A Historical Case Study of School Desegregation and Resegregation in Las Vegas, Nevada, 1968-2008

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A HISTORICAL CASE STUDY OF SCHOOL DESEGREGATION AND
RESEGREGATION IN LAS VEGAS, NEVADA, 1968 – 2008

by

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A dissertation submitted in partial fulfillment
of the requirements for the

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ABSTRACT


by

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The purpose of this study was to document and examine the perspectives of members of a historically African American community located in Las Vegas, Nevada (historic West Las Vegas) concerning equal education and school desegregation and resegregation in the Clark County School District from 1968 to 2008. Using historical case study methods, this study sought to provide a historical description and analysis of the social, political, and cultural contexts that shaped decades of school desegregation and resegregation in this historically African American community. Data sources included: legal cases and court documents; archived news, newsletters, newspaper and magazine articles; (3) Clark County School District documents such as school board meeting minutes, district reports and plans to include the Sixth Grade Center Plan of Integration and Prime 6 Plan; and archived oral histories. The questions that guided this study were: In what ways did West Las Vegas community stakeholders' perspectives vary in terms of equal education and how did these variations shape school policy? How did
the Clark County School District (CCSD) respond to West Las Vegas community stakeholders' concerns for equal education? What modifications did CCSD propose or implement to remedy West Las Vegas community stakeholders’ concerns regarding educational inequality? How does the historical evidence illustrate an interest in the return to neighborhood schools among West Las Vegas stakeholders? This study answers these questions by telling the story of school desegregation and resegregation in Las Vegas and why education leaders and community stakeholders continue to grapple with identifying and implementing the best strategies to ensure an equal, high-quality education for all students.
ACKNOWLEDGMENTS

There are many people who inspired me and contributed to this dissertation in many ways. First, I would like to extend my personal thanks and appreciation to my exceptional dissertation committee: Drs. Sonya Horsford, Robert McCord, Todd Robinson, and Edith Rusch.

As the economy started spiraling downward and the state suffered the worst budget deficit in its history, the UNLV Board of Regents decided to eliminate the Department of Educational Leadership – the home of my doctoral program. My professors worked tirelessly, preparing reports and documents in support of keeping the program. They attended board meetings, rallies, protests in support of our program; but to no avail, the program was slated for elimination. Despite these challenges, the educational leadership faculty remained dedicated to their doctoral students. They worked tirelessly to expedite our IRB paperwork. They worked closely with me to prepare a solid dissertation proposal, despite our abbreviated timeline - never giving up on me and what I was capable of accomplishing. Words will never express my true gratitude, but I must say, “Thank you!”

Thank you for your continual support and encouragement throughout this dissertation process. Thank you for believing in me when I stopped believing in myself. Thank you for encouraging me to continue the fight when I was considering waving the white flag. Thank you! A special “Thank you” to my dissertation chair for answering all my annoying phone calls, for replying to my numerous emails, and responding to all my text messages. I tremendously appreciated the wise academic counsel, detailed comments, and suggestions on my dissertation. You are an amazing woman. The
University of Nevada, Las Vegas eliminated a stellar program with an amazingly dedicated faculty.

In addition, I would like to extend warm heartfelt thanks to my colleague Sarah Miller for her advice, suggestions, and overall help with making this dissertation a success. We worked together for five years but only in these last two months have I realized her true gift to this world. Thank you for sharing your gift with me.

I would like to also acknowledge my children, Brittany and Jasmine, for their love, support, and encouragement. Their patience and understanding with me when I wasn’t cooking or cleaning because this dissertation had consumed my life. Thank you. Thank you giving me a pass when I would not stop working to spend time with you. I would like to thank my father, Gregory, for allowing me to intrude in his space when I needed a place to go to work in peace. Thank you, Daddy, for catering to my needs; cooking for me and cleaning up behind me. Most importantly, keeping me on track and focused with every, “Aren’t you supposed to be working on your dissertation?” Thank you.

Finally, I would like to acknowledge and thank my Bridger Middle School work family. Every day at lunch, they would check on the progress of my dissertation. This added pressure encouraged me to keep working. I did not want to come to work with no news to report. Thank you for your prayers. Thank you for being a positive influence in my life. I appreciate you. To my grandmother, parents, aunts, uncles, cousins, and friends, thank you. You have walked this path with me and encouraged me. No matter how small or big the gesture, I am grateful.
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CHAPTER 1
INTRODUCTION

The legacy of unequal education in the United States has been informed largely by policies mandating racial separation and segregation in schools.¹ On May 17, 1954, Chief Justice Warren declared, “To separate [blacks] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”²

As part of a national campaign to equalize education for students of color, the National Association for the Advancement of Colored People (NAACP) endorsed school desegregation, which successfully dismantled the operation of “separate but equal” schools, but could not overcome the massive resistance to school integration, which is defined in this study as “a quality of education and interpersonal interaction based on the positive acceptance of individual and group differences as well as similarities.”³ In fact, notwithstanding decades of continuous efforts to integrate U.S. schools, racial resegregation and a return to neighborhood schools has been on the rise since the early 1990s, arguably in part as a result of Board of Education of Oklahoma v. Dowell (1991). Freeman v. Pitts (1992), and most recently, the 2007 Parents Involved in Community Schools v. Seattle School District No. 1 case, in which Chief Justice John Roberts determined that “the way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”⁴

³ U.S. Commission on Civil Rights, p 168.
Indeed, the history of education policy and practices in the U.S. reflects the ways in which African Americans and other people of color were excluded from the educational opportunities and resources enjoyed by their white peers and the struggle for equal education that has been engaged through the courts from as early as 1849 (Roberts v. Boston) and most notably in the Brown v. Board of Education case of 1954.

In that case, the plaintiffs argued that separate and unequal education perpetuated feelings of inferiority among blacks, (while also fostering feelings of superiority among whites as argued by many scholars since), while maintaining racial separation between the groups. This physical distance coupled with unequal educational opportunities and resources for African American students, has contributed greatly to a “black-white achievement gap”, over-assignment of African Americans in special education programs, under-assignment of African Americans in gifted and talented programs, and a disproportionate number of minority students dropping out of high school.\(^5\)

Funding disparities between urban schools and their suburban counterparts have perpetuated these problems, keeping communities of color disenfranchised and in many instances, lacking the financial resources, high-quality teachers, and once prized “communal bonds”\(^6\) that established strong ties among African American schools, families, and their community. In the post-desegregation era, many African American families are not engaged in the school level decision making processes and activities that are important to ensuring their children receive a high quality education in a supportive and affirming school environment.

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School districts across the country made many efforts to “equalize” education for minority students to include open enrollment plans and freedom-of-choice plans where students, on a volunteer basis, could choose to attend a school either within or outside their district. Another strategy, known as pairing or clustering, involved students being reassigned to schools within their district in order to obtain racially balanced schools. Pairing involved combining the facilities of two schools. For example, if a community had separate elementary schools for black and white students, one school was converted to kindergarten through third grades and the other to fourth through sixth grades. While clustering (also known as grade reorganization) is similar to pairing except more than two schools are involved. Students traveled within a group together. In most cases, the groups were organized by academic grade levels in which kindergarten through second grade would travel together going to the same school, third through fifth grades, sixth through eighth grades, etc. In some cases, schools housed a single grade level at a given time, such as Sixth Grade Centers. This concept also combined elements of many different educational concepts, such as neighborhoods, specialized centers, educational parks, etc. where schools served in a dual capacity: as a home-based school for students within its attendance area and as a specialized study area for one subject like science, math, technology, fine arts, etc. Rezoning, was also a strategy intended to create racially balanced schools by altering the attendance zones (also satellite zones) through pairing, clustering, closing schools, grouping, or restructuring the district lines.

8 Ibid
Despite all of these attempts during the 1960s and 1970s to level the educational playing field for African American students, racially separate schools and gaps in educational access and achievement by race, coupled with the empty promise of meaningful school integration, remains a challenge that will only get worse if it is not addressed head on. According to the Center for Public Education (2012), forty-seven percent of U.S. children five and younger belong to a racial or ethnic minority group – children who will be entering schools and in less than two decades – the workforce. As such, our future, as a nation, will depend largely on how we engage and educate this population in ways that will not only support their learning and development as individuals, but as members of an increasingly knowledge-based global economy. As the Center for Public Education warned, “Achievement gaps between student groups will have ever-more-serious economic implications. Minorities have historically been underrepresented in such professions as science, medicine, and engineering. With the non-Hispanic white population shrinking and the entry-level workforce increasingly made up of minorities, the nation could face serious shortages in many critical professions.” In addition to the economic implications of educational inequality, advancing educational opportunity, access, and resources for historically excluded and underserved populations is imperative “because it is the equitable and just thing to do.”

Research Questions and Methodology

The purpose of this study was to document and examine the perspectives of members of the West Las Vegas community concerning equal education and school desegregation in the Clark County School District from 1968 to 2008. Using historical case study research methods, this study sought to provide a historical description and analysis of the social, political, and cultural contexts that shaped decades of school desegregation and resegregation in the historic African American community known as West Las Vegas. It begins with the 1972 *Kelly v. Guinn case*, which was initiated in 1968. The primary objective of the case was to determine the constitutionality of the racial balance or imbalance of schools in Clark County School District (CCSD), particularly the elementary schools on the Westside of Las Vegas. This analysis will provide a better understanding of the local community contexts and forces that in 1972 led to the Sixth Grade Center Plan of Integration and ultimately resulted in the return to neighborhood schools in 1992 through the district’s Prime 6 Schools Plan.

The following research questions guided the study: In what ways did West Las Vegas community stakeholders' perspectives vary in terms of equal education, and how did these variations shape school policy? How did the Clark County School District (CCSD) respond to West Las Vegas community stakeholders' concerns for equal education? What modifications did CCSD propose or implement to remedy West Las Vegas community stakeholders’ concerns regarding educational inequality? How does the historical evidence illustrate an interest in the return to neighborhood schools among West Las Vegas stakeholders?

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14 *Kelly v. Guinn*, 456 F.2d. 100, (1972)
The researcher chose the social constructivist worldview as the lens for examining community perspectives on school desegregation and resegregation in West Las Vegas since individuals develop subjective meanings of their experiences, to include historical moments and events.\textsuperscript{15} Since the majority of the data gathered for this study relied heavily on individual community member and educator perspectives and their interpretations and meaning-making around the school desegregation process in West Las Vegas, social constructivism proved an appropriate methodological approach for answering the study’s research questions. According to Creswell, “Social constructivists hold assumptions that individuals seek understanding of the world in which they live and work. These meanings are varied and multiple, leading the researcher to look for the complexity of views rather than narrowing meanings into a few categories or ideas.”\textsuperscript{16} These subjective meanings are not imprinted on the individuals. They are negotiated socially and historically through interaction with others, and through historical and cultural norms that operate in individuals’ lives.\textsuperscript{17}

Given the research questions, the investigator chose historical case study because it married chronological history with diaries, autobiographies, memoirs, data files, government documents, running records, serials, archived materials, oral history, and interviews from a specific time and place.\textsuperscript{18} It explored the small steps that clarify for readers the complexities of the past and connected each of those historical steps to their

lives today.\textsuperscript{19} The researcher captured and presented a thorough description and examination of school desegregation in Las Vegas from a historical perspective,\textsuperscript{20} and historical case study provided the best means of exploring the historical and sociocultural contexts surrounding desegregation. Treatment of historical materials are “systematic and involve distinguishing between primary and secondary sources.”\textsuperscript{21} Since these events took place decades ago, primary sources best reflected the community’s perspectives toward school desegregation and resegregation, expanding our understanding of the social and community forces and perceptions that influenced efforts to dismantle educational inequality in the Clark County School District, particularly West Las Vegas. While the use of primary sources strengthens the credibility of the study, it is important to note that the absence and omission of many individuals, voices, and perspectives that were central to this period of segregation in West Las Vegas limits this study’s ability to tell a full and accurate account\textsuperscript{22} of what actually occurred from 1968 to 2008.\textsuperscript{23}

Historical research not only makes use of primary sources to describe past events; it also reconstructs those moments in ways that provide a vivid representation and understanding of a series of events through multiple points of view.\textsuperscript{24} It retells the story

\begin{itemize}
  \item \textsuperscript{19} Ibid
  \item \textsuperscript{22} Elizabeth A. Danto, \textit{Historical research}. New York, NY: Oxford University Press, 2008.
  \item \textsuperscript{23} On December 8, 2012, Brenda Williams, with the Westside School Alumni Foundation (WSAF), will launch her book, \textit{Westside School Alumni Stories: Our School - Our Community - Our Time}. This book will provide a chronicle history that includes, never before seen, photos and documents, while preserving the history and contributions of individuals who attended, worked, or taught at the historic Westside School between 1923 and 1967. There are more than ninety individuals that have contributed their experiences in this book.
\end{itemize}
in a fluid, dynamic manner that recaptures the complexity of the situation, individual personalities, and ideas that influenced the event. The voices and experiences of the research participants are documented as oral history and are essential to the proper application and successful implementation of this type of research design. The researcher felt these considerations further supported a historical case study of local desegregation efforts and the perspectives of the communities involved with and affected by these plans. The researcher used a historical analysis to document the series of processes and events that Clark County School District endured in hopes of achieving “equal education” for students in historic West Las Vegas. This analysis reviewed legal cases as well as school district records that document some of the requests made by the African American community in West Las Vegas.

