petitioned the School Board to desegregate in July,

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<sup>26</sup> Muse, p. 23.

<sup>27</sup> Muse, pp. 11-28.

<sup>28</sup> School Board Minutes, June 14, 1955: p. 2; July 14, 1955:p. 2.

<sup>29</sup> Anna Holden, The Bus Stops Here: A Study of School Desegregation in Three Cities (New York: Agathon Press, 1974), p. 22.

1955. The School Board refused, and by April, 1956, the black parents petitioned the Federal District Court for the Eastern District of Virginia. Following this, on April 30, 1956, the Newport News School Board directed the Chairman to appoint a committee to urge the Governor and Attorney General to participate in the case.<sup>30</sup> After preliminary moves by the City to have the case dismissed, it was argued before Judge Walter Hoffman on February 11, 1957. During the trial, State Attorney General J. Lindsay Almond headed the Newport News defense.<sup>31</sup>

To highlight the State's stance following Brown I and II, in September, 1954, Governor Thomas B. Stanley appointed a commission to study the problem of desegregation and to submit appropriate recommendations. The commission, chaired by State Senator Garland Gray, proposed that tuition grants from public funds be made to aid those desiring to attend private schools; that local pupil assignment plans be designed to keep racial mixing to a minimum; and that the compulsory attendance law be amended to provide that no child could be made to attend an integrated school.<sup>32</sup>

However, by 1956, the State was caught up not only with the question of integration but of state sovereignty as opposed to the U.S. Supreme Court's judicial power. The idea of "massive resistance," it was hoped, would not be limited to Virginia localities, but would

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<sup>30</sup>School Board Minutes, April 30, 1956:p. 1.

<sup>31</sup>"Almond to Head Newport News Defense Counsel," Times-Herald [Newport News, Virginia], February 9, 1957:p. 9, col. 4.

<sup>32</sup>Muse, p. 15.

be embraced by all Southern states. To assure local compliance with the policy, the Virginia legislature enacted thirteen anti-integration laws in 1956. Not the least important of these were the "cut-off" of State funds for any local district which integrated a school and the creation of the State Pupil Placement Board which divested the authority of the local school officials to assign pupils. A total of twenty-three acts was passed dealing with the integration question during the twenty-seven-day special session of the Virginia General Assembly during August-September, 1956.<sup>33</sup>

Shortly after Newport News and Warwick merged on July 1, 1958, the citizens of the Commonwealth of Virginia became aware of the first public school closings pursuant to the anti-integration legislation enacted during the summer of 1956. On September 12, 1958, under court order to desegregate, Warren County schools closed; Charlottesville and Norfolk systems by State law followed suit later in the month.<sup>34</sup> The reality of school closings mounted public opposition to "massive resistance" across the State. Public dissatisfaction, coupled with the mid-January, 1959, Virginia Supreme Court and the U.S. Circuit Court of Appeals decisions declaring anti-integration legislation unconstitutional, signaled the end of the "massive resistance" era in the State. By April, 1959, the State had enacted legislation based upon "freedom

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<sup>33</sup>Muse, p. 31.

<sup>34</sup>Muse, p. 71.

of choice" and local option, and had repealed the State compulsory attendance laws.<sup>35</sup>

Through the new legislation, school boards could assign pupils on the basis of health and aptitude of the individual student and that of all students assigned to a school. Availability of transportation was another factor to be considered in assigning pupils; and tuition grants, whereby the State would pay \$125.00 per year for elementary pupils and \$150.00 per year for high school pupils, were made available for students to attend private non-sectarian schools.<sup>36</sup> The tuition grant program in Virginia for the 1959 school year cost the State and localities \$1,000,000.00; and by the 1963 school year, the figure approached \$3,000,000.00.<sup>37</sup>

By November, 1960, the Newport News Superintendent had recognized a problem with the State's tuition grant program. Informing the School Board that the school system had paid \$18,500. in scholarship grants for the first three months of the 1960 school year, he stated "that according to his interpretation, the scholarship grant program had gone far beyond the intent of the legislature."<sup>38</sup> A three-judge Federal District court in 1964 modified the program by enjoining payment

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<sup>35</sup>Muse, p. 171.

<sup>36</sup>Virginia Constitution, 1968 draft and report unpublished, November 13, 1968, p. 24.

<sup>37</sup>Virginia Constitution, p. 24b.

<sup>38</sup>School Board Minutes, November 17, 1960:p. 43.

of tuition grants in racially segregated private schools which had received the preponderance of financial support.<sup>39</sup>

In February, 1963, the Newport News School Board resolved to request that City Council enact an ordinance re-instituting compulsory school attendance in Newport News.<sup>40</sup> In 1968, the General Assembly re-enacted the State's compulsory school attendance law.<sup>41</sup> The pupil placement criteria adopted by the General Assembly at the end of "massive resistance" in effect died with the 1964 Civil Rights Act.<sup>42</sup>

The Impact of Certain Local Factors on the  
Newport News Desegregation Case

Within the Newport News locality, three factors emerged as most significant. School facilities, pupil assignment policies, and the U.S. District Court for the Eastern District of Virginia were contributing influences in the evolving Newport News desegregation process and court-adopted plan. The factors and their impact upon the desegregation events and issues that were peculiar to Newport News are best understood within the context of the City's development and concomitant growth difficulties.

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<sup>39</sup>Virginia Constitution, p. 24b.

<sup>40</sup>School Board Minutes, February 21, 1963:p. 89.

<sup>41</sup>Virginia School Law, State Board of Education (Richmond, Virginia: The Michie Company, 1969), p. 145.

<sup>42</sup>Personal Interview, July 14, 1977.

### Context

The area of land at the tip of the Virginia Peninsula called Newport News is believed to have derived its name from Captain Christopher Newport whose ships carried the first permanent settlers to Jamestown in 1607. First mention of the name in old English records dates back to 1619, and it is thought to be "the oldest English place name of any city in the New World."<sup>43</sup>

Warwick County was formed in 1634, and the name Newport News identified an area of the southern portion of the elongated-shaped county which extended from Hampton Roads Harbor for some twenty miles along the James River.<sup>44</sup> Plantations flourished on the land stretching along the James River from Warwick County to the present-day city of Richmond. The first Negro slaves disembarked at Jamestown on the Virginia Peninsula in 1619, and by 1900 Negroes comprised the major proportion of the residents on the sparsely populated Peninsula. The 1900 U.S. Census reported a total of 4,888 residents in Warwick County, an area of approximately sixty-three square miles. Of this population at the time, 76.3 percent was Negro.<sup>45</sup>

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<sup>43</sup>Parker Rouse, Jr., Endless Harbor (Newport News, Va.: Franklin Printing Company, 1969), p. 5.

<sup>44</sup>Rouse, p. 12.

<sup>45</sup>James E. Pate, Local Government in the Lower Peninsula of Virginia: A Report to the Consolidation Committee of the Lower Peninsula Planning Commission on Governmental Structure and Services, Metropolitan Problems and Proposal for Consolidation (Williamsburg, Va.: Mimeographed, 1948), p. 23.

Both population density and racial composition were to change drastically before desegregation became an issue in the 1950's. However, the high proportion of Negroes was to remain a determinant of the posture assumed by Newport News in regard to the question.

By the beginning of the twentieth century, Newport News seemed destined to become a shipping and industrial center. A railroad was completed in 1881 connecting the community with Richmond, and by 1890 a shipbuilding industry was firmly established.<sup>46</sup> In 1896 Newport News separated from Warwick County through an act of incorporation to become a city of less than two square miles and some 9,000 residents.<sup>47</sup>

As the United States prepared to enter World War II in 1940, Newport News had grown to a city of 37,000. At this point, the City had already faced an expansion problem that would ultimately mitigate the impending desegregation issue. As early as 1938, the Virginia General Assembly had designed an act to foil Newport News' annexation efforts in adjacent Warwick and Elizabeth City Counties.<sup>48</sup> The Massenburg Act stated that sixty square miles must be left in a county after annexation. As the law then stood, no part of Elizabeth City and only a small part of Warwick were subject to annexation.<sup>49</sup>

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<sup>46</sup>Rouse, p. 12.

<sup>47</sup>Pate, p. 28.

<sup>48</sup>David G. Temple, Merger Politics: Local Government Consolidation in Tidewater, Virginia (Charlottesville, Va.: The University of Virginia Press, 1972), p. 20.

<sup>49</sup>Pate, p. 26.

Historically the City's growth had been closely dependent upon its shipbuilding industry, and at the war's peak in 1943, the yard employed 31,000 workers.<sup>50</sup> The City's population was 44,000. The immediate post-war period did little to alleviate the City's crowded condition, and by 1950 the population had stabilized at 42,000. This statistic, when compared to other United States cities of more than 25,000 residents, ranked Newport News among the top fifteen percent in population density. This problem was compounded by the fact that large tracts of the City were occupied by the Newport News Shipbuilding and Drydock Company and the Chesapeake and Ohio Railroad yard and pier complex.<sup>51</sup>

During the war the overcrowding ignited the trend of middle and upper income resident flight to the suburbs of neighboring Warwick and Elizabeth City counties, while black citizens occupied the former white residential areas vacated by the flight. By 1950 black residents constituted forty-three percent of the City's population (the highest concentration of any Virginia city), compared to thirty-four percent in 1940. It was during the 1950's that the City's racial composition changed from predominantly white to predominantly black, and by 1957, blacks comprised approximately sixty percent of the total population.<sup>52</sup>

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<sup>50</sup>Rouse, p. 67.

<sup>51</sup>Temple, p. 47.

<sup>52</sup>"Integration Would Wreck Local School System, Superintendent Says in Trial," Times-Herald [Newport News, Virginia] (February 11, 1957), p. 1, col. 10.

The expansion efforts of Newport News and the events surrounding the issue prevailed over other concerns of the time. The City could not expand to the south and west because of Hampton Roads Harbor and the James River. Warwick County, to the north, became a city in 1952 primarily to prevent being annexed by the City of Newport News.<sup>53</sup> Efforts to merge with the City of Hampton and Elizabeth City County, to the east, were defeated by Hampton and Elizabeth City County voters in the referendums of 1952 and 1956. By 1956, Hampton and Elizabeth City County had consolidated into the City of Hampton.<sup>54</sup>

By the mid-1950's, developments had occurred that placed the issue of consolidation in a different context and stirred concern among lower Peninsula residents. Newport News was the Peninsula's economic center and contained the bulk of business and industry. It also supplied water to Hampton and Warwick for minimal costs. The black domination of city politics, and the accompanying power to formulate policy regulating public services and business development, was a source of apprehension to Peninsula business leaders and white residents in general. In addition, the Hampton Roads Bridge Tunnel was soon to connect the Virginia Peninsula with Norfolk, and Peninsulites were concerned with their ability to compete successfully with Norfolk businesses, especially with the declining state of Newport News. Influenced

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<sup>53</sup>Rouse, p. 75.

<sup>54</sup>Rouse, p. 75.

by these concerns, Warwick city residents elected for consolidation in the July, 1957, referendum.<sup>55</sup>

The City's most intensified efforts at expansion approximated the time period in which the question of desegregation emerged and was subsequently opposed by the State of Virginia. The city of Newport News and the city of Warwick officially consolidated July 1, 1958. More than any other event, the consolidation of the two cities determined the local issues upon which the 1971 court-ordered desegregation plan was to be founded. After consolidation, blacks once again represented a minority of the City's total population (thirty-four percent compared to approximately fifty-eight percent in 1957); and the new City now appeared on maps as a narrow elongated-shaped expanse of land, stretching from the tip of the Virginia Peninsula some twenty miles along the James River to adjoining James City County (See Appendix F). The urban changes continued to occur in the old city of Newport News. By 1970, Negroes comprised ninety percent of the citizens residing within the bounds of the old City; and by this time, between eighty and eighty-five percent of the consolidated City's black population lived there, a factor which greatly influenced the August 12, 1971, desegregation plan.<sup>56</sup>

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<sup>55</sup> Temple, p. 47.

<sup>56</sup> Exceptions to Initial Decision and Order, City of Newport News, Department of Law, April 3, 1970:p. 18.

The Issue of School Facilities in  
School Desegregation

The changing racial composition of the City, coupled with the crowded conditions, created a concern that was eventually to influence the August 12, 1971, desegregation plan. By 1955, the City had arrived at a point where traditional Negro schools could not sufficiently house the increasing number of black students, and undeveloped land space was not available in or near Negro neighborhoods for construction of new school plants. This, and the fact that existing buildings were old and deteriorating, served as a point of contention among black parents.

PTA leaders from the Negro elementary school John Marshall had as early as 1951 appeared before the Board to request a new school building, and in September, 1952, non-resident students were excluded from Booker T. Washington because of overcrowding.<sup>57</sup> In January, 1953, representatives of the Negro PTA Council appeared before the Board to oppose further additions to existing buildings and to recommend a new junior high school to relieve school congestion.<sup>58</sup>

During the 1950's and early 1960's, the declining state of the City's elementary schools was a recognized concern of PTA's and parent groups. Black citizen delegations appearing before the Board expressed concern over the physical state and overcrowding of the City's Negro schools, but were especially concerned with overcrowded conditions of

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<sup>57</sup> School Board Minutes, February 14, 1951:pp. 1-2 and October 8, 1952:p. 5.

<sup>58</sup> School Board Minutes, January 14, 1953:p. 2.

Negro elementary schools;<sup>59</sup> however, much of the Negro elementary schools' overcrowding problem was eventually relieved by Negro children occupying formerly white elementary schools. In September, 1955, white students were transferred from all-white Jefferson Elementary School to alleviate overcrowdedness of the City's three Negro elementary schools;<sup>60</sup> and by 1968, only three schools in the old City--Jackson and Wilson Elementary Schools and Newport News High School--were to house predominantly white students, compared to seven schools in 1954 (See Table 3, Appendix H).

After consolidation in 1958, the Board authorized a construction program of new Negro elementary schools in the former city of Newport News. In 1961, a new John Marshall School was opened;<sup>61</sup> and the old building, a source of controversy, was razed.<sup>62</sup> In addition, the new N. B. Clark, T. C. Erwin, and James Lee Elementary Schools were opened during 1960 and 1961.<sup>63</sup>

In comparison to the elementary school problem, the high school situation was far more a source of divisiveness to Blacks and to whites in the community. The high school question was viewed differently by

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<sup>59</sup>School Board Minutes, February 10, 1954:p. 3 and April 15, 1954:p. 3.

<sup>60</sup>School Board Minutes, September 13, 1955:p. 2.

<sup>61</sup>School Board Minutes, August 31, 1961:p. 154.

<sup>62</sup>"Integration Would Wreck Local School System, Superintendent Says in Trial," Times-Herald [Newport News, Virginia], February 11, 1957:p. 1, col. 8.

<sup>63</sup>"School Site and Construction Dates," November 5, 1968:p. 1.

black leaders. Prior to consolidation, they felt that white Newport News High School received preferential treatment from school officials.<sup>64</sup> In addition, they resented the Board's failure to plan and construct a new Negro high school.<sup>65</sup>

After the merger referendum in July, 1957, the Superintendent and Board planned in terms of a new Negro facility in former Warwick City.<sup>66</sup> By 1959, a tentative site had been located, but a large portion of it required a slum clearance project and could not be made available for two to three years. Meanwhile, the crowded conditions at Huntington required the construction of ten temporary classrooms.<sup>67</sup>

The Board in 1960 decided against a new high school to replace the existing Huntington facility, and in November of that year, an architect was employed for the expansion project;<sup>68</sup> subsequently the School Board requested of the State Board of Education that "regulations pertaining to the size of a school site be waived in that instance since it was impractical to acquire additional property."<sup>69</sup>

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<sup>64</sup> School Board Minutes, April 15, 1954:p. 4.

<sup>65</sup> School Board Minutes, March 23, 1961, pp. 77-78.

<sup>66</sup> School Board Minutes, July 9, 1957:p. 393.

<sup>67</sup> Personal correspondence from L. D. Green, assistant superintendent of Newport News Public Schools, to Arthur E. Chapman, Supervisor of School Buildings, State Board of Education, Commonwealth of Virginia, April 4, 1959.

<sup>68</sup> School Board Minutes, November 17, 1960:p. 43.

