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From the Hallways to the Courtroom: Struggle for Desegregation in Chattanooga, Tennessee

1954-1986

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Honors Thesis

The University of Tennessee at Chattanooga

Department of History

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“We’re a family. You owe us,” said thirty-eight year old African American mother Jo Ann Talley, facing a panel of nine school board members intent upon closing down her alma mater Riverside High School, located in downtown Chattanooga, Tennessee.¹ As she challenged the board with this statement at a public forum on June 21, 1983, nearly one hundred other African American community members stood behind her, also armed with impassioned pleas for the survival of the school which had served themselves, their children, or both for over two decades. “Why do you always have to take the black people from their foundation?” cried Charlotte Harris, another Riverside alumni. Francine Ricks, a student at the predominantly black high school then, explained, “I’m a poor child. Rich students can afford to go to private schools...I would like to graduate at Riverside High. All we’re asking for is a chance.” “This is a black and white issue,” added 1967 graduate Peggy Mack, eliciting a murmur of agreement from the crowd. Holding a poster drawing of an open grave, W.C. Tate summarized the prevailing sentiment in the room with the simple statement, “You’ve buried us.”² After fervently making their case before the all-white board, protestors broke into the Riverside fight song in a final, emotional effort to sway these men away from closing their beloved school. One week later, on June 29, the board voted 7-2 in favor of shutting down Riverside High, issuing a public statement that they did not want to “prolong the agony” of the Riverside family. As consolation for the

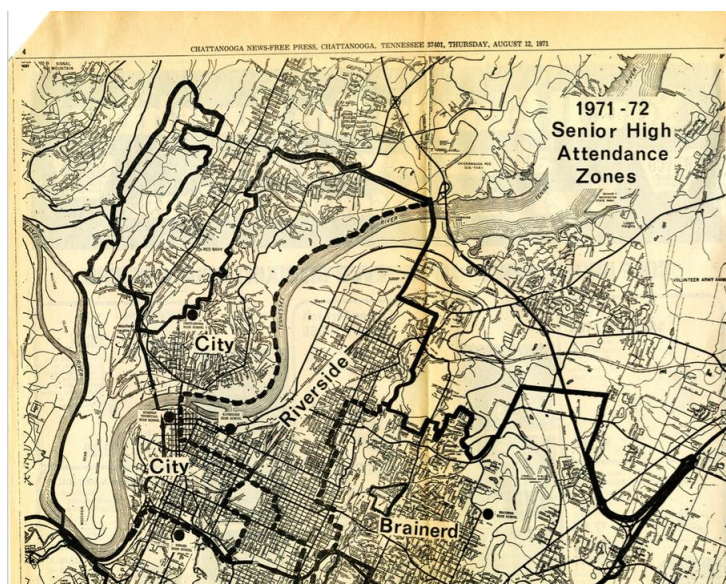
¹ Mark Kennedy, “Riverside Backers Make Fervent Pleas for School’s Future,” *The Chattanooga Times-Free Press*, June 22, 1983, Newspaper clipping in University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public School Desegregation Records, Box 14, Folder 12.

² J.B. Collins, “City School Board Hears Pleas For Riverside,” *The Chattanooga Times-Free Press*, June 23, 1983, Newspaper clipping in University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, Box 14, Folder 12.

African American community's loss, the school board suggested opening, "a depository to display school athletic trophies."³

The origins of the issues which plagued Riverside High School and eventually led to its 1983 closing can be traced back to the school's founding exactly twenty years earlier. Prior to the mid-1960s, the high school building located on East 3rd Street, near the downtown district of Chattanooga, was known as Chattanooga High or City High and housed a predominantly white student body. In 1963, amidst the numerous changes wrought by the Chattanooga school board's plan for desegregation, Chattanooga High was relocated across the Tennessee River stationed among the burgeoning northern suburbs, and renamed City High.⁴ In turn, the East 3rd building was renamed Riverside High School and served an all-black student population from the first day its doors opened in September 1963.

Image 1.1



³ Mark Kennedy, "School Board Votes to Close Riverside," *The Chattanooga Times-Free Press*, June 30, 1983, Newspaper clipping in University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, Box 14, Folder 12.

⁴ See Image 1.1 for a map of Chattanooga's high school zones and a visual depiction of the respective "City" and "Riverside" zones.

The troubling racial dynamics of this reconfiguration—the opening of a brand new facility in the white, middle-class suburbs and the designation of a hand-me-down building as an all-black school—would later prompt NAACP attorney Avon Williams to state in federal court, “So what [the school board] did was to change this Chattanooga High School to the black high school and move the white children into the new white high school out in the suburbs, didn’t [they]?”⁵

While Williams’s statement had merit, it underestimated the amount of loyalty and devotion the Riverside student body held for their school. As student Otis McGhee claimed when protesting the school’s closure in 1983, the first few graduating classes “took a run-down school and made something of it.”⁶ However, twenty years after the school’s opening, statements such as these could not disguise the fact that Riverside stood in bad condition. In the 1962-1963 school year, enrollment was down by 52 percent from ten years prior, 17 percent of the senior class failed to receive a diploma, and only 24 courses were offered to students, compared to the 55-70 offered at other Chattanooga high schools.⁷ Rather than provide funding or take measures to stabilize Riverside, the school board firmly pursued their goal of total closure, inciting an emotional and ultimately fruitless community protest effort. Upon the school’s disintegration in the fall of 1983, the Chattanooga board of education rezoned the majority of Riverside’s students to Howard High, another all-black school. Superintendent James McCullough assured the local newspaper, “It’s legal.”⁸

⁵ “Official Transcript of Proceedings in Civil Action No. 3564, May 10, 1971,” University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, Box 6, Folder 2.

⁶ Kennedy, “Riverside Backers...”

⁷ Kennedy, “School Board Votes...”

⁸ Mark Kennedy, “Riverside Shutdown Seems Sure,” *The Chattanooga Times-Free Press*, June 19, 1983, Newspaper clipping in University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Desegregation Records, Box 14, Folder 12.

In many ways, the Riverside story was defined by dubitable actions on behalf of the school board—the “handing down” of an older facility to an all-black student population, the systematic neglect of the school for over ten years, the refusal to bus in other students to save the school or consider closing another predominantly white school with low enrollment, etc. However, Riverside’s problems with low enrollment and neglected facilities were not unique to Chattanooga public schools throughout the 1980s. In 1989, the enrollment at Howard High School, another all-black Chattanooga secondary school, was down 51 percent from ten years prior.⁹ Patterns of drastically decreased enrollment evidenced themselves within all majority black schools—elementary, middle, and high. For the school system as a whole, student enrollment stood at 11,704 by the 1989 school year, nearly one third of the 27,480 which had enrolled in 1966.¹⁰ Drastic demographic changes accompanied these startling figures. Between 1966 and 1989, the student body of the Chattanooga school system dropped from 46.5 percent black and 53.5 percent white to 78 percent black and 22 percent white.¹¹ More than two decades after the onset of desegregation in Chattanooga, the disparity in racial balance within schools had only increased.

In order to fully understand Chattanooga’s school system as it stood in the late 1980s, one must trace the complex history of the desegregation process back to its legal enactment—the landmark 1954 *Brown v. Board of Education* Supreme Court case—and follow its implementation in Chattanooga schools through twenty-six years of litigation. During the year following the *Brown v. Board* mandate, Chattanooga’s school board issued an official statement

⁹ The two other majority black high schools in Chattanooga, Kirkman Technical School and Tyner High School, were also down 44 percent and 34 percent, respectively.

¹⁰ Barbara O’Reilly, “City Enrollment Down Drastically in Past Decade,” *The Chattanooga Times-Free Press*, January 5, 1989, Newspaper clipping in University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Desegregation Records, Box 14, Folder 12.

¹¹ O’Reilly, “City Enrollment...”

of compliance to the community, one that ultimately veiled a lack of concrete action. In 1960, local African American citizen and NAACP member James Mapp sued the Chattanooga Board of Education for their failure to actualize the Supreme Court order in a case that lasted over two decades due to exhaustive appeals from both sides. The actual implementation of desegregation in schools began in 1962, when sixteen elementary schools were integrated as part of a gradual desegregation plan approved by federal judge Frank Wilson, who presided over the *Mapp v. Board* case. This measured, grade-by-grade approach was disrupted in 1967, when Wilson ordered that federal funding for Chattanooga's public schools should be contingent upon their full and immediate desegregation. Two years later, Mapp filed a motion for further relief, bringing the issue of integration back into the courtroom. This time, the Chattanooga school board was forced to submit an entirely new plan for desegregation, one of which included the controversial practice of busing students to achieve a racial balance. Over the next fifteen years, Mapp and the school board met in court intermittently, with Mapp's representation continuously insisting that the school board failed to produce integrated schools and the school board maintaining that *de facto* segregation lay outside their control. In 1986, the case was officially dismissed from the judicial system when the Supreme Court declined to hear it, thus upholding the rulings of lower courts. For the first time in twenty-six years, James Mapp and his attorney Avon Williams had no recourse to take, and Chattanooga schools fell from wary federal eyes.

The complex history of desegregation in Chattanooga can best be examined in two major time periods, the first of which spans from the 1955 *Brown v. Board* decision to 1971, when the Chattanooga school board was forced to accept a desegregation plan that included busing. This section will focus predominantly on the school board's lack of action between 1955 and 1960, the subsequent demand for action from the black community in the form of the Mapp legal case,

and the slow nature of change during the first decade of implemented desegregation. This lack of change ultimately culminated in some of the most visible protest movements of the Chattanooga desegregation era, as the black and white students of Brainerd High School clashed at two points during the 1969-1970 school year. The second portion of this paper will cover the time between the 1971 busing decision and the final dismissal of the Mapp case in 1986. During this era, the fight for and against desegregation evolved, as the white middle class of Chattanooga showed their distaste for integration by turning to legal resistance and “white flight” to county schools and private institutions as opposed to the more visible protest or resistance in previous decades. The potency and power of residential segregation also became a crucial factor during this time, as the Chattanooga school board continued to argue in court that segregated residential patterns lay outside their control. Ultimately, this argument was effective in court, as the case was dismissed in 1986 on grounds that the school board had done all within their power to eliminate segregation in schools. Although the story of desegregation in Chattanooga never featured the massive white resistance and protest that marked and dramatized desegregation efforts in many other American cities throughout the 1960s and 1970s, I argue that the confluence of entrenched residential segregation, ample opportunity for “white flight” to private schools, and white, middle-class legal resistance enabled the school board to maintain *de facto* segregation in schools throughout the nationwide desegregation crisis.

Struggle in the Hallways: 1955-1971

The initial wave of public school integration that swept the nation throughout the late 1950s and 1960s were largely characterized by a tentative and gradual approach to racial equality in schools, expressed through “freedom of choice” plans and thwarted by growing residential segregation. In 1954, when the original *Brown v. Board* Supreme Court ruling was made, the

majority of white Americans were far more concerned with the struggle for democracy being acted out on the international stage than they were with ensuring all children received an equal education at home. Additionally, the original 1954 desegregation ruling provided no mechanism for its own implementation. The Supreme Court addressed this issue the following year by inserting the “with all deliberate speed” clause, which allowed individual school boards the freedom to enact desegregation policies at the rate and scope they saw fit. Such a phrase—“with all deliberate speed”—proved to be frustratingly vague, as it provided no concrete parameters on the timing or method of implementation and ultimately allowed pro-segregationists time to organize.¹² As a result of this, most cities, including Chattanooga, delayed action for as long as possible, often until a legal case propelled them into court. The court orders that arose from this first round of litigation were typically “freedom of choice” plans, wherein the school board would disavow a dual system of black and white schools and thus “open up” schools to children of both races, allowing them to select where they attended. Chattanooga adopted such a plan in 1962; however, like in most other cities, this practice produced little integration, as few black students elected to transfer to white schools and nearly zero white students chose to attend black schools.