Furthermore, this study described and analyzed chronological historical facts to aid the reader in understanding the context of each event, the assumptions behind it, and the event’s impact (or not) on the institution or participants. The researcher also integrated existing interviews with participants in the Sixth Grade Centers and witnesses who were familiar with the events related to the Kelly case, which were “information-rich” and according to Patton (1990), from “which one can learn a great deal about issues of central importance to the purpose of research…”

Data Collection

Historical researchers grapple with the rigor with which to gather and organize data and verify the authenticity of the information and its sources.\textsuperscript{28} To triangulate the information for external validity,\textsuperscript{29} the researcher used multiple primary sources. Data sources included but were not limited to: (1) legal cases and court documents; (2) archived news, newsletters, and magazine articles from publications such as the Las Vegas Review Journal and Las Vegas Sun; (3) Clark County School District documents such as board meeting minutes, district reports and plans to implement the Sixth Grade Center Plan of Integration and Prime 6 Plan; and (4) archived oral histories from the UNLV Oral History Research Center at UNLV, Special Collections at the UNLV Lied Library.

<table>
<thead>
<tr>
<th>Data Source Type</th>
<th>Specific Courses</th>
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<tbody>
<tr>
<td>Archived news, newsletters, and</td>
<td>NAACP, League of Women Voters, Operation Bus Stop, and</td>
</tr>
<tr>
<td>magazine articles</td>
<td>Parents Concerned</td>
</tr>
</tbody>
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Modern historians favor primary sources because they add new facts and ideas to historical questions. The use of primary sources adds an authoritative voice to scholarly writing and allows researchers to stretch their imaginations and exercise academic creativity. According to Danto, if primary sources are utilized correctly, they evoke empathy so the reader connects with the historical figure or event to form a shared experience as it evolved in time.

Data Analysis

Historical research does not make a distinction between data collection and data analysis because the researcher values how the data is collected from the beginning; thus,

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31 Ibid
the analysis takes place during the collection process. According to Danto, “Crafting the authentic source materials into a meaningful, clear-eyed writing of history is in itself deeply rewarding. This is where the researcher asserts the value of the study, bears responsibility for its reliability and validity, and undertakes the challenge of answering a historical problem.” In the data organization stage, the researcher reviewed all data with the purpose of answering the research questions. Each research question represented a different taxonomy of the domain that the researcher used to facilitate in the “storytelling” process. As the researcher tried to present an accurate picture of the events that transpired, descriptions not only include before and after infrastructure of the West Las Vegas elementary schools but quotes that clearly captured the perspectives of the members of the community. According to Danto, “The analysis of historical data is really an interpretation, or a reinterpretation, of obtainable materials.” The researcher is not responsible for developing new data but rather rearranging existing data.

The researcher also utilized public records from the NAACP, the League of Women Voters, Operation Bus Stop, Parents Who Care, and other organizations with the focus of answering the given research questions with depth and clarity. Despite the challenges posed by managing the heavy volume of data collected, the researcher felt it was the only way to provide the reader with an accurate depiction of the events that occurred and to faithfully document the experiences of those involved with the desegregation process in West Las Vegas. Because the themes of this study were predetermined by the research questions, the researcher attempted to “tell the story”

extrapolated from the data that was uncovered surrounding desegregation and returning to neighborhood schools in West Las Vegas39 with a specific focus on the questions.

The study was delimited to West Las Vegas during the time period of 1968 – 2008. The researcher chose to focus on this particular population because in the early 1970’s efforts were made to implement a desegregation plan for this population. In the early 1990’s, the historical Westside accepted a return to neighborhood schools plan, causing another segregated situation. Today, there are still school board meetings and town hall meetings discussing the best way to serve this community. The nature of the dissertation study also limited the researcher to existing oral histories concerning a variety of issues and concerns regarding West Las Vegas and Southern Nevada. This included discussions regarding everything from the migration of Blacks to Las Vegas and the settlement of West Las Vegas to employment discrimination and school desegregation.

This study posed additional limitations due to its dependence on narrative inquiry, participant reflection, and selective memory. Marshall and Rossman (1999) warned the user of such a method that retrospective narrative “may suffer from selective recall, a focus on subsets of experience, filling in memory gaps through inference, and reinterpretation of the past.”40 It is, however, significant in that it tells the story of school desegregation and resegregation in Las Vegas, Nevada – a story that has been referenced and discussed anecdotally, but not documented or explored as a research-based historical case study, which is important to informing contemporary discussions around educational

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equality, access, and opportunity in the Clark County School District. Approximately five years ago, CCSD promised the leaders of the West Las Vegas community that it would make a serious effort to provide equal education for students in the Prime 6 schools, but despite substantial investments over the years, the results have been disappointing. These investments ranged from financial to hiring highly qualified principals and teachers, black and white, to lead and educate in low scoring schools, only with a few exceptions, these actions yielded the same disappointing results. As recent as 2011, town hall meetings were held to grapple with ways to ensure the best education for the students attending these same elementary schools that CCSD struggled to serve equitably since the late 1960’s. It is my hope that this study will not tell the story of the struggle for educational equality in Las Vegas, but serve as a resource for educational researchers, leaders, and policymakers; West Las Vegas parents, residents, and community leaders, and all stakeholders concerned with the promise and perils of school desegregation and resegregation and their implications for an equal and just education for all children.

42 Ibid
Definitions

*Brown v. Board of Education I:* Supreme Court decision which declared racial segregation in public schools to be in violation of equal protection clause the Fourteenth Amendment.\(^{43}\)

*Brown v. Board of Education II:* Supreme Court decision which declared desegregation would proceed with “all deliberate speed.”\(^{44}\)

*Clustering* (also known as grade reorganization): Combining the facilities of more than two schools.\(^{45}\) Students traveled within a group together. In most cases, the groups were organized by academic grade levels in which kindergarten through second grade would travel together going to the same school, third through fifth grades, sixth through eighth grades, etc. In some cases, schools housed a single grade level at a given time, such as Sixth Grade Centers. *De Facto Segregation:* Segregation which is inadvertent and without assistance of school authorities and is not caused by any state action but rather by social, economic, and other determinates.\(^{46}\)

*De Jure Segregation:* Generally refers to segregation directly intended or mandated by law or otherwise issuing from an official racial classification or, in other words, to segregation which has or had the sanction of law.\(^{47}\)

*Desegregation:* The physical reassignment of children and staff to change the existing racial composition in schools.\(^{48}\)


\(^{44}\) *Brown v. Board of Education of Topeka*, 349 U. S. 294, (1955)


\(^{47}\) Ibid

*Equal Protection Clause:* Provision in the 14th Amendment to the Constitution which prohibits a State from denying to any person within its jurisdiction the equal protection of its law.\(^{49}\)

Freedom-of-choice plans (also free transfer): Students voluntarily leave their neighborhood school to attend another school.

Integration: A quality of education and interpersonal interaction based on the positive acceptance of individual and group differences as well as similarities.\(^{50}\)

Open Enrollment: The practice or policy implemented to allow students to transfer from a school to another school of the student’s choice. There are basically two types of open enrollment: intradistrict and interdistrict. Intradistrict open enrollment allows the student to transfer from one school to another within his or her district. Interdistrict open enrollment allows a student to transfer from one school to another outside his or her district.\(^{51}\)

Pairing: Combining the facilities of two schools. For example, if a community had separate elementary schools for black and white students, one school was converted to kindergarten through third grades and the other to fourth through sixth grades.\(^{52}\)

Prime Six: The district’s response to the community’s desire to reinstate Booker, Carson, Fitzgerald, Gilbert, Kelly, Mackey, Madison, and McCall elementary schools to accommodate kindergarten to fifth grades within their neighborhoods.\(^{53}\)

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\(^{50}\) United States Commission on Civil Rights, 1973.


\(^{52}\) Harrell R Rodgers Jr., “The Supreme Court and school desegregation twenty years later.” *Political Science Quarterly* 89, no 4 (1974): 751-76.

Resegregation: A reversal of desegregation outcomes where a system or institution, which was previously desegregated, again becomes segregated.\textsuperscript{54}


Sixth Grade Center Plan: The district’s response to the court order that allowed only the sixth grade would be taught in each of the predominantly black elementary schools on the Westside to obtain desegregation. Black children in grades 1 – 5 were transported to elementary schools outside of the Westside area, while white sixth graders were to be transported to the Westside to attend one of the sixth grade schools.\textsuperscript{55}


CHAPTER 2

BACKGROUND AND RELATED LITERATURE

Introduction

Throughout history, African Americans have fought to gain constitutional rights, and access to education was considered a powerful tool critical to African Americans enjoying fully their constitutional rights.\(^{56}\) During the 1860’s – 1900’s, the Thirteenth and Fourteenth Amendments, which abolished slavery and provided blacks citizenship, respectively, were ratified; however, the Supreme Court handed down a series of decisions during the Reconstruction Period that nullified the work of Congress, namely \textit{Plessy v. Ferguson}.\(^{57}\)

Many African American leaders believed education was the key to enhancing the lives of African American children and all children.\(^{58}\) This belief rested on the idea that access to a quality education would provide financial independence, political liberation, and opportunities for achieving the American dream.\(^{59}\) Educational research documents that black students in America have been plagued with a legacy of educational oppression through denial of a quality education, over-assignment of blacks in special education programs, under-assignment of blacks in gifted and talented programs, academic achievement gaps, etc.\(^{60}\) Educational oppression experienced by African American students has continued to have long-term effects on the psyches of black students, to

\(^{57}\) \textit{Plessy v. Ferguson}, 163 U.S. 537, 16 S. Ct. 1138, (1896)
\(^{58}\) Carter G Woodson, \textit{The miseducation of the Negro}. (Las Vegas, NV: Information Age Publishing, 1933, 2010)
include self-perceptions of inferiority.\textsuperscript{61} Thus, the legacy and impact of a century of separate and unequal education remains an important part of the history of American education that cannot be overlooked.\textsuperscript{62}

To better understand the history of school desegregation and resegregation in Las Vegas, Nevada, it is important to note the series of events, particularly legal cases concerning school desegregation, which preceded the landmark \textit{Brown v. Board} cases of 1954 and 1955, which ultimately ushered in the implementation of desegregation plans across the country. To locate Las Vegas within this broader historical context, the next section offers a selected overview of key court cases that preceded the \textit{Brown} decision and paints the larger picture of school desegregation efforts in the U.S. and how they were different from or similar to what was taking place within Clark County School District and the historic West Las Vegas community. More specifically, this review includes a brief discussion of desegregation plans in six cities: Charlotte-Mecklenburg, North Carolina; Caswell County, North Carolina; Milwaukee, Wisconsin; New York City, New York; Boston, Massachusetts; and Detroit, Michigan, dispelling the often-held belief that Jim Crow laws and school segregation was relegated to the U.S. South.\textsuperscript{63}

School Desegregation in the United States

As early as April 1847, African American parents were engaging the freedom struggle for equal education. The legacy of battles over educational inequities began in Boston, Massachusetts with the Roberts family, who appealed to a member of the district


primary school committee for help in receiving education for their daughter Sarah. The school member Mr. and Mrs. Roberts applied to was in charge of the primary school nearest Sarah’s home. This member refused the Roberts’ application based solely on the color of Sarah’s skin. The Roberts then applied to the district primary school committee for admittance to another school closer to their home. Again, Sarah was denied admission. On February 15, 1848, Sarah Roberts entered the primary school nearest her family’s home but without proper admission documentation. A teacher ejected her from school the same day.  

In 1849, Benjamin Roberts sued the city of Boston on behalf of his daughter, Sarah Roberts. Roberts maintained that his daughter, Sarah, walked past several elementary schools to get to the Colored elementary school. According to the system of public schools established in the city of Boston, primary schools are supported by the city and are under the immediate management and superintendence of the primary school committee. The court denied her suit. It maintained Sarah had not been unlawfully excluded from public school instruction merely because the schools intended exclusively for black children were farther from her home. The court agreed with the school committee's conclusion to maintain separate educational establishments for black and white children. The court also stated that the increased distance that Sarah was required to walk to reach the colored school was not grounds for a reasonable or legal lawsuit under state regulation.  