<sup>69</sup> School Board Minutes, September 21, 1961:p. 157.

However, in the 1962 councilmanic election, more progressive candidates from former Warwick ousted former Newport News incumbents to win control of Council. The new City Council was more supportive of the Negro leaders' effort to locate a suitable high school site. Dr. C. Waldo Scott, in conjunction with City Council and the Regional Redevelopment and Housing Authority, found property near Newsome Park School in former Warwick City.<sup>70</sup> When the twenty-seven acres was made available, however, the Superintendent recalled that he and the School Board chairman had requested that the land be as near to the old city of Newport News as possible. He further noted "that if he had supreme power, he would build the addition to Huntington."<sup>71</sup>

The Board in its September, 1962, meeting seemed willing to change its decision, but by October, the majority of the members had decided that relocating the 216 families residing on the site would present too great a task and would cause unnecessary delay. The Board decided, over the protest of black leaders, to meet pupil enrollment needs by adding to Huntington.<sup>72</sup> Shortly after the addition was completed in 1963, the ten temporary classrooms were used to house Negro elementary school children, a move which later became a source of controversy to black citizens.<sup>73</sup>

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<sup>70</sup>Personal Interview, June 29, 1977.

<sup>71</sup>School Board Minutes, August 20, 1962:p. 41.

<sup>72</sup>School Board Minutes, October 18, 1962:p. 49.

<sup>73</sup>School Board Minutes, August 15, 1968:p. 161.

The black school issue was not to die once the Board decided on the Huntington High School question. It surfaced once again before the final desegregation plan was accepted by the Court in 1971. Black citizens complained to the School Board in the summer of 1968 about the physical conditions at Huntington Elementary School.<sup>74</sup> John P. Hamill, Supervisor of School Buildings, State Board of Education, noted in a report to the Office of Education, Department of HEW, that relocating pupils at Huntington Elementary "should be an immediate project."<sup>75</sup> School officials closed the building at the end of the 1968-69 school year.

When the Civil Rights non-compliance proceedings were brought by the Department of HEW against the Newport News school system in August, 1968, part of the HEW case was founded upon the difference that existed between black and white school site, size, and school building age and condition. Based upon the May 20-24, 1968, on-site review, officials from HEW alleged that in comparison to the predominantly white elementary schools in Newport News, the physical plants of the Negro elementary schools were inferior. HEW pointed to the fact that since 1960, eight large predominantly white elementary schools had been built on an average site of 17.8 acres, while during the same period,

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<sup>74</sup>School Board Minutes, August 15, 1968:p. 161.

<sup>75</sup>Personal correspondence from John P. Hamill, Supervisor, School Buildings, State Board of Education, Commonwealth of Virginia, to Albert G. Toppett, U.S. Office of Education, Department of HEW, January 3, 1969:p. 2.

only five Negro elementary schools had been constructed on an average site of merely six acres.<sup>76</sup>

Newport News conceded that buildings in the former city of Newport News were older and were not "so modern or attractive as those built in recent years to accommodate a rapidly expanding population." The system argued that this fact applied to "all buildings regardless of race." Further property acquisition in the high density former city of Newport News presented a greater problem than in the less dense former city of Warwick. In the latter area school sites cost less than \$4,000 per acre, whereas the 1.51 acre increase to the John Marshall site cost \$147,427; and the 2.39 acres added to the Dunbar site at the time T. C. Erwin was built cost \$86,925.<sup>77</sup>

By December, 1969, HEW no longer contended that inequalities existed in white and Negro school facilities. In a Brief Filed on Behalf of Federal Agencies, December 8, 1969, the Department stated that it "does not allege that so-called white and Negro schools are not comparable in their facilities."<sup>78</sup> However, the Department argued throughout the proceedings that the location of Negro schools in Negro

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<sup>76</sup> Personal correspondence from Eloise Severinson, Regional Civil Rights Director, Office for Civil Rights, Department of HEW, to George J. McIntosh, Superintendent of Newport News Public Schools, June 5, 1968.

<sup>77</sup> Personal correspondence from George J. McIntosh, Superintendent of Newport News Public Schools, to Eloise Severinson, Regional Civil Rights Director, Office for Civil Rights, Department of HEW, June 12, 1968:p. 3.

<sup>78</sup> Administrative Proceedings in the Department of HEW, "In the Matter of the SCHOOL BOARD OF NEWPORT NEWS, VIRGINIA AND THE STATE BOARD OF EDUCATION OF VIRGINIA, Respondents, REPLY BRIEF ON BEHALF OF FEDERAL AGENCIES," January 7, 1970:p. 10.

neighborhoods could not be attributed to housing patterns. The Department maintained that no one could say what would have been the size and location of schools had State-imposed segregation not existed.<sup>79</sup>

During the proceedings, alternative desegregation approaches were examined by the officials of HEW and the school system; all of the approaches were founded, in part, upon the geographic location and the facility characteristics of existing school plants. For instance, the pupil assignment plan developed by HEW to replace "Freedom of Choice" was dependent upon the physical pupil capacities of existing school buildings. The HEW plan assigned 1813 students to Carver High School, realizing that it had a capacity of 1500. The authors of the plan contended that relocatable classrooms already available on the campuses of downtown schools could remedy the discrepancy. However, testimony given at the August, 1969, Justice Department hearings revealed that the classrooms were purchased by Federal Title I monies and subsequently attached to Federally approved programs which disallowed their use at Carver.<sup>80</sup>

Judge Walter Hoffman at one point during the August 12, 1971, trial called attention to the fact that the location of schools was a viable concern to the district court. The location of schools could influence residential development and "impact on the composition of

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<sup>79</sup>REPLY BRIEF ON BEHALF OF FEDERAL AGENCIES, January 7, 1970: pp. 5-6.

<sup>80</sup>Department of HEW, TRANSCRIPT OF PROCEEDINGS, In the Matter of the School Board of the City of Newport News, VA. and the State Board of Education of VA., Respondents. 5 Volumes, August 21, 1969:pp. 449-456.

inner-city neighborhoods."<sup>81</sup> Finally, in Newport News, the August 12, 1971, court-adopted plan in order to balance the races within the school system necessitated vacating

. . . sixty per cent of the classrooms in the black area of the City and forty per cent of the classrooms in white areas and transporting to that enough blacks and whites to fill those classrooms and replace them.<sup>82</sup>

### The Issue of Pupil Assignment Policies

Much of the Newport News desegregation controversy between May 17, 1954, and August 12, 1971, centered around the predominantly white School Board's pupil assignment policies. School Board policies governing pupil assignment to schools evolved from the major national and State policy decisions impacting upon the Newport News school desegregation process and the traditional segregationist beliefs characteristic of the times and setting. The nature of the decisions and their specific content and relationship to the Newport News case are treated elsewhere in the study and will only be referred to in this section to the degree that they influenced local pupil school assignment policies and in part led to the August 12, 1971, court-ordered plan.

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<sup>81</sup>U.S. District Court for the Eastern District of Virginia, Newport News, Virginia, Frank V. Thompson et al., Plaintiffs, v. The School Board of the City of Newport News, VA. et al., Defendants, Comments Made During Argument of Counsel, Vol. II, August 4, 1971: p. 5.

<sup>82</sup>U.S. Court of Appeals for the Fourth Circuit, Frank V. Thompson et al., Appellants, v. The School Board of the City of Newport News, VA. et al., Appellees, Brief for Appelles, 1974, p. 23.

Prior to Brown I, Newport News had by tradition and law operated a dual school system. Pupils were assigned to school on the basis of race.<sup>83</sup> After Brown I, the school system refused to alter this policy, at first maintaining the Board "should wait for decision higher up the government ladder," and later electing to comply with the State Pupil Placement Law. The State notified the Superintendent on December 30, 1956, that local school authorities were divested of the power to assign pupils to the division's schools. The school system used this argument to resist the desegregation pressure brought by the Federal Court.<sup>84</sup> In the February 11, 1957, trial, the Superintendent stated that in face of existing State law, "I don't know how to draw up a plan to desegregate the City's schools."<sup>85</sup>

Prior to the July 1, 1958 merger, the system refused to entertain a pupil assignment plan other than the traditional bi-racial one existing at that time. On July 10, 1958, the Superintendent informed the newly appointed seven-man School Board that the City had received three Negro applicants for admission to the white elementary school Walter Reed.<sup>86</sup> Already under court order to desegregate and uncertain

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<sup>83</sup>School Board of the City of Newport News, Virginia, "Reply to Request for Admissions of Fact and Genuineness of Documents," September 19, 1968:p. 1.

<sup>84</sup>School Board Minutes, March 12, 1957, page unnumbered.

<sup>85</sup>"Integration Would Wreck Local School System, Superintendent Says in Trial," Times-Herald [Newport News, Virginia], February 11, 1957:p. 10, col. 2.

<sup>86</sup>School Board Minutes, July 10, 1958:p. 30.

as to the impact of the merger on the court order, the School Board directed the Superintendent to draft the first plan for placing Negro students in white schools.<sup>87</sup> No Negro students were assigned to white schools by this pupil assignment directive.

The plan was successfully challenged in the "Sharon Adkinson" case. In May, 1959, the Fourth District Federal Court instructed the School Board:

. . . to make plans for admission of pupils in the schools of the city of Newport News without regard to race, and upon request to present such a plan to the Court not more than 180 days from this date, with right granted to submit such plan at an earlier date should said school board be so advised.<sup>88</sup>

The court order resulted in a more defined set of criteria for pupil placement. The plan, entitled Rules and Regulations for the Assignment and Transfer of Pupils and approved by the court in the spring of 1960, cited twelve "relevant factors" that were considerations in the assignment or transfer of pupils.<sup>89</sup>

The factors required the applicant to be examined by a test selected by the Superintendent, considered the proximity of the applicant's residence to school location, and required an interview with the applicant and his/her parents. The factor that allowed the most flexibility in the placement of applicants required consideration of "the effect on the health and safety of the applicant and those already

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<sup>87</sup> School Board Minutes, July 16, 1968:pp. 32-33.

<sup>88</sup> School Board Minutes, September 17, 1959:p. 174.

<sup>89</sup> School Board Minutes, April 21, 1960:pp. 242-244.

enrolled in a particular school." The plan stated that "assignments and transfers shall be made without regard to race"<sup>90</sup> (See Appendix F); however, of the twenty-four Negro applicants to white schools for the 1960-61 school year, all were rejected because they did not satisfy some aspect of the plan.<sup>91</sup>

The Rules and Regulations for Assignment and Transfer of Pupils guided the pupil desegregation process during the 1960-1965 school years. In effect it provided for the first racial mixing in the Newport News public school system beginning with the 1961 school year. During the 1960-1964 school years, one hundred twenty-four of the one hundred eighty-two Negro applicants for admittance to traditional white schools were accepted. Beginning with the 1963 school year, no applicants were rejected. The major portion of the applicants resided in former Warwick City.<sup>92</sup>

The gradual percentage increase is reflected in the following:

<u>School year</u>	<u># of Applicants</u>	<u># Accepted</u>
1960-61	24	0
1961-62	26	14
1962-63	49	27
1963-64	25	25
1964-65	58	58 <sup>93</sup>

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<sup>91</sup>School Board Minutes, July 21, 1960:pp. 16-17.

<sup>92</sup>School Board Minutes, August 8, 1961:p. 146.

<sup>93</sup>School Board Minutes, August 8, 1961:p. 146ff.

The final Newport News pupil assignment policy, the one replaced by the August 12, 1971, plan, was a result of the 1964 Civil Rights Act. Pursuant to the Department of HEW Guidelines, the local system endorsed the Statement of Compliance Form 441B and submitted for approval to the Department a plan for school desegregation. The first plan submitted from Newport News was rejected; the School Board was reluctant to approve the second plan, one recommended by HEW. One member of the Board succinctly summarized the Board's attitude when he stated that "he did not wish to be one of seven people to make a decision on such an important matter." In response, the Superintendent pointed out "that in essence, what the Government is saying is that we will submit a satisfactory desegregation plan whether we receive Federal money or not."<sup>94</sup>

After much discussion, the "Freedom of Choice" plan was adopted on June 17, 1965, two days after the HEW deadline for submitting an acceptable one. The Superintendent and Board noted that the Board adopted the plan "only because it is being forced to do so."<sup>95</sup>

The "Freedom of Choice" plan approved by the School Board provided for an April pupil school selection period and free transportation to the school of choice. The only constraints were school enrollment/building capacity and the school selection deadline.<sup>96</sup>

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<sup>94</sup> School Board Minutes, June 17, 1965:pp. 226-229.

<sup>95</sup> School Board Minutes, June 17, 1965:pp. 226-229.

<sup>96</sup> School Board Minutes, June 17, 1965:pp. 226-229.

By January, 1968, Newport News was under pressure from the Department of HEW to desegregate the City's predominantly Negro schools. In administering the 1964 Civil Rights Act, HEW required that local school districts submit twice annually to the U.S. Office of Education information reflecting local pupil desegregation progress.<sup>97</sup> Based upon information received from the Newport News public school system in the spring and fall of 1967, on January 30, 1968, HEW notified the system Superintendent of "probable non-compliance" with the requirements of Title VI of the Civil Rights Act and of the Department's intent to conduct an on-site compliance review of the "school system as soon as possible."<sup>98</sup> As has been noted, the review occurred during the week of May 20-24, 1968. Shortly afterwards, the Department informed the school Superintendent that the system's "Freedom of Choice" pupil assignment plan was no longer acceptable and that HEW expected no City school to house a majority of Negro pupils by the beginning of the 1968-69 school year.<sup>99</sup> By the end of June, the School Board had

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<sup>97</sup> Personal Correspondence from Harold B. Williams, Acting Assistant Commissioner, Equal Educational Opportunities Program, Department of HEW, to George J. McIntosh, Superintendent of Newport News Public Schools, July 12, 1967;

Personal correspondence from Lloyd R. Henderson, Educational Branch Chief, Office for Civil Rights, Department of HEW, to George J. McIntosh, Superintendent of Newport News Public Schools, January 30, 1968.

<sup>98</sup> Personal correspondence from Lloyd R. Henderson, to George J. McIntosh, January 30, 1968.

<sup>99</sup> Newport News Public School Administrative Office, "Memorandum to School Board Members," from George J. McIntosh, Superintendent of Newport News Public Schools, June 13, 1968.

resolved to maintain "Freedom of Choice" and by August 13, the Department had begun administrative enforcement proceedings to terminate Federal assistance to City schools.<sup>100</sup>

During the proceedings, the Newport News defense of "Freedom of Choice" rested upon two premises. One was the "unique" local conditions that characterized the Newport News case. The City Attorneys persisted that given the size, shape, and housing patterns of Newport News, "Freedom of Choice" was the only reasonable alternative.<sup>101</sup> Secondly, and closely tied to the first, was the argument that any plan designed to balance the races in the school system would entail massive cross busing, which the Department did not have the authority to impose.<sup>102</sup>

In regard to the May 27, 1968, U.S. Supreme Court ruling against "Freedom of Choice" as an effective plan to desegregate the New Kent County, Virginia, schools, Newport News argued that the decision was not applicable because of the variance in local conditions. City attorneys admitted that Newport News was not "a Los Angeles with its Watts ghetto area, nor a New York with its Harlem; neither was Newport News a New Kent County or some small county in an obstructionist

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<sup>100</sup> Personal correspondence from Ruby G. Martin, Director, Office of Civil Rights, Department of HEW, to George J. McIntosh, Superintendent of Newport News Public Schools, August 13, 1968.

<sup>101</sup> School Board of the City of Newport News, "Reply Brief in Behalf of the School Board of the City of Newport News, Virginia, Preliminary Statement," January 8, 1970:p. 2.