Historians have examined the “freedom of choice” plans which emerged during the first phase of desegregation, roughly 1955-1965. Scholar Jeffrey Raffel explains, “Freedom-of-choice plans provided minority students with the formal right to select a school other than their formerly assigned ‘black’ school.”¹³ These plans were founded upon the idea that segregated schools existed when a minority student’s race prevented him or her from attending a certain school.

¹² Brian Daugherty and Charles C. Bolton, *With All Deliberate Speed: Implementing Brown v. Board of Education*, (Fayetteville: University of Arkansas Press, 2008): 11.

¹³ Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: The American Experience*, (Westport, Connecticut: Greenwood Press, 1998): 109.

Subsequent logic indicated that allowing a minority student to “choose” to attend a majority white school would remedy this problem and ensure compliance with *Brown v. Board*. However, as historian Charles Bolton argues in his study of desegregation in Mississippi, “Given the history of segregated education, a desegregation mechanism such as freedom of choice...had little chance of being implemented fairly. Freedom of choice school desegregation saddled blacks with the burden of having to choose affirmatively to topple a segregated educational structure dearly supported by whites.”¹⁴ “Affirmative” is a key word here, as its meaning within the context of desegregation would later shift. Whereas freedom of choice plans placed an affirmative responsibility upon black students to overcome the racism awaiting them at all-white schools, later desegregation plans would confer an affirmative responsibility to school boards and school officials—the responsibility to ensure that black students were truly assimilated into the schools available to them.

Freedom of choice plans were also problematic in that they highlighted the stark segregated residential patterns which strengthened throughout the 1950s and 1960s due to discriminatory practices in the housing market and the growing displacement of African Americans brought about by urban revitalization projects. The single system of school zones that was applied to all portions of the city—zones that could be easily circumvented through freedom of choice—coincided with neighborhood demographics in a way that precluded actual integration. White children still attended the white schools in their zones, and black children still attended the black schools in their respective zones. This phenomenon held true almost without exception in Chattanooga during the early years of desegregation, as a review of the city’s spatial and residential history will demonstrate. The segregation that this perpetuated in Chattanooga

¹⁴ Charles C. Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870-1890*, (Jackson: University Press of Mississippi, 2005): 142-143.

produced a great deal of outrage. Unlike many other cities, whose most volatile protest movements arose during the 1970s with busing mandates, Chattanooga citizens displayed the majority of visible discontent during the first phase of desegregation.

The Era of Inaction: Between *Brown* and *Mapp*

Opposition to integration arose early in Chattanooga, with many public officials initially protesting the Supreme Court order to desegregate public schools, a mandate finalized by the conclusion of the *Brown v. Board* case on May 17, 1954. In the days following the verdict, the front page of Chattanooga's daily newspaper, *The Chattanooga Times*, was repeatedly emblazoned with Associated Press headlines and articles declaring the unprecedented, anti-segregationist decision, while the editorial section within revealed local responses. In one 1954 article, entitled "Negro Opportunities Won't Change in City," reporter J.B. Collins discussed the reactions to the rulings expressed by white male community leaders. Frank Trotter, then the Commissioner of Education for Chattanooga, stated that he "[did] not believe that the elimination of segregation in city schools [would] increase the educational opportunities of the Negro pupils here."¹⁵ Other prominent figures, such as chairman of the county school board, echoed Trotter's sentiment, arguing that there was no need for a change in the situation in Chattanooga until "the Supreme Court [handed] down its specific decree on what southern school systems [could] and [couldn't] do."¹⁶ Articles such as these also asserted that white and black schools in Chattanooga already had equal facilities, equal pay for teachers, and equal monetary allotment for students, demonstrating the blindness and indifference of public officials to the very need for a decision such as *Brown v. Board*. Public representatives such as Trotter

¹⁵ J.B. Collins, "Negro Opportunities Won't Change in City," *The Chattanooga Times*, May 18, 1954.

¹⁶ Collins, "Negro Opportunities..."

and Wallace, men who would later be instrumental in forming desegregation policy, felt from the outset that segregation was an acceptable or even preferred state for Chattanooga's schools.

Despite this evidence of early resistance to the desegregation mandate, the Chattanooga school board made a showing of support for the integration of schools in the year following *Brown v. Board* by announcing an intention to comply with the federal verdict. However, in actuality, these efforts disguised a lack of real action, as no concrete developments happened in the schools themselves until nearly a decade afterwards. In August 1955, the school board released an official statement that opened with, "The Chattanooga Board of Education will comply with the decision of the United States Supreme Court on the matter of integration in the public schools."¹⁷ This document suggested that the school board would "counsel with the people of our community, seeking their advice and opinions in an atmosphere of earnest and calm deliberation, hoping that as each decision is made, and as each step is taken, the community will accept our decisions."¹⁸ Despite the pervasiveness of conciliatory language, the document also made it clear that no progress would be made hastily: "The Supreme Court decision does not require immediate and complete integration. Your School Board does not contemplate any immediate change in the operation of our schools."¹⁹ Here, the school board relied heavily upon the "with all deliberate speed" clause of the 1955 *Brown v. Board* decision. By emphasizing that the Supreme Court had "wisely" entrusted them with the responsibility of "examin[ing] individual local situation before making any final decisions," they carefully reserved for themselves the authority to implement desegregation according to *their* preferences, rather than

¹⁷ "Official Statements of the Chattanooga Board of Education on the Supreme Court Decisions of May 17, 1954 and May 31, 1955," from University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://digitalcollections.library.utc.edu/cdm/ref/collection/p16877coll8/id/1964> (Accessed March 5, 2016).

¹⁸ "Official Statements..."

¹⁹ "Official Statements..."

those of the community or even the federal government.²⁰ This authoritative language would fade from the school board's arsenal of propaganda over the course of the 1960s, as the federal judiciary increasingly asserted their right to determine the course of desegregation.

One of the most revealing examples of the gap between school board promises and concrete change throughout the 1950s can be seen in the dismantling of an "Interracial Advisory Committee"—a body composed of black and white community members intended to shape Chattanooga's desegregation policy in the aftermath of *Brown v. Board*.²¹ While the idea of both races united to determine the direction of integration sounded like a noble concept, the demographic composition of the committee and its almost immediate dissolution in the face of community protest reveal the inefficacy of the group. First, the racial makeup of this body was highly skewed, with twenty-seven of the thirty-nine members being white.²² Although African Americans were represented in the committee, the interests of the white community dominated the committee's agenda. Furthermore, a 1955 letter from Sue W. Albright, one of the original members of the IAC, to the Chattanooga superintendent reveals that angry white pro-segregationists protested meetings of this committee, hindering any progress the group might have made. In this letter, Albright advised that Mr. Witt, "in announcing future meetings will emphatically state that police will clear the room of all but the press in the event of disorderly demonstration."²³ Albright's account, coupled with the sudden disappearance of any of trace of the Interracial Advisory Committee after 1955, suggests that this initial effort made by the

²⁰ "Official Statements..."

²¹ "Chattanooga Board of Education Interracial Advisory Committee Roster, November 9, 1955," from University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://digital-collections.library.utc.edu/cdm/ref/collection/p16877coll8/id/1903> (Accessed March 25, 2016).

²² "Chattanooga Board of Education Interracial Advisory..."

²³ "Sue W. Albright Correspondence with Raymond Witt, November 17, 1955," From University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/2013> (Accessed February 28, 2016).

Chattanooga school board to enforce desegregation quickly disintegrated and affected no actual change.

Aside from physical protests such as those conducted by white anti-integrationists at the meetings of the Interracial Advisory Committee, black and white citizens of Chattanooga and other regions of Tennessee expressed frustration with their school board through petitions and letters throughout the latter half of the 1950s. Although written by groups with competing agendas, these letters similarly challenged the board's claim that the community was progressing towards successful desegregation. In 1958, an African American organization called the Citizens for General Improvement (CGI) submitted a newsletter to the Chattanooga Board of Education in hopes of "improving the economic, social, and political conditions of all citizens in this community."²⁴ The CGI's principle purpose in publishing this newsletter was to bring attention to the unfavorable conditions and overcrowding in three predominantly black schools—Calvin Donaldson, Orchard Knob, and Chattanooga Avenue. By directly accusing the local school board of not taking "one step in that direction [towards integration]," they refuted many white Chattanooga citizens' argument that African Americans did not actually desire integration.²⁵ Another 1958 letter, this one authored by an organization of white southerners called the Tennessee Society to Maintain Segregation, expressed a similar frustration with the Chattanooga school board, albeit for the opposite reason—the board's statement of compliance with the Supreme Court mandate.²⁶ This group, self-described as "a civic organization representing at this

²⁴ "Citizens for General Improvement Newsletter, October 11, 1958," From University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/2045> (Accessed February 28, 2016).

²⁵ "Citizens for General Improvement..."

²⁶ In the aftermath of the *Brown v. Board* decision, numerous organizations and councils of white southerners dedicated to the overhaul of integration policies formed in both the Deep South and border states such as Tennessee. In April of 1956, an interstate organization called the Citizens' Council of America was created to unite these various factions of organized racists. Although each individual body, including the Tennessee Society to Maintain Segregation, employed disparate methods of resistance, all saw the denial of socio-political equality to black men

time over 25,000 citizens who are taxpayers and are vitally interested in their public schools,” framed their petition as a questionnaire for the school board, with questions ranging from simple personal inquiries to pointedly racist questions such as, “Do you take pride in being a member of the white race?”²⁷ Because Tennessee and other states on the fringes of the Deep South fostered a climate of comparative racial moderation, extremist groups such as this did not garner the same enthusiasm there as elsewhere. Organized racism in the Upper South simply struggled to find proponents.²⁸ Therefore, it comes as little surprise that the Tennessee Society to Maintain Segregation’s correspondence elicited no apparent reaction from the Chattanooga school board. However, its existence within the body of evidence from this era in Chattanooga’s desegregation process indicates that the school board’s statement of compliance with *Brown v. Board* motivated local and regional white citizens alike to demand a retraction.

“Freedom of Choice”: Mapp v. Board and Residential Segregation in Chattanooga

The demands for action from Chattanooga’s white and black communities was finally met in 1960, when NAACP member James Mapp sued the Chattanooga Board of Education for failing to actualize school desegregation in a case that would last over two decades. Mapp, the father of four children in the Chattanooga public school system, took issue with the fact that his son and three daughters were denied the ability to enroll in the school closest and therefore most convenient for them. Using his legal connections with the NAACP, he brought a case against the Chattanooga Board of Education with the help of Avon Williams, a Nashville attorney who

and women as their primary function. For more, see Neil R. McMillen, *The Citizens’ Council: Organized Resistance to the Second Reconstruction 1954-1964*, (Chicago: University of Illinois Press, 1994)

²⁷ “Tennessee Society to Maintain Segregation Correspondence with Raymond B. Witt, October 1955,” From University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Public Schools Desegregation Records. <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/2412> (Accessed February 28, 2016). See Image 1.2 in appendix.