Separate establishments for blacks and whites were just the beginning. In 1890, the State of Louisiana passed Act 111, which required separate railway cars for African

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64 Robert v. City of Boston, 59 Mass. 198, (1849)
65 Robert v. City of Boston, 59 Mass. 198, (1849)
American and white patrons. The Citizens’ Committee to Test the Separate Car Act was formed to repeal said law. The Committee hired Albion Tourgee to serve as lead counsel, and they enlisted Homer Plessy to assist in challenging the law. Plessy was deemed the perfect candidate, as he was only one-eighth African American. He did not have any visible African American features. As planned, on June 7, 1892, Homer Plessy purchased a ticket on the Louisiana railway train and took a seat in the “whites only” section of the car. When the conductor came around to collect all tickets, he asked Mr. Plessy if he were white or colored. Plessy responded colored but refused to move to the colored section. A police officer arrived and asked him to leave. Plessy again refused to leave the “whites only” section of the train. Subsequently, he was escorted off the train with the assistance of the police officer, arrested, and placed in jail.66

In 1896, the Supreme Court ruled against Plessy 7-1, citing that segregation in and of itself did not constitute unlawful discrimination. Justice John Marshall Harlan was the lone person to rule in favor of Plessy. He felt the ruling was an expression of white supremacy, and he predicted a range of adverse consequences.67 This case became the legal landmark that supported the values and actions of segregating African American students in what is referred to as the “separate but equal” doctrine.68

After 1896, African Americans fought to undo what the Supreme Court officially recognized as acceptable: “separate but equal”. In 1899, J.W. Cummings, James Harper, and John Ladeveze filed a class action lawsuit against the Board of Education in Richmond County, Georgia. The suit also named one tax collector, Charles Bohler, as a

66 Plessy v. Ferguson, 163 U.S. 537, 16 S. Ct. 1138, (1896)
67 Ibid
68 Plessy v. Ferguson, 163 U.S. 537, 16 S. Ct. 1138, (1896)
defendant. The lawsuit was filed on the behalf of all African American citizens of Richmond County. The Cummings suit alleged that taxes collected in Richmond County supported public education within the county for white students only. Richmond County allocated where the funds would be used, so the plaintiffs maintained that the county officials were responsible for perpetrating this illegal act.

The Supreme Court denied the injunction against Charles Bohler, tax collector, but granted the injunction against Richmond County. The Court stated any funds or property issued to Richmond County from that day forward for educational purposes, including the support, maintenance, or operation of any white high school in Richmond County, had to provide or establish equal facilities in high school education for colored children. This order would stand until Richmond County either constructed an equal high school facility for black children or until overturned by a higher court.

The Board of Education appealed the decision to the Supreme Court of Georgia, where the lower court’s ruling was overturned. The Supreme Court of Georgia stated that the lower court erred in granting an injunction against the Board of Education. The Supreme Court of Georgia refused the relief asked by the plaintiffs and dismissed their petition. The plaintiffs appealed that order to the United States Supreme Court, arguing that the ruling was a derogation of their rights under the Constitution of the United States. The United States Supreme Court stated there were more African American children than white children in the area, and that the Board could not afford to supply everyone with an

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69 Cummings v. Richmond County Board of Education, 175 U.S. 528, (1899)
70 Ibid
71 Cummings v. Richmond County Board of Education, 175 U.S. 528, (1899)
education. The United States Supreme Court affirmed the decision of the Supreme Court of Georgia.\textsuperscript{72}

The battle for “separate and equal” education continued in 1935 when Lloyd Gaines applied to the School of Law at the State University of Missouri. He was denied admission because he was an African American. At the time, there were no law schools within the State of Missouri for African American students.\textsuperscript{73} In 1929, the state of Missouri revised their statute section 9622 to read:

May arrange for attendance at university of any adjacent state-tuition fees.

Pending the full development of the Lincoln university, the board of curators shall have the authority to arrange for the attendance of negro residents of the state of Missouri at the university of any adjacent state to take any course or to study any subjects provided for at the state university of Missouri, and which are not taught at the Lincoln university and to pay the reasonable tuition fees for such attendance; provided that whenever the board of curators deem it advisable they shall have the power to open any necessary school or department.\textsuperscript{74}

In accordance with Section 9622 of the Revised Statues of Missouri 1929\textsuperscript{75}, the State of Missouri offered to pay Gaines tuition in a neighboring state which had Law Schools for Negros.\textsuperscript{76} Gaines refused the State of Missouri’s offer.

As the Supreme Court reviewed the case, they ruled in favor of Gaines because \textit{Plessy v. Ferguson} clearly provided for separate but equal facilities for African American citizens. In this case, there were no facilities offered within the state for minority

\textsuperscript{72} \textit{Cummings v. Richmond County Board of Education}, 175 U.S. 528, (1899)

\textsuperscript{73} \textit{Missouri ex rel. Gaines v. Canada}, 305 U.S. 337, (1938)

\textsuperscript{74} Laws 1921, Section 9622, R.S. MO. 1929, Mo. St, Ann 9622: 86 – 7.

\textsuperscript{75} \textit{Missouri ex rel. Gaines v. Canada}, 305 U.S. 337, (1938)

\textsuperscript{76} The neighboring states were Kansas, Nebraska, Iowa, and Illinois.
students. Even though Gaines was permitted to attend school with white students, this case was not deemed a strike against *Plessy v. Ferguson* because Missouri was viewed as being in violation of the separate but equal doctrine. However, it was considered a step in the right direction.\(^77\)

In 1946, Ada Sipuel applied for admission into the University of Oklahoma’s Law School. She was denied admission based solely on race. At the time, the University of Oklahoma’s Law School was the only state institution. The District Court and the Oklahoma Supreme Court both ruled against Sipuel. She appealed to the United States Supreme Court for justice.\(^78\)

With Thurgood Marshall and Amos Hall presenting her case, the United States Supreme Court agreed to hear the arguments on January 7-8, 1948. After four days of deliberation, the United States Supreme Court reversed the decisions of the two lower courts and ruled in favor of Sipuel. Citing the 1938 *Missouri ex. Rel. Gaines v. Canada* case, the United States Supreme Court required the State of Oklahoma to provide an education to African American citizens equal to that of white citizens. This ruling allowed qualified African American students access to previously all-white state law institutions.\(^79\)

Sipuel was not admitted to the University of Oklahoma’s Law School until 1949, where she was forced to sit in a raised chair apart from her white classmates behind a sign that read “colored.” She was also required to enter the law school using a separate entrance than the white students and to eat alone in the school’s cafeteria. In spite of

\(^{77}\) *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, (1938)
\(^{78}\) *Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631, (1948)
\(^{79}\) *Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631, (1948)
these racial obstacles, she graduated in 1951 from the University of Oklahoma’s Law School.\(^80\)

Progress was slow to occur, but African Americans across the nation remained diligent in the fight for change. In 1950, Heman Sweatt was denied admission to the University of Texas Law School. The denial was based solely on Sweatt’s race.\(^81\) The State of Texas was clearly in violation of the *Plessy v. Ferguson* separate but equal doctrine as there was no law school in the state of Texas for African Americans. Knowing this, the State of Texas continued the case long enough to create a Negro law school in Houston, Texas.\(^82\) Sweatt refused admission to the new Negro law school on the grounds that it was not equal to the University of Texas Law School. His lawyers, W. J. Durham and Thurgood Marshall, successfully proved that the two schools were undoubtedly unequal.\(^83\) The Supreme Court reversed the decision of the lower courts and ruled in favor of Sweatt on the grounds that there was a clear distinction between the two state-operated facilities.\(^84\)

In 1952, *Brown v. Board of Education of Topeka* et al. was argued before the United States Supreme Court. The Brown case consisted of five cases consolidated into one. The five cases were *Brown v. Board of Education* (1954)\(^85\), *Briggs v. Elliot* (1952)\(^86\), *Davis v. County School Board in Prince Edward County* (1952)\(^87\), *Gebhart v. Belton* (1952)\(^88\), and *Bolling v. Sharpe* (1954)\(^89\). In each of these cases, the plaintiffs were denied

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\(^81\) *Sweatt v. Painter*, 339 U.S. 629, (1950)
\(^82\) Ibid
\(^83\) Ibid
\(^84\) *Sweatt v. Painter*, 339 U.S. 629, (1950)
\(^86\) *Briggs v. Elliot*, 342 U.S. 350, (1952)
\(^87\) *Davis v. County School Board in Prince Edward County*, 103 F. Supp. 337, (1952)
\(^88\) *Gebhart v. Belton*, 33 Del. Ch. 144, 87 A. 2d 862 (1952), Affirmed 91 A. 2d 137, 152, (1952)
admission to schools attended by white children under the “separate but equal” doctrine. *Gebhart v. Belton* was the only case where the lower court ruled in favor of the plaintiff, and the court ordered that African American students be given immediate admission to previously white-only schools.\(^90\) Prior to the joining of the cases, with the exception of the *Gebhart v. Belton* case, none of the cases presented to the lower courts overturned the federal law of “separate but equal.” *Gebhart v. Belton* was the only case that nullified the “separate but equal” doctrine.

*Brown v. Board* had to be reargued in 1953, and finally, on May 17, 1954, the Supreme Court reached a decision. The case set legal precedence and made history as the case that overturned *Plessy v. Ferguson*. The United States Supreme Court found that the “separate but equal” doctrine did not have a place in public education. In a unanimous decision, the justices declared segregation a denial of the equal protection laws under the Fourteenth Amendment; separate educational facilities were inherently unequal.\(^91\)

Originally in *Brown v. Board of Education (I)* (1954), the United States Supreme Court held that racial discrimination in public education was unconstitutional.\(^92\) The Court upheld a challenge by the plaintiff to end discriminatory racial policies in public schools operated by various boards of education. However, in deciding the original case, the Court left open the question of the appropriate remedy for plaintiffs based on its holding. In *Brown II*, the Court heard arguments from public schools requesting relief concerning the task of desegregation. The Court sought to further explain the specific requirements imposed on public schools in its previous holding that all schools must

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\(^92\) *Ibid*
desegregate with “all deliberate speed”.\textsuperscript{93} Brown II undermined Brown I by failing to require action.\textsuperscript{94} The challenge became putting into action what the Supreme Court stated on paper in Brown I.

After Brown v. Board of Education, there were many efforts made to provide equal education for minority students across the United States. Common desegregation efforts were open enrollment, freedom-of-choice, pairing, clustering (grade reorganization), attendance zoning (satellite zones), and busing.\textsuperscript{95} The era of desegregation and integration had begun.

Open enrollment is the practice or policy implemented to allow students to transfer from a school to another school of the student’s choice. There are basically two types of open enrollment: intradistrict and interdistrict. Intradistrict open enrollment allows the student to transfer from one school to another within his or her district. Interdistrict open enrollment allows a student to transfer from one school to another outside his or her district.\textsuperscript{96}

Freedom-of-choice plans (also free transfer) allowed students to voluntarily leave their neighborhood school to attend another school. In most cases where desegregation plans were beginning to emerge, districts implemented a freedom-of-choice plan, which ultimately resulted in a court-ordered plan. In most cases, white students did not

\textsuperscript{93} Brown v. Board of Education of Topeka, 349 U. S. 294, (1955)
\textsuperscript{95} Swann v. Charlotte-Mecklenburg, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554, (1971)
volunteer to attend all black schools, and only a small percentage of black students choose to leave their neighborhood to attend predominately white schools.  

Pairing involved combining the facilities of two schools. For example, if a community had separate elementary schools for black and white students, one school was converted to kindergarten through third grades and the other to fourth through sixth grades.  

Clustering (also known as grade reorganization) is similar to pairing except more than two schools are involved. Students traveled within a group together. In most cases, the groups were organized by academic grade levels in which kindergarten through second grade would travel together going to the same school, third through fifth grades, sixth through eighth grades, etc. In some cases, schools housed a single grade level at a given time, such as Sixth Grade Centers. This concept also combined elements of many different educational concepts, such as neighborhoods, specialized centers, educational parks, etc. where schools served in a dual capacity: as a home-based school for students within its attendance area and as a specialized study area for one subject like science, math, technology, fine arts, etc.  

After the Swann case, the Court was granted the authority to alter attendance zones of school districts to achieve racial balance. The courts could alter the attendance zones (also satellite zoning) through pairing, clustering, closing schools, grouping, or

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99 Ibid.  
restructuring the district lines. It is noted that in some communities school boards abused their power over attendance zones to perpetuate racial imbalance that had been caused by residential patterns.