<sup>102</sup> School Board Minutes, June 27, 1968:p. 5.

location . . . ."<sup>103</sup> Newport News cited The Harvard Law Review which classified the New Kent Case as "easy." The Newport News City Attorney pointed to the extreme contrast between the two school systems to justify "Free Choice" in the City. The Newport News school system operated thirty-seven schools for 31,000 pupils, compared to two schools and 1300 pupils in New Kent County. In Newport News, twenty-seven of thirty-seven schools were integrated, compared to one in New Kent County. In addition, the Newport News "Freedom of Choice" plan required that a choice of school be made by all; whereas, in New Kent, if a choice was not made, students were automatically assigned to the last school attended.<sup>104</sup>

In response to the Newport News stance, the Department of HEW admitted that Newport News possessed unusual local circumstances. It also insisted that it did not require cross busing nor was it interested in racially balancing the schools. During the Justice Department hearing in August, 1969, HEW spokesmen maintained that it was coincidental that the pupil assignment plan developed by the Department provided for racial balancing and cross busing in the City's secondary schools.<sup>105</sup>

Before the non-compliance proceedings culminated in final order to terminate Federal assistance to the school system in the summer of

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<sup>103</sup> City of Newport News, Department of Law, Exceptions to Initial Decision and Order, April 3, 1970:pp. 19-20.

<sup>104</sup> Exceptions to Initial Decision and Order, April 3, 1970: pp. 19-20.

<sup>105</sup> Department of HEW, TRANSCRIPT OF PROCEEDINGS, In the Matter of the School Board of the City of Newport News, VA., and the State Board of Education of VA., Respondents. 5 Volumes, August 25, 1969: p. 449.

1971, the "Freedom of Choice" pupil assignment plan was challenged in the Federal court. In July, 1970, Negro citizens of the city of Newport News complained to the U.S. District Court for the Eastern District of Virginia. In a class action suit instituted against the School Board and Superintendent, the plaintiffs alleged that the school system had failed to "adopt and execute a plan that provides realistically and promptly to convert the system to a non-racial system."<sup>106</sup>

In the May 10, 1971, pre-trial hearing, Judge Walter Hoffman informed attorneys for the Newport News school system:

I would strongly suspect that under Freedom of Choice it's hopeless. You might as well forget it. I'm confident that your results wouldn't come under Green vs. New Kent County demands.<sup>107</sup>

The Influence of the U.S. District Court for the Eastern District of Virginia

Between May 17, 1954, and August 12, 1971, the NAACP brought three suits against the Newport News School Board and the School Superintendent; each case served to focus the issues involved at the time. In the City of Newport News, complaints resulting from alleged racial discrimination within the City school system were filed with the U.S. District Court for the Eastern District of Virginia. Federal district Judge Walter E. Hoffman presided over the three Newport News

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<sup>106</sup>U.S. District Court for the Eastern District of Virginia, Newport News Division, Frank V. Thompson infant, etc., et al., Plaintiffs, v. The School Board of Newport News, Virginia et al., Defendants, Civil Action File No. 102-70-NN, Summons, July 23, 1970:p. 5.

<sup>107</sup>Pre-trial Transcript, May 10, 1971:p. 2.

school desegregation suits. His reasoning and interpretation of the prevailing issues and changing higher court policy in regard to the constitutionality of the Newport News school desegregation plans were key determinants of the Newport News outcome.

The first case was argued before Judge Hoffman on February 11, 1957. Just prior to the Newport News hearing, Hoffman had ruled the State Pupil Placement Law unconstitutional.<sup>108</sup> Part of the Newport News defense contended that local school authorities could do nothing until the constitutionality of the law was finally settled.<sup>109</sup> In addition, Newport News defense attorneys argued that one-third of local school monies came from the State and that the City could ill-afford the State fund "cut off." The remainder of the school system's defense centered around black-white cultural differences and local white attitudes toward racial mixing in schools.<sup>110</sup>

In regard to local attitudes, Judge Hoffman concurred that "ninety-nine percent of the white people were opposed to integration."<sup>111</sup> Hoffman noted, however, that the U.S. Supreme Court had stated that

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<sup>108</sup>"Almond to Head Newport News Defense Counsel," Times-Herald [Newport News, Virginia], February 9, 1957:p. 9, col. 4.

<sup>109</sup>"School Integration in Newport News A September Opening Ruled," Times-Herald [Newport News, Virginia], February 12, 1957: p. 4, col. 5.

<sup>110</sup>"Integration Would Wreck Local School System, Superintendent Says in Trial," Times-Herald [Newport News, Virginia], February 11, 1957:pp.1, 10, col. 7-8.

<sup>111</sup>"School Integration in Newport News A September Opening Ruled," February 12, 1957: p. 4, col. 7.

"school children when assigned to public schools could not be discriminated against solely by reason of race and color." He recognized the dilemma faced by local school officials in light of the conflicting Federal and State policies and referred to the

. . . "unenviable position" that the school board and officials were placed in. If they complied with the Constitution of the U.S. as interpreted by the Supreme Court of the country, the State of Virginia would automatically close schools and terminate funds.<sup>112</sup>

Hoffman noted that he did not interpret the Supreme Court to have mandated mass integration and that he did not believe his ruling would result in such in Newport News.<sup>113</sup> However, he ordered an end to school segregation by the opening of the September, 1957, school year. The final paragraph of the court's order stated that the case was "to remain upon the docket of the court" and that the court was to retain jurisdiction and the power to modify the provisions of the decree.<sup>114</sup>

Judge Hoffman believed that court-ordered desegregation should not interrupt a school year,<sup>115</sup> a practice he was to adhere to strictly until after the Swann decision.<sup>116</sup> The Newport News school authorities

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<sup>112</sup>"School Integration in Newport News A September Opening Ruled," February 12, 1957:p. 4, col. 7.

<sup>113</sup>"School Integration in Newport News A September Opening Ruled," February 12, 1957:p. 4, col. 5.

<sup>114</sup>School Board Minutes, March 12, 1957:page unnumbered.

<sup>115</sup>"School Integration in Newport News A September Opening Ruled," February 12, 1957:p. 1, col. 2.

<sup>116</sup>Pre-trial Transcript, May 10, 1971:p. 2.

elected to appeal the court's decision, realizing that the practical effect of such action would be to move the court's deadline forward to September, 1958.<sup>117</sup>

Close at hand was the Warwick-Newport News merger referendum; and once consolidation was consummated July 1, 1958, a new city of Newport News was created, in effect killing the February, 1957, Federal District Court order. Legal counsel for the plaintiffs "at the time believed the consolidation nullified the Court order and the defense attorneys were certain it had."<sup>118</sup> The defendant school system, however, had prepared for either eventuality of the court's reasoning in the case, and had its first contention failed, was ready to resume the earlier argument that the State had divested from the Superintendent and School Board the authority to assign pupils to the systems schools. Had this argument failed, the School Board was prepared to seek the guidance of the district court and draw up a non-racial pupil assignment plan.<sup>119</sup>

After the consolidation, Negro students once again applied for admission to the City's white schools, and by May, 1959, the second NAACP-sponsored school desegregation suit was pending in the Federal District for the Eastern District of Virginia.<sup>120</sup> This suit, referred

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<sup>117</sup>"School Integration in Newport News A September Opening Ruled," February 12, 1957:p. 1, col. 2.

<sup>118</sup>Personal Interview, June 23, 1977.

<sup>119</sup>School Board Minutes, July 10, 1958:p. 30.

<sup>120</sup>School Board Minutes, September 17, 1959:p. 174.

to as the "Sharon Adkinson" case, eventually died for lack of prosecution. Judge Hoffman in 1962 removed it from the court's docket and later recalled:

It stayed on the docket so long, it had whiskers on it, and finally I just advised counsel I was going to dismiss it, and I did.<sup>121</sup>

Negro leaders attributed their failure to prosecute the case to the pressure applied against the Negro attorneys and plaintiffs emanating from the Virginia State Bar Association and from the white community. In addition, Negro leaders believed that for the black community, the issue of school segregation was more sharply focused immediately following the U.S. Supreme Court's Brown decisions which had made it easier to endure the time required to litigate a civil rights suit.<sup>122</sup>

Shortly after the "Sharon Adkinson" case died for lack of prosecution, black leaders, dissatisfied with school desegregation progress in Newport News, organized to pressure for change. Under the leadership of Phillip Walker and other black leaders, a committee was formed to unite the various black organizations in Newport News in their drive for equal educational opportunity. The committee, later

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<sup>121</sup>U.S. District Court for the Eastern District of Virginia, Newport News, Virginia, Frank V. Thompson et al., Plaintiffs, v. The School Board of the City of Newport News, VA. et al., Defendants, Trial Proceedings, Vol. I, August 4, 1971:p. 70.

<sup>122</sup>Personal Interview, June 23, 1977.

named the Peninsula Coordinating Committee arrived at the major decisions on school desegregation within the black community.<sup>123</sup>

The "Sharon Adkinson" case surfaced again once the Department of HEW initiated proceedings to terminate Federal assistance to Newport News. Judge Hoffman was opposed to Federal agencies' interference in his court;<sup>124</sup> and aware of his attitude, once compliance enforcement proceedings were under way in 1968, Newport News attempted to re-open the case, realizing that HEW could not initiate administrative proceedings where a school district was under final court order to desegregate.<sup>125</sup>

During the August 19, 1969, Justice Department hearing, Newport News maintained that Judge Hoffman's court retained jurisdiction in the matter as a result of the 1959 "Sharon Adkinson" case. City attorneys argued that the school system had, in 1960, submitted by order of the Federal district court a desegregation plan entitled Rules and Regulations for the Assignment and Transfer of Pupils,<sup>126</sup> a plan which was in effect until Congress passed the 1964 Civil Rights Act. The HEW hearing examiner refused to accept this argument, noting that the

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<sup>123</sup> Personal Interview, July 22, 1977.

<sup>124</sup> Trial Proceedings, Vol. I, August 4, 1971:p. 30.

<sup>125</sup> Personal correspondence from Lewis E. Grotke, Attorney, Office of General Counsel, Department of HEW, to Robert V. Beale, Newport News City Attorney, October 7, 1968.

<sup>126</sup> Department of HEW, TRANSCRIPT OF PROCEEDINGS, In the Matter of the School Board of the City of Newport News, VA., and the State Board of Education of VA., Respondents, 5 Volumes, August 19, 1969: pp. 6-18.

case had been dismissed from the district court's docket without prejudice to either party and had not resulted in a "final order" to desegregate.<sup>127</sup>

The final desegregation suit, the "Frank V. Thompson" case, was filed against the Newport News School Board and School Superintendent on July 23, 1970.<sup>128</sup> The failure of the School Board to comply with HEW requests and institute a plan designed to desegregate existing Negro schools was believed to be the cause of the litigation. At that point in time, the HEW compliance enforcement proceedings were two years old, and Negro leaders viewed the final outcome with some uncertainty.<sup>129</sup> The case was the first successful class action suit brought against the Newport News school authorities, and the relief requested by the plaintiffs applied to "other Negro children attending or who hereafter will attend public schools" in Newport News.<sup>130</sup>

The Newport News City Attorney developed the school system's defense around the exception to busing paragraph in the Swann case.<sup>131</sup>

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<sup>127</sup>Administrative Proceedings in the Department of HEW, "In the Matter of the SCHOOL BOARD OF NEWPORT NEWS, VIRGINIA, AND STATE BOARD OF EDUCATION OF VIRGINIA, Respondents, INITIAL DECISION AND ORDER," February 11, 1970:p. 18.

<sup>128</sup>U.S. District Court for the Eastern District of Virginia, Newport News Division, Frank V. Thompson infant, etc. et al., Plaintiffs v. the School Board of Newport News, Virginia et al., Defendants, Civil Action File No. 102-70-NN, Summons, July 23, 1970:p. 2.

<sup>129</sup>Personal Interview, June 29, 1977.

<sup>130</sup>U.S. District for the Eastern District of Virginia, Newport News Division, Civil Action File No. 102-70-NN, Summons, July 23, 1970:p. 3.

<sup>131</sup>Personal Interview, June 7, 1977.

In all, the school system presented four witnesses to the court. Two school officials, both Superintendent George J. McIntosh and Assistant Superintendent Oliver C. Greenwood, testified as to the unique geographic and social conditions that characterized the consolidated city of Newport News and pointed out the factors involved in developing the school desegregation plans under consideration before the court. William H. Gordon, Jr., the City's traffic engineer, graphically displayed the limitations of a busing plan imposed by City streets. The fourth witness, Dr. John Hogge, testified as to the adverse effect of busing on "children of tender years,"<sup>132</sup> especially over long periods of time.

The local conditions referred to by City school authorities, and later labeled by Hoffman as the most troublesome aspects of the Newport News case,<sup>133</sup> were the unique size and shape of the consolidated city of Newport News. Consolidation had "resulted in a school district . . . cigar-shaped, twenty-two  $\pm$  miles in length and varying in width from seven-tenths of one mile at its narrowest point to six miles at its widest point."<sup>134</sup> The City was served by only two major north-south traffic arteries connecting the former cities of Warwick and Newport News; the two busiest intersections were situated in the narrowest strip. By 1970 the City claimed a population of approximately

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<sup>132</sup>Trial Proceedings, August 4 and August 12, 1971, Vol. I and II, pp. 15-300.

<sup>133</sup>Personal Interview, July 29, 1977.

<sup>134</sup>U.S. Court of Appeals for the Fourth Circuit, Frank V. Thompson et al., Appellants, v. The School Board for the City of Newport News et al., Appellees, Brief for Appelles, 1974, p. 4.

135,000; of this total, thirty-six percent was non white and eighty percent of this non-white population resided within the four square mile area of the former city of Newport News. Thirteen of the City's thirty-two elementary schools and two of the seven high schools were located in the old city; eleven of the elementary schools and one of the high schools were all or predominantly Negro. The shipyard with its 22,000 employees was located in the former city, along with the Chesapeake and Ohio Railroad yard and pier complex, and lesser industries. The concentration of blacks and the concomitant all-Negro schools there were a result of housing patterns and did not result from legally imposed separation of the two races.<sup>135</sup>

Along with introducing the court to the local circumstances that limited school desegregation alternatives, the school officials presented their proposed secondary and elementary plans. The high school pupil desegregation plan prepared by the local school officials and submitted to the court on August 4, 1971, in essence provided for a sixty/forty racial mix ratio in six of the city's seven secondary schools, leaving Denbigh High School, located in the city's north end, with a racial mix ratio estimated at eighty-two/eighteen.<sup>136</sup> In comparison to the high school plan, the elementary plan was more difficult to resolve. The first plan, essentially a neighborhood design, was

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<sup>135</sup>U.S. Court of Appeals for the Fourth Circuit, Brief for Appelles, 1974, pp. 4-6.

<sup>136</sup>Trial Proceedings, Vol. I, August 4, 1971:p. 10.

presented to the court on August 4, and was refused by Judge Hoffman, who noted that none of the eleven Negro elementary schools "are being broken up under your plan."<sup>137</sup> The second plan submitted, the one eventually adopted by the court, in effect provided that children in the northern portion of the City would spend their first five years of public education in a school in proximity to their neighborhoods, while children in the southern section of the City were to spend their first two years in a neighborhood school. Plaintiff attorneys objected to this and to the fact that the plan assigned all first and second graders to neighborhood schools in effect maintaining the separation of races at that level.<sup>138</sup>

During the first day of the trial, Dr. John Hogge, a local pediatrician, testified that in his opinion the long school day, which would result from busing under the unique local conditions, would work to the detriment of "the health of the child over the long run." "First and foremost," it would impinge upon the health of the child. Citing studies, Dr. Hogge testified that "a child who has had his health impinged upon" is going to have the learning process or educational process significantly "impinged upon at the same time."<sup>139</sup>

Hoffman recognized the Swann principle upon which the argument was based. Early in the trial, he admonished the prosecuting attorney

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<sup>137</sup>Trial Proceedings, Vol. I, August 4, 1971:p. 37.

<sup>138</sup>Trial Proceedings, Vol. II, August 12, 1971:pp. 264-266.

<sup>139</sup>Trial Proceedings, Vol. I, August 4, 1971:pp. 113-119.

by stating, "I will first say to you very frankly that I know what Mr. Beale is driving at with respect to the one sentence in the Swann opinion";<sup>140</sup> and near the end of the trial, Hoffman stated, "I have followed it very closely, and I realize you are relying on about five lines of the Chief Justice's opinion."<sup>141</sup>

In accepting the system's elementary plan, Hoffman noted that he was aware that his record was very poor with the Circuit Court of Appeals; however, he recognized that the Supreme Court had advocated innovative measures to correct racial discrimination in the schools, and he believed that leaving first and second graders in neighborhood schools was constitutional "when we also consider that the school as a whole" would become racially unidentifiable.<sup>142</sup>

### Summary

Chapter III described and traced the development of the major issues exerting influence on the Newport News school desegregation process and identified as probable causal factors of the 1971 court-adopted plan. The chapter described the impact of Federal and State policy on the locality, the reaction to such pressure by local school

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<sup>140</sup>Trial Proceedings, Vol. I, August 4, 1971:p. 67.