²⁸ McMillen, *The Citizen’s Council*, 95.

would come to be known for his relentlessness in the court room and determination to appeal.²⁹ For the other defendants, local attorney and school board member Raymond Witt volunteered his services as legal counsel. Witt would eventually step down from his position on the school board to concentrate on his legal work, and both he and Williams remained the primary counsel for the defendants and plaintiffs respectively until the 1986 dismissal. The first phase of this case was tried in district court under Judge Frank Wilson on July 20, 1960, and on this day, the courts ruled that Chattanooga's existing school system was unconstitutional and that a plan for desegregation must be submitted to the district court before December of that year.³⁰ According to this "freedom of choice" plan, which cycled through two amendments before approval by the courts, the first through third grades of Chattanooga's elementary schools would be desegregated in the 1962-1963 school year by the application of "a single system of zones," with subsequent grades integrated in the following years. Chattanooga parents could elect whether to send their child to their neighborhood school or elsewhere, but in order to attend outside the prescribed zone, they would have to fill out a transfer application.³¹ In July of 1961, this method was accepted by the district court as adequate progress towards full desegregation.

In order to further understand the minimal effect that this first "freedom of choice" desegregation plan had on public schools in practice, one must first review the history of

²⁹ NAACP lawyers such as Avon Williams were instrumental in fighting segregation throughout the nation during the 1960s and 1970s, as the organization saw litigation and the Supreme Court as the best avenue for securing the constitutional rights of African Americans. In Tennessee, Williams also assisted with the concurrent desegregation cases fought in Nashville and Memphis. For more on the legal strategies employed by the NAACP in desegregation cases, see Gilbert Jonas, *Freedom's Sword: The NAACP and the Struggle against Racism in America, 1909-1969*, (New York, Routledge, 2005); Mark Tushnet, *The NAACP's Legal Strategy against Segregated Education, 1925-1950*, (Chapel Hill: University of North Carolina Press, 1987).

³⁰ "Mapp v. Board of Education Proceedings, July 20, 1960," From University of Tennessee Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/988> (Accessed March 28, 2016).

³¹ "Resolution for the Submission of a Plan of Desegregation of Chattanooga Public Schools to the District Court, 1960," From the University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/2154> (Accessed April 1, 2014).

residential patterns in Chattanooga. From the initial phases of the *Mapp v. Board* case until the very end of the case in 1986, racially inequitable zoning policies and housing practices contained African Americans within certain neighborhoods and played arguably the most crucial role in frustrating desegregation efforts. Although the prevalence of housing segregation did not surface as an argument in court until the 1970s, its insidious effects could be seen as early as 1962 and should therefore be discussed from the outset. Understanding how neighborhoods were carefully structured and maintained by municipal and private organizations of Chattanooga lends explanation to the inefficacy of a single system of zones and a “freedom of choice” plan. Simply put, white children remained in white schools because they lived in white neighborhoods, and the inverse held true for black children in the fulfillment of a narrative that originated over a century before.³²

The development of Chattanooga’s urban landscape began in the mid-nineteenth century, as the region developed into an industrial city due to its strategic location on the Tennessee River at the gateway between Lookout and Signal Mountains. Incorporated in 1839, it rapidly expanded into the leading commercial center of the area, bolstered by accessibility to water transportation and ample railways.³³ As the epicenter of industrial development, the downtown area of Chattanooga attracted many heavy industry workers and their families, and these low-income employees, many of them black, settled in close proximity to their jobs. As a result of the growing industrialization and subsequent pollution of the downtown area, white families who could afford to do so began their exodus to the wealthy neighborhoods of Signal and Lookout

³² In *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993), Douglas S. Massey and Nancy Denton provide an overview of how migration patterns, Jim Crow laws, northern industrialization, and racial violence catalyzed the spatial segregation of blacks and whites by the beginning of World War II.

³³ Industrial Committee of 100, Chattanooga Chamber of Commerce, “Chattanooga, Tennessee Industrial Report, December 9, 1959,” Chattanooga Public Library.

Mountains, as well as growing suburban areas on the city's outskirts. The African American residents of the industrial center were left to occupy what little dilapidated, low-income housing was present. However, during the post-World War II economic boom, white city officials decided that in order to reclaim downtown, they would institute a number of federally-subsidized urban "revitalization" programs—a common phenomenon throughout the nation in the 1950s. In Chattanooga, this movement was known as the Golden Gateway Urban Renewal Project, and it prophesied highway construction, improved residential areas, reduced pollution, and, most threatening for black residents, the eradication of "blighted" or slum structures. In his book *The Origins of the Urban Crisis*, historian Thomas Sugrue discusses a similar project that took place in downtown Detroit during the 1950s and its adverse effects on the black population. As he states, "The city's redevelopment projects soon demonstrated the commonplace wisdom of the streets that 'slum removal equals Negro removal.' The city had no adequate relocation plans for residents uprooted by urban renewal."³⁴ As result of this disregard, black residents of Detroit had two choices. They could choose to grapple for equality within the private housing market, where racially restrictive neighborhood covenants and discriminatory practices in real estate frustrated them at every turn. More commonly, however, impoverished African American citizens were crammed into whatever little public housing remained, worsening decaying conditions there and validating the city's call for further ghetto removal.³⁵

Chattanooga's Golden Gateway project created a similar dilemma for black residents living in downtown Chattanooga during the late 1950s and 1960s. As city planners and public officials prepared for the construction of Interstate 24 and a fleet of new office buildings along

³⁴ Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, (Princeton: Princeton University Press, 1996), 50.

³⁵ Sugrue, *The Origins of the Urban Crisis*, 134.

Market and Broad Street, they devised a “rating system” that justified elimination much of the public housing black workers relied on to house their families. Carried out by a municipal body called the Better Housing Commission, a series of surveys rated each census tract in Chattanooga based on condition of structures, homogeneity of land use, community service, streets, and housing. The description of point distributions and deductions reveals the survey’s racist undertones: “Areas which have seen a marked change from white to Negro occupancy in recent years have been designated as transition areas...It should be noted that Negro occupancy, per se, is not of course a depreciating factor. However, the process of transition at the present time creates problems of friction and disrupts community ties.”³⁶ Despite the claim that black residency was punishable, “per se,” communities were awarded points for “not being a transitional area” and “having few or no conversions to multi-family dwelling.”³⁷ Sugrue also points out how attacking these “multi-family dwellings” disproportionately targeted poor black people of the city, as they commonly combined households with extended family members to combat the public housing shortage.³⁸ Over the course of nearly twenty years, the Golden Gateway project resulted in the widespread and systematic relocation of black downtown residents.

“Tyranny of the Courts”: Midcentury Anticommunist Resistance to Desegregation

Although the *Mapp v. Board* case provided the catalyst for integration in Chattanooga, it failed to produce the immediate results hoped for by many African American citizens, largely due to residential segregation, and ignited fierce resistance within the white community, further demonstrating the enduring dissatisfaction that pervaded Chattanooga’s method of

³⁶ Chattanooga-Hamilton Regional Planning Commission, “An Analysis of the Composition and Condition of the Residential Communities in Hamilton County, Tennessee, January 1960,” 7, Chattanooga Public Library.

³⁷ Chattanooga-Hamilton Regional Planning Commission, “An Analysis...”

³⁸ Sugrue, *The Origins...*, 56.

desegregation. White citizens of Chattanooga such as Dr. T.H. Patton and Kate Steele felt that the courts were overstepping their boundaries in any efforts to enforce desegregation. In letters to the Board of Education, Dr. Patton and Mrs. Steele relied extensively on mid-twentieth century anticommunist rhetoric to protest against mandatory integration. In order to understand the mentality which fueled letters such as those of Patton and Steele, one must first grasp the profound connection between the civil rights movement and the international struggle for democracy at the mid-twentieth century, as well as the ways in which southern white supremacists often appropriated anticommunist rhetoric for their own pro-segregationist agenda. In her book *Cold War Civil Rights: Race and the Image of American Democracy*, historian Mary Dudziak contends that, during the Cold War era, the world perceived the institution of Jim Crow segregation in the army and public schools as antithetic to the democratic system America sought to spread. In order to rectify this damaging international image, the American government passed a number of civil rights reform legislature in the 1950s under President Truman, with the *Brown vs. Board* Supreme Court decision acting as one of the most crucial of these. As Dudziak states, “The Truman administration stressed to the Supreme Court the international implications of race discrimination and focused on the negative impact on U.S. foreign relations that a pro segregation decision [in *Brown v. Board*] might have.”³⁹ In a time when newspapers nationwide were plastered with headlines about the activities of the “Reds” on a daily basis, the American public felt the pressure to adopt any measure that might combat the seemingly overwhelming force of Communism.

While the United States government and a good portion of its citizenry certainly understood the relationship between civil reform and international reputation, a small but

³⁹ Mary L. Dudziak, “Fighting the Cold War With Civil Rights Reform,” in *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, New Jersey: Princeton University Press, 2000), 173.

influential faction of white southerners distorted this correlation, ironically using anticommunist rhetoric to *support* the continuation of segregation in schools throughout the 1950s. Explaining this unique phenomenon in his work *Black Struggle, Red Scare*, Jeff Woods maintains, “During the late 1940s, the 1950s, and the 1960s...segregation and anti-Communism acted as the mutually reinforcing components of an extreme southern nationalism.”⁴⁰ This “extreme southern nationalism” centered around a fervent desire to protect the conservative traditions of the antebellum South, imagined as a golden era that had been stripped away by the federal government. Components of this antebellum ideology included racially coded social stratification, fundamentalist religious beliefs, and the predominance of regional loyalty over federal allegiance. White Southerners’ desire to preserve a time in which slavery was a crucial component of the social structure, combined with a suspicion of the revolutionary potential of African Americans that was rooted in past slave rebellions, produced a fierce resistance to the end of Jim Crow laws. These southerners believed that, because former slaves had little experience with democracy or capitalism, the black population would be more prone to a communist worldview, automatically casting them as anti-American and anti-southern. However, as Woods emphasizes, they also took issue with the United States government itself, maintaining that the federal courts should not have jurisdiction over “southern ways”—a conflict dating back to the pre-Civil War state’s rights crisis.⁴¹ Thus, in the minds of these white supremacists, the power-greedy federal government and alleged anti-American, Communist black population conspired to disrupt the social, political, and economic patterns of the South with legislation such as *Brown v. Board*. Although this particular brand of anticommunism was never widely

⁴⁰ Jeff Woods, *Black Struggle, Red Scare: Segregation and Anticommunism in the South, 1948-1968* (Baton Rouge: Louisiana State University Press, 2004), 2.

⁴¹ Woods, *Black Struggle*, 16-17.

accepted, it garnered a great deal of popularity in the South—enough to make the delicate process of desegregation even more difficult.

Close analysis of the letters from white citizens T.H. Patton and Kate Steele reveal the ways in which this southern anticommunist rhetoric pervaded the desegregation process in Chattanooga and hindered community leadership to implement a successful and accepted method of school integration. Although some regional and demographic differences distinguished Patton and Steele, with T.H. Patton being a male doctor from northern Tennessee and Kate Steele being a housewife from Chattanooga, the similarities in the tone and content of their letters is striking. Both, written to school board attorney Raymond B. Witt in the aftermath of the *Mapp v. Board* verdict, refer to the Supreme Court as a puppet of Communism, with Steele writing, “We are under the tyranny of courts the same as Russia is under the tyranny of the Communists.”⁴² Similarly, Dr. Patton advised the school board to, “Protect your city from dangerous Communist Negro-mixing” and “the corrupt courts,” implying that African Americans were somehow inherently Communist and threatening to American values.⁴³ The analogous language of these two letters ultimately upholds Woods’s premise that anticommunist rhetoric was a powerful if not definitive aspect of white supremacy throughout the south. If two individuals separated by region, gender, occupation, and social status used nearly identical terms to describe the phenomenon of desegregation, they were both clearly informed by the same influential ideology. While most Americans acknowledged the incompatibility of racial segregation and an

⁴² “Kate H. Steele Correspondence with Raymond B. Witt, March 1, 1960,” From University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/2361> (Accessed February 25, 2016). See Image 1.3 in appendix.