Busing is the act of transporting students by bus from various neighborhoods to another school and/or community as a means of obtaining racial balance in a particular school. This is one of the most common methods used to desegregate schools. As the strategies listed above were implemented in school districts across the nation, they faced severe scrutiny and were often the impetus for lawsuits challenging the rigor with which these policies were enforced as well as their overall effectiveness in providing equal education for all students. For example, in 1968, a suit was brought against New Kent County, Virginia for operating a dual public education system for its white and black students. To remain eligible for federal funds, the state adopted a “freedom-of-choice” plan to desegregate their schools. Under the plan, students were permitted to annually choose which school they wanted to attend. In most cases, white students chose to attend the predominately white school, and black students chose to attend the predominately black schools. In May 1968, the United States Supreme Court ruled that the Green v. County School Board of New Kent County freedom-of-choice plans created to comply with Brown II did not constitute sufficient compliance with the school board’s responsibility to establish a system of admission to public schools on a non-racial basis.

102 Ibid
103 Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6 (1970) indicates there was early dissatisfaction with using busing as a means of achieve racial balance: Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.
104 Green v. County School Broad of New Kent County, 391 U.S. 430, (1968)
The Supreme Court mandated that the school board must devise new plans and steps towards reasonably converting to a desegregated system. The *Green* decision clearly denounced freedom-of-choice plans if they did not result in racial mixing. Most southern school systems employed the freedom-of-choice plan and remained largely segregated. *Green* exposed the freedom-of-choice system to countless legal challenges. However, questions remained about how to apply the *Green* ruling to an urban school system such as Charlotte, North Carolina. It was unclear whether urban school boards had a duty to do more than establish a race-neutral geographic attendance plan to satisfy their obligation under *Green*.

**Charlotte-Mecklenburg, North Carolina: *Swann v. Charlotte-Mecklenburg***

After the *Green v. County School Board of New Kent County* case was decided, Darius and Vera Swann, in conjunction with the NAACP Legal Defense Fund, filed a suit against the Charlotte-Mecklenburg Board of Education on behalf of their son, James Swann, and nine other families requesting further relief based on the *Green* decision.

The plaintiffs maintained that desegregation in Charlotte-Mecklenburg County established pupil assignment systems based at least in part on residence through the creation of geographic attendance zones but left large numbers of African American students in either all-black schools or nearly all-black schools.

When schools opened in August 1964, only 3 percent of approximately twenty thousand black children were assigned to schools with a majority white population. In

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105 Ibid
addition to the racial separation, many of the black schools were inferior to their white counterparts.\textsuperscript{109} Dissatisfied with the desegregation efforts of the Charlotte-Mecklenburg School Board, 130 parents petitioned the board on December 9, 1964, to cease operation of the public school system on a racial basis. The school board responded by announcing the closure of several all-black schools and transferring those students to white schools. Unfortunately, these efforts were not enough. A group of black parents, along with Kelly Alexander, State NAACP President, solicited the assistance of Julius L. Chambers to represent their case and named the Swanns as lead plaintiffs in their litigation.

In the fall of 1964, the Swann family enrolled their son, James, in the integrated elementary school closest to their home. After James’ first day of school, the Swann family was notified that their son would have to attend an all-black school. Vera Swann, James’ mother, met with Craig Phillips, Superintendent, to request her son be switched back to the integrated school.\textsuperscript{110} At the same time, James’ father Darius Swan made the same request to the school board. The school board directed the Swanns to file a formal transfer request. Understanding the importance of litigation to provoke change, the Swanns followed up with Chambers to file suit.

Months later, the North Carolina Teachers Association entered the legal arena to challenge the school board’s teacher assignment system, which was based on race. Black educators were opposed to teacher integration. They feared losing their jobs if teacher assignment was integrated. These fears were substantiated during the first decade after \textit{Brown} during which many African American teachers in North Carolina lost their jobs

when all-black schools began to close and teachers were reassigned to desegregated schools. This was a common tactic in school districts to secure the support of segregated schools.\textsuperscript{111} Between the years 1964 and 1965, the North Carolina Teachers Association, with the assistance of Chambers, filed forty-five lawsuits on behalf of black teachers who were dismissed due to school closures and desegregation.

The Charlotte-Mecklenburg School District not only had to contend with lawsuits from both students and teachers but also the passing of the Civil Rights Act of 1964. The Civil Rights Act of 1964 was one of the most compelling pieces of legislation passed by Congress. It prohibited racial discrimination across a broad range of activities and situations. As it pertained to school desegregation, Title VI banned racial discrimination in any public or private entity receiving federal funds.\textsuperscript{112} As a result of this new Act, the North Carolina Attorney General’s Office announced that all North Carolina Public Schools would have to submit a proposed voluntary desegregation plan or an official statement with documentation that supported an already desegregated system.\textsuperscript{113}

In 1964, the School Board experienced pressure from the Department of Health, Education, and Welfare and the plaintiffs, which led to a revised plan of pupil assignment. The new plan established nonracial geographic attendance zones for 99 of the 109 schools in the district. The remaining ten schools would continue to educate African American students but would not be included in the new plan. The district justified the exclusion with a promise of constructing new buildings for the ten schools.

The school board deemed it pointless to reassign these students since reassignment would be inevitable due to the construction of the new buildings. However, after the construction of the ten new buildings, during the 1967-68 school year, all schools were scheduled to participate in the geographic assignment plan with optional free transfer providing space was available.\textsuperscript{114} Although rejected by the plaintiffs, the court accepted the proposed plan. Over the next three years, black student enrollment in desegregated schools increased, and in April 1966, Charlotte-Mecklenburg eliminated all race-based student assignment. By 1968, 28 percent of the black student population attended schools in which the majority of students were white. This percentage may have been higher if residential patterns were different. Even though Charlotte-Mecklenburg experienced progress, it was still one of the most highly residentially segregated cities in the United States.\textsuperscript{115}

Charlotte was one of the first cities to confront the question of freedom-of-choice in an urban school setting after the \textit{Green} decision. In 1968, the Swann case was reopened and the plaintiffs requested that the court completely desegregate every school in the Charlotte-Mecklenburg School District. For the next two years, Charlotte-Mecklenburg School District was subjected to student reassignment, busing plans, and back and forth litigation to obtain desegregation in all of its schools. This proved to be a difficult task due to residential segregation in Charlotte-Mecklenburg, thus landing the school district back in court.

Finally, in March 1970, Judge McMillan ordered the Charlotte-Mecklenburg School Board to integrate every majority black school immediately. Over the next year, the Fourth Circuit Court and the Supreme Court would become involved in the Swann case. On May 26, 1970, the Fourth Circuit Court affirmed McMillan’s order for secondary education but reversed the order for elementary schools, claiming that the school district should not have to endure additional busing of young children. On April 20, 1971, the Supreme Court finally ruled that busing and racial quotas was a suitable remedy for achieving racial balance.

Caswell County, North Carolina

Approximately 136 miles north of Mecklenburg County, Caswell County was experiencing similar adversity with their public school system. Education scholar and historian Vanessa Siddle Walker captured some of the opposition that Caswell County Training School (CCTS) in Caswell County, North Carolina met when undertaking the desegregation process. North Carolina first established a public education system in 1839 for white children. North Carolina revised their constitution in 1868 to provide an education for all children, black and white. Siddle Walker stated, “Objections about second-class treatment did not find a unified voice…until the National Association for the Advancement of Colored People (NAACP) came to Caswell County.”

NAACP was waging a strategic war on segregation and came to Caswell County to assess the local situation. According to their January 1953 report, Caswell County was showing progress with updating CCTS’s curriculum, facilities, and equipment, but the other schools in the county were lacking.

In 1955, when the Brown II decision was read by the chief justice, “there was enough ambiguity in the court’s decision to support a legal confrontation between those who would use legislation to maintain the status quo and those who sought immediate desegregation.” North Carolina’s state president of the NAACP chapter wanted total integration where all children would attend school under the same criteria and would have the ability to attend the school nearest their home regardless of color.

North Carolina was accused of being in violation of the Supreme Court’s ruling, joining other states such as Mississippi and Georgia. This is where the battle between North Carolina and the NAACP began. In 1955, the NAACP presented the board with a formal petition signed by 15 parents. Local newspapers reported the petition on their front pages with the names and addresses of everyone that signed the petition. Caswell County’s inequalities in terms of resources, facilities, and transportation past the students’ nearest school to attend a segregated school were exposed. Two years passed, and the school system did not change. The parents submitted another petition to the school board with 150 names. Still there was no change, so the parents filed suit.

Registered in U.S. Middle District Court in Greensboro, the suit maintained that the plaintiffs petitioned the Caswell School Board on August 6, 1956, to abolish segregation.

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and the school board refused to take action. Legal maneuvers by both the plaintiff’s and defendant’s attorneys prevented a decision for six years. In the meantime, parents continued to submit formal written requests to transfer their children to white schools. These requests were denied for various reasons, from clerical errors to the excuse that the school being requested was only half a mile away from the segregated school, therefore making distance a negligible factor. So much time had passed that only nine of the original forty-four students on the lawsuit remained in school. In 1960, the plaintiffs’ attorney addressed the court again, stating the plaintiffs “exhausted their administrative redress and had no recourse except to ask the federal court for relief.” On August 4, 1961, Federal Judge Edwin M. Stanley ruled:

> As had been repeatedly stated, the Constitution of the United States, and nothing said in the Brown decision, requires an intermingling of the races, or gives to a child the right to attend a school of his choice solely because of his race. The simple requirement is that no child shall be denied admission to a school of his choice on the basis of race or color. In other words, the Constitution does not require integration, it merely forbids discrimination.

The case was retried in February 1962 and combined with similar cases from Charlottesville, Virginia, and Durham. Normally, three judges sit on the panel of a Circuit Court, but in this case, all five judges heard the case. Derrick Bell argued the case but was joined by other NAACP lawyers such as C. O. Pearson, William A. Marsh Jr. of Durham, NC, as well as Thurgood Marshall, Jack Greenberg, and James M. Nabrit of New York. The Fourth Circuit Court ruled that same year. The judges found that the

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124 Ibid
record “showed a general disregard by the school board of the constitutional rights of Negro pupils not wishing to attend school populated exclusively by the Negro race” and the plaintiffs “were entitled to seek relief for others similarly situated as well as themselves.”

In January 1963, African American students were able to enroll in white schools under the freedom-of-choice plan. The students that left CCTS (an all-black school) to attend Bartlett Yancey (previously an all-white school) still rode the bus to CCTS but had to walk the remainder of the way to Bartlett Yancey. There were reports of abuse along this walk. Parents sought relief from the court, but the court would not provide special transportation. By February 1963, three black students were suspended from Bartlett Yancey on allegations of plagiarism, lying, cheating, and obscene gestures. Two of the black students did not graduate high school. The final phase of desegregating Caswell County came with the Civil Rights Act in 1964. Now the Department of Health, Education, and Welfare could deny federal funds to districts not in compliance. In 1965, Caswell County’s freedom-of-choice plan for desegregation was deemed noncompliant. In 1967, fifty-seven Negro students transferred to previously all-white schools, and no white students transferred into all-black schools, so the Department of Health, Education, and Welfare did not believe that the choice plan had eliminated the dual operating systems of education and charged the Caswell County School Board with fifty-two counts of noncompliance with the Civil Rights Act. The school board maintained they were awaiting the results from the Green v. New Kent County Board of Education case, which also concluded that freedom-of-choice plans fail to undo segregation. On August

29, 1968, the NAACP declared a victory when Caswell County was ordered to “desegregate students geographically, to insure no discrimination in extracurricular activities, and to insure that no principals or teachers would be fired.”

Milwaukee, Wisconsin: Reinterpreting Brown

At the same time Caswell County was undergoing a system overhaul, Milwaukee was experiencing similar obstacles. Months before the Brown v. Board I decision, Milwaukee’s local chapter of the NAACP launched a school reform movement of its own. As black leaders gained political strength with the increased voting power of African Americans, they began to voice their complaints to white officials. Dougherty stated, “A new generation of black NAACP activists sharply questioned the 1939 compromise with the Milwaukee school board: that black teachers would be hired but assigned only to predominantly black neighborhood schools.” They opposed the segregated hiring practices and wanted job opportunities opened up for black teachers throughout the city’s public school system. Patience in the black community had started to run out.