<sup>141</sup>Trial Proceedings, Vol. I, August 4, 1971:p. 193.

<sup>142</sup>U.S. District Court for the Eastern District of Virginia, Newport News Division, Frank V. Thompson et al., Plaintiffs, v. The School Board of the City of Newport News, Virginia et al., Defendants, Civil Action No. 102-70-NN, Opinion from the Bench, Vol. III, August 12, 1971:p. 12.

authorities as well as the issues that prevailed locally and those argued in the August, 1971, trial.

The impact on and local reaction to the U.S. Supreme Court Brown decisions and the Civil Rights Act of 1964 were described as well as the U.S. Supreme Court's rulings in New Kent and Swann. At the State level, the impact of "Massive Resistance" and the subsequent "tuition grant" program was outlined. Locally, the School Board pupil assignment practices and school facility construction policies with regard to the local desegregation issues were described and traced for the seventeen-year period, along with the issues and events which involved the Federal District Court for the Eastern District of Virginia in the school desegregation process.

## Chapter IV

### ANALYSIS OF FACTORS

#### Introduction

This chapter further describes the causal factors or issues and analyzes the importance of each issue with regard to the Newport News desegregation process and issue influence upon the shape of the August 12, 1971, plan. Major Federal and State policy decisions and the three local factors are further documented and the extent of their influence over the Newport News desegregation process is explained.

#### Federal Influence

According to the testimony given during interviews by local school authorities, the evolving Federal school desegregation policy decisions determined the Newport News outcome, and all other influences were secondary.<sup>1</sup> George J. McIntosh corroborated this belief, noting that after he assumed the Newport News school superintendency in July, 1965:

. . . the one factor creating the greatest impact upon all elements of the school system . . . was the evolving pressure and action . . . of the Federal government to dismantle the dual school system and to establish a pattern of complete racial integration.<sup>2</sup>

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<sup>1</sup>Personal Interviews, June and July, 1977.

<sup>2</sup>Newport News Public Schools Progress Report July 1, 1965-January 1, 1975, Newport News, Virginia; 1975:p. 2.

Confirming the importance of the Federal policy impact on the Newport News school desegregation process was the fact that the Newport News School Board and School Superintendent were engaged in school desegregation proceedings either with the Federal court or with HEW during nine of the seventeen years studied. Three of the nine years, those involving the school system in the Department of HEW's compliance enforcement proceedings, were in response to the 1964 Civil Rights Act; while six of the seven years of court litigation were in response to the U.S. Supreme Court's Brown decisions. The final year of litigation, occurring between July, 1970, and August, 1971, was in part a response to the Green v. New Kent decision and in part a result of Negro dissatisfaction with the deliberateness of the HEW proceedings.<sup>3</sup>

Further indication of the Federal government's general impact on the local school system was the relationship between the black leadership pressure for change and the evolving school desegregation Federal policy decisions. All attempts of the NAACP to influence local school policy closely corresponded to the dates that major school desegregation Federal policy decisions were rendered. To illustrate this point, the NAACP representatives came before the School Board in February, 1954, just three months before the Supreme Court decided the outcome of Brown I. In July, 1955, two months after the Court decided Brown II, Mrs. E. C. Downing and other representatives of the NAACP urged

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<sup>3</sup>Personal Interview, June 29, 1977.

"complete desegregation" of the schools.<sup>4</sup> Again, in August, 1964, the same month that Congress enacted the 1964 Civil Rights Act, a letter addressed to the school system Superintendent from Mrs. Jessie Rattley, president of the local branch of the NAACP, stated, "The branch is here urging that the School Board recognize and give effect to the constitutional rights of the Negro school children in this community."<sup>5</sup>

Finally, representatives of the Black Unity Congress--a group comprised primarily of the younger black set, recent graduates of the City's two black high schools, and somewhat disillusioned with the slowness of civil rights change in Newport News<sup>6</sup>--appeared before the School Board in July, August, and September, 1968, at the beginning of the HEW compliance enforcement proceedings to air concern pertaining to the Board's building principal assignment practices toward small Negro elementary schools and to complain about the declining state of Walter Reed Elementary.<sup>7</sup>

The guidelines pertaining to a "free choice" pupil assignment plan handed down by the U.S. Supreme Court in the Green v. New Kent decision helped shape the final Newport News pupil desegregation plan. The School Board's plan had not satisfied the fifteen percent desegregation ratio expressed in New Kent; and most important was the fact

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<sup>4</sup>School Board Minutes, July 14, 1955:p. 2.

<sup>5</sup>School Board Minutes, August 20, 1964:p. 91.

<sup>6</sup>Personal Interview, July 19, 1977.

<sup>7</sup>School Board Minutes, July, August, September, 1968.

that "free choice" had not eliminated the racial identifiability of Negro schools located in the densely populated former city of Newport News nor in the traditional Negro schools in former Warwick City. The New Kent decision in effect forced the school system toward a plan which was to be founded on the concept of cross busing. The decision did not mandate the cross transporting of school children, but satisfying the New Kent guidelines in Newport News would have required busing black students out of the former city of Newport News and white students in from the former city of Warwick.

The April 20, 1971, U.S. Supreme Court's Swann decision was a major determinant of the August 12, 1971, court-ordered plan. The fact that the Federal government ceased to pressure for change in Newport News once Swann was before the Supreme Court pointed to Swann's importance in regard to the Newport News question. Once the decision was rendered and the Newport News litigation was resumed in the Federal District Court for the Eastern District of Virginia, the principles handed down in Swann were decisive in shaping the final desegregation plan. Swann suggested a "racial balance" or "quota" as a starting point for school desegregation; the August 12, 1971, plan was to leave no school with greater than a forty percent Negro student population. Swann provided for an exception to busing by noting that the limits of time and travel would "vary with many factors but probably with none more than the age of students." The plan adopted on August 12, 1971, assigned pupils in grades one and two to neighborhood schools.

In its relationship to the Newport News question, the Department of HEW twice ordered deferral for approval of application for new financial assistance pending the outcome of the enforcement proceedings.<sup>8</sup> Certainly, the prospect of fund termination limited the school system's ability to plan, but major actors were certain that the Department of HEW was not involved in the final solution of the Newport News question.<sup>9</sup> There were, however, opportunities for involvement. The Federal agency had in the spring of 1969 designed a plan to dismantle the Negro schools in the former city of Newport News; and during the August, 1971, trial hearings, the Federal district judge, dissatisfied with the Newport News elementary plan, warned local school authorities to submit another or he would "order his own plan with the assistance of the NAACP or HEW."<sup>10</sup>

#### State Influence

Public documents and major actor accounts tend to corroborate the State of Virginia's role in the Newport News desegregation process. The "anti-integration" legislation during the "massive resistance" era influenced the Newport News stance at the time. The School Board and

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<sup>8</sup>Personal correspondence from Ruby G. Martin, Director, Office of Civil Rights, Department of HEW, to George J. McIntosh, Superintendent of Newport News Public Schools, August 13, 1968;

Personal correspondence from Leon E. Panetta, Director, Office of Civil Rights, Department of HEW, to George J. McIntosh, Superintendent of Newport News Public Schools, February 20, 1970.

<sup>9</sup>Personal Interview, July 14, 1977.

<sup>10</sup>Trial Proceedings, Vol. I, August 4, 1971:p. 3.

school officials continued to operate a racially segregated school system, reasoning that they could not legally desegregate the City's schools.

State law apparently compounded the issue at the local level. Judge Walter Hoffman noted that in passing the "massive resistance" legislation, "the General Assembly had made whipping boys" of school superintendents and school boards.<sup>11</sup> The Newport News School Superintendent stated that he "simply did not know a tenable position in the conflict between Federal court interpretation and existing State law."<sup>12</sup>

State influence in the Newport News school desegregation process began to decline after the General Assembly repealed the "anti-integration" legislation in 1959. The "tuition grant" legislation that replaced the "massive resistance" acts by 1960 was really not a force in the Newport News case. The Superintendent and Board were divided on the law's implication for Newport News. In November, 1964, the Board voted four to three to approve the 209 applicants for private schools before them at the time.<sup>13</sup> During that same year, Federal courts modified the "tuition grant" law; and beginning with the 1965 school year, tuition grant scholarships were no longer mentioned in School Board minutes.

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<sup>11</sup>"Desegregation Is Ordered for Norfolk Schools," Times-Herald [Newport News, Virginia], February 12, 1957:p. 1, col. 1.

<sup>12</sup>School Board Minutes, March 12, 1957:p. 357.

<sup>13</sup>School Board Minutes, November 19, 1964:p. 118.

Beginning in 1968, the State of Virginia was indirectly involved in the Newport News HEW compliance enforcement proceedings. Of the nine pieces of personal correspondence examined emanating from State officials during the proceedings, seven were from Harry Elmore, Deputy Superintendent, Virginia State Board of Education, and pertained to the pending fund cut-off in Newport News. One letter came from John P. Hamill, Supervisor of School Buildings, State Board of Education, and was written in response to an HEW inquiry relevant to school plant age and characteristics in Newport News. The remaining letter was from Governor Linwood Holton to the Secretary of HEW, Robert H. Finch, thanking the Secretary for arranging a meeting between the local school officials and HEW authorities. Once the "Frank V. Thompson" case was underway in 1970, no State agency was involved in Newport News.

#### School Construction Influence

School construction dates and annual pupil enrollment figures illustrate in part the problems faced by the Newport News school authorities prior to the 1958 consolidation. Table 2 (Appendix H) shows that between June, 1945, and June, 1958, the school system gained 1820 black pupils while losing 283 white pupils, a net increase of 1537 black pupils. By June, 1958, Negroes comprised 57.1 percent of the total school system enrollment. Table 3 (Appendix H) indicates that during this time the School Board did not construct new Negro schools, electing instead to provide new classroom space for the growing Negro school population through expansion of existing school facilities.

This policy ultimately created a problem since campus sites were small and schools were located in densely populated urban areas, factors which in effect limited expansion and made site acquisition more difficult.

In addition to the urban conditions, three other factors appear to have limited the Board's ability to plan relief for Negro school overenrollment. First, the School Board utilized a bi-racial pupil assignment plan, typical for the time and the locality. Once classroom space became available at white schools due to decreasing white enrollments, Negro students could occupy the space only after the remaining white students were transferred to other white schools. Secondly, the merger held implications for school facility planning in Newport News; as the date of the referendum drew near, Board member Dr. C. Waldo Scott questioned the validity of the five-year building plan.<sup>14</sup> The uncertain outcome of the State's "massive resistance" stance also hindered the School Board and officials in their efforts to plan school buildings early in the process, especially after the first civil rights suit was filed against the school system in April, 1956. Dr. R. O. Nelson, referring to the impact of these factors on the school system, stated that the uncertainty of the time made intelligent planning for buildings impossible.<sup>15</sup>

However, the School Board in June, 1959, included in its

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<sup>14</sup>School Board Minutes, May 7, 1957:p. 3.

<sup>15</sup>School Board Minutes, September 29, 1956:p. 2.

capital outlay budget provisions for forty classrooms to be divided into four new Negro elementary schools in the old city of Newport News. The decision was apparently influenced by three circumstances: first, by April, 1959, the State had repealed the "massive resistance" acts and local school authorities realized the intent of the new legislation designed to circumvent court-ordered school desegregation; secondly, just one month prior to the Board decision, the U.S. District Court for the Eastern District of Virginia had in response to the "Sharon Adkinson" suit ordered the Board to submit to the court within one hundred eighty days a racially non-discriminatory pupil assignment plan; finally, Negro elementary school overcrowding had reached a critical point. By June, 1959, Dunbar Elementary School averaged forty-one pupils per class, while B. T. Washington averaged thirty-nine. The remaining two Negro elementary schools, Jefferson and John Marshall, averaged thirty-four pupils per classroom.<sup>16</sup>

Of the Board's 1959 budgetary provision, four rooms of the projected forty-room outlay were planned for a Maple Avenue site at the edge of the expanding Negro community near the white school Wilson. This school, to be called Clark, was to accommodate an estimated seventy-five Negro pupils residing nearby. Black citizens questioned the adequacy of such a small school and wanted to know if the school would be served by a fulltime administrator.<sup>17</sup> Nevertheless, the School

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<sup>16</sup> School Board Minutes, June 18, 1959:p. 148.

<sup>17</sup> School Board Minutes, October 20, 1960:p. 35.

Board utilized this practice; small elementary schools located in former Newport News were not assigned fulltime building principals, and an administrator was shared between two buildings. To illustrate further, the principal at B. T. Washington Elementary was responsible for both that school and Clark Elementary; the same was true at Dunbar-Erwin, and at Reed-Huntington Elementaries.<sup>18</sup>

Black leaders at that time contended that the Board policy was biased<sup>19</sup> and was promulgated to continue the separation of the races in the City's schools.<sup>20</sup> White leaders later agreed that the policy was a product of the racial attitude of the time designed in the aftermath of "massive resistance" and, in retrospect, believed that since it located schools in the high density former city of Newport News, the policy tended to complicate the final shape of the August 12, 1971, court-adopted plan.<sup>21</sup> Unknowingly in June, 1959, the School Board in its attempt to satisfy Negro classroom needs while at the same time continuing the segregated school pattern by the strategic placement of the four Negro elementary schools had assigned a more difficult task to those responsible for the August 12, 1971, plan. That plan was to pair John Marshall and James Lee with suburban schools, necessitating cross busing to achieve a balanced racial mix. The four-room school

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<sup>18</sup> Personal Interview, June 29, 1977.

<sup>19</sup> School Board Minutes, March 3, 1961:p. 78.

<sup>20</sup> Personal Interview, June 23, 1977.

<sup>21</sup> Personal Interviews, June and July, 1977.

Clark was paired with nearby Wilson, while Erwin became a neighborhood school for first and second graders. The location and the capacity of all four schools were key components in the final court-adopted plan.

In 1953 prior to the U.S. Supreme Court's Brown vs. Topeka, the Negro leadership thought in terms of a new junior high school to accommodate the increasing Negro school enrollment. Following the U.S. Supreme Court's Brown decisions, black leaders envisioned a new senior high school for the City and advocated that both the Negro Huntington and white Newport News high schools be converted to junior high schools.<sup>22</sup> Following the merger referendum in July, 1957, the school Superintendent and white-dominated School Board thought in terms of a new Negro senior high school situated between Huntington and Carver, the consolidated City's existing Negro high schools, both of which were to become Negro junior high schools.<sup>23</sup> This basic difference in viewpoints as to whether or not the new school location would expedite racial mixing or maintain the segregation of the races seemingly more than any other factor signaled the death of the new senior high school.

During the late 1950's and early 1960's, the School Board spent an inordinate amount of time attempting to resolve whether or not to construct a new high school or to meet enrollment needs by adding to the existing black Huntington High School facility. Until 1962, the Board was indecisive in settling on either of these alternatives.

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<sup>22</sup>School Board Minutes, January 14, 1953:p. 2.

<sup>23</sup>School Board Minutes, July 29, 1957:p. 393.

Once expansion was elected, the Board was vehemently challenged by black leadership; and the ensuing controversy prevailed over other issues at the time. The intensity of the problem was such that on June 18, 1964, Dr. W. T. Watkins, Jr., a member of the Newport News School Board, noted that the "particular problem had consumed more time than any other one item in his six years on the Board." At the same meeting, the Superintendent stated that there had not been a single meeting between October, 1958, and August, 1962, that the Huntington question had not been discussed.<sup>24</sup>

Much of the Huntington controversy centered around locating a suitable site. Black leaders in their argument for a new high school pointed to the urban setting and inadequate size of the existing campus and noted that State Board of Education regulations required ten acres of site for the first 1000 pupils and one acre for each additional one hundred students.<sup>25</sup> The Huntington site did not satisfy these standards.