⁴³ “T.D. Patton Correspondence with Chairman of City School Board, November 10, 1960,” From University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, <http://cdm16877.contentdm.oclc.org/cdm/ref/collection/p16877coll8/id/2316> (Accessed February 25, 2016).

international struggle for democracy, citizens such as Patton and Steele turned this argument on its head—maintaining that integration would further the Communist cause.

Turmoil Beneath Tranquility: School Board Proceedings Throughout the 1960s

Although the immediate aftermath of the *Mapp v. Board* legal case foreshadowed the problems that were to plague Chattanooga's desegregation process throughout the next decade, quantitative evidence from 1967 and 1968 demonstrates just how ineffective the school board was in producing integrated schools. According to an official report issued by the board of education on the state of public schools as of the 1966-1967 school year, only twenty six of the forty four schools approved for desegregation actually had an integrated student population by this time.⁴⁴ The report also indicated that only 57.2 percent of the 27,163 students in the Chattanooga public school system were enrolled in desegregated schools, and the majority of children granted transfers were white.⁴⁵ In an effort to remedy this lack of progress towards full desegregation, the district court to which the Chattanooga school board was answerable ordered that the immediate desegregation of the eighth through twelfth grades occur during the 1967-1968 school year, interrupting the grade-by-grade approach.⁴⁶ This order marked a major turning point for both the Chattanooga school system and community members grappling with the integration process. As Raymond Witt observed in a letter to fellow attorney John Henniss, "When junior high schools and high schools are desegregated, for a number of children this will be their first desegregation experience... While there were a number of elementary schools that were not affected by desegregation because of the geographical housing pattern, this will not be

⁴⁴ "Statistical Analysis of Desegregated and Segregated Schools, Grades, Enrollment, and Transfers Granted, 1966-1967," Document in University of Tennessee at Chattanooga Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, Box 3, Folder 4.

⁴⁵ "Statistical Analysis..."

⁴⁶ Springer Gibson, "Full Compliance in Desegregation Ordered by 1967," *The Chattanooga News-Free Press*, April 30, 1965, Newspaper clipping, Box 3, Folder 4, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

true in the junior high and high school groups.”⁴⁷ Because elementary schools outnumbered junior high and high schools in Chattanooga, their attendance zones were more compact, meaning that many white and black children remained segregated in schools as a result of racially segregated neighborhoods. Secondary education facilities were fewer in number; therefore, the abolition of dual zones created zones with residential areas ranging from suburban enclaves to inner city public housing. Witt prophesied in his letter to Henniss the opposition that this would cultivate amongst white families who had previously avoided desegregation, using the predominantly white St. Elmo neighborhood as an example: “The people of St. Elmo have accepted the few negroes that have entered their elementary school with good graces...But St. Elmo is entirely surrounded by negro population...As a result, Lookout Jr. High would undoubtedly have a substantial negro population. The people in St. Elmo are extremely sensitive because they have seen this all coming.”⁴⁸ Unlike the relatively uneventful experience with elementary school desegregation, the integration of middle and high schools would foster deep division within the Chattanooga community.

The inadequacies of Chattanooga’s method of desegregation can best be seen in the racial conflicts that plagued Brainerd High School throughout the 1969-1970 school year—conflicts that ultimately highlighted the unwillingness of both black and white Chattanooga citizens to accept desegregation as it stood fifteen years after *Brown v. Board*. In 1967, when immediate desegregation was ordered, Brainerd High still had an all-white student body, and its symbols of school pride—the Confederate flag, the “Rebel” mascot, and the “Dixie” anthem—highlighted a

⁴⁷ “Raymond B. Witt correspondence with John T. Henniss, 1967 April 5,” Box 7, Folder 3, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁴⁸ “Raymond B. Witt correspondence with John T. Henniss, 1967 April 5.”

history of antebellum white supremacy.⁴⁹ This dynamic created a hostile environment when African American students enrolled for the first time in 1967, even though these tensions did not erupt until two years later. On the night of October 3, 1969, the students of Brainerd filled the campus stadium to watch their football team, the Rebels, square off against rivals in the hallmark southern tradition of the Friday night homecoming game. Of the hundreds of students in attendance, some thirty or forty African Americans represented the disproportionately small black population attending Brainerd, shortly after halftime, this small faction of students rose from their seats and moved down to the playing field, carrying with them a rolled Confederate flag—a symbol that would have sparked southern pride and a sense of patriotism within the vast majority of the game’s white attendees. Next, the African American students boldly stormed the playing area and, in full vision of spectators, set fire to the school’s beloved symbol—a move that incited angry white students, parents, and administrators to vacate their seats and flood the field.⁵⁰ As violence broke out between black and white, police backup was called and ordered to remove all African Americans from the stadium. The headline of the *Chattanooga Times* the following morning read, “Disorderly Negroes Mar Brainerd Game,” and the cover story featured a photograph of an African American female student being pinned to the ground by the billy club of a police officer.⁵¹

⁴⁹ For more on the symbolism behind the “Dixie” anthem and the Confederate flag, particularly as it related to sporting events in the South during desegregation, see Derrick E. White, “From Desegregation to Integration: Race, Football, and “Dixie” at the University of Florida,” *The Florida Historical Quarterly* 88.4 (2010): 469-496; Robert Holmes and M. Christine Cagle, “The Great Debate: White Support for and Black Opposition to the Confederate Battle Flag,” in *Confederate Symbols in the Contemporary South*, (Gainesville: University Press of Florida, 2000), 36

⁵⁰ J.B. Collins, “1,000 Brainerd High Students Walk Out,” *The Chattanooga News-Free Press*, October 8, 1969, Newspaper clipping, Box 4, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁵¹ “Disorderly Negroes Mar Brainerd Games,” *The Chattanooga News-Free Press*, October 4, 1969, Newspaper clipping, Box 4, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee. See Image 1.4 in appendix.

While this homecoming game incident proved to be the spark that ignited racial conflict at Brainerd, events over the next several weeks and months demonstrated that problems had existed long before this time. On October 7, 1969, several days after the burning of the Confederate flag, approximately one thousand of Brainerd's twelve hundred white students exited the building in protest of administrators' intention to abolish the flag symbol and the playing of the Dixie anthem.⁵² Over the next week, headlines spoke of rock-throwing and gunfire between black and white youths, which culminated in the institution of a city-wide curfew.⁵³ While the curfew succeeded in quelling outright confrontations, it did nothing to solve the deeper racial conflicts at work, as evidenced by the resurgence of strife the following spring. April of 1970 was a particularly tumultuous time for Brainerd, as administrators were forced to close down the school for two days following a series of violent exchanges between black and white students.⁵⁴ According to a report written and submitted by white Brainerd student David Thompson to a disciplinary committee commissioned to investigate events at Brainerd, the April controversy began when white and black students violently clashed in the hallways of the school: "[White student] Harold Simpson was walking down the hall...when the accused [black] student started chasing him. There were around 20 to 25 [black] students...These students then started to throw chairs at the windows as they were running. The evidence is the broken windows and the show case, the tables and chairs thrown through the halls."⁵⁵ The *Chattanooga Times-Free Press* similarly reported the incident, stating, "The trouble apparently began Wednesday during the

⁵² Collins, "1,000 Brainerd High Students..."

⁵³ "Curfew Called in City," Newspaper article, Box 4, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁵⁴ Rex Sanders, "Ask Assistance in Restoring Order," *The Chattanooga News Free-Press*, April 23, 1970, Newspaper clipping, Box 5, Folder 2, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁵⁵ "Letter from David Thompson to Disciplinary Committee," May 5, 1970, Box 5, Folder 4, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

noon recess with a fight in a restroom in which two white youths... were beaten by an undetermined number of Negro students.”⁵⁶ On that day, all black students at Brainerd were dismissed from school at midday, loaded onto school buses, and removed from the parking lot as white students amassed in front of the campus and started chanting, “Blacks gotta go, hey! Blacks gotta go!”⁵⁷

Although the ubiquity of white-authored evidence, such as the disciplinary report issued by Thompson and the *Chattanooga News-Free Press* articles, make it difficult to piece together a nonpartisan account of what happened at Brainerd during these few months of conflict, a series of 1969 and 1970 newsletters entitled “The Black United Front” provides a starkly different narrative. Narrowly circulated, “The Black United Front” was issued weekly by Black Knights, Inc., a Chattanooga-based African American organization whose members aligned themselves with the growing black power movement. As their mission statement read, “The United Front is the official organ of Black Knights, Inc., with the purpose of bringing news pertinent to the black community of Chattanooga...and to be used by the people of the community as a means of bringing to the open the many problems plaguing them.”⁵⁸ Throughout the fall of 1969 and spring of 1970, much of the newsletter’s content focused on the happenings at Brainerd, beginning with the protests against the Dixie anthem and Rebel flag. An anonymous “Black Brainerd Student” wrote in October 1969, “The honkies, from the hard-core racist to the perfume-sweet liberal, from Commissioner of Education...to the ‘Chattanooga Times,’ are trying to justify to the old south slavery symbols cherished by the white students at Brainerd

⁵⁶ “Brainerd High is Closed Today After More Strife Wednesday,” *The Chattanooga News-Free Press*, April 16, 1970, Newspaper clipping, Box 5, Folder 2, Raymond B. Witt Chattanooga Public Schools Desegregation Records, Special Collections, University of Tennessee at Chattanooga, Tennessee.

⁵⁷ Sanders, “Ask Assistance in Restoring...”

⁵⁸ “The Black United Front newsletter, vol. 1 no. 2,” December 25, 1969, Box 6, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

High School...So the black students at Brainerd are saying, ‘Take that Rebel flag...and flush it down the toilet where it belongs.’”⁵⁹ The cover of another issue, this one published shortly after the April 1970 closing of the school, depicted a hand drawn cartoon of a fleet of white-hooded KKK members, labeled “The Brainerd Rebels.”⁶⁰ The article underneath read, “There is an effort to cool the disturbances and to re-open Brainerd High School by the powers that be... Racism, nurtured from Mayor Drop-out Bender down to the redneck parents, is the real problem at Brainerd...The white people involved, including [principal] Von Schaaf, the faculty, the students, all must admit their racist tendencies before the Brainerd crisis can be smoothed out.”⁶¹

The openly oppositional tone of the Black United Front newsletters ultimately connected events in Chattanooga public schools to the black power movements growing in universities and other liberal spaces in the late 1960s and early 1970s. As black high school students at Brainerd found themselves increasingly embroiled in bitter racial turmoil, black university students across the nation were developing strategies to not only cope with, but also actively resist discrimination. The Student Nonviolent Coordinating Committee, or SNCC, formed in 1960 as one of the most crucial coalitions for young black activists. The SNCC promoted activism at a community level, encouraging students to participate in sit-ins and other forms of nonviolent protest. Their commitment to nonviolence began to waver in 1966, as the “black power” principles of racial pride, self-determination for black individuals, and the creation of a black identity took precedent over nonviolence.⁶² Another conduit for the spread of black power thought was the Black Panther Party, who espoused the idea that black communities were

⁵⁹ “The Black Fist, vol. 1 no. 8,” October 1969, Box 6, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁶⁰ See Image 1.5 in appendix.