In May 1954, the news of the Brown decision had spread across the nation. Black community leaders in Milwaukee began to bend this new legislation to fit their local agenda. William Kelley of the Urban League informed Milwaukee school officials that Brown required equal employment opportunities for black teachers. In reality, the Supreme Court decision did not mention equal employment opportunities for any race. It

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only overturned legalized segregation within a public school setting. Kelley, however, used the intense national publicity on black education to provide the political pressure he needed to renegotiate the 1939 compromise on teacher hiring.\textsuperscript{129} Kelley modified the meaning of \textit{Brown I} to Milwaukee school officials to advance his agenda of expanding job opportunities for blacks in a white economy. Dougherty stated, “Black Milwaukee leaders interpreted the decision in a very different context, one that distanced the ruling from their local struggles for civil rights.”\textsuperscript{130} Black community leaders viewed segregation as a Southern problem that was not directly relevant to the situation in Milwaukee. Dougherty also stated, “Even Milwaukee’s youngest generation of black political leaders did not initially connect the Brown ruling to the changing racial composition of the city’s schools.”\textsuperscript{131} Cecil Brown Jr. attended North Division High School in the 1940s when it was still predominately white. In 1954, he was elected to the Wisconsin State Assembly and later became a prominent school integration activist, but he did not perceive Milwaukee schools as being segregated in the 1950s. As he reflected on the \textit{Brown} decision, his only memories of black activism in Milwaukee surrounded the discriminatory placement of black teachers.\textsuperscript{132}

There were two main reasons why black Milwaukeeans did not associate the \textit{Brown} decision with their own public school system. One reason was the absence of highly visible examples of segregated schools. There were schools in Milwaukee with a high concentration of black students, but there were also schools with approximately 50

\textsuperscript{129}Ibid.
percent black enrollment. Also, there were black families in Milwaukee that participated in the free transfer system, also known as the freedom-of-choice plan, which created the illusion of an integrated system. Another reason black Milwaukeean leaders did not pursue *Brown* in the mid-1950s was due to generational gaps in the leadership. Senior community leaders did not embrace the notion of integration like national race leaders of their time. In the 1950s, community leaders debated over the ideas of “interracial” versus “integration,” thus keeping the community from fully participating in the national NAACP desegregation agenda. Milwaukee’s local chapter of the NAACP was remarkable in the department of fundraising, but these funds supported the national organization, not the local agenda.

On a national level, the Urban League was not quick to endorse the NAACP’s *Brown* litigation, thus perpetuating the allegations that the National Urban League was not cooperating with the NAACP. However, on a local level, William Kelley of the Milwaukee Urban League saw an opportunity to capitalize on the momentum of *Brown*, but he also recognized the need to proceed with caution since the Milwaukee Urban League relied on the financial support of wealthy whites who saw no reason for racial activism in their Northern city. Since the Milwaukee NAACP had not defined what *Brown* meant in the local context, Kelley stepped in to use this platform to renegotiate the 1939 compromise.

Kelley launched an extensive lobbying campaign. An observer described Kelley’s campaign “as one of the Milwaukee Urban League’s most focused efforts during

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In an effort to persuade Superintendent Harold Vincent to reform teacher assignment practices, Kelley argued that the spirit of *Brown* obligated the public school system to take positive action on black teacher assignment even though employment was not the main issue in *Brown*. Kelley’s first appeal to the Superintendent failed. Kelley then tried a more assertive approach. He threatened to expose the district’s shortcomings to the national media, thereby creating negative publicity for Milwaukee’s prized public school system, which had received recognition as a progressive urban school district. In a letter to Superintendent Vincent, Kelley stated that the National Urban League had requested reports from all local branches on their local school districts’ compliance with *Brown*, and the content of these reports would be published in a national magazine. Kelley also included an advance copy of his own report, which criticized Milwaukee for having fewer than forty-five black teachers, all of whom were employed in schools having sizable Negro populations. Kelley received the National Urban League’s support for his efforts with the Milwaukee school district; however, the National Urban League expressed a greater concern for student segregation than for Kelley’s black teacher assignment cause.

After three decades of lobbying, Kelley’s work finally began to pay off. The Milwaukee school district began hiring black teachers in record numbers. In 1954, there were forty-five black teachers in predominately black schools. In 1960, the number of black teachers increased to 191. In 1965, the Milwaukee public school district hired 439 black teachers, and 10 percent of black teachers were working in both elementary and secondary schools in predominantly white neighborhoods. The struggle for equality in

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teacher hiring practices in Milwaukee added new layers of complexity to the *Brown* decision.\(^{136}\)

In the mid- to late ‘50s, a social movement was afoot. Southern blacks began to challenge segregation with bus boycotts, sit-ins, marches, etc. By the early 1960s, these events captured the nation’s attention through television, newspapers, magazines, and radio.\(^{137}\) As the world watched history in the making, many thought this was a Southern problem. They began to discover it was also an issue in the deep North.\(^{138}\)

**New York City, New York: The Harlem Nine**

The desegregation movement in New York City, like in other Northern cities, happened concurrently with the Southern movement.\(^{139}\) During the postwar decades, New York City’s white communities denounced any association with blatant racism while black communities were bubbling with political activity. After an abundance of political pressure and the Supreme Court’s ruling in the Brown decision, the black community got the attention of the New York City School Board.\(^{140}\) In a 1957 public hearing, the New York City school system was accused “of being a Jim Crow system”\(^{141}\) just like the school system in Macon, Georgia. Still many white community members, including the Superintendent, refused to acknowledge the impact of race in the public school system.


Several parents spoke out at a town hall meeting, stating, “There is no segregation in New York City public schools, so why integrate?” and “Do not let the Negro politicians and spellbinders mislead you.” Comments such as the above affirmed black parents’ suspicions that their children were not receiving an equal education.

In an effort to facilitate change, African American parents formed the group Parents in Action Against Education Discrimination. They believed that integration was the key to an equal education for their children. As Parents in Action became more organized, they began to picket and rally at City Hall. Riding the momentum of Parents in Action, a group of Harlem parents formed the Junior High School Coordinating Committee. They campaigned for a freedom-of-choice plan so their children would “have the opportunity to receive all the education that is being given on the best standard possible.” The Junior High School Coordinating Committee developed an argument based on outside district reports to explain why the children in Harlem were receiving an inferior education. They attacked the labels on their children’s schools, such as “difficult” and “problem schools,” which they felt lowered the standards of their institutions.

In 1958, the committee boycotted several schools in Harlem, alleging not only that the standard of teaching was lower but that the teachers were disproportionately referring their children to vocational and trade high schools. While boycotting the Harlem Junior High Schools, the parents organized private tutoring sessions for their

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143 Ibid

children in the Mid-Harlem Community Parish. There, they were taught English, mathematics, social studies, world events, music, French, and art appreciation. The board was impressed with the rigor of these private sessions, so they left the parents alone. This action forced the committee to file a lawsuit against the city for $1 million, accusing them of “sinister and discriminatory purpose in the perpetuation of racial segregation in five school districts in Harlem.”  

The Board of Education immediately launched an investigation into the junior high schools in Harlem and summoned the Harlem parents participating in the boycott to appear before the Domestic Relation Court “for failure to comply with the provisions of the compulsory education law.” Of the nine participating boycotting parents, Judge Kaplan found four parents guilty of violating state laws, while Judge Polier, in a different courtroom, dismissed the charges against two parents. After the two parents had their charges dismissed, the remaining four parents who had been found guilty asked Judge Kaplan to reopen their case and dismiss the charges against them. Judge Kaplan agreed not to take action against the four parents, so they escaped punishment.  

The Harlem parents provided a model for neighborhood school boycotts that would be duplicated among other black and Puerto Rican neighborhoods. Minority parents would continue to experience the limitations of their political power and legal rights when it came to a city’s power structure. In addition, Harlem would be radically affected by changing demographics, causing a significant loss in its tax base. Parent

146 Ibid
147 These parents became known as the Harlem Nine mimicking the Little Rock Nine.
boycotters would continue to be confined by racial stereotypes that would limit their power and the possibilities of their movement.\textsuperscript{149}

Boston, Massachusetts: Antibusing

In 1957, Boston, parallel to New York City, experienced a dramatic outburst of opposition to desegregation, giving the city the name, “the Little Rock of the North.”\textsuperscript{150} By late 1974, images of racial bigotry and violence in the city emerged, and\textsuperscript{151} an aggressive antibusing movement initiated by the Irish working-class was on the rise. Boston’s antibusing movement was not reformist in nature but sought to return Boston’s public schools to the status quo before the interference of the government. It took Boston eleven years and 415 judicial orders to get achieve integration in the public school system. The federal government was more involved in the everyday school operations in Boston than in any other city in the United States. The civil rights movement gained its greatest support during its nonviolent phase while the antibusing movement in Boston quickly became associated with violence.\textsuperscript{152}

In 1961, the NAACP requested an investigation into Boston’s public schools. However, the Massachusetts Commission Against Discrimination (MCAD) did not feel race was a determining factor in the assignment of pupils or in the quality of schools, so the request was denied. This led to talks between the school superintendent and representatives of the NAACP. Unfortunately, the superintendent also insisted that students were not classified by race, so these discussions proved unsuccessful. By 1963,

\textsuperscript{151} Ibid
the NAACP brought their complaints to the school committee. During an eight hour session, NAACP representatives requested that the district acknowledge de facto segregation, extensively train white teachers in racial sensitivity, end discriminative hiring practices, and eliminate inferior facilities, materials, and teaching practices. The committee was open to the discussion but refused to admit to de facto segregation.\textsuperscript{153}

 Talks appeared to be going well when they abruptly stopped. Blacks in Boston found inspiration from the blacks in New York City, and boycotting began.\textsuperscript{154} A “Stay Out For Freedom Day” boycott of Boston schools, sponsored by the NAACP, was one of many attempts to change the system. An estimated four to eight thousand high school students stayed out of school. Instead of joining the NAACP back at the table to continue talking, this action prompted the district to argue with the NAACP through the media. Louise Hicks, chair of the school committee, stated “de facto segregation is an inflammatory term… it implies prejudice.”\textsuperscript{155} Hicks denied that black children received an inferior education. She argued “the problem was not with the schools but with black pupils who were poorly equipped by their families and culture to learn.”\textsuperscript{156} Blacks, holding fast to the belief that education would provide uplift,\textsuperscript{157} continued to fight.

 In April 1965, the Kiernan Commission reported that fifty-five schools in Massachusetts were racially imbalanced,\textsuperscript{158} forty-five of which were situated in Boston.

\textsuperscript{158} Racially imbalanced schools were defined as any school with over 50% nonwhite pupils.
Suddenly, Boston, Massachusetts and Selma, Alabama were synonymous. Boston was accused of perpetrating educational genocide on African American children.\(^{159}\) Hicks denounced the legitimacy of the report as a “conspiracy to tell the people of Boston how to run their schools, their city, and their lives.”\(^{160}\) The Superintendent of schools, the Governor of Massachusetts, and the Mayor of Boston warned the school committee that their lack of cooperation in desegregating Boston public schools may be ruled deliberate acts of segregation by a court of law.\(^{161}\) Lack of support from the school committee prompted the birth of Operation Exodus. Boston had an open enrollment policy that black parents began to utilize. With donated buses, carpool efforts, and money donated by unions, liberals, and fundraisers, Operation Exodus bused approximately six hundred black students to underused white schools with available seats. Proud of their successes, the black parents of Boston received another victory when the state suspended Boston’s funding for being in violation of the Racial Imbalance Act.\(^{162}\)

In 1967, black riots erupted in such cities as Newark, New Jersey and Detroit, Michigan. Hicks thought this would be the perfect time to run for mayor using “antibusiing” and the “Boston for Bostonians” as campaign platforms.\(^{163}\) Political and business leaders feared a Hicks victory would “light up the city Detroit-style.”\(^{164}\) Hicks was able to hold off the state board through the 1970s but was unable to win the Mayoral


election. Boston wanted Hicks standing guard at the school committee, thus securing a victory for Kevin White as Mayor.

Over the next four years, from 1970 – 1974, the antibusing movement did everything to maintain the status quo in Boston public schools. In 1972, the court ordered the school district to prepare and implement a plan that would provide racial balance. This prompted the attack on the Racial Imbalance Act. Marches, rallies, and assemblies quickly became the order of the day. Parents held frequent demonstrations. Fueling the antibusing movement, President Nixon denounced excessive forced busing. While Congress was filled with antibusing proposals, on March 26, 1974, the House passed a bill prohibiting busing past a student’s neighborhood school and requiring alternate solutions. The next day, they included an amendment barring the use of federal funds for achieving racial balance. This single act called into question the Racial Imbalance Act, and the Act was subsequently repealed. In June 1974, after much back and forth litigation, a judge found the Boston school committee guilty of maintaining a dual school system and ordered them to implement a desegregation plan. Feeling defeated by this final act, the antibusing movement eventually died down, and the support of both blacks and whites, along with politics and protest, secured an opportunity for equal education for Boston’s black students.166

Detroit, Michigan: Milliken v. Bradley

Detroit, like New York City, Boston, and other Northern cities during this time, was operating a separate and unequal school system for black children. In 1956, an

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alliance was formed between the United Automotive Workers (UAW), Serve Our Schools (SOS), Americans for Democratic Action, and black Detroiter to focus on six problem areas:

Ousting Superintendent Arthur Dondineau; adding and physically improving schools in black neighborhoods; increasing the number of black teachers, counselors, and administrators; ending the policy of segregating black educators in majority black schools; upgrading the instructional and the curricular quality in black schools; and stopping the administrative practice of gerrymandering attendance boundaries to segregate schools.\(^{167}\)

In a 1951 study conducted by the Detroit Urban League, black children attended the oldest schools in the oldest sections of Detroit.\(^{169}\) By 1954, massive school-building programs were underway, yet the physical conditions of schools in black neighborhoods remained among the worst in the city. By February 1956, the *Michigan Chronicle*\(^{170}\) printed that it was the “apparent policy on the part of the Board of Education to allow school facilities in the older areas of the city to deteriorate and decline.”\(^{171}\) The problems of inadequate school facilities, racial gerrymandering of attendance boundaries, segregated teacher assignment, overcrowded black classrooms, and inferior curriculum in black schools continued to go unresolved. In spite of the protests from civil rights groups

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\(^{167}\) The practice of manipulating the attendance zones in an attempt to establish an educational advantage for a group.  
\(^{170}\) Founded in April 1936 by Lucius Harper, *The Michigan Chronicle* (Detroit, Michigan) is the state’s oldest and most respected African American newspaper.  
and the local black newspaper, there was no progress in the policies of school administration.