The Huntington issue without question had been kept before the Negro community and had created a unity of purpose there. The Daily-Press quoted Dr. C. Waldo Scott as stating that "ninety percent of the parents of Huntington students have indicated a desire to continue with the crowded school conditions if they can look forward to a new school rather than the present expansion." In the same article, Councilman Edward V. Foretich stated, "Some very highly agitated

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<sup>24</sup>School Board Minutes, June 18, 1964:pp. 58-59.

<sup>25</sup>Personal Interview, June 29, 1977.

persons have indicated . . . they are not satisfied with the situation and I think they represent the thinking of the colored people of the East end section."<sup>26</sup>

By 1965, the Huntington expansion issue was dead, probably because Negro expansion was a reality and had along with "Freedom of Choice" alleviated the Negro overenrollment problem in old Newport News. By the beginning of the 1968 HEW compliance enforcement proceedings, the on-site review team that visited the Newport News school system found no appreciable differences between the Negro and white high schools.<sup>27</sup>

#### Pupil Assignment Influence

The Rules and Regulations for the Assignment and Transfer of Pupils adopted by the School Board in April, 1960, was in response to pressure from the Federal District Court for the Eastern District of Virginia. The pupil placement criteria incorporated in the plan was a result of the "tuition grant" legislation enacted by the General Assembly following the repeal of the "Massive Resistance" Acts. The emergence of the plan closely corresponded to the Newport News School Board's adoption of the school construction program formulated to remedy the Negro school overcrowding problem predominant in the old city of Newport News. Seemingly, the one policy complemented the

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<sup>26</sup> School Board Minutes, June 18, 1964:pp. 58-59.

<sup>27</sup> "Compliance Review of Newport News, Virginia," May 29, 1968: unpublished source, pages unnumbered.

purpose of the other, since proximity of residence to school location was a factor in pupil placement at the time. Like the Board's school construction policy, the pupil assignment plan was a product of the prevailing social beliefs and circumstances of the early 1960's and was intended, at best, to provide only token school integration.

The "Freedom of Choice" pupil assignment policy that ensued from the 1964 Civil Rights Act was not voluntarily adopted by the Newport News School Board. The plan was instituted in response to the regulations developed by the Department of HEW. The Newport News City Attorney in response to an inquiry from the School Board chairman recommended that the Board execute the Statement of Compliance, since the State Board of Education had done so. In addition, HEW refused final payment of PL #874 monies prior to the receipt of an acceptable plan. At the same time, local school officials were already counting on the Federal assistance available through the 1965 Elementary and Secondary Education Act.

The "Freedom of Choice" plan in effect in Newport News during the 1965-1970 school years increased the overall rate of desegregation occurring within the City school system. Table 4 (Appendix H) shows that by the 1970-71 school year, thirty of the school system's forty schools had varying degrees of racial mixing. Twenty-five of the thirty schools, however, were located in the former city of Warwick. Of the thirteen schools operating in the old city of Newport News during the 1970-71 school year, eleven contained all or predominantly black enrollments.

The plan did not curb the changing racial composition occurring within the old city. Between the 1966 and 1970 school years, Newport News High School lost 539 white pupils and gained 391 black pupils for a net decrease in enrollment of 148 pupils. Magruder Elementary School, basically a white school at the beginning of the 1966 school year, was predominantly Negro at the beginning of the 1967 school year. Marshall, Clark, James Lee, and Erwin--the small Negro elementary schools built after 1960--continued to house all black enrollments after "Free Choice" was adopted.

The racial composition in the former city of Newport News was such that "Free Choice" could not have eliminated the racial identifiability of the predominantly Negro schools located there and could not have satisfied the fifteen percent rate of desegregation prescribed by the U.S. Supreme Court in its New Kent decision. The total pupil enrollment for schools located in the former city of Newport News during the 1970 school year was 8935 pupils; whites comprised 15.8% of this school population. On the other hand, in the former city of Warwick, fifty-four percent of the total Negro school population attended predominantly white schools during the 1970 school year, well above the minimal standard advocated by the New Kent ruling. The remaining forty-six percent of the Negro school population in former Warwick attended Newsome Park and Carver Elementary Schools and Carver High School, all Negro schools by tradition.

Judge Hoffman had noted that Swann recognized the fact that local circumstances might necessitate some schools remaining all-white

or all-black.<sup>28</sup> In any case, Carver Elementary and Carver High School, two of the former city's "Negro" schools, were located in a predominantly white neighborhood near traditionally white schools and could have been desegregated without drastically reorganizing the entire school system (See Appendix G).

The problem with "Free Choice" in Newport News was that it failed to desegregate the predominantly black schools in the old city. Pupils there elected to attend schools near their residence.

The Federal District Court for the Eastern  
District of Virginia Influence

One might argue that had it not been for Federal government intervention in the school desegregation process, racial mixing would not have occurred; there remains no question that the Federal government--primarily through high court decisions--established the goals and determined the guidelines within which the goals were to be achieved. But the higher courts were always cautious to leave the primary task of desegregating the schools to Federal district courts. None of the major decisions impacting upon the Newport News case prescribed a definite solution; all left the details to the discretion of the district court. Judge Hoffman pointed to this lack of specificity by noting the way the Supreme Court had gone in its decisions; "they [Justices] give wide discretion to accomplish anything." He continued by saying, "They've utterly failed to do what I've been harassing them

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<sup>28</sup>Trial Proceedings, Vol. I, August 4, 1971:p. 38.

to do . . . tell us what they're talking about when they speak of a unitary system."<sup>29</sup>

In addition, the higher court reasoned that local circumstances could mitigate the final solution and refused to set minimal racial mixing quotas or establish definite standards that had to be satisfied.<sup>30</sup> This reluctance on the part of the higher court left the district judge with rather broad discretionary powers in arriving at a solution; it is by this reasoning that the researcher determined Judge Hoffman's importance in shaping the August 12, 1971, court-ordered plan.

In the field of school desegregation, Judge Walter Hoffman was considered a conservative by those involved in the Newport News desegregation process. Newport News preferred that Hoffman's court determine the merit of its school desegregation practices. This was true in the City's encounter with HEW and applied as well to other Federal district judges serving the Eastern District of Virginia. Hoffman himself recognized this fact, and before the final trial hearing jokingly commented to school system attorneys, "I'll be glad to have Judge Mehridge hear it [the case] for you if you don't want to wait for me."<sup>31</sup>

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<sup>29</sup>Pre-trial Transcript, May 10, 1971:p. 1.

<sup>30</sup>Pre-trial Transcript, May 10, 1971:p. 1.

<sup>31</sup>Pre-trial Transcript, May 10, 1971:p. 2.

Civil rights attorneys who had prosecuted school desegregation suits in Hoffman's court beginning in the 1950's believed that he had grown more conservative by the 1971 trial hearing and attributed the cause to white reaction in form of public opposition and personal encounters that followed many of his earlier court rulings on school desegregation.<sup>32</sup> However, legal counsel for the School Board was concerned that the overturning of Hoffman's decision in Brewer v. Norfolk by the Fourth Circuit Court of Appeals would make him less receptive to the city's arguments.

Nevertheless, Judge Walter Hoffman was the key determinant in the plan that was eventually accepted in the court. His interpretation of Swann had been explained to the counsel for both sides at the May 10, 1971, hearing. At the time he had hinted that grades one and two could be left neighborhood.<sup>33</sup> He understood the focus of the Newport News defense in regard to "significantly impinging" on the health and welfare of children, and on the educational process.

Legal counsel for the defendant school system believed that the uncontradicted testimony of Dr. John Hogge was the primary reason that Judge Walter Hoffman ruled that grades one and two were to remain in neighborhood schools.<sup>34</sup> Plaintiff attorneys agreed and believed

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<sup>32</sup> Personal Interview, June 23, 1977.

<sup>33</sup> Pre-trial Transcript, May 10, 1971:pp. 1-2.

<sup>34</sup> Personal Interview, June 7, 1977.

that they had made a tactical error by not introducing counter-expert testimony.<sup>35</sup> Judge Hoffman pointed to the importance of Dr. Hogge's testimony in arriving at his decision. He stated that:

On the record, we have the undisputed testimony of Dr. Hogge. . . . While I do not accept Dr. Hogge's testimony in its entirety . . . , I am old-fashioned enough to think that it is vitally important for a child starting to public schools to begin in a climate of relative happiness and of parental support.<sup>36</sup>

The Federal District Court for the Eastern District of Virginia drew a relationship between Federal policy and the local conditions that characterized Newport News. Federal policy as established through the Swann decision suggested thirty to thirty-five minutes one way on a school bus as enough travel time. Based upon this time factor and the age of the child, the Supreme Court allowed for an exception to busing. The size and shape of Newport News and its patterns of racial distribution required in certain cases more travel time than this.

Hoffman acknowledged that the neighborhood first and second grade aspect of the elementary plan was unique and justified his acceptance of it by referring to the high Court's endorsement of "innovative remedies" toward school desegregation problems. These factors, coupled with the Swann exception clause to busing, led Hoffman to accept the Newport News elementary plan.

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<sup>35</sup>Personal interview, June 23, 1977.

<sup>36</sup>U.S. District Court for the Eastern District of Virginia, Newport News Division, Frank V. Thompson et al., Plaintiffs, v. The School Board of the City of Newport News et al., Defendants, Civil Action No. 102-70-NN, Opinion From the Bench, Vol. III, August 12, 1971:pp. 6-7.

Neither the "Jerome Atkins" nor "Sharon Adkinson" cases influenced the final shape of the August, 1971, Newport News desegregation plan. Each was in response to the U.S. Supreme Court's Brown decisions, and Judge Hoffman, in 1957, had interpreted these decisions not to mandate mass school integration.

### Discussion

In a word, and in a context that all understood, the governing powers maintained a stance of "never"--or at least an interminable delay in desegregating the schools. The purpose of the State's "Massive Resistance" program was to avoid racially integrated schools, and the entire process revolved around policy interpretations of what constituted racial discrimination within the City's schools.

To the white-dominated School Board, school integration did, however, seem inevitable by 1960, a consequence of the fall of "Massive Resistance" and the continuing black citizen pressure through the Federal District Court for school desegregation, especially in the old City of Newport News where the majority of blacks were concentrated. The increasing number of Negro residents there, along with changing Federal government policy, posed a threat to the traditional segregationist way of life characteristic of the setting.

The pressure brought to bear by the black community upon the School Board for school desegregation was the product of organized design. Black leaders by 1962 had twice failed to bring about school desegregation through the Federal District Court and subsequently reorganized to more effectively pressure for change. Few white leaders

had knowledge of the way the black community was organized. Similarly, white leaders did not know why the NAACP attorneys failed to counter Dr. John Hogge's testimony. Perhaps the most reasonable explanation for this failure was one cited in an interview. Black citizens were afraid for their small children to leave the neighborhood school and generally felt that the purpose of litigation had been achieved. In any case, decisions such as this one and the one responsible for the final trial appear to have been made by the Peninsula Coordinating Committee.

The Newport News school desegregation process was primarily a response to evolving Federal policy, but the specific events and issues that characterized the process were determined by local issues and actors. Black citizens focused on Negro school overcrowdedness and the differences between white and black school plants in their drive for school desegregation. White school leaders cited the unique local conditions that resulted from consolidation: the size and shape of the city, housing patterns, and the location of major industry. Ultimately, all issues converged and were argued before Judge Walter Hoffman; the outcome validated to some extent the contentions of both local factions.

A stated need for the study was to explore the effect, if any, of local conditions on the implementation of school desegregation policies formulated higher up the governmental hierarchy. In Newport News prior to implementation, higher policy was sometimes blunted or modified because of the general nature of the policy statement, or

because of the impact of certain local circumstances on the policy. To illustrate, the local circumstance of consolidation affected the implementation of the Federal policy handed down by the U.S. Supreme Court in Brown I. Consolidation created a new city, voiding Judge Hoffman's earlier school integration order. Similarly, the size, shape, and housing patterns of the consolidated City were such that cross busing would have had to be used to provide a balanced racial mix. Prior to Swann, Newport News used these local conditions to blunt the Department of HEW compliance enforcement proceedings.

In addition to the mitigating effect of local circumstances on the intent of Federal policy, Newport News defense attorneys were always careful to develop the school system defense around supportive Federal policy points. Legally the Department of HEW could not impose busing; local circumstances in Newport News necessitated busing if a balancing of the races were to occur. Newport News attorneys focused on this aspect of the 1964 Civil Rights Act during the compliance enforcement proceedings.

After Swann, the defense attorneys focused on the exception to busing clause and argued that the size, shape, and housing patterns of the City would entail a long bus ride which over time would be detrimental to the health of small children. The resultant elementary plan was attested to as being innovative, departing from the expected. Thus, in a very real sense, local circumstances influenced the original intent of Federal policy as that policy was ordered implemented at the local level during the 1971 trial hearing.

Summary

Chapter IV provided for the final documentation, analysis, and discussion of the five causal factors or issues. The importance of each issue, its influence over the seventeen-year desegregation process, and its impact upon the shape of the court-adopted plan was subjectively determined, based upon the researcher's knowledge of the events and issues which characterized the Newport News case. Chapter IV examined the issue relationships with regard to the problem of the study that influenced the researcher in assigning importance to each as a causal factor. Federal policy was shown to have engaged the local school authorities in compliance proceedings for nine of the seventeen years studied, and black citizen pressure for change corresponded to the rulings of the Supreme Court and to legislative acts of the U.S. Congress. State policy impact was shown by further documentation and by citing the nature of locality-State personal correspondence after 1965. Similarly, local factor influences were analyzed by further documentation and the subjective drawing of relationships that existed between the causal factors and the court-adopted plan.

## Chapter V

### SUMMARY, CONCLUSIONS, AND IMPLICATIONS

#### Summary

On August 12, 1971, the Federal District Court for the Eastern District of Virginia, in response to a suit filed by black residents of the city of Newport News, Virginia, handed down a plan of school desegregation for the City public school system which represented a significant departure from the City's then operating plan. The influences shaping the August 12, 1971, plan over a seventeen-year span of time, beginning with the May 17, 1954, U.S. Supreme Court's Brown I decision and concluding with the August 12, 1971, court-adopted plan, were examined.

The factors determined to have influenced the final shape of the Newport News plan were described. From the data sources, five issues were identified which influenced the course of events in Newport News for the time period studied. Issues were initially identified through a search of public documents, and causal factor categories were established by content analysis.

The first factor identified was the Federal policy comprised of U.S. Supreme Court decisions and acts of Congress. In effect, such policies established the parameter for change at the local level. As the policy evolved from Brown I to the Civil Rights Act of 1964, and finally to Swann, the parameter narrowed, and Federal guidelines

became more exacting in their demands. These demands involved the locality in three school desegregation suits and compliance enforcement proceedings with HEW. Federal policy decisions were always cautious to leave the details of policy implementation to the Federal district judge because of his proximity to local conditions.

The second issue, Commonwealth of Virginia school desegregation policy, varied over the seventeen-year period, at first resisting and conflicting with the Federal position on the matter and eventually giving way to the Federal policy. During the latter stages of the school desegregation process, the Commonwealth of Virginia was not directly involved in the local desegregation process.

At the local level, three issues prevailed as major influences of the events and issues that characterized the seventeen-year period. The School Board's policies toward school facility construction and location and concomitant black citizen dissatisfaction with the policies were a major determinant of the course of events in Newport News.

The School Board's pupil assignment policies were the source of black citizen pressure for desegregation change in the City. During the time studied, the pupil assignment policies were gradually relaxed, and racial mixing occurred in the schools. The school desegregation process at various stages was complicated by circumstances peculiar to the locality which interacted with Federal policy to mitigate its intent upon implementation.

The third local issue, the influence of the Federal District Court for the Eastern District of Virginia over the Newport News desegregation process and on the shape of the final plan, was found to be significant because of Judge Walter E. Hoffman's interpretation of higher court policy. His recognition of the unique local circumstances helped to shape the final plan.

Major actors, persons determined from the literature search and from the interviews to have participated in events leading to the court-adopted plan, were interviewed to cross validate and further enrich the study. Final analysis and interpretation of the data were made by the researcher based upon his understanding of the events and issues and their relationship to the problem of the study. The five causal factor issues were concluded to have been key determinants in the city of Newport News school desegregation process, each having varying degrees of influence at different stages of the seventeen-year process and varying influence on the August 12, 1971, court-adopted plan.