⁶¹ “The Black United Front newsletter, vol. 1 no. 18,” May 2, 1970, Box 6, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁶² Christopher P. Lehman, *Power, Politics, and the Decline of the Civil Rights Movement*, (Oxford: Praeger, 2014): 25.

“colonies within the mother country of Africa.”⁶³ The Black Panther Party unapologetically called for the black race’s emancipation from white social, political, and economic institutions. Ralph Moore, the creator and editor of the United Front publication, associated himself with both of these groups and bolstered black power ideology in Chattanooga in the late 1960s with the formation of the Black Knights. Moore, a Chattanooga native and devout member of the Black Panther Party, returned to his hometown in 1966 with a radicalized notion of racial equality and black identity after attending the historically black Wilberforce College in Ohio and serving in the Vietnam War.⁶⁴ The Black Knights were born out of Moore’s vision and the influence of other black activists in Chattanooga, many of whom associated themselves with SNCC.⁶⁵ Therefore, the Black United Front newsletter in many ways abridged the distance between the hallways of openly hostile schools such as Brainerd and the more liberalized spaces of college campuses and black power meetings. Because Ralph Moore and others like him brought to Chattanooga the ideology of SNCC and the Black Panthers, students such as the “Black Brainerd Student” were able to draw upon the rhetoric of black power movements in protesting the events happening at his or her own high school. In one image published in the *Chattanooga News-Free Press* during its coverage of the spring 1970 conflict, black Brainerd students are seen holding up one fist—an icon of the black power movement—as they awaited removal from the campus.⁶⁶ Black students at Brainerd clearly did not exist within a vacuum of naiveté to the injustices

⁶³ Joshua Bloom and Waldo E. Martin, *Black Against Empire: The History and Politics of the Black Panther Party*, (Berkeley: University of California Press, 2013): 58.

⁶⁴ Kamau Sankofa, “Special Edition Part I: Power to the People—An Interview with Chattanooga’s Original Black Panther Party Coordinator Ralph Moore,” *The Chattanooga News Chronicle*, February 3, 2013.

⁶⁵ In his 2013 interview with Kamau Sankofa, Ralph Moore mentioned men such as Willie “Papa” Ricks, a Chattanooga activist who wore a denim jacket after the model of Stokely Carmichael, longtime leader of the SNCC organization.

⁶⁶ See Image 1.6 in appendix.

served them; rather, they attempted to use the language and tactics of a much larger black activism to improve their personal circumstances.

Following the reopening of Brainerd High School in May of 1970, general coverage of the school faded from publication in the *Chattanooga Times*, indicating that administrators and students reached no true accordance or reform. However, the incidents were enough to spark renewed legal efforts from the James Mapp camp, who filed a motion for immediate relief in later 1969. According to a *Chattanooga Times* article entitled “Court Requested to Ask for Plan of Desegregation,” James Mapp and three additional plaintiffs “asked the U.S. District Court to request the Department of Health, Education, and Welfare to draft a plan ‘to achieve immediately a unitary school system in the city of Chattanooga.’”⁶⁷ The article also quotes Mapp who claimed, “The school board is building schools and addition to schools in such a manner as to conform to racial residential patterns...A freedom-of-choice desegregation plan employed by defendants in the high schools has not resulted in elimination of segregation therein.”⁶⁸ In many ways, the complaints addressed by Mapp and his fellow plaintiffs—lack of school board action, continued segregation, and inferior conditions in predominantly African American schools—sound identical to the ones initially issued ten years prior. However, Mapp also introduced a new type of language in this article, one whose key terms included “racial residential patterns” and focused on the way housing was related to school zoning. Thus, on the cusp of the 1970s, the Chattanooga community and school board faced an increasingly complex and difficult situation, one affected by community resistance, federal supervision, and grassroots activism within the schools themselves. Brainerd, and by extension the past ten years of desegregation, had proven

⁶⁷ “Court Requested to Ask for Plan of Desegregation,” *The Chattanooga News-Free Press*, November 15, 1969, Newspaper clipping, Box 4, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁶⁸ “Court Requested to Ask...”

not to be a transformative or redemptive occurrence, but merely the first phase in a desegregation process that would only grow more complicated with time.

Struggle in the Courtroom: 1971-1986

Throughout the early 1970s, as the *Mapp v. Board of Education* case faced a resurgence of litigation, the national climate surrounding desegregation and the civil rights movements evolved in ways that would come to directly affect educational policies and legal procedures in Chattanooga. Increasingly, school desegregation legal cases were ushered into higher courts, where federal courts handed down opinions and orders which set precedents for other communities throughout the nation. This decentralized approach to enforcement of the original *Brown vs. Board* mandate raised an entirely new set of questions during the 1970s, one of the most crucial of which was the extent of school boards' responsibility in eliminating desegregation. In most major metropolises, the "freedom of choice" plans enacted during the late 1950s and early 1960s, or during the initial phases of desegregation, resulted in schools that remained stubbornly segregated due to structural racism that contained black citizens within certain neighborhoods and school zones through housing discrimination, strategic construction of public housing, and urban revitalization efforts. Therefore, the question posed to school systems by federal courts evolved from, "What have you done to prevent segregation?" to "Have you done enough?" This inquiry resounded through cities across the nation and generated increasingly complex legal situations and community responses. Generally, federal judges sympathized with the NAACP and the liberal desegregationists during these late 1960s and early 1970s trials, producing well-known verdicts such as those in *Green v. County Board of New Kent*, *Alexander v. Holmes*, and *Swann v. Charlotte-Mecklenberg*.⁶⁹ Most of these verdicts

⁶⁹ In 1968, the Supreme Court declared in *Green v. County Board of New Kent* that "freedom of choice" plans no longer indicated adequate progress towards full desegregation. For a unique examination of this legal case and its

included provisions for busing, or the forced redistribution of students to achieve racial balance in all schools, which created strong backlash from white parents.

As a consequence of the turmoil created by many of the early 1970s busing plans, the latter half of the decade saw the reform or total removal of many previously instated desegregation policies. In cities such as Detroit and Boston, busing caused such an uproar amongst the white community that higher courts deemed it unworthy of the turmoil and frequent violence it fostered. Decisions such as the 1974 Supreme Court ruling in *Bradley v. Milliken*, wherein a busing plan that exchanged black kids from the urban center of Detroit with the white kids from the suburbs was overturned, contributed to the growing tide of wariness towards busing. Another frustration to the cause of desegregation was the massive “white flight” to suburbia that had begun. White families who felt uneasy about the integration of schools left urban centers in droves, settling amongst the growing suburbs with their private schools and majority-white public schools. The result of these obstructions was a gradual decline of interest in desegregation. The fervor with which federal courts had attacked the issue during the early 1970s faded into lassitude and a pervasive sense of defeat. By the middle of the 1980s, most school systems were released from federal supervision and left to their own means, and as many historians have argued, resegregation of schools began.⁷⁰

legacy, see Jody Allen and Brian Daugherty, “Recovering a ‘Lost’ Story Using Oral History: The United States Supreme Court’s Historic ‘Green v. New Kent County, Virginia,’ Decision,” *The Oral History Review* 22.2 (2006): 25-44. For an account of the similar 1969 *Alexander v. Holmes* decision in Mississippi, which essentially disavowed the “with all deliberate speed” clause and mandated an active pursuit of unitary education on behalf of school boards, see Charles Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870-1980*, (Jackson: University Press of Mississippi, 2005): 113-120. The *Swann v. Charlotte-Mecklenberg* decision, in turn, introduced the idea of mass busing as a way to achieve equitable racial distribution in schools, as explained in Matthew Lassiter, “The Suburban Origins of ‘Color-Blind’ Conservatism: Middle-Class Consciousness in the Charlotte Busing Crisis,” *Journal of Urban History* 30.4 (2004): 549-582.

⁷⁰ As early as 1979, scholars began to sense the rising tide of resegregation. In *From Brown to Bakke: the Supreme Court and School Integration, 1954-1978*, (New York: Oxford University Press, 1979), historian J. Harvie Wilkinson discusses (but does not name) a “fifth step” in the desegregation process on page 78. In *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*, (New York: New Press, 1996), Orfield, et. al., explains the entirety of the resegregation argument in pages 16-27. Richard J. Altenbaugh attributes resegregation to

In Chattanooga specifically, segregation in many public schools was sustained throughout the 1970s and into the 1980s through a successful combination of legal resistance to busing from white parents and claims on behalf of the school board that the massive white flight that occurred after 1972 could not be prevented. Essentially, the school board stalled concrete progress towards full desegregation in schools throughout the 1970s by claiming they needed an appeal ruling, funding for buses, or the return of white students before “real change” could take place. In the meantime, the lack of any visible, volatile protest from the community, black or white, enabled the school system to fly under the radar, while other regional centers, such as Nashville, attracted a great deal of attention due to the more violent nature of desegregation there.⁷¹ The stalling tactics employed by Chattanooga officials ultimately allowed the school board to keep many schools in a segregated state until the late 1970s and 1980s, when many courts dismissed desegregation cases out of exhaustion with the entire affair. Chattanooga was no exception. In 1986, the *Mapp v. Board* case was dismissed on the grounds that schools had stood in compliance with their federal court order since 1974. In reality, however, the Board of Education still operated a number of facilities, such as Howard High and Tyner High, that were either all-black or all-white. To the present day, Chattanooga public schools reflect the legacy of desegregation (and resegregation) in the city.

“The Agony of May”: The 1971 Trial and Evolving Definitions of Responsibility

“I apologize for not getting back to you sooner,” wrote Raymond Witt in a letter to the city attorney Eugene Collins in July of 1971, “After the agony of May with the trial and

President Ronald Reagan’s administration and the conservative Supreme Court Justices that sat during the 1980s, see Richard J. Altenbaugh, “Liberation and Frustration: Fifty Years after Brown,” *History of Education Quarterly* 44.1 (2004): 7.

⁷¹ For an account of Nashville’s desegregation process and busing crisis, see Richard A. Pride, *The Burden of Busing: The Politics of Desegregation in Nashville, Tennessee*, (Knoxville, University of Tennessee Press, 1985).

everything else going to hell, I decided to take some time off.”⁷² Witt’s “agony” refers to his experience at the 1971 courtroom hearing of *Mapp v. Board of Education of Chattanooga*, which came about as the eventual consummation of the motion for immediate relief filed by James Mapp and his NAACP attorney Avon Williams in the fall of 1969 after the Brainerd controversy. In this motion, Mapp and Williams had accused the Chattanooga school board of perpetuating segregation in schools through reliance on residential segregation. The May 1971 evidentiary hearing that resulted was arguably the most significant courtroom experience of the twenty-six-year case, and it was certainly the most extensive and exhausting for the plaintiffs and defendants alike. For seven days between May 9th and 19th, Witt, Mapp, Williams, and their many respective witnesses rotated in and out of Judge Frank Wilson’s courtroom, producing hundreds of pages of transcribed briefs, questionings, and cross-examinations. This meticulous and laborious approach was largely due to the aforementioned national reframing of questions surrounding desegregation. Judge Wilson did not have to decide whether or not the Chattanooga school board had acted in regards to desegregation, for Wilson himself had originally approved their gradual, “freedom of choice” formula. Instead, he had to determine whether or not these actions had accomplished enough to eliminate desegregation “root and branch,” as the Supreme Court opinion in *Green v. County Board of New Kent* now required.⁷³ Whereas previous hearings of the *Mapp v. Board* case focused on the school board taking action to open schools up to students of both races, this one questioned the structural racism and insidious sociopolitical forces that consistently rendered those actions ineffective, as well as what could be done to finally

⁷² “Raymond B. Witt Correspondence with Eugene Collins,” July 19, 1971, Box 9, Folder 4, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁷³ Avon Williams, “Motion for Further Relief in Civil Action No. 3564, December 30, 1968,” Box 7, Folder 4, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

overcome them. Ultimately, the 1971 trial ushered in a new era of desegregation in Chattanooga, as Judge Wilson followed the precedent set by Judge McMillan in the *Swann v. Charlotte* case and found the school board responsible for lingering segregation in schools.