In 1956, the tides were starting to turn in Detroit. The school board appointed Samuel Brownell to replace Arthur Dondineau as Superintendent of schools. Brownell quickly renounced Dondineau’s policy of segregated teacher assignment and enacted a new color-blind policy for teachers, earning him praise from civil rights leaders.

In November 1958, the Citizens Advisory Committee (CAC) subcommittee released a study that explicitly detailed the segregation policies of the Detroit Public School system. These policies supported inferior building structure and inferior instruction and in general lowered the standing of the whole system. The CAC subcommittee recommended the school district work on building a better relationship with the black community. In 1959, there was a millage increase and bond issue. Samuel Brownell publicly declared that a large portion of the money would be used to improve condition in the black section of Detroit. When the millage passed, the board appointed Merle Henrickson, former president of SOS, as director of planning and school building studies for Detroit Public Schools.¹⁷²

Between the years 1959 – 1962, the board spent $62 million of the $92 million raised to rebuild infrastructure in highly concentrated black areas. At the same time, the number of black teachers, counselors, and administrators increased in Detroit Public Schools. The percentage of black staff working in the district increased from just 5

percent to 22 percent. Detroit Public Schools became a national leader in the number and proportion of black staff members.\textsuperscript{173}

In 1959, Brownell introduced the Great Cities School Improvement project, which was piloted in two elementary schools and one junior high school. Within these schools, additional staff members would work with the teachers and parents to improve educational quality. Under this program, teachers developed new motivational learning techniques based on each child’s background and experience. With grants from the Ford Foundation, the Great Cities program expanded over the next few years to include seven schools with 420 staff members and 10,400 students. In addition, the Great Cities program expanded to fourteen other large urban school districts. Great Cities provided Detroit with numerous compensatory education programs, workshops to help teachers “bridge the cultural gap between themselves and their students, opportunities to create new curricular material including groundbreaking set of preprimers featuring black children”\textsuperscript{174} incentives for teachers to use educational methods, and an increased push for parental involvement. After 1956, “school leaders in Detroit were more sensitive to racial issues and more willing to alter policies and programs and provide necessary funds to improve education in black neighborhoods.”\textsuperscript{175} By the early 1960s, Detroit was a national leader in race relations; however, an important aspect of race relations is the actual integration of schools. Detroit faced a problem with integration that was different than any other large city in the nation.\textsuperscript{176}

\textsuperscript{173} Jeffrey Mirel, \textit{The rise and fall of an urban school system: Detroit, 1907 – 81}. Ann Arbor, MI: The University of Michigan Press, 1993, 255.
\textsuperscript{174} Jeffrey Mirel, \textit{The rise and fall of an urban school system: Detroit, 1907 – 81}. Ann Arbor, MI: The University of Michigan Press, 1993, 257.
\textsuperscript{175} Ibid
\textsuperscript{176} Jeffrey Mirel, \textit{The rise and fall of an urban school system: Detroit, 1907 – 81}. Ann Arbor, MI: The University of Michigan Press, 1993, 258.
From 1959 to 1962, Superintendent Samuel Brownell tried to integrate the Detroit Public School system but was met with a series of clashes over attendance zones and busing methods each time. These clashes foreshadowed the fierce battle over integration that raged in the 1970s.\textsuperscript{177} The first attempt at integration occurred in October 1959. Detroit Public Schools wanted to transfer seventy-four black students from an overcrowded elementary school to another elementary school which was predominately black.\textsuperscript{178} A group of parents from the original school opposed the transfer, stating that the district was unnecessarily busing their children past two predominately white schools to reach a black school when the white schools had room to accommodate their children. The parents alleged that the district chose the black school to avoid integration. Initial protests yielded no results, so the parents proceeded to boycott the busing plan. In November 1959, more than one thousand students boycotted the plan. Brownell immediately admitted an error in judgment in not assigning the students to one of the two closer white schools. He corrected the problem by January 1960, allowing the students admittance to the closer white schools.\textsuperscript{179}

Brownell believed Detroit was demonstrating progress with integration, and in mid-October 1960, he made his second attempt to further integrate Detroit public schools. The district announced a new busing plan to move three hundred black students from overcrowded schools to three underutilized schools with mostly white students in the Northwestern district. White parents from these three schools were outraged. They

\textsuperscript{177} Jeffrey Mirel, \textit{The rise and fall of an urban school system: Detroit, 1907 – 81}. Ann Arbor, MI: The University of Michigan Press, 1993, 258.

\textsuperscript{178} Jeffrey Mirel, \textit{The rise and fall of an urban school system: Detroit, 1907 – 81}. Ann Arbor, MI: The University of Michigan Press, 1993, 260.

\textsuperscript{179} Jeffrey Mirel, \textit{The rise and fall of an urban school system: Detroit, 1907 – 81}. Ann Arbor, MI: The University of Michigan Press, 1993, 260.
immediately attacked the busing plan and threatened a boycott. The Board of Commerce, American Federation of Labor and the Congress of Industrial Organizations (AFL-CIO), Detroit Council of Churches, Catholic Human Relations Council, Jewish Community Council, the NAACP, and the Urban League all supported this attempt at integration, yet Brownell felt the need to calm the situation. Brownell presented a detailed explanation as to how and why those three schools were selected. He pointed out that the schools in question had participated in busing programs for the last ten years. This time, three hundred black students would be on the buses. The parents rejected Brownell’s explanation and threatened to boycott the school. They also petitioned for a recall of the school board members; with a new board, they could fire Brownell. Over the next three school days, thirteen hundred students did not attend school in protest. By November 1960, Brownell gave in to the demands of the parents and kept the three hundred black children in the segregated schools.180

In December 1961, the Detroit Public School District wanted to move black students from an overcrowded, predominately white school to a less crowded, predominately black school. Immediately, three hundred parents formed a committee to protest this new school assignment. In January 1962, they filed suit against Detroit, alleging the operation of separate and unequal school systems for black and white students. This parents’ group rehashed every criticism of the Detroit Public School District since the 1930s with a special emphasize on the gerrymandering of school district lines to segregate black students.181 Although the merits of the case were well

documented and it stood the chance of becoming the first major northern desegregation case in the country, the parents’ group dropped the lawsuit after two years because the composition of the school board changed in 1964.

Detroit was in serious trouble “due to the disaffection of white, working-class parents opposed to integration and black militants angered over the persistence of segregation. As a consequence of these positions, the politics of education in Detroit entered a period of profound change. Extremists from both sides of the color line were challenging the authority of established leaders.”

Decades of battles between the community and the school district led to the 1970 suit. In 1970, a group of parents of students in the Detroit Public School District, in conjunction with the Detroit Branch of the National Association for the Advancement for Colored People (NAACP), filed suit against the Michigan State Board of Education and various other state officials, most notably the governor, William Milliken (1974). The suit alleged that the Detroit Public school system was racially segregated as a result of a state statute known as Act 48. Upon review, the District Court ordered that the Detroit Board of Education submit desegregation plans for the Detroit-area schools only. The court also ordered the state to submit desegregation plans for a three-county metropolitan

184 The Michigan Legislature enacted on July 7, 1970, the Governor of Michigan signed into law, Act No. 48, Public Acts of 1970. Section 12 of this Act is as followed: “The implementation of any attendance provisions for the 1970-71 school year determined by any first class school district board shall be delayed pending the date of commencement of functions by the first class school district boards established under the provisions of this amendatory act but such provision shall not impair the right of any such board to determine and implement prior to such date such changes in attendance provisions as are mandated by practical necessity. In reviewing, confirming, establishing or modifying attendance provisions the first class school district boards established under the provisions of this amendatory act shall have a policy of open enrollment and shall enable students to attend a school of preference but providing priority acceptance, insofar as practicable, in cases of insufficient school capacity, to those students residing nearest the school and to those students desiring to attend the school for participation in vocationally oriented courses or other specialized curriculum.”
area, excluding eighty-five outlying school districts in the three counties because there was no claim that these outlying schools had committed constitutional violations.\textsuperscript{185} The District Court found that the plans submitted by the Detroit Board of Education were inadequate to accomplish desegregation and determined that schools should not be allowed to deny students of their constitutional rights simply based on school district lines. As a result, the court appointed a panel to create a desegregation plan that would apply to the Detroit schools as well as fifty-three of the eighty-five outlying schools.\textsuperscript{186} The defendants appealed the District Court’s ruling. The Court of Appeals agreed with the District Court’s ruling that a plan for desegregation in the Detroit schools and the fifty-three outlying schools was appropriate. The Court of Appeals revised the decision to exclude the remaining outlying schools and ordered that all school districts be included in the plan so that the impact of implementing such a plan on these schools could be examined.\textsuperscript{187}

In July 1974, the United States Supreme Court reversed and remanded the decisions of the District Court and Court of Appeals, stating that the decisions of these courts were based solely on discrimination found only in the Detroit schools, and that there was no evidence of discrimination in the outlying schools. Those facts did not permit a federal court to impose a remedy for a specific school area on a district wide basis. The lower courts were directed to issue a decree to create a desegregation plan in the Detroit area schools.\textsuperscript{188}

\textsuperscript{186} Ibid
\textsuperscript{187} Ibid
\textsuperscript{188} Ibid
As school districts ironed out the details of desegregation, many poor black children entered the school system in Kindergarten behind their white counterparts. Advocates for the poor and policymakers often lobbied for more preschool programs to assist in the educational success of disadvantaged minorities. Jencks & Phillips (1998)\textsuperscript{189} found students enrolled in preschool programs scored higher on standardized tests than those leaving the home and entering school in Kindergarten. The federal government declared a war on poverty, which resulted in the introduction of the Head Start program.\textsuperscript{190} Head Start was designed to give disadvantaged students a “head start” on school success by enrolling them in an academic program before the age of five. Title One, also a federally funded program, in conjunction with Head Start, provided supplemental academic resources for low-income students to support academic success.\textsuperscript{191} Providing disadvantaged minority students with opportunities to educate their children before entering Kindergarten was an attempt at closing the academic achievement gap. However, Ferguson (2004)\textsuperscript{192} stated that Head Start and Title One did not impact the achievement gap as much as policymakers had hoped; however these programs did keep the achievement gap from widening.

Conclusion

When the public educational system was first established, it was a very a rudimentary system. The Post-Civil War years saw the creation of a dual educational system based on race. African American teachers and parents did not give up on the idea

\begin{itemize}
\item \textsuperscript{189} Christopher Jencks and Meredith Phillips, \textit{The Black-White test score gap}. (Washington, DC: Brooking Institute Press, 1998)
\item \textsuperscript{191} Ibid
\end{itemize}
of providing their children with access to a quality education. For minority students, there continues to be a quest for equal education. Many viewed desegregation as an important strategy to equalize education for students of color. It took many years of back and forth litigations across the nation to get the public education system to its current state. Districts tried open enrollment, freedom-of-choice, pairing, clustering, attendance zones, and busing. In a post-desegregation era, the efforts continued with Head Start programs and federally-funded programs such as Title One. When these programs failed to achieve what policymakers had hoped to accomplish, our nation was left with an achievement gap. Academic achievement gaps have led to a disproportionate number of African Americans to be placed in special education programs, a disproportionate number of African American not in gifted and talented programs, high dropout rates, increased crime rates, low labor force participation, and increased public investment.\footnote{Gloria Ladson-Billings, “From the achievement gap to the education debt: Understanding achievement in U.S. schools,” \textit{Educational Researcher} 35, no 7 (2006): 3-12.}
CHAPTER 3
AFRICAN AMERICANS AND RACIAL SEGREGATION IN LAS VEGAS

Introduction

As the most populous region of the state, Las Vegas was affected deeply by both the state’s economic woes and the rapid demographic change reflected in its current population, which its leaders and institutions have failed to serve adequately or equitably.\textsuperscript{194} With residents who are increasingly low-income, poor, young, and immigrant, the bimodal distribution of jobs, wealth, and educational access and opportunity reflects the nation’s growing rates of inequality by race and income as much as they reflect a well-documented history of exclusion, segregation, and discrimination in Las Vegas.