Federal government policy was determined to be the most important determinant of the final plan. The plan was the product of school desegregation decisions handed down by the U.S. Supreme Court between 1968 and 1971. During the same period, the Department of HEW, pursuant to the Civil Rights Act of 1964, influenced the course of events in Newport News by involving the City school system in compliance enforcement proceedings. The Commonwealth of Virginia

policies were the least important with regard to the final plan but exerted major influence over the Newport News process between 1956 and 1959. The Federal District Court for the Eastern District of Virginia was found to have exerted major influence over the seventeen-year school desegregation process as well as on the August 12, 1971, court-adopted plan. Local School Board pupil assignment and school construction policies were important in the final shape of the court-adopted plan and exerted major influence over the events that characterized the Newport News school desegregation process. The local circumstances of the cities of Warwick and Newport News consolidation and the concomitant size, shape, and housing patterns were factors that influenced the seventeen-year process and final desegregation plan.

### Conclusions

This study addressed three major research questions. Question one was concerned with the sources of external policy influences and the effect of such influences on the desegregation process and court-adopted plan. Question two inquired as to the local circumstances and School Board policies, if any, that exercised influence over the seventeen-year desegregation period and the court-adopted plan. The third question inquired as to local groups or individuals, if any, that influenced the course of events and helped shape the final court-adopted plan.

The main sources of external policy influence in the seventeen-year Newport News school desegregation process were the governments of the United States of America and the Commonwealth of Virginia. The study found the Federal government to be the most salient source of external policy influence in shaping the course of events in Newport News during the seventeen-year period of history studied. Change occurred in response to a combination of Federal court decisions and legislation enacted by the United States Congress. Initial school desegregation which occurred in Newport News was a result of the doctrine handed down by the U.S. Supreme Court in its 1954-55 Brown decisions. The increased rate of school desegregation which occurred between the school years 1965-1970 was in response to the Civil Rights Act of 1964 and to the program leverage resulting from a series of acts passed by the U.S. Congress making large amounts of Federal monies available to local school districts. The Guidelines and compliance enforcement procedures adopted by the Department of HEW, although a viable influence on the course of school desegregation events in Newport News after 1964, were not factors in the final shape of the August 12, 1971, court-adopted plan. The guidelines handed down by the U.S. Supreme Court in New Kent and Swann were the primary influences of the court-adopted plan. The New Kent decision established a ratio for public school desegregation that could not be satisfied in Newport News without cross busing students. Swann made cross busing constitutional and set the stage for the plan handed down on August 12, 1971, in Newport News.

Following the U.S. Supreme Court's 1954-55 Brown decisions, the government of the Commonwealth of Virginia opposed school desegregation by enacting "anti-integration" legislation, divesting from the locality the authority to assign pupils and penalizing any school district that desegregated schools. This policy served as the dominant influence over the Newport News desegregation process between 1956 and 1959. Although the State's "tuition grant" legislation that followed the "Massive Resistance" era was a determinant of the stance assumed at the local level between 1960-1964, State policy influence declined during this period while that of the Federal District Court for the Eastern District of Virginia increased. After 1965, the government of the Commonwealth of Virginia was not directly involved in the Newport News outcome.

In Newport News, local circumstances influenced the course of desegregation events occurring over the seventeen-year span of time studied. During the mid-1950's, school authorities were confronted with a rapidly changing racial composition and the uncertain outcome of a pending merger referendum. These circumstances, combined with traditional segregationist beliefs, complicated planning of school facilities needed to relieve Negro school overcrowding.

The unique circumstances that characterized the consolidated city of Newport News were testified to during the Justice Department hearings and in the final court trial. These factors influenced School Board desegregation policy after 1958 and were instrumental

in Judge Hoffman's acceptance of an elementary plan that permitted children in grades one and two to attend schools in proximity to residence. The act of consolidation between the cities of Warwick and Newport News voided the initial school desegregation order and created a City the size, shape, and housing patterns of which were judged unique enough to merit an innovative elementary school desegregation plan.

The School Board's policies exerting the most influence over the seventeen-year school desegregation process were the Board's school construction and pupil assignment policies. Between 1958 and 1962, both policies were manipulated by the white School Board to resist school integration. The school construction policy did influence the shape of the 1971 court-adopted plan since it determined the facility characteristics and locations of five of thirteen former city of Newport News schools used to implement the August 12, 1971, plan.

In regard to the impact upon the August 12, 1971, court-adopted plan, the Newport News pupil assignment policies motivated corrective actions from Negro leaders. Over time each policy was determined inadequate when compared against the yardstick of evolving Federal government desegregation policy, at first because the assignment plans were designed to resist racial mixing in the City's schools and in the final stages because the "Freedom of Choice" plan did not eliminate schools with predominantly Negro enrollments. The

last desegregation litigation brought against Newport News was, in part, a result of the school system's "free choice" pupil assignment policy.

Throughout the seventeen-year school desegregation process, white citizens dominated the City's official policy-making bodies. Local school authorities exercised autonomy over the school desegregation issue, and the process was surprisingly free of interference from City Council and political controversy in general. Individually, no one Board member or school official exercised inordinate influence over the desegregation events. School authorities, except for token black representation, openly resisted school desegregation change. School officials and the local School Board influenced the court-adopted plan by designing pupil assignment and school construction policies that discouraged racial mixing in the schools. Local school officials, under the guidance of the Federal District Court for the Eastern District of Virginia, drafted the final school desegregation plan with School Board approval, without the outside assistance of the NAACP and HEW or local political groups.

At the local level, the individual exercising the greatest influence over the school desegregation process and on the shape of the August 12, 1971, plan was Judge Walter E. Hoffman. He had been introduced to the Newport News case in April, 1956, two years before the cities of Newport News and Warwick consolidated. Hoffman was the sole Federal district judge to hear the three Newport News school

desegregation cases. His interpretation of higher court decisions led the Newport News defense ultimately to present a plan that would leave grades one and two in neighborhood schools. It was Hoffman's reasoning that accepted the final plan.

Black leadership consisted of a small group of professional people: doctors, lawyers, businessmen, and ministers. No one black leader dominated the school desegregation issue; however, Philip Walker and C. Waldo Scott appeared to have exerted the most influence over the black position for the entire process.

The two school superintendents who served during the seventeen-year process at times were the most influential local actors. Dr. R. O. Nelson appeared to influence the decision to add to Huntington in lieu of building a new school, and he was instrumental in the Board's decision to adopt "free choice" in 1965. Dr. Nelson's successor, George J. McIntosh, led the school system's initial fight to maintain "Freedom of Choice," and the final court-adopted plan was designed under his supervision.

Robert V. Beale, the City Attorney who planned the final defense for Newport News and recruited Dr. John Hogge to testify on behalf of the school system, at times exercised substantial influence over the Newport News stance in the HEW compliance enforcement proceedings. At all times, however, he appeared to represent the interests of the white citizens.

### Implications

Given the many tactical delays by state and local governments on the desegregation issue, it seems that the length of time required to arrive at school desegregation in Newport News could have been shortened and the course of events altered had the U.S. Supreme Court established more specific guidelines earlier in the seventeen-year process. Similarly, had the government of the Commonwealth of Virginia encouraged compliance after the U.S. Supreme Court's Brown decisions or had it assumed a more active role in favor of school desegregation during the 1960's, the process would have been shorter and less complicated at the local level. The implication is that, without external policy influences, the process would not have been altered by local school officials since cross busing would have been required due to the housing patterns and concentration of the races in Newport News.

In addition, and in a broader sense, the implication is that federally imposed educational change which departs from the traditional patterns practiced at the local level will be ignored for as long as possible, and then finally modified by those responsible for implementing the change. Since under such conditions there is no satisfactory alternative course of action for all concerned, resistance and conflict will emerge, creating the need, if the Federal Government is to prevail, for more Federal pressure, control, and ultimately force if need be in order to invoke the change.

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**APPENDIX A**  
**CHRONOLOGY OF SCHOOL DESEGREGATION**  
**EVENTS, 1953-71**

## CHRONOLOGY OF EVENTS

- January 14, 1953 Negro PTA representatives appeared before the School Board, concerned with conditions at John Marshall and B. T. Washington Elementary Schools; opposed further additions to existing buildings; recommended a junior high school to relieve Negro pupil overcrowding.
- February 10, 1954 On behalf of a delegation of Negro patrons, attorney for local branch of NAACP presented a resolution to Board related to school plant needs for Negro and white schools in the former city of Newport News.
- April 15, 1954 School Board was urged to prepare for either eventuality of the impending U.S. Supreme Court decision.
- May 17, 1954 U.S. Supreme Court ruled separate but equal schools had no place and that separate school facilities were inherently unequal.
- June 20, 1954 Political leaders from Virginia's Southside Fourth District announced that they were unalterably opposed to school integration.
- June 25, 1954 Governor Thomas Stanley publicly declared that he would use every means at his command to continue segregated schools.
- September 14, 1954 School Board was urged to modify existing policies to permit desegregation; the Board took no action.
- September 17, 1954 Governor Thomas Stanley appointed the Gray Commission to study the problem and make recommendations to his office.
- October 8, 1954 Defenders of State Sovereignty Organization was founded.
- May 31, 1955 U.S. Supreme Court remanded school desegregation decisions to District courts and urged that they frame remedies with all deliberate speed to implement desegregation.

- May 31, 1955  
(Continued) Prince Edward County Board of Supervisors decided not to fund schools for the 1955-1956 school year.
- June 14, 1955 Former City of Newport News School Board voted 4 to 1 to operate segregated schools for the advancing 1955-56 school year.
- June 14, 1955 Virginia NAACP announced a State-wide policy: local NAACP branches were to first petition school boards to admit Negro students and after a reasonable period of time petition the District courts.
- June 28, 1955 Governor Stanley and State Board of Education issued joint policy statement that Virginia schools would remain segregated for the coming year.
- July 14, 1955 Local branch of the NAACP petitioned the School Board of the former city of Newport News to completely desegregate the city's schools; the School Board refused.
- September 19, 1955 White students transferred from Jefferson Elementary School to relieve overcrowding at the city's three Negro elementary schools. At this time in the school system, there were 1172 more Negro pupils than white.
- November 8, 1955 The possibility of buying land for a new high school site in the less dense adjacent city of Warwick was suggested by a Board member. The population at Huntington High School had grown so fast that the planned ten-room addition would not be adequate.
- Mid-November, 1955 Gray Commission reported to Governor and General Assembly.
- November 30, 1955 Special session of General Assembly ordered a referendum election in regard to Section 141 of the State Constitution.
- January 9, 1956 Constitution referendum passed by voters.

- April, 1956 Desegregation suit brought against School Board and Superintendent; Board resolved that integration would disrupt if not destroy school system.
- June 12, 1956 A delegation of white citizens representing the Citizens for Good Schools presented a petition of 7,000 signatures against intergration.
- September 11, 1956 The crowded conditions at Negro elementary schools would require additional space or double shifts.
- September, 1956 General Assembly enacted Massive Resistance legislation, closing schools that integrate, cutting off State funds, and divesting local school authorities of the power to assign pupils to schools.
- November 6, 1956 The consolidation attempt involving the cities of Newport News, Hampton, and Warwick was defeated by Hampton voters.
- November 27, 1956 Formal efforts to merge the cities of Warwick and Newport News were begun.
- December 30, 1956 Telegram from State Department of Education notified school officials that they were divested of authority to assign pupils.
- February 11, 1957 Judge Walter E. Hoffman ordered Newport News to desegregate schools by September, 1957.
- April 9, 1957 Special Counsel was reappointed to defend School Board and Superintendent in the appeal of Hoffman's ruling.
- July 11, 1957 Newport News and Warwick voters elected to consolidate the two cities.
- July 29, 1957 Superintendent suggested that in view of recent consolidation he thought it wise to halt the Huntington High School construction since the possibility of building a new Negro high school in former Warwick City existed.

- July 1, 1958 Warwick and Newport News officially consolidated into the city of Newport News.
- July 10, 1958 Three Negro students applied for admission to one of the white schools; Board referred to State Pupil Placement Board with its recommendations. Previous court order died with the consolidation.
- September, 1958 State closed schools in Warren County, Charlottesville, and Norfolk.
- January 19, 1959 Virginia Supreme Court ruled that the closing of schools violated the State Constitution.
- February 2, 1959 General Assembly adopted a tuition grant program and abandoned "massive resistance."
- April 4, 1959 School system instructed the State that due to increasing enrollment at Huntington High School it was necessary to construct ten temporary classrooms there.
- May 12, 1959 Judge Walter Hoffman ordered the School Board to submit a desegregation plan within 180 days.
- November 2, 1959 Desegregation plan was submitted to the Federal District Court as ordered May 12.
- December 1, 1959 In an open court hearing, the plan was rejected by Judge Hoffman who directed the School Board to file another by April 30, 1960.
- February 25, 1960 School Board authorized the construction of a small four-room Negro elementary school on Maple Avenue in the former city of Newport News, school to house approximately seventy-five pupils.
- April 21, 1960 School Board submitted a plan to Hoffman, Rules and Regulations for Assignment and Transfer of Pupils.

- May 19, 1960 School Board resolved to construct a new John Marshall Elementary on a adjacent site; twelve lots were acquired for new site, costing \$63,950.00. Board resolved to build two other Negro elementary schools in general area.
- July 21, 1960 Twenty-four Negro pupil applicants requested admission to all-white schools; none satisfied the placement criteria. Board decided to enlarge Huntington High in lieu of a new Negro high school.
- October 20, 1960 Representatives from B. T. Washington PTA requested the School Board to provide relief for the overcrowding there and to eliminate double shift classes; representatives also questioned the adequacy of the planned four-room Maple Avenue elementary. Board response indicated relief was at hand based upon plans to build four new Negro elementary schools in the former city of Newport News.
- November 17, 1960 Scholarship grants required by State law had become excessive; Superintendent felt grants had gone beyond the intent of General Assembly (seventy-six applications received through November 15, 1960--\$18,500.00).
- January 19, 1961 Huntington High School PTA representatives questioned the addition to that school in lieu of a new building.
- February 16, 1961 Leaders from the Negro community indicated sites were available to build a new high school; the group was authorized by the Board to locate a suitable site.
- March 23, 1961 Negro leaders returned to report to Board that they had located a suitable site. Board's reply centered around legal questions involved in land acquisition and the fact that City Council had authorized the addition to Huntington. At the Board meeting, the statement followed that many people felt there was much bias in school site selection in Newport News.

- May 25, 1961  
Representatives of the Huntington High School PTA indicated to the Board that the Cohen site was available (approximately 50 acres at 50th Street and Marshall Avenue). Huntington parents were polled on the issue; of the 1,222 responding, 1,162 desired a new building in lieu of expansion.
- June 5, 1961  
City Council resolved that the Cohen site was not suitable and listed its reasonings; Council requested that the School Board proceed with Huntington addition. Representatives from the Negro community urged a new building in lieu of expansion.
- July 8, 1961  
First Negro students were assigned to white schools by the Board's policy, Rules and Regulations for Assignment and Transfer of Pupils.
- August 24, 1961  
The Board instructed the Superintendent to inform Fort Eustis officials that the Board would transport children residing on the post to Carver High School and Carver Elementary beginning in September.
- August 31, 1961  
The new Negro elementary schools James Lee and John Marshall were inspected by the Board.
- September 21, 1961  
Preliminary plans for Huntington High School addition were presented, and the Board resolved to request the State Department of Education to waive size of school site regulations. The addition would result in closing streets (30th and 31st Streets).
- March 30, 1962  
Department of HEW announced that beginning in September of 1963, segregated schools would be inadequate for children whose parents lived and worked on Federal installations; agency would terminate impacted area funds.

August 9, 1962

A School Board meeting was called for the purpose of assigning pupils pursuant to the U.S. District Court decree; twenty-seven pupils of the total forty-nine were accepted to white schools, all in the Denbigh area of former Warwick City. Suggestion was made to hold a meeting between City Council and the School Board to explore possible new site for Huntington and to reopen the discussion. Board maintained addition project should not be disturbed.

September 20, 1962

A formal meeting occurred between the Board and City Council. In a subsequent meeting, between the City Manager, the Superintendent, and the School Board Chairman, the school system was promised that twenty-seven acres of land would be available around Newsome Park.