The transcriptions produced by this exhaustive, week-long evidentiary hearing reveal that the issue of residential segregation in Chattanooga was the crux of Wilson's decision. Although discriminatory practices in housing and the ever-widening disparity between black and white neighborhood was nothing new for the city, this was the first time it could be used as legitimate evidence in court. NAACP attorney Avon Williams capitalized upon this day after day, offering concrete proof that school zones and housing sectors corresponded according to race in Chattanooga. Robert Taylor, a city planner brought in to witness that the school board had not acted with any intent of discrimination in establishing zones, repeatedly found himself on the receiving end of Williams' dogged questioning. On the second day of trial, Williams demonstrated that, during the 1962-1963 school year, three hundred white children were bused out of Clara Carpenter, a neighborhood school whose closure was part of the original desegregation plan, and sent past two all-black schools to another all-white school, Glenwood Elementary. In no other situation did the school system use buses during those early years.⁷⁴ During the same day of cross-examining Robert Taylor, Williams used maps to show that, when housing projects were built during the urban redevelopment plans of the 1950s and 1960s, they were either constructed near and zoned for already black schools, or schools were built adjacent to them shortly afterwards. One example he emphasized involved Piney Woods elementary, which opened as an "integrated school" during the 1964-1965 school year. In what Taylor

⁷⁴ "Official Transcript of Proceeding in Civil Action No. 3564, May 10, 1971," 225, Box 6, Folder 2, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

labeled a “coincidence,” it lay across the street from the Emma Wheeler Housing Project in the southwestern quadrant of the city. Because the Emma Wheeler homes contained 338 black residents and only 2 white ones, Piney Woods’s student body was all-black from its opening.⁷⁵ The Riverside and City High exchange discussed previously revealed the opposite phenomenon, wherein new facilities were built in the northern suburbs to shelter its white, middle-class families from the effects of desegregation. In response to these inquiries, Robert Taylor typically answered with some variation of, “The primary criteria [of the school board] was for the convenience of the youngsters.”⁷⁶ Responses such as this failed to dismantle even a brick of Williams’s wall of concrete evidence. In an editorial published in the *Chattanooga Times-Free Press*, courtroom onlooker Franklin McCallie observed, “[Williams] had them. They didn’t stand a chance.”⁷⁷

Judge Wilson confirmed McCallie’s observation with his May 19, 1971 opinion, which supported Mapp’s motion for immediate relief by requiring the Chattanooga school board to submit an entirely new plan for desegregation—one which would acknowledge and remedy past discriminatory actions and abolish the ahistorical mindset behind “freedom of choice” plans. This opinion opened with the straightforward admission, “It appears, as admitted here in the record by every witness...save the attorney for the defense himself, that the Chattanooga School System is not in compliance with the law.”⁷⁸ After reviewing the desegregation cases which had gained national attention over the previous years, Wilson went on to state, “Certainly there are

⁷⁵ “Official Transcript...May 10, 1971,” 247.

⁷⁶ “Official Transcript...May 10, 1971,” 215.

⁷⁷ Franklin McCallie, “Reflections on Court Hearing,” *The Chattanooga News-Free Press*, May 19, 1971, Box 6, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁷⁸ Frank Wilson, “Opinion in Civil Action No. 3564, May 19, 1971,” 2, Box 12, Folder 7, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

attractive features to the matter of freedom of choice in this area... Unfortunately, freedom of choice simply has not worked in the Chattanooga School System. You have to look no farther than the school administrations' own statistics to demonstrate that fact."⁷⁹ Although Wilson's opinion reads more like a placid acknowledgement of blatant inequality than an indignant condemnation of discriminatory practices, he nevertheless made good on his opinion one week later, when he ordered that a new desegregation plan be submitted by June 18, 1971 for approval and implementation by the start of the 1971-1972 school year.⁸⁰ Almost immediately after the case was concluded, James Mapp and Avon Williams notified the school board of their intent to appeal to the Sixth Circuit Court of Appeals in Cincinnati, Ohio.

The desegregation plan submitted by the Chattanooga school board, which underwent an amendment process before official approval by Judge Wilson on August 5, 1971, ultimately proved to be little more than another stalling tactic, as it used financial justification to avoid any extensive busing and included minimal changes in high school zoning. The opening page of the document reads, "In a confused and ambiguous area the Board has done the best it can under these circumstances, remembering that the maintenance of the educational opportunity for the 25,000 children of Chattanooga is its paramount responsibility."⁸¹ This statement was nothing new. In countless statements and proposals, the school board commonly used language that suggested desegregation would somehow compromise the holistic integrity of education, in defending its actions, or lack thereof. However, they were not wrong in accusing the courts of ambiguity. Although Judge Wilson had clearly found that the school board was responsible for

⁷⁹ Wilson, "Opinion in Civil Action...May 19, 1971," 8.

⁸⁰ Frank Wilson, "Order in Civil Action No. 3564, May 24, 1971," 2, Box 12, Folder 3, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁸¹ "Amended Plan of Desegregation, July 24, 1971," Box 11, Folder 2, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

eliminating all vestiges of segregation, past and present, he never provided specificities on how this should be accomplished. Nowhere in his order did he explicitly mention busing. Therefore, the school board easily avoided the issue by claiming that buses were not a feasible part of the budget at that time: “Recognizing that transportation service could become an expensive item for the school system, an expenditure heretofore not projected as a part of the operate budget... Within the present school budget necessary financial support for transportation is not possible.”⁸² This proved an effective evasive maneuver, for even though the new desegregation plan was technically implemented in the fall of 1971, the lack of buses made any drastic zoning changes impossible.

Chattanooga’s “Silent Majority”: Resistance to Busing in Regional and National Context

Although the Chattanooga school board’s 1971 amended plan for desegregation appeared mild and provided few substantive changes compared to the drastic busing schemes that upheaved cities such as Charlotte, Detroit, and Boston throughout the 1970s, white citizens of Chattanooga still effectively resisted its implementation in several ways. First, they successfully obtained a lower court ruling that prohibited taxation to obtain funding for buses in January 1972. Although this order was eventually reversed by Judge Wilson, it paralyzed any traction the amended desegregation plan might have gained in the crucial years after its supposed implementation. Next, white parents from the suburbs surrounding Chattanooga successfully exempted themselves from the city desegregation plan when their county schools were annexed into the Chattanooga Public School system in 1975. By annexing white-majority schools, the school board supplemented their rapidly declining enrollment figures; however, these schools were not officially included in the court-ordered plan and thus escaped any busing, zoning, or

⁸² “Amended Plan of Desegregation...”

pairing burdens. Finally, the most prevalent way white Chattanooga parents avoided grappling with the realities of desegregation was with massive white flight to private educational facilities. This tactic resulted in an abrupt, sharp decline in enrollment statistics for the school system as a whole and compromised public education in Chattanooga.⁸³ In many ways, white citizens of Chattanooga modeled their resistance after the highly-publicized white backlash in communities such as Charlotte and Detroit. However, regional disparities also differentiated the story of Chattanooga's desegregation and rendered the response of its white community unique. Comparison and contrast of white response in Chattanooga and these respective cities situates Chattanooga within the larger narrative of post-1970 desegregation in America.

The events that took place in Charlotte, North Carolina throughout 1969 and 1971 illustrate the efficacy of suburban mobilization in impeding a civil rights pursuit of comprehensive desegregation via busing and provide grounds for understanding methods of white resistance in Chattanooga. As one of the first regional centers to employ a two-way busing scheme, in which black children contained in low-income urban public housing were exchanged with the children of white suburbanites, Charlotte commanded the attention of the nation throughout the dramatic unfolding of its desegregation case. On April 23, 1969, two years prior to Chattanooga's own busing order, Judge James McMillan issued an unprecedented ruling in the *Swann v. Charlotte-Mecklenburg* case, arguing that "freedom of choice" plans, such as the one in effect in Chattanooga during this time, were inadequate at dismantling desegregation in a town where an entire faction of the population was concentrated in one residential area, as the black population was within the northwest quadrant of the inner city.⁸⁴ Following his ruling, white,

⁸³ O'Reilly, "City Enrollment Down Drastically..."

⁸⁴ Matthew Lassiter, "The Suburban Origins of 'Color Blind' Conservatism: Middle-Class Consciousness in the Charlotte Busing Crisis," *Journal of Urban History* 30.4 (2004): 555, accessed May 17, 2016.

middle-class parents across Charlotte began to mobilize in a movement that, as Matthew Lassiter argues, “charted a middle path between the caste framework of white supremacy and the egalitarian agenda of redistributive liberalism.”⁸⁵ These men and women—stay-at-home mothers, low-level insurance executives, faithful church attendees—epitomized the qualities of suburban, middle-class respectability, and thus organized, not in the streets, but across picket fences, grocery aisles, and church pews. The Concerned Parents Association (CPA), a group of parents from the fringe suburban region of Mecklenberg County, was the product of this grassroots coalition and proved to be the driving force behind anti-busing resistance in Charlotte. The platform of the CPA boasted, “a color-blind defense of middle-class respectability” and “insisted that opposition to busing had nothing to do with racial prejudice.”⁸⁶

Although the antibusing campaign of the CPA successfully captured local and national attention throughout 1969 and 1970 and influenced legislators and public officials from the ground up, a deep commitment to public education and legality eventually triumphed in Charlotte, as the majority of white middle-class protestors laid their exactions aside when the day for busing implementation arrived. In September of 1970, after over a year of protest, volunteers from both the inner city and the suburbs united to oversee that the first few days of integration ran smoothly and peacefully.⁸⁷ During the first year that schools operated under McMillan’s busing plan, “school attendance averaged more than 90 percent of projected enrollment, and white flight proved to be minimal in the suburban schools, now fully integrated along the 70-30 districtwide ratio.”⁸⁸ In the end, white Charlotte residents prided themselves on their “Charlotte

⁸⁵ Lassiter, “The Suburban Origins...,” 550.

⁸⁶ Lassiter, *The Silent Majority*, 139.

⁸⁷ Lassiter, “The Suburban Origins...,” 571.

⁸⁸ Lassiter, “The Suburban Origins...,” 573.

Way,” or their commitment to nonviolence and racial moderation. For the most part, the Charlotte busing crisis settled smoothly, even though suburban parents never recounted their stance on two-way busing. Rather than acknowledge the realities of structural racism and the necessity of deliberate policy designed to overcome housing segregation, white citizens of Charlotte credited peace in schools to their own willingness to concede rights for the sake of legal compliance.