Unlike the South, Nevada never practiced de jure segregation, nor did it ever have a sizeable black population.\textsuperscript{195} The few black residents of Las Vegas had migrated to Las Vegas from states such as Louisiana, Arkansas, and Mississippi to flee the Jim Crow South for greater job opportunities in the West.\textsuperscript{196} Although Nevada had no laws requiring the separation of the races, the years between 1931 and the 1960s were still marked by segregated public accommodations (i.e., restaurants, shows, and casinos), discriminatory employment practices, and racially segregated housing and schools.\textsuperscript{197} There are widely-shared accounts of black entertainers such as Sammy Davis, Jr., Pearl

\textsuperscript{195} Ibid
\textsuperscript{196} On March 8, 1972, Captain Richard Dunn of the Las Vegas Police Department addressed an American Urban History Class at UNLV where he mentioned that most blacks arrested came from Tallulah, LA or Fordyce, AR.
Bailey, and Lena Horne being required to use separate entrances at venues on the Strip. These and other examples of denied access compelled the NAACP in the early 1950s to brand the entire state of Nevada with the nickname “Mississippi of the West”.198

This chapter will provide a selected history of Las Vegas and the migration of African Americans to Las Vegas. Unfortunately, there is limited research on this topic but it is an important element to the overall climate of the struggles that Las Vegans had to undergo to achieve many luxuries that are now taken for granted. Using this limited research, a synopsis was prepared and presented to provide the reader with a general context, in which, to place Las Vegas, Nevada into the national desegregation process along with their issue with obtaining fair housing, paved roads, employment, etc.

**Hoover Dam: The 1930s**

According to Tackett (n.d.), the first black family arrived in Nevada in 1910. By 1922, there were approximately fifty black residents statewide. By the mid-1930s, the number reached 150, or roughly 2.7 percent of the entire state’s population. When plans were announced to build Hoover Dam, the black population increased slightly due to many people’s hopes of joining the work crew. They were quickly disappointed when they discovered the construction companies refused to hire blacks for the project.199 On May 5, 1931, the exclusion of black labor from the Hoover Dam project birthed the formation of the “Colored Citizens Labor and Protective Association (CCLPA)” in Las Vegas, which had 247 members.200 CCLPA’s goal was to provide competent black workers with help in all aspects of life but in particular securing jobs on the Hoover Dam

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198 Ibid
CCLPA brought in William Pickens, Field Secretary of the NAACP, to speak against the construction companies’ discriminatory practices. Pressure from the black and white communities, along with the NAACP, prompted an investigation by Nevada Senator Tasker Oddie and the American Bar Association. On June 18, 1932, the *Las Vegas Age*, a local newspaper, reported blacks would receive jobs on the Hoover Dam project. Warren A. Bechtol, President of Six Companies, Inc, gave a statement to the *Las Vegas Age* saying he had “never heard of any refusal to employ colored people.” By July, Six Companies, Inc., the construction company building Hoover Dam, hired ten blacks, and by the time the Dam was completed, there were approximately forty-four black employees on the crew. They worked as segregated crews and lived in separate quarters. After the dam’s completion, several stayed and worked on the maintenance crews.

The influx of black workers during the dam’s construction caused race relations in Las Vegas to harden. As tension between the races grew, segregation became more prevalent, and the Las Vegas police kept a close surveillance on blacks and whites to ensure peace. Jim Crow practices were introduced to Las Vegas with the influx of white workers migrating from the South. Many white citizens of Las Vegas had never lived and worked with black people before, and this lack of experience allowed stereotypes to prevail. Las Vegans chose to put restrictions on serving the misunderstood minorities.

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203 “Negros will get jobs on project” *Las Vegas Age* (Las Vegas, NV, 1932, 4)


Before the introduction of segregation, blacks lived interspersed with whites in the center of downtown, which was then roughly an eight block area. A predominantly black neighborhood or area had not yet been established because the population was still small. It was not uncommon for some black residents to comingle and have a good relationship with white community members. In fact, according to Stella Parson, a long-time West Las Vegas resident, there were a few black students (including her) that attended school with white students prior to segregation. When segregation became popular, Mrs. Parson was allowed to continue her integrated education. This exception did not apply to the movie theatres where blacks had to sit in the balcony. Also, it is unclear how many black residents were exempt from these segregated educational scenarios but there were a few cases.

During the late 1930s, blacks began to settle in another section of the city known as the Westside. The Westside was built by the railroad to house their employees and was one of the oldest sections of Las Vegas. Economic considerations prompted the move from the downtown area to the old section west of the railroad tracks as rents on the Westside remained the lowest in town. In an oral history with Marion Earl, an attorney specializing in estates and wills in Las Vegas, he recalled a “negro exclusion” on newly-built homes, preventing the more affluent blacks from moving into newer neighborhoods in the Las Vegas area and leaving only the Westside as an option. Blacks’ movement to the Westside brought resistance from some of the white residents in the area. They put together a zoning petition to prevent blacks from living in certain sections

208 Ibid
of the Westside. A group of black residents (representing the Las Vegas Colored Progressive Club) countered their petition with a letter to the Mayor and City Commissioner protesting the segregation attempt.\textsuperscript{209} The letter stated:

The colored people of Las Vegas feel certain that you will not pass it (the petition). We are true American citizens who have fought and died for our country, and yet you will find lots of people living in this section (as identified on this petition) who are foreigners and have never done anything to establish American independence.”\textsuperscript{210}

In 1939, the Mayor and City Commissioner announced that the zoning law was in violation of the United States Constitution and returned the petitions to the sponsors.

That same year, the state legislature introduced into the Assembly for consideration a “Race and Color Bill”.\textsuperscript{211} The bill required “that all persons, regardless of race or color be given equal rights in public places.”\textsuperscript{212} Opposition to the bill came from hotel owners and other proprietors of public establishments, particularly in downtown Las Vegas.

Responding to the opposition, the Assembly indefinitely postponed the bill.\textsuperscript{213} This action set the tone for the response of the state legislature to any civil rights bill introduced into the state legislature up to the 1960s.

\textsuperscript{209} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{210} Undated letter to the Mayor and City Commissioner by Las Vegas Progressive Club, H L Wilson, corresponding secretary on file at City Clerk files Las Vegas City Hall
\textsuperscript{212} “Race and Color Bill is dropped in house Thursday” Las Vegas Review Journal (Las Vegas, NV, 1939, 1)
\textsuperscript{213} Ibid
Basic Magnesium Incorporated (BMI): The 1940s

In late 1941, the federal government took on another project. They decided to build the world’s largest magnesium plant twenty miles outside of Las Vegas. Magnesium was used in making bombs and airplanes during the war. The construction of the magnesium plant, known as Basic Magnesium Incorporated (BMI),\textsuperscript{214} brought the first mass migration of blacks to Las Vegas during World War II.\textsuperscript{215} The manpower shortage prompted BMI officials to carry out a campaign to attract workers from the South. Prior to the construction of the magnesium plant, the United States Army established an Army Corps Gunnery School at the Las Vegas airport, later named Nellis.\textsuperscript{216} Black migration for the BMI construction, coupled with black soldiers stationed at the Las Vegas Army Air Corps Gunnery School, and black troops participating in desert maneuvers at Camp Clipper, California, elevated racial tensions and discrimination to their highest level in Las Vegas history.

Hundreds of African Americans who came to Clark County to work on the BMI project expected to find the “Promised Land” but were instead met with discrimination and segregation conditions as bad as they had previously faced in the South. Black citizens were forced to use separate facilities such as “colored” drinking fountains and outside toilets. Job turnover remained high because of often hazardous working conditions, and workers were exposed to toxic gases, especially chlorine. These conditions prompted many blacks to seek other employment. Denied access to jobs in the gaming industry, Clarence Ray, a West Las Vegas resident since 1925, mentioned in

\textsuperscript{214}Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{216}Ibid
an oral history that black residents were mainly employed by the railroad as porters or on work gangs repairing track. A few held menial jobs as janitors or maids in business establishments or private residences.

West Las Vegas: Las Vegas, Nevada’s Ghetto

Ghettos sprang up across the nation, and by the late 19th and early 20th centuries, studies began to surface on the formation of these American ghettos.217 Scholars’ curiosities were aroused as they began to examine the growth of western ghettos.218 As Las Vegas grew and evolved, black community members still struggled to receive their share of the wealth and prosperity that their white counterparts enjoyed. Housing for blacks was only available on the Westside, which did not have enough houses to accommodate the large number of blacks coming into the area. The black community eventually became a tent and shack city, Las Vegas’ ghetto.219 By 1943, there were three thousand blacks living on the Westside.220 None of the roads leading in or out of the black section had been paved, so the traffic going to and from BMI created a dust bowl with huge clouds. The Las Vegas Review Journal decried the “deplorable” conditions for the black workers arising from a lack of public housing and social services.221 When Basic Townsite, the housing development for BMI workers, was constructed, it included a separate community for blacks, which helped to alleviate some of the housing problems.

220 Wesley Stout, “Nevada’s New Reno” Saturday Evening Post (Las Vegas, NV, 1942, 72)
221 “A deplorable Situation”, Las Vegas Review Journal (Las Vegas, NV, 1943, 14)
Carver Park: Henderson, Nevada

Carver Park,\textsuperscript{222} the segregated black housing facility, included 324 apartments and two dormitories which could accommodate 175 men.\textsuperscript{223} Even the children were cloistered in a special school set up for Carver Park residents. The segregated facilities were not as popular as officials had assumed they would be. Lubertha Johnson, a West Las Vegas resident, commented that many blacks resented living in the quarters and felt restricted. They preferred to live on the Westside where they had more freedom even though living conditions were deplorable.

Black Military: Boulder City, Nevada

Military installations in the area furnished another source of black immigrants with employment in Las Vegas. Black soldiers were stationed at the gunnery school.\textsuperscript{224} The military camp at Boulder City consisted of a black regiment of military police which had, at its peak, approximately 135 men as permanent personnel and seven hundred trainees. Elbert Edwards, a long-time resident of Boulder City, stated the camp, originally called Camp Sibert but later changed to Camp Williston, functioned as a guard and patrol unit to protect Hoover Dam and as an infantry training center. Desert maneuvers at Camp Clipper, located along the California-Arizona border close to Las Vegas, involved black companies who periodically received weekend passes to Las Vegas. Black troops presented a problem for local officials. Many of them came from the North and were not accustomed to segregation; this lead white Las Vegasans to increase segregationist practices.

\textsuperscript{222} Eugene P. Moehring and Michael S. Green, \textit{Las Vegas A Centennial History}. Las Vegas, NV: University of Nevada Press, 2005
\textsuperscript{223} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{224} Ibid
Las Vegas, Nevada: For Whites Only

Las Vegas, described as a “Disneyland for Adults,” catered to people worldwide but carried an invisible sign that read “For Whites Only.” The casinos, floor shows, motels, hotels, nightclubs, and the exciting night life that flourished in Las Vegas during the war excluded blacks. The Las Vegas Police Department maintained rigid surveillance to make sure that whites and blacks did not intermingle. The only area of town where blacks could be served was the Westside, which contained a few bars and nightclubs. The police even patrolled that area to make sure that the city preserved segregation. Acting on a grand jury recommendation in 1943, police officials closed the Star Bar on the Westside after they discovered that the “bar has been playing to a mixed trade, with Negroes and whites encouraged congregating in the establishment promiscuously.”

Black soldiers who served their country in the Armed Forces felt a great deal of resentment when they came to Las Vegas and were excluded from local establishments. With nowhere to go but the Westside, the soldiers were forced into slum conditions that fueled their bitterness. Law enforcement officials tried to maintain order, but black soldiers saw this as yet another attempt to keep them in their place and resisted.