October 18, 1962

School Board reaffirmed its decision to add to Huntington High.

June 20, 1963

Superintendent recommended Board drop achievement test portion of Rules and Regulations for the Assignment and Transfer of Pupils plan.

July 18, 1963

Board voted to delete achievement test from pupil assignment plan.

August 8, 1963

Board voted to continue the practice of one principal serving both T. C. Erwin and John Marshall Schools.

March 13, 1964

The Superintendent noted that in order to build a track at Huntington, it would be necessary to close 30th Street between Wickham and Orcutt Avenues. Thirty-first Street had been closed previously for the addition to the building.

- June 18, 1964 The Superintendent recognized the presence of members of City Council. A discussion of the Huntington High School situation ensued, and one councilman noted that the people in the area seemed highly agitated. The City Manager pointed out that closing the street had nothing to do with the track.
- August, 1964 Congress enacted the Civil Rights Act.
- August 20, 1964 Local NAACP spokesmen urged the School Board to recognize and give effect to the constitutional rights of Negro children in the community.
- November 19, 1964 Question was raised about the future disposition of ten temporary rooms at Huntington High School. It was pointed out in response that the same type of structure at Warwick High School was ten years older. The Board was urged to investigate alternatives other than closing 30th Street.
- February 18, 1965 City Attorney advised School Board to sign Form HEW 441B, "Assurance of Compliance."
- May 20, 1965 Concern was expressed that funds entitled under PL 874 had not been received. Board must submit desegregation plan by June 15, 1965.
- June 17, 1965 Board adopted "Free Choice" with free transportation to satisfy HEW requirements.
- June 12, 1967 The U.S. Office of Education advised system that more was needed in way of pupil desegregation.
- January 30, 1968 HEW notified Newport News that due to lack of desegregation an on-site review would be conducted in the near future.
- May 20-24, 1968 On-site compliance review of the Newport News school system was conducted by HEW officials

May 27, 1968 U.S. Supreme Court ruled out Free Choice for New Kent County, Virginia.

June 5, 1968 HEW notified Newport News among other things that Free Choice was not effective and that its Negro School facilities were inferior in respect to age and site size.

June 27, 1968 The Newport News School Board resolved that its pupil placement policy was in compliance with the law.

August 14, 1968 HEW initiated compliance enforcement proceedings against Newport News to terminate Federal assistance.

September, 1968 School Board representatives approached Judge Walter Hoffman in an attempt to reopen the Sharon Adkinson case.

July, August, and September, 1968 Representatives from the Black Unity Congress appeared at School Board meetings to request a school to replace Walter Reed, to request full-time principals, and to express concern over the physical state of Huntington Elementary. They presented a petition with 2,600 names urging compliance.

November 7, 1968 HEW recommended re-study of the Newport News situation by Title IV educational experts; this was approved by the School Board November 21, 1968.

Winter, 1968-69 Title IV re-study was conducted.

Spring, 1969 Title IV desegregation plan was developed.

June, 1969 Huntington Elementary School was closed.

August 19, 20, 21, September 24, 25, 1969 Justice Department hearing on Newport News alleged non-compliance with the 1964 Civil Rights Act was held (was initially scheduled for the fall of 1968 but after several postponements by HEW was begun on August 19, 1969).

- December 30, 1969 Judge Hoffman decided against busing as a solution for Brewer in Norfolk.
- February 11, 1970 The HEW Hearing Examiner found Newport News in non-compliance with the 1964 Civil Rights Act.
- February 19, 1970 Newport News school officials estimated the loss in Federal assistance to amount to \$1,967,515.00. City Attorney urged the Board to appeal the decision.
- March 24, 1970 President Nixon made policy statement on school desegregation which focused attention on school desegregation resulting from housing patterns.
- June 9, 1970 The school system was notified by the Director of the Office of Civil Rights that a re-study was suggested. The Board, aware of the possible impact of Charlotte-Mecklenburg case, voted to accept the proposed re-study.
- July 16, 1970 On July 2, the U.S. Attorney General indicated to the State Department of Education of Virginia that Newport News was among five school systems in the State that had been identified in need of adjusting school desegregation conditions. Title IV would not conduct a re-study.
- July 23, 1970 Final desegregation litigation was filed against Newport News.
- September 8, 1970 HEW Reviewing Authority denied Newport News request for appeal in compliance enforcement proceedings.
- October 29, 1970 Judge Walter Hoffman deferred NAACP-initiated litigation against Newport News until after the Swann decision.
- November 6, 1970 Newport News petitioned for oral arguments to U.S. Secretary of HEW Elliott L. Richardson.

- March 18, 1971 After much discussion, members of Board moved that "Free Choice" be abandoned; the motion was defeated five to two.
- April 20, 1971 Swann was handed down and made busing a constitutional tool to desegregate.
- May 10, 1971 Pre-trial hearing was held with Judge Hoffman who announced his interpretation of Swann.
- May 13, 1971 The District Court ordered requests for plaintiff relief to be filed by June 1, 1971.
- May 18, 1971 Newport News filed in support of review for oral argument with the Secretary of HEW in compliance enforcement proceedings based upon the findings in Swann.
- June, 1971 Walter Reed Elementary was closed.
- June 16, 1971 In a pre-trial conference, the School Board submitted a desegregation plan: an elementary neighborhood plan and "Free Choice" for high schools. Hoffman refused.
- July 26, 1971 By order of the Secretary of the Department of HEW, appeal was denied to Newport News in the compliance enforcement proceedings.
- August 4, 1971 Trial began; the Board submitted a non-contiguous high school plan, 60%-40% racial mixture, and a neighborhood elementary plan. The former was accepted, the latter rejected.
- August 6, 1971 School Board submitted alternative elementary school plan.
- August 12, 1971 Judge Walter Hoffman accepted Board's elementary school plan over the objections from plaintiff lawyers.

**APPENDIX B**

**LETTER TO JUDGE WALTER E. HOFFMAN**

INITIAL LETTER TO JUDGE WALTER HOFFMAN

844 Catalina Drive  
Newport News, Virginia 23602  
July 16, 1977

The Honorable Walter E. Hoffman  
U.S. District Judge  
U.S. Post Office and Courthouse Building  
Norfolk, Virginia 23510

Dear Judge Hoffman:

As an employee of the Newport News public school system for the past sixteen years, I have been most interested in the issues associated with our City's school desegregation process. As part of my doctoral studies at VPI and SU, I now have the opportunity to explain this important turning point in the history of the Peninsula.

I have reviewed the public records and documents from the era, but have found that I am very much in need of your knowledge from personal involvement in the events of this time. Therefore, I would like your assistance in a brief interview. If there are major events which you would be willing to discuss; or if, on the other hand, some of the events you are not willing to discuss, your preferences can be readily accommodated.

I can assure you of anonymity; there will be no direct comments attributed to any one specific person's responses. I would hope that your responses will be as candid as possible.

Thank you for your consideration. I look forward to the opportunity to talk with you.

Sincerely yours,

Guy H. Quesenberry

GHQ/dc

APPENDIX C

LETTER OF RESPONSE FROM JUDGE WALTER E. HOFFMAN

UNITED STATES DISTRICT COURT

Eastern District of Virginia  
Norfolk, Virginia 23510

Chambers of  
Walter E. Hoffman  
Senior Judge

July 22, 1977

Mr. Guy H. Quesenberry  
844 Catalina Drive  
Newport News, Virginia 23602

Dear Mr. Quesenberry:

While I am very pleased to assist you in any way possible, I seriously doubt whether I can add anything to my published opinions and my rulings as contained in the file. As you know, my final judgment was appealed to the United States Court of Appeals for the Fourth Circuit where it was affirmed by a 4 to 3 en banc opinion. It is my understanding that the NAACP concluded that it would be too "risky" to apply for a writ of certiorari.

If you still desire the interview under the conditions stated in your letter of July 18, 1977, I have no objections. Frankly, several years have passed and I do not remember too much about the Newport News School desegregation case.

Faithfully yours,

Walter E. Hoffman

WEH/mcp

APPENDIX D  
NEGRO POPULATION PERCENTAGE IN VIRGINIA  
COUNTIES AND CITIES

Negro population percentages in Virginia counties follow:

Accomack	34.2	Chesterfield	20.9	Greensville	59.3	Montgomery	5.3	Roanoke	8.5
Albemarle	18.6	Clarke	17.2	Halifax	44.0	Nansemond	65.3	Rockbridge	8.6
Alleghany	8.3	Craig	0.5	Hanover	30.8	Nelson	27.0	Rockingham	1.9
Amelia	49.9	Culpeper	27.9	Henrico	9.9	New Kent	54.0	Russell	2.5
Amherst	27.9	Cumberland	55.7	Henry	24.2	Norfolk	16.3	Scott	1.1
Appomattox	24.7	Dickenson	1.4	Highland	2.9	Northampton	53.5	Shenandoah	1.8
Arlington	4.9	Dinwiddie	64.6	Isle of Wight	51.9	Northumberland	40.8	Smyth	1.6
Augusta	5.1	Elizabeth City	20.5	James City	46.5	Nottoway	43.9	Southampton	60.9
Bath	10.5	Essex	46.1	King and Queen	53.8	Orange	26.7	Spotsylvania	23.9
Bedford	19.0	Fairfax	10.0	King George	27.4	Page	3.7	Stafford	12.9
Botetourt	10.1	Floyd	4.3	Lancaster	41.2	Pittsylvania	30.9	Sussex	65.6
Brunswick	57.8	Fluvanna	35.1	Lee	1.1	Powhatan	43.6	Tazewell	6.1
Buchanan	0	Franklin	14.6	Loudoun	18.8	Prince Edward	44.6	Warwick	31.2
Buckingham	42.8	Frederick	2.2	Louisa	39.8	Prince George	30.3	Warren	8.0
Campbell	23.7	Giles	2.5	Lunenburg	43.9	Prince William	11.9	Washington	3.2
Caroline	51.4	Gloucester	31.3	Madison	23.1	Princess Anne	23.5	Westmoreland	45.5
Carroll	1.5	Goochland	50.0	Mathews	24.9	Pulaski	7.5	Wise	4.2
Charles City	81.0	Grayson	4.4	Mecklenburg	49.5	Rappahannock	17.7	Wythe	4.7
Charlotte	40.9	Greene	13.-	Middlesex	41.9	Richmond	34.4	York	26.2

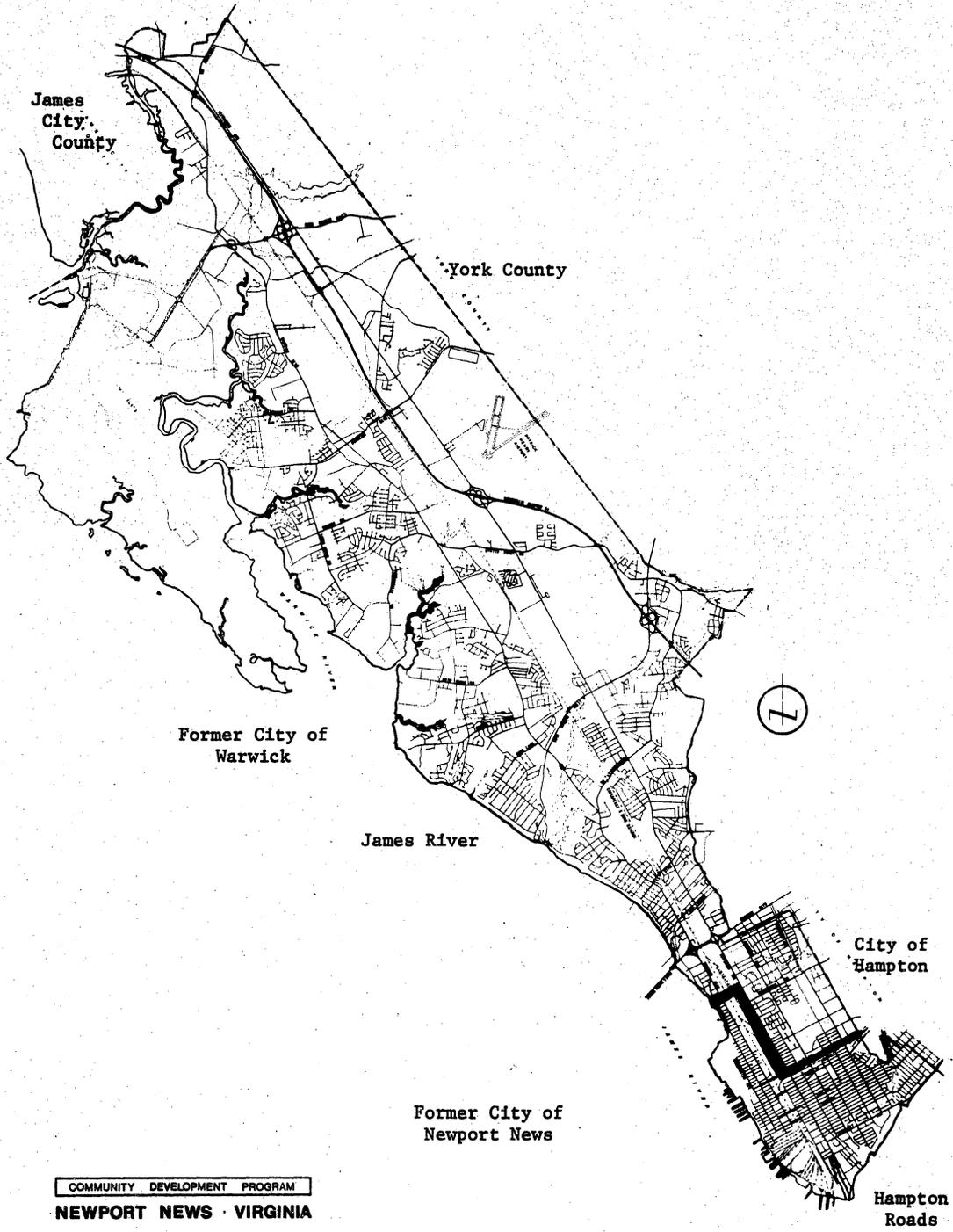
Negro population percentages in Virginia's independent cities follow:

Alexandria	12.4	Falls Church	1.8	Newport News	43.2	South Norfolk	23.0
Bristol	7.1	Fredericksburg	6.3	Norfolk	29.7	Staunton	10.9
Buena Vista	4.2	Hampton	37.2	Petersburg	42.2	Suffolk	36.7
Charlottesville	18.2	Harrisonburg	6.3	Portsmouth	38.4	Waynesboro	8.2
Clifton Forge	18.1	Hopewell	14.8	Radford	7.0	Williamsburg	13.0
Colonial Heights	0.2	Lynchburg	22.0	Richmond	31.7	Winchester	8.3
Danville	30.2	Martinsville	29.3				

Source: Gates, Robins L. The Making of Massive Resistance. Chapel Hill, North Carolina: University of North Carolina Press, 1964.

APPENDIX E

MAP OF FORMER CITIES OF WARWICK AND NEWPORT NEWS



APPENDIX F  
RULES AND REGULATIONS FOR THE ASSIGNMENT  
AND TRANSFER OF PUPILS

RULES AND REGULATIONS FOR THE ASSIGNMENT  
AND TRANSFER OF PUPILS

1. Any application by a child not previously a pupil in a school in the City School System for assignment to a particular school or by a child then a pupil in a school in the City School System for transfer from one school to another shall be filed with the Superintendent, on a form to be provided by him, no later than July 1 prior to the commencement of any school year.

2. The Superintendent shall appoint a committee from the personnel of the City School System whose duties shall be advisory to the Superintendent. The committee shall interview each applicant and his parents or guardians no later than July 15 each year and shall assist the Superintendent, if he so desires, in the administering of the test or tests prescribed in Paragraph 3.

3. All applicants for assignment or transfer shall be given a test or tests to be established and administered by the Superintendent, all such tests to be given no later than August 1 each year in accordance with the principles set forth in these Rules and Regulations.

4. In the assignment or transfer of pupils the following and other relevant factors, and the effect or results thereof shall be considered:

- a. Available room and teaching capacity in the various schools.
- b. Availability of transportation facilities.
- c. The effect of the admission of new pupils upon established or proposed academic programs.
- d. The suitability of established curricula for particular pupils, with due consideration of the applicant's academic achievement and the academic achievement of pupils with whom he would be placed.
- e. The scholastic aptitude and relative intelligence or mental ability of the pupil.
- f. The effect on the health and safety of the applicant and those already enrolled in the particular school.