Because Chattanooga and Charlotte shared a number of demographic and economic similarities in the early 1970s, events in Charlotte had a direct bearing on the unfolding of desegregation in Chattanooga, and white resistance to busing in Chattanooga was in many ways modeled after the methods employed by the Concerned Parents Association. Similar to Charlotte, Chattanooga was a Sunbelt mid-sized metropolis composed of a densely populated, mostly black urban center and white suburban communities rippling outwards. Also like Charlotte, Chattanooga’s school system had operated under a “freedom of choice” plan throughout the 1950s and 1960s, which, when combined with the pervasiveness of segregation in housing, produced minimally integrated schools. Lawyers representing the school board, particularly Raymond Witt, knew that the outcome of *Swann v. Charlotte-Mecklenberg* would have a strong bearing on Judge Wilson’s rulings. In a December 1970 memorandum to fellow lawyer John Hennis, Witt wrote, “Watch the *Swann* case. What happens over there will certainly swing the pendulum one way or the other for us.”⁸⁹ While Judge Wilson’s ruling certainly aligned with the basic premise of Judge McMillan’s, Chattanooga did not find itself bound to a specific busing plan as Charlotte did. Therefore, white resistance to busing in Chattanooga in many ways faced

⁸⁹ “Raymond B. Witt Correspondence with John T. Hennis,” December 20, 1970, Box 8, Folder 3, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

fewer challenges than in Charlotte. White parents were not subject to the same level of intense federal supervision, and they were often able to work out their frustrations with desegregation at a local level, as can be seen in the lower-level court ruling that followed the 1971 *Mapp v. Board of Education of Chattanooga* trial.

In the aftermath of Judge Wilson's order, white parents of Chattanooga successfully blocked desegregation efforts by relocating their private interests to a local circuit court and obtaining a ruling that precluded the purchase of buses for the next two years. Two driving forces impelled this judgement. Amongst the suburbs surrounding the Chattanooga urban center, a coalition of white parents formed the Concerned Citizens of a Chattanooga—a name that suggested strong identification with the objectives and methods of the well-known Concerned Parents Association of Charlotte. Even more important was the East Lake-Boulevard Advisory Council. At the time, some of the wealthiest and most influential members of Chattanooga resided in East Lake, and it had long been known as an overwhelmingly white area of the city. In late 1971 and early 1972, as the school board sought to procure funds for buses from the city council, the East Lake-Boulevard Advisory Council fought equally hard to ensure this would not happen, attacking the stance of any city commissioner who voted in favor of funding the desegregation plan. As one member wrote, “We are, to say the least, shocked by the announcement of August 30, 1971 of the appropriation of our city tax monies...to implement the forced busing of our children out of their neighborhood schools.”⁹⁰ The Concerned Citizens of Chattanooga took their contention one step further, suing the city commission in the circuit court of judge Joe Hunter, an avid advocate of the antibusing cause. In his January 1972 opinion,

⁹⁰ “Council Representatives Blast Commissioners for Busing Vote,” *The Chattanooga Times-Free Press*, September 1, 1971, Newspaper clipping, Box 4, Folder 13, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

which forbade the city commission of Chattanooga from levying taxes to pay for buses, he declared, “The busing concept violates the laws of reasoning and even sanity. It endangers and jeopardizes the health and lives of hundreds of small children....It disrupts the neighborhood’s whole concept of the American way of life and it depreciates quality education.”⁹¹ Like white Charlotte parents and President Nixon, Hunter evinced the idea that desegregation defied logic. Ultimately, Hunter’s ruling placed the city commission and the school board under two directly conflicting court orders, and any progress made towards providing funding for the purchase of school buses immediately halted. Although Judge Wilson overturned this lower order in August of the same year, the confusion created was enough to also propel him to postpone full implementation of the transportation plan until all appeals of the case had been exhausted on January 1, 1974, “whichever came first.”⁹² In a narrative that differed starkly from Charlotte’s, busing in Chattanooga was slowly being eliminated before it had even begun.

Another influential busing narrative that captured national attention during the 1970s, this one outside of the “Sunbelt South,” occurred in the metropolitan area of Detroit and demonstrated the power of forceful, sometimes-violent resistance to forced integration—a form of activism that lay on the opposite end of the spectrum from that employed in Charlotte. In 1971, as the outcry against cross-town busing slowly dwindled in Charlotte, an entirely new legal case opened in the northern metropolis of Detroit and its surrounding suburbs, particularly one named Warren. Known for the quality of its six school districts and safe neighborhoods, Warren

⁹¹ Ed Baker, “Hunter’s Ruling: Judge Decrees a Halt to Spending of Money Appropriated,” *The Chattanooga Times-Free Press*, January 15, 1972, Newspaper clipping, Box 8, Folder 10, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁹² Margaret Leonard, “Court Grants Postponement of Busing for Desegregation Until All Appeals Exhausted,” *The Chattanooga Times-Free Press*, August 12, 1972, Newspaper clipping, Box 9, Folder 9, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

became a haven for white families who could afford to flee Detroit's inner city as revitalization efforts concentrated public housing units there.⁹³ Prior to the desegregation of public schools there, Warren had already achieved a negative reputation with the federal government due to a 1970 investigation of discriminatory housing practice. As can be imagined, a community of this nature took great issue with the liberalization of Detroit's school board administration that began in the late 1950s, as the NAACP coalesced with white activists to reform the horrific conditions of black schools in preparation for desegregation. However, their protests could not halt the tide of integration, and in April of 1971, the lawsuit that would come to be known as *Bradley v. Milliken* reached the courtroom of federal district judge Stephen Roth. In June 1972, after finding the Detroit school system guilty of *de jure* segregation, Judge Roth approved a two-way busing plan that would cover fifty-three school districts in southeastern Michigan and affect 780,000 students—the most comprehensive busing order ever handed down by a federal court.⁹⁴

By summer of 1974, Detroit's school desegregation case finally reached the Supreme Court, where a 5 to 4 overturn of Roth's two-way busing order set a new national precedent for the elimination of massive two-way busing plans. In the majority opinion, Chief Justice Warren Burger wrote that because it could not be shown that Warren and other suburban towns were guilty of *de jure* segregation, busing plans could not punish them through subjection to cross-town busing.⁹⁵ With this rejection of Judge Roth's metropolitan plan, they sent the responsibility for finding a solution back to Detroit, where it fell into the hands of Judge Robert DeMascio. DeMascio hurriedly put together a quick-fix package that would bus students within the city,

⁹³ David Riddle, "Race and Reaction in Warren, Michigan, 1971 to 1974: 'Bradly v. Milliken' and the Cross-District Busing Controversy," *Michigan Historical Review* 26.2 (Fall, 2000): 3-4, accessed June 2, 2016.

⁹⁴ Riddle, "Race and Reaction..." 14-15.

⁹⁵ Riddle, "Race and Reaction..." 42.

rework the school system's disciplinary policies, and institute a reading program to "make up for the second-class educational experience that the school board had provided generations of black students."⁹⁶ The Supreme Court's overhaul and DeMascio's mild remedy to the serious problem of segregation in Detroit reflected a changing of the judicial tide towards forced integration through busing throughout the nation. Whereas the rule of law had upheld affirmative responsibility on behalf of the school board to eliminate segregation in 1971 in Charlotte, by 1974, it took the opposite position. Residents of Warren and other southeastern Michigan suburbs, despite the volatility and occasional violence of their protest movements, successfully secured their safe suburban harbor, with its white-majority neighborhood schools. Because of this, historian David Riddle argues, "any liberal consensus that might once have shaped public opinion [crumbled]... Thus, Detroit became the most segregated metropolitan area in the nation."⁹⁷

Although Chattanooga's white resistance to busing was less publicized than that of Detroit's, the two industrial centers actually adopted similar desegregation and busing policies by the mid-1970s, largely through the efforts of their white citizens. Whereas the white community of Warren relied on openly hostile tactics, such as the burning of Roth in effigy, to indicate their unwillingness to cope with busing, the white citizens of suburban Chattanooga relied on a campaign to exempt certain majority-white suburban schools from any desegregation plans imposed by federal court. These disparate methods produced the same outcome. Numerous white children of Chattanooga and Detroit's middle-class families were spared the burden of busing, zoning, or pairing plans. While pro-segregationists accomplished this in Detroit through

⁹⁶ Riddle, "Race and Reaction..." 43.

⁹⁷ Riddle, "Race and Reaction..." 49.

an official repeal of Judge Roth's order in 1974, the fight of white Chattanooga parents did not begin until a year afterwards. During the summer of 1975, seven schools previously operated by the Hamilton County school system switched administrations and officially became part of the Chattanooga Public School system, giving the school system an additional 5,085 students that it desperately needed due to extensive white flight.⁹⁸ In the previous school year, the Department of Health, Education, and Welfare (HEW) launched an investigation into the Hamilton County school system and found that over 2,000 white, or "non-minority" pupils residing within the city of Chattanooga were attending county schools as a means of escape from desegregated city schools.⁹⁹ Although HEW condemned this as a violation of Title VI of the Civil Rights Act of 1964, the annexation that took place the following year served only to solidify the opportunity for white residents of Chattanooga to flee to the suburban school of their choice. According to the zoning plans designed by the Chattanooga school board, the newly annexed schools would serve the same populations they had served as county schools, creating a blatantly segregated total of 5,648 white students and 23 black students.¹⁰⁰ Unsurprisingly, James Mapp and Avon Williams filed a motion in court requesting that they be subject to the more comprehensive city desegregation plan, due to their overwhelmingly white student bodies.¹⁰¹ With a waning commitment to desegregation similar to that of Justice Warren Burger in the *Bradley v. Milliken* case, Judge Wilson denied Mapp's request for further relief and approving the zones submitted

⁹⁸ "5,085 Students Gained by City, County Shows Loss of 5,550," *The Chattanooga Times-Free Press*, August 28, 1975, Newspaper clipping, Box 14, Folder 7, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

⁹⁹ John Wilson, "No White Transfers, HEW Orders," *The Chattanooga Times-Free Press*, March 19, 1975, Newspaper clipping, Box 14, Folder 5, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

¹⁰⁰ "Black Group Asks Total Mix of All City, Annexed Schools," *The Chattanooga Times Free-Press*, July 22, 1975, Newspaper clipping, Box 14, Folder 5, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

¹⁰¹ In 1975, the Hamilton County school system was only 2% black, while the Chattanooga school system was 54% black.

by the school board, a decision that the Sixth Circuit Court of Appeals upheld. Ultimately, these annexations reaffirmed that many Chattanooga schools still relied on flagrant segregation to retain their student population and demonstrated that the white community of Chattanooga could effectively resist busing without highly visible or publicized defiance to the rule of law.

“End It All”: The Denouement of Desegregation in Chattanooga

In December 1986, District Judge Allan Edgar ruled that the court-approved desegregation plan from 1971 had been fully implemented in Chattanooga’s public schools, ending the longest running case in Chattanooga’s court history and releasing the school system from federal supervision.¹⁰² In his opinion, Edgar wrote, “A school desegregation case need not last forever. The role of this court has not come to an end. It is no longer appropriate for this court to be involved in the operation of the Chattanooga city schools, a task now best left entirely to publicly elected officials.”¹⁰³ In the years following the dismissal of the twenty-six-year suit, these “publicly elected officials” set about dismantling the few provisions of the desegregation plan that remained in effect. In 1989, school board attorney Raymond Witt advised that the Chattanooga school system “eliminate virtually all bus service,” stating any action would be constitutionally permissible as long as it was “not adopted to produce a racially segregated school system.”¹⁰⁴ Chattanooga citizens celebrated the end of the case as well, publishing editorials under titles such as “Edgar Shows Good Sense” and “Time to Call It Quits.”¹⁰⁵ In

¹⁰² Judge Allan Edgar assumed the agenda of Judge Frank Wilson upon Wilson’s death in 1982. “School Integration Case Ends: Judge Edgar Believes Plan ‘Fully Implemented,’” *The Chattanooga News-Free Press*, December 10, 1986, Newspaper clipping, Box 18, Folder 2, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

¹⁰³ “School Integration Case...”

¹⁰⁴ “Raymond B. Witt correspondence with Harry Reynolds, July 20, 1989,” Page 3, Box 19, Folder 4, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

¹⁰⁵ “Edgar Shows Good Sense, *The Chattanooga News-Free Press*, December 12, 1986, Box 18, Folder 2, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee. “Time to Call it Quits,” *The Chattanooga News-Free Press*, December 12, 1986, Box 18,

“Time to Call It Quits,” an anonymous citizen wrote, “It’s high time the plaintiffs in this case admit that it’s gone as far as it can go and abandon efforts to use the schools as battleground for social change.”¹⁰⁶ Newspaper articles such as these and the school board’s immediate efforts to descale busing and transportation provisions ultimately contributed to the prevailing sentiment that the end of desegregation constituted a positive change for the community.

Despite the celebratory atmosphere brought about by the conclusion of the *Mapp v. Board* case, troubling statistics defined the Chattanooga school system throughout the final quarter of the twentieth century. In 1986, when the federal court deemed schools compliant with the desegregation plan, twenty-five out of the thirty-six elementary schools in the system were “racially identifiable,” meaning that seventy percent or more of the student population was either black or white. Of these schools, five still contained an all-black or all-white student body. This trend held true for middle and high schools as well, with schools such as Howard High maintaining an all-black student population.¹⁰⁷ While enrollment statistics for the system as a whole remained low, seventeen percent of children in Chattanooga and Hamilton County attended one of the ten private school institutions in the city. This percentage stood well above both the state average of seven percent and the national average of eleven percent—a testament to the white exodus to private schools that occurred during the process of desegregation.¹⁰⁸ These issues continue to linger within the Chattanooga public school system today. According to information compiled by UnifiEd, a nonprofit organization formed to supplement public

Folder 2, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

¹⁰⁶ “Time to Call It Quits...”

¹⁰⁷ Chattanooga Public Schools, “Racially Isolated and Racially Identifiable Schools by Student Enrollment: 1985,” Box 19, Folder 5, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

¹⁰⁸ Janni Benson, “Private vs. Public: Education Rivalry Harmful, Some Say,” *The Chattanooga Times*, October 12, 1990, Box 20, Folder 3, Special Collections, Raymond B. Witt Chattanooga Public Schools Desegregation Records, University of Tennessee at Chattanooga, Tennessee.

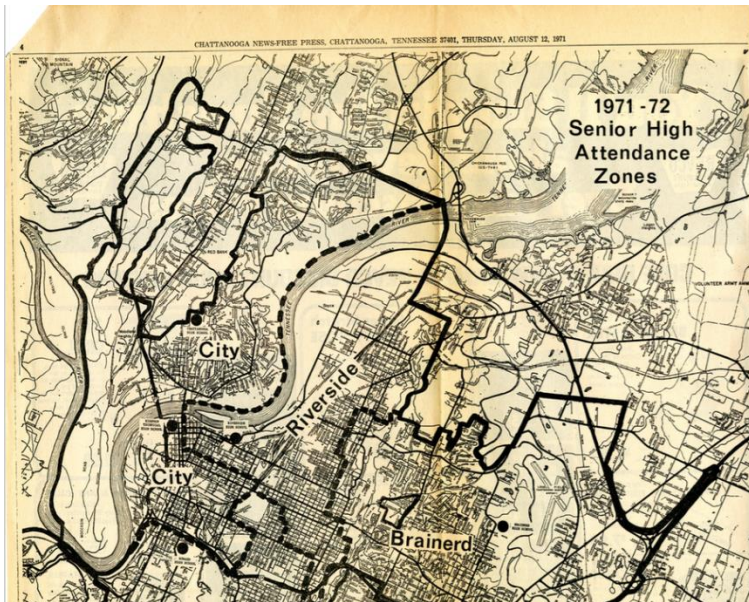
education in Chattanooga, a number of “racially identifiable” schools still exist within the system.¹⁰⁹

The present conditions of Chattanooga’s public schools ultimately reflect the legacy of the twenty-six-year battle for desegregation fought in both hallways and courtrooms. From 1954, when the Supreme Court issued the *Brown v. Board* mandate, until 1986, citizens and public officials of Chattanooga struggled to define and implement desegregation within schools. During the first phase of this process, roughly 1955 until 1970, the Chattanooga school board attempted to appease both federal courts and the community with a “freedom of choice” plan that failed due to residential segregation, protests within schools, and an evolving understanding of the deeper issues which kept white and black children from attending the same schools. In 1971, these factors resulted in a more comprehensive desegregation plan which included busing provisions and required that the school board take affirmative action to dismantle lingering segregation in schools. However, as in other communities such as Charlotte and Detroit, white resistance effectively precluded this plan from producing integrated schools. By securing a lower court order prohibiting funding for busing and exempting a number of annexed schools from desegregation measures, the white community of Chattanooga, aided by the compliance of the school board, ensured that many schools would remain segregated until the dismissal of the *Mapp v. Board* case in 1986.

¹⁰⁹ For current statistics on each school within the Chattanooga public school system, see Unifi-ed.org. For an example of the lack of racial diversity in many public schools, compare Signal Mountain High and Brainerd High. Signal Mountain High School currently maintains a 92.5% white student population, while Brainerd High School’s student enrollment is 94.2% black.

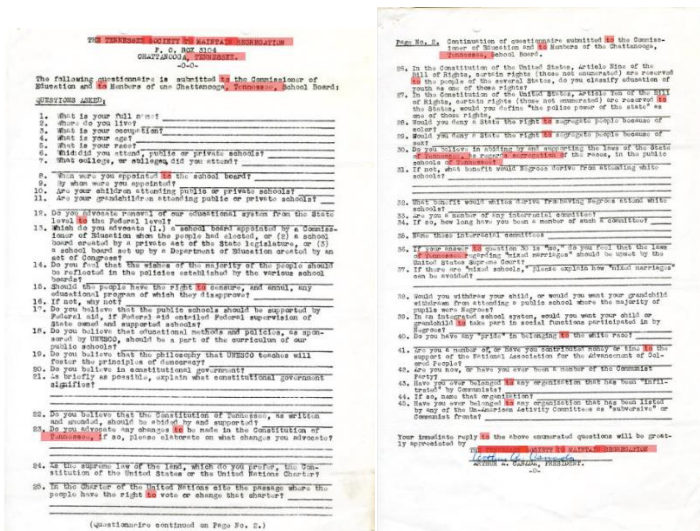
Appendix of Images

Image 1.1



“1971-1972 Senior High Attendance Zones,” *The Chattanooga Times Free Press*, August 12, 1971.

Image 1.2



“Tennessee Society to Maintain Segregation Correspondence with Raymond B. Witt, October 1955.”

Image 1.3

250 NORTH CREST ROAD March 1 -- 60
 CHATTANOOGA 4, TENNESSEE

Dear Raymond--

Like many many other people in Chattanooga I have been greatly disturbed over the race troubles we have had here recently and wondered if the NAACP was going to rule and control Chattanooga the restaurants -- the schools and the School Board-- and if we were going to surrender to the Reds and our enemies--

As you may know Willard and I spent a month in Russia this fall--- We were impressed by the power of Communism-- the lack of religion- home life and freedom and the use of FORCE--- Since we have been home we have been even MORE impressed with the power of Communism in THIS Country and we can but compare the two countries--

In Russia a FEW rule the many BY FORCE--- in this country a FEW-- the nine men of the Supreme Court-- try to rule the many BY FORCE--- The people of Russia have few freedoms--- so have we-- One by one our freedoms have been taken away from us-- No freedom of choice-- FORCED membership in Unions-- forced membership to get jobs-- forced F-E-P-C-- FORCED intergration in schools-- transportation in busses-- trains etc-- forced increase in Taxes No States Rights no personal rights-- no justice in our courts-- We are under the tyranny of courts the same as Russia is under tyranny of the Communists--

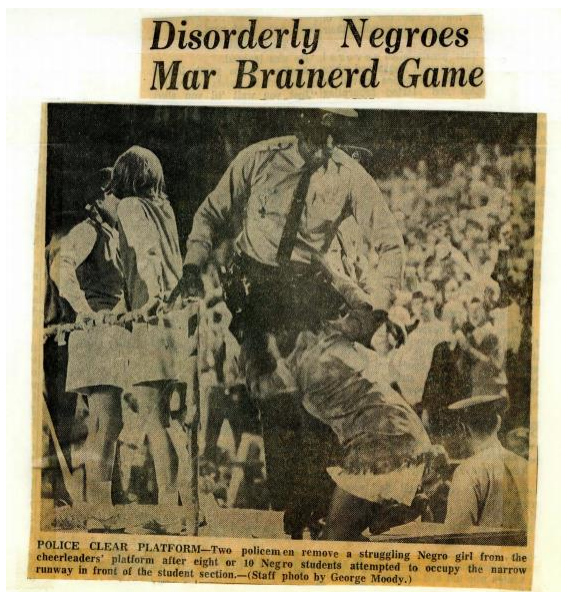
We are shocked terrified and amazed at the power of Communism in our colleges in our churches in our Government--

Russia has said that she would not need a shooting war to take us over--- she would bankrupt us-- make us GIVE away our wealth to nations where SHE would have the benefit of it-- that she would infiltrate our people-- our leaders and that they would in turn betray us-- Her plans are working out--

The Supreme Court is to blame for much of the power of the Reds they have given the NAACP and the Communists the favor of every ruling-- They are repealing States Rights making laws-- changing our Constitution-- violating their oath to uphold it and ruling us by force and in violation of the Constitution--

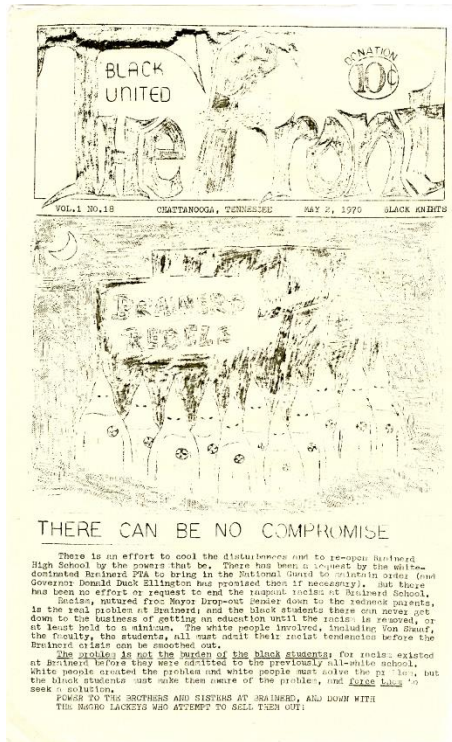
“Kate H. Steele Correspondence with Raymond B. Witt, March 1, 1960.”

Image 1.4



“Disorderly Negroes Mar Brainerd Games,” *The Chattanooga News-Free Press*, October 4, 1969.

Image 1.5



“The Black United Front,” May 2, 1970.

Image 1.6



“Brainerd High School Closed Today; Officials Confer on Opening, Trouble,” *The Chattanooga News-Free Press*, April 16, 1970.

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