- g. The proximity of the applicant's residence to the school for which application is made and to other schools.
- h. Psychological factors, considering the psychological qualification of the applicants for the type of teaching and associations involved, the psychological effect upon the applicant of attendance at the school for which application is made, the social adaptability of the applicant, and the expected emotional and social adjustment to be made by the applicant.
- i. The morals, health and cultural background of the applicant and of the pupils in the school to which assignment is sought.
- j. The choice and interests of the pupil making application.
- k. If an applicant has previously been a pupil in this school system, the Superintendent shall secure the opinion of the applicant's former teacher and principal as to the advisability of the assignment or transfer of the applicant, such opinion to take into consideration the foregoing factors and their effect on the applicant.
- l. The assignment shall be made in such manner that it will promote the proper administration of the school.

5. Assignments and transfers shall be made without regard to race, color or religious creed of the applicant.

6. Assignments and transfers may be made so as to provide for separation of the sexes, so long as such is not inconsistent with these Rules and Regulations.

7. After considering the recommendations of the Superintendent, and the foregoing factors, the School Board shall make all assignments and transfers no later than August 10 each year.

8. Application on behalf of a child theretofore not eligible to attend a school in the City School System may be made after July 1 of each year if made within 10 days after he becomes so eligible. The procedure outlined above shall be followed with respect to such application with assignment to be made by the School Board not later than 41 days after the date of application.

APPENDIX G

MAP OF DISTRIBUTION OF SCHOOL AGE POPULATION, 1970-71

(See pouch)

APPENDIX H

Table 1

City of Newport News School Desegregation Issue Information--  
Primary Source Frequency Matrix

	Federal Policy	State Policy	School Plans	Pupil Assignment Plans	Federal District Court for the Eastern District of Virginia
Personal Correspondence	43	14	11	41	7
School Board Minutes	71	63	151	102	57
Trial Records	21	3	15	19	The source of all trial records examined
Legal Documents	17	9	10	15	11
Unpublished Reports	5	2	11	10	2

Table 2

Newport News Pupil Enrollment Numbers  
1944-1959 School Years

School year	White enrollment	Black enrollment	Total enrollment
1944-45	4059	3681	7740
1945-46	3960	3654	7614
1946-47	3910	3806	7716
1947-48	3793	3685	7478
1948-49	3934	3737	7671
1949-50	4011	3764	7775
1950-51	4123	3957	8080
1951-52	4184	4004	8188
1952-53	4226	4124	8350
1953-54	4240	4360	8600
1954-55	4244	4772	9016
1955-56	3408	5045	8453
1956-57	3811	5302	9113
1957-58	3776	5501	9277

Sources:

Official School Board Minutes, May or June enrollment reports for school years 1944-57.

Table 3

Former City of Newport News School Facility Information for the 1954-71 Time Period

Name of school	Date of construction	Date of plant expansion	Predominant race housed in 1971	Predominant race housed in 1961	Campus size in acres
Dunbar Elementary	1924	1936-57, 1946, 1953	Black	Black	4.5
Marshall Elementary	1961	1967	Black	Black	2.065
Washington Elementary	1929	1936-53, 1969	Black	Black	4.7
Jefferson Elementary	1949	1958	Black	Black	1.835
Daniel Elementary	1899	Closed in 1961	-----	White	-----
Reed Elementary	1918	Closed in 1971	Black	White	1.9
Magruder Elementary	1948	1951-61, 1967	Black	White	9.9
Huntington Elementary	1959	Closed in 1969	-----	Black	Included with Huntington H.S.
Clark Elementary	1960	-----	Black	Black	.6
Lee Elementary	1961	-----	Black	Black	1.5
Erwin Elementary	1961	-----	Black	Black	Included with Dunbar
Jackson Elementary	1902	1924, 1957, 1961	White	White	5.74
Wilson Elementary	1921	-----	Black	White	3.6
Newport News High School	1924	1935, 1938, 1946, 1954, 1963	White	White	7.5
Huntington High School	1936	1951-1959, 1963-69	Black	Black	16.6

SourcesDocuments entitled: School Sites and Construction Dates, November 5, 1968.School Sites and Construction Dates, November 14, 1973.Capacity of Schools and Insurance Coverage, Newport News Public Schools, 1968-69 School year.School Board Minutes, 1953-1970 School Years.

Table 4  
Rate of Pupil Desegregation by School Under Freedom of Choice Plan

School	1966-67			1967-68			1968-69			1969-70			1970-71		
	W	NW	T	W	NW	T	N	NW	T	N	NW	T	N	NW	T
O Dunbar	0	1191	1191	0	1017	1017	0	1014	1014	0	1061	1061	1	1010	1011
O Marshall	0	218	218	0	274	274	0	327	327	0	370	370	0	360	360
O Washington	0	862	862	0	805	805	0	809	809	0	806	806	1	796	797
O Daniel (1899)	(Closed in December 1961)														
O Jackson	468	5	473	536	2	538	496	24	520	478	10	488	382	41	423
O Jefferson	0	458	458	0	417	417	0	408	408	0	386	386	0	351	351
O Magruder	239	458	697	48	610	658	7	751	758	5	791	796	2	760	762
O Reed	15	601	616	0	626	626	0	583	583	0	691	691	0	646	646
O Wilson	157	61	218	175	73	248	157	84	241	143	106	249	101	126	227
X Hilton	388	1	389	429	4	433	420	3	423	436	11	447	440	18	458
X Denbigh	292	244	536	182	253	435	93	186	279	93	159	252	84	133	217
X Parkview	580	2	582	642	4	646	639	10	649	620	5	625	622	27	649
X Newsome Park	0	1040	1040	0	920	920	0	853	853	3	813	816	2	860	862
X Briarfield	742	35	777	761	70	831	751	95	846	743	119	862	676	174	850
X Carver	0	767	767	0	707	707	0	591	591	3	539	542	3	504	507
X Riverside	779	3	782	772	4	776	752	5	757	729	11	740	656	10	666
X Deer Park	759	2	761	770	5	775	767	9	776	723	2	725	725	13	738
X Lee Hall	862	158	1020	745	191	936	663	211	874	616	152	768	584	229	813
X Sedgefield	708	0	708	773	2	775	725	10	735	736	5	741	696	11	707
X Hidenwood	690	20	710	746	25	771	731	20	751	711	22	733	680	25	705
O Clark	0	80	80	0	63	63	0	84	84	0	88	88	0	91	91
O James Lee	0	427	427	0	411	411	0	370	370	0	302	302	0	279	279
O T. C. Erwin	0	399	399	0	446	446	0	426	426	0	428	428	0	381	381
X Reservoir	800	70	870	775	74	849	715	102	817	712	99	811	677	104	781
X South Morrison	851	0	851	862	1	863	931	21	952	955	4	959	920	34	954
X Yates	594	4	598	579	3	582	539	0	539	574	1	575	568	4	572
X Sanford	835	5	840	879	1	880	838	19	857	868	3	871	734	21	755
X Saunders	579	0	579	658	0	658	698	7	705	893	2	895	890	5	895
X Nelson	806	24	830	856	22	878	781	43	824	783	41	824	737	31	768
X Jenkins	512	46	558	626	53	679	706	56	762	805	41	846	741	50	791
X Epes	--	--	--	--	--	--	242	36	278	368	57	425	514	154	668
X Charles	--	--	--	--	--	--	--	--	--	--	--	--	332	17	349
X Richneck	--	--	--	205	27	232	375	74	449	607	72	679	599	118	717
O Huntington Ele.	0	310	310	0	209	209	0	173	173	--	--	--	--	--	--
X Warwick H.S.	1770	2	1772	1854	1	1855	1946	18	1964	2180	20	2200	1914	25	1939
O Newport News H.S.	1468	173	1641	1276	180	1456	1116	266	1382	991	348	1339	929	564	1493
X Carver H.S.	0	1267	1267	0	1259	1259	0	1184	1184	0	1116	1116	0	1043	1043
O Huntington H.S.	0	2133	2133	0	2249	2249	0	2217	2217	0	2172	2172	0	2114	2114
X Ferguson H.S.	1557	21	1578	1663	18	1687	1755	51	1806	1874	52	1926	1798	44	1842
X Denbigh H.S.	1472	234	1706	1773	218	1991	2013	308	2121	2285	299	2584	1556	307	1863
X Menchville H.S.	--	--	--	--	--	--	--	--	--	--	--	--	1364	173	1537

X = Located in former city of Warwick.

O = Located in former city of Newport News.

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A STUDY OF THE NEWPORT NEWS PUPIL DESEGREGATION PROCESS

by

Guy H. Quesenberry

(ABSTRACT)

On August 12, 1971, the Federal District Court for the Eastern District of Virginia, in response to a suit filed by black residents of the city of Newport News, Virginia, handed down a plan of school desegregation for the city public school system which represented a significant departure from the city's then operating plan. The influences shaping the August 12, 1971 plan over a seventeen-year span of time, beginning with the May 17, 1954, U.S. Supreme Court's Brown I decision and concluding with the August 12, 1971, court-adopted plan, were examined.

The factors determined to have influenced the final shape of the Newport News plan were described. From the data sources, five issues were identified which influenced the course of events in Newport News for the time period studied. Issues were initially identified through a search of public documents, and causal factor categories were established by content analysis.

The first factor identified was the Federal policy comprised of U.S. Supreme Court decisions and acts of Congress. In effect, such policies established the parameter for change at the local level. As the policy evolved from Brown I to the Civil Rights Act of 1964, and finally to Swann, the parameter narrowed, and Federal guidelines

became more exacting in their demands. These demands involved the locality in three school desegregation suits and compliance enforcement proceedings with HEW. Federal policy decisions were always cautious to leave the details of policy implementation to the Federal district judge because of his proximity to local conditions.

The second issue, Commonwealth of Virginia school desegregation policy, varied over the seventeen-year period, at first resisting and conflicting with the Federal position on the matter and eventually giving way to the Federal policy. During the later stages of the school desegregation process, the Commonwealth of Virginia was not directly involved in the local desegregation process.

At the local level, three issues prevailed as major influences of the events and issues that characterized the seventeen-year period. The School Board's policies toward school facility construction and location and concomitant black citizen dissatisfaction with the policies were a major determinant of the course of events in Newport News.

The School Board's pupil assignment policies were the source of black citizen pressure for desegregation change in the city. During the time studied, the pupil assignment policies were gradually relaxed, and racial mixing occurred in the schools. The school desegregation process at various stages was complicated by circumstances peculiar to the locality which interacted with Federal policy to mitigate its intent upon implementation.

The third local issue, the influence of the Federal District Court for the Eastern District of Virginia was found to be significant because of Judge Walter E. Hoffman's interpretation of higher court policy. His recognition of the unique local circumstances helped to shape the final plan.

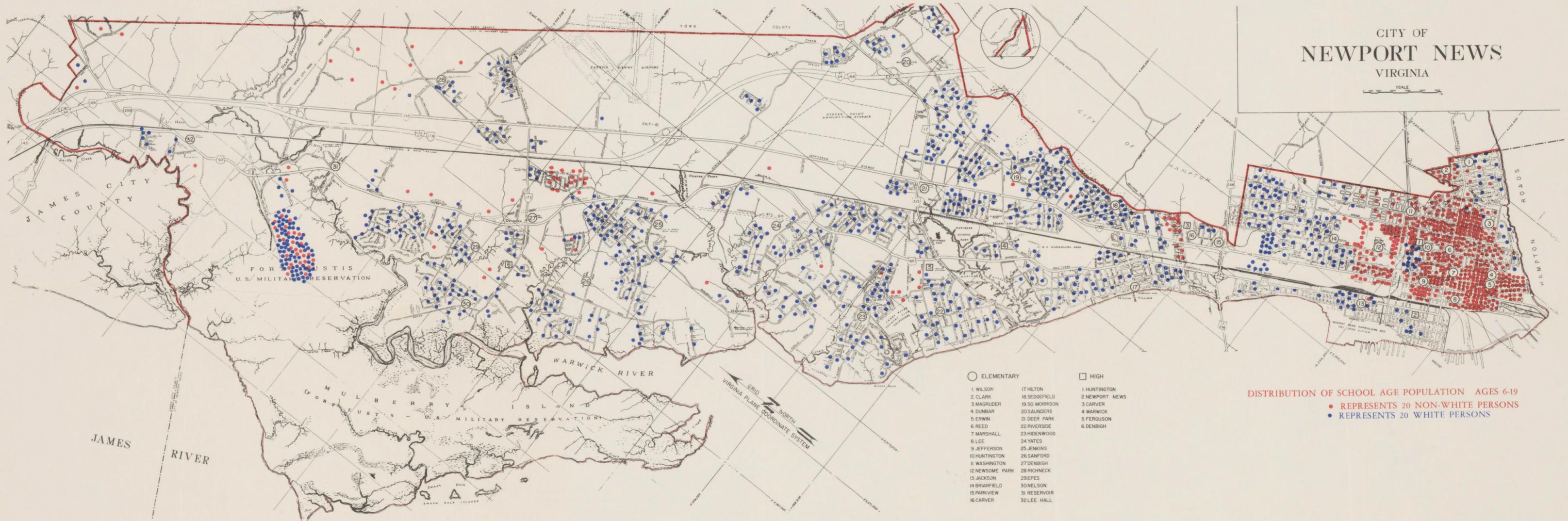
Major actors, persons determined from the literature search and from the interviews to have participated in events leading to the court-adopted plan, were interviewed to cross validate and further enrich the study. Final analysis and interpretation of the data were made by the researcher based upon his understanding of the events and issues and their relationship to the problem of the study. The five causal factors or issues were concluded to have been key determinants in the city of Newport News school desegregation process, each having varying degrees of influence at different stages of the seventeen-year process and varying influence on the August 12, 1971 court-adopted plan.

Federal government policy was determined to be the most important determinant of the final plan. The plan was the product of school desegregation decisions handed down by the U.S. Supreme Court between 1968 and 1971. During the same period, the Department of HEW, pursuant to the Civil Rights Act of 1964, influenced the course of events in Newport News by involving the city school system in compliance enforcement proceedings. The Commonwealth of Virginia policies were the least important with regard to the final plan but exerted major influence over the Newport News process between 1956 and 1959. The Federal District Court for the Eastern District of Virginia was found

to have exerted major influence over the seventeen-year school desegregation process as well as on the August 12, 1971 court-adopted plan. Local School Board pupil assignment and school construction policies were important in the final shape of the court-adopted plan and exerted major influence over the events that characterized the Newport News school desegregation process. The local circumstances of the cities of Warwick and Newport News consolidation and the concomitant size, shape, and housing patterns were factors that influenced the seventeen-year process and final desegregation plan.

# CITY OF NEWPORT NEWS VIRGINIA

SCALE



○ ELEMENTARY

- 1. WILSON
- 2. CLARK
- 3. MAGRUDER
- 4. DUNBAR
- 5. ERWIN
- 6. REED
- 7. MARSHALL
- 8. LEE
- 9. JEFFERSON
- 10. HUNTINGTON
- 11. WASHINGTON
- 12. NEWSOME PARK
- 13. JACKSON
- 14. BRIARFIELD
- 15. PARKVIEW
- 16. CARVER
- 17. HILTON
- 18. SEDGEFIELD
- 19. SO MORRISON
- 20. SAUNDERS
- 21. DEER PARK
- 22. RIVERSIDE
- 23. HIDDENWOOD
- 24. YATES
- 25. JENKINS
- 26. SANFORD
- 27. DENBIGH
- 28. RICHNECK
- 29. EPES
- 30. NELSON
- 31. RESERVOIR
- 32. LEE HALL

□ HIGH

- 1. HUNTINGTON
- 2. NEWPORT NEWS
- 3. CARVER
- 4. WARWICK
- 5. FERGUSON
- 6. DENBIGH

DISTRIBUTION OF SCHOOL AGE POPULATION AGES 6-19  
 ● REPRESENTS 20 NON-WHITE PERSONS  
 ● REPRESENTS 20 WHITE PERSONS