On an early Sunday morning in January 1944, three hundred soldiers came to Las Vegas from Camp Clipper on weekend passes and purchased some liquor at the Harlem Club. Fueled by alcohol and their anger at the segregated facilities, they began wrecking

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226 “Bar on Westside Ordered Closed” Las Vegas Review Journal (Las Vegas, NV, 1943, 3)
the Brown Derby Café and Club.\footnote{Karen Tackett, \textit{McWilliams Townsite 1905 – 1980: A History of West Las Vegas and Its Residents}. Las Vegas, NV.} When local authorities tried to restore order, a riot broke out, and one soldier opened fire and slightly wounded a policeman. Before order was restored, one black soldier was killed and three others were wounded.\footnote{“No Race War Here” \textit{Las Vegas Age} (Las Vegas, NV, 1944, 16)} Following the incident, Major General Alexander Patch declared the city “out of bounds” to the Camp Clipper “colored troops” attached to the 93rd Division.\footnote{“Las Vegas Out of Bounds for military” \textit{Los Angeles Times} (Los Angeles, CA, 1944)} The restrictions came after military authorities consulted with Police Chief Harry Miller and decided that the Las Vegas “colored district was not large enough to absorb such a great number of troops.”\footnote{“Vegas now ‘Out of Bounds’ for Camp Clipper Negro Unit” \textit{Las Vegas Review Journal} (Las Vegas, NV, 1944, 2)} When outsiders declared that the incident was a race riot, both local newspapers denied the allegations. The \textit{Review Journal} said, “It’s not our fault,” placing the blame on the Harlem Club for selling the liquor, and it urged that the club’s license be revoked by city officials. It also blamed the Army for turning so many men loose without adequate supervision.\footnote{“Not Our Fault” \textit{Las Vegas Review Journal} (Las Vegas, NV, 1944, 16)} The \textit{Las Vegas Age} declared that the incident was not a “Race War,” and also urged revocation of the Harlem Club license.\footnote{“No ‘Race War’ here” \textit{Las Vegas Age} (Las Vegas, NV, 1944, 6)}

While city officials were declaring that there were too many black troops to be absorbed by the town’s ghetto, they were opening up their homes and providing cots at the War Memorial building for white troops who badly needed a rest from preparing for war. Prominent Las Vegans could not see the inconsistency in their actions and refused
to accept any responsibility in creating the conditions that led to the Brown Derby disturbance.²³⁵

The riot, along with other minor clashes between police, black troops, and black workers, caused the American Federation of Labor to construct some sanitary facilities on the Westside. A centrally located building contained communal shower baths and laundry facilities which were previously nonexistent.²³⁶

Racial tension at BMI continued to increase until October when two hundred black workers walked off their jobs in protest of discriminatory practices. They would no longer tolerate separate washroom and toilet facilities. After the walkout, the Las Vegas Police Chief placed the police force on a 24-hour-alert in case of trouble. William Bryne, a Las Vegas resident, remembered the incident attracted an examiner from the President’s Fair Employment and Practices Committee who, after a study, recommended the suspension of separate facilities for black and white workers.²³⁷ Most of the workers who walked out never returned. However, they stayed in Las Vegas and found other employment.

The over-crowded housing situation on the Westside led to the construction of a new United States Officers (USO) club.²³⁸ The facility accommodated over one thousand soldiers each month. Black leaders asked city officials to clean up the Westside, but nothing was done. A group of white citizens became concerned with the Westside conditions and brought the issue to the Mayor in a meeting. After community discussion,

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²³⁵ Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
²³⁶ “Westside Sanitary Served Okayed” Las Vegas Review Journal (Las Vegas, NV, 1943, 2)
²³⁷ Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
it was decided the problem would remedy itself when the war ended and the blacks returned to their original homes.\textsuperscript{239}

In 1944, Las Vegas politicians became aware of the sizeable number of blacks living on the Westside who had the power to vote. Lt. Governor Wail Pittman held a forty-five minute conference with the “Westside for Roosevelt for President” organization.\textsuperscript{240} The Republican \textit{Las Vegas Age} urged black voters not to be misled by the Democratic Party, which was refusing the vote to blacks in the South.\textsuperscript{241} The \textit{Review Journal}, in an editorial, asserted the state should be proud of the fact that blacks were able to vote in Nevada and noted that Nevada had been the first state to ratify the Fifteenth Amendment to the Constitution which assured every male citizen the right to vote.\textsuperscript{242} Taking advantage of their first opportunity to cast a ballot, many of the new black residents registered to vote in 1944. The \textit{Las Vegas Review Journal} reported that the Westside had the heaviest registration of new voters and commended these new voters for exercising their rights as American citizens.\textsuperscript{243}

Prior to the 1944 election, seventy-five cabins and shacks had been destroyed in the “colored district” of the Westside in a city campaign to clean up the area. As BMI slowed production, their need for workers decreased, and city officials abandoned the earlier policy of disregarding fire and health standards, condemning housing on the Westside.\textsuperscript{244} This Las Vegas version of urban renewal did not contain any housing

\textsuperscript{239} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{240} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{241} “The Negro Vote” \textit{Las Vegas Age} (Las Vegas, NV, 1944, 6)
\textsuperscript{242} “Colored Voter” \textit{Las Vegas Age} (Las Vegas, NV, 1944, 6)
\textsuperscript{243} “New voters in Clark County” \textit{Las Vegas Review Journal} (Las Vegas, NV, 1944, 14)
\textsuperscript{244} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
facilities for those who had previously lived in the shabby structures. During the war, the shortage of housing throughout the city remained critical, and the wartime housing allotments for construction of new homes in Las Vegas were used to build houses on the other side of the tracks, primarily in the Huntridge area, which excluded blacks from residing in the new houses. In 1945, another three hundred substandard Westside shacks received demolition notices. The building inspector suggested that the occupants would need future housing but offered no provisions for the evicted people.

Although the decrease in employment at BMI had resulted in many blacks losing their jobs and leaving the area, many black citizens stayed. They started receiving employment at the hotels and casinos as maids, porters, and culinary workers. The El Rancho Vegas Motor Hotel and the Last Frontier Hotel had opened in the early 1940s. The Flamingo Hotel and the Golden Nugget Casino, along with a host of small gambling establishments, opened their doors shortly after World War II ended. The pent-up travel plans of Americans during the War, an extensive advertising and publicity campaign, and the allure of gambling and floor shows, brought hordes of tourists into Las Vegas during the late 1940s. The city was becoming a premier tourist attraction. This tourist business provided jobs for blacks in the booming town.

After the black soldiers and black workers left, the segregation barriers stood firm. White residents tried to ignore the ghetto. As wartime restrictions began to decrease and the Westside ghetto became more stabilized, black citizens demanded that the city improve municipal services in their community. In August 1945, a group of

245 “Westside Shacks are Being Razed” Las Vegas Review Journal (Las Vegas, NV, 1944, 2)
246 “Westside Slum Clearance Starts” Las Vegas Review Journal (Las Vegas, NV, 1945, 7)
248 Ibid
Westside residents led by Reverend Henry Cooke asked the City Commissioner for street improvements, particularly that “E” street, one of the major thoroughfares, be paved. The City Commission replied that it could not pave roads in the Westside section because the assessed valuation was too low to permit the issuance of a bond. The city fathers did promise to install more streetlights and fireplugs in the neighborhood.249

By 1946, most Las Vegas African Americans lived on the Westside. The black community which had existed earlier in downtown Las Vegas had moved across the railroad tracks receiving good prices for their property. Boysie Ensley, a West Las Vegas resident, recounted that city officials facilitated the move because they refused to issue licenses to black businessmen in the downtown area but instead suggested they would issue the licenses if the businesses moved over to the Westside. A few families still lived in the Carver Park housing development. With few exceptions, the rest of the Clark County blacks lived in the ghetto.250

In 1946, the Westside USO was converted from a military recreation site to a community center. It was the only meeting place for black organizations in the city. One of the most popular services provided at the center continued to be the public shower bathrooms. Many of the shack-houses did not have bathing facilities. In 1946, West Las Vegas needed street lights, fire plugs, paved roads, sidewalks, and gutters. The area had thirteen fire plugs in a seventy-two block area. Westside residents were told by Mayor Cragin that low assessments prevented the city from making any improvements.251

249 “Westside Asks City Dads for Better Streets” Las Vegas Review Journal (Las Vegas, NV, 1945, 4)
251 Ibid
In 1947, a municipal swimming pool opened on the Westside, one month prior to the new municipal pool opening on the other side of the tracks. The *Review Journal* reported the pool was “built primarily to allow swimming facilities to residents of the Westside comparable to the central pool…”\footnote{252} Jimmie Gay, a lifeguard hired for the Westside pool, said its earlier opening helped ensure that the major swimming pool would remain “white only.” The cement viaduct separating the Westside from the rest of the city was appropriately referred to as a “concrete curtain,” underscoring the Westside’s segregation and isolation.

In 1948, concerned citizens on the Westside formed the Westside Chamber of Commerce in an effort to solve the problems that the city refused to properly address.\footnote{253} The organization focused on civic improvements. It instituted a policy of “self-help,” and one Chamber official declared, “We expect to have a hard fight on our hands in getting our program under way, and we have already met opposition forty-six from one city official and two prominent Westside businessmen.”\footnote{254} City Commissioner Robert Moore commended the program for being a “reasonable” approach to civic improvements rather than “aggressive demands.”\footnote{255} Since no funds were available for Westside municipal improvements, he logically supported the “self-help” scheme as the best method of solving the area’s problems.

Nevadans concerned about the Jim Crow nature of the state urged the 1949 state legislature to pass a civil rights law. Mrs. Lavonne Busch, Chairman of the Progressive Party in Nevada, in a speech before the Indian Affairs Committee of the Assembly, stated

\footnote{252} “Westside Swimming Pool Opens Friday” *Las Vegas Review Journal* (Las Vegas, NV, 1947, 3)
\footnote{254} “Westside Chamber Ready to Roll on Civic Plans” *Las Vegas Review Journal* (Las Vegas, NV, 1948, 5)
\footnote{255} Ibid
that, “Police Departments in both Las Vegas and Reno have told negroes they do not need to look to them for protection; that the Negroes have no rights; so why should we look out for them.” 256 She perhaps overstated the case, but certainly a racist attitude existed in both cities. Over fifty people, primarily from the Reno area, showed up at the committee hearing, urging support for the bill which prohibited discrimination based on race, creed, or color. The bill never went beyond the committee hearings.

Some Las Vegans became concerned about conditions in the black community. The Council of Social Agencies worked to improve housing and living standards on the Westside. 257 In 1947, a milk program for low income children in the Westside School began, a nursery school for children of working parents was planned, and sewing and cooking classes were taught at the community center. A public pay telephone capped the list of civic improvements. 258

In 1949, private builders planned to build a 150 unit housing development on the Westside, known as Westwood Park. The cost per house averaged around $7,000 with the entire project costing approximately a $1 million. 259 In 1950, President Truman approved a million-dollar federal housing project to relieve the housing conditions. The development consisted of one hundred rental units located on the Westside on a twenty acre tract. During a housing survey conducted by Lubertha Johnson in 1948, researchers found that approximately 20 percent of the homes had adequate facilities, several water

256 “Las Vegas, Reno Accused of Race Discrimination” Las Vegas Review Journal (Las Vegas, NV, 1949, 1)
257 Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
258 “Report Progress in Solving some of Westside’s Program” Las Vegas Review Journal (Las Vegas, NV, 1949, 4)
259 “Million Homes Project for Westside Okayed” Las Vegas Review Journal (Las Vegas, NV, 1950, 1)
lines had no water, most of the homes did not have toilet facilities except an outhouse, and many blacks lived in shacks and worn-out trailers.

One year later, prior to the federal housing project’s construction, a major controversy developed over the project’s location. Bonanza Village, a middle class development near the proposed housing development, opposed the construction because they felt that property values in the area would decrease. They protested the zoning change, which allowed the twenty acre tract, known as the Zaugg Tract, to be used for low income black housing. The West Las Vegas property owners, which encompassed Bonanza Village, suggested that a slum clearance project be conducted and the housing project be placed in the old Westside. Black residents accused the Bonanza Village property owners of racial discrimination. City Commissioners, at the request of the special housing committee, decided on a compromise between the two opposing groups. They agreed to build the low-rental housing at the original location but also to construct a one-hundred-foot-wide buffer highway between the Westside and Bonanza Village. At the same time, the city began destroying and eliminating the shacks that had been constructed in the tract.

The Census Bureau changed classifications when it conducted the 1950 Census, and instead of classifying blacks as a separate category, it now used the “non-white” category, which included Indians, African Americans, Chinese, and Japanese. The population of blacks in Nevada was 4,302, and in Las Vegas the non-white population

261 “Hot Issues Looms Over Westside Housing Project” *Las Vegas Review Journal* (Las Vegas, NV, 1951, 2)
262 “City Ok’s Rezoning for Westside Housing Project” *Las Vegas Sun* (Las Vegas, NV, 1951)
stood at 2,888, which represented 11.7 percent of the total population. Most of the non-whites were African Americans. This was a major increase from 1940, when the non-whites constituted 1.1 percent of the population. The black migration continued in the 1940s and 1950s with jobs opening up in the resort hotels for culinary workers. Although blacks came from many areas, a significant portion of them continued to come from the Tallulah, Louisiana – Fordyce, Arkansas area.  

In 1951, Las Vegas elected a new mayor, C. D. Baker. His campaign promised to pave some of the streets on the Westside. A year after Mayor Baker took over, city hall and the Mayor blacktopped the streets on the Westside. After this long-awaited event, Hank Greenspun, the Las Vegas Sun publisher, said, “We are blessed with a new type of politician. Instead of working both sides of the street, they are actually working down the middle—with paving equipment.” Westside assessments had not increased, yet the city found the funds to pave “B”, “C”, and “E” streets and later other streets on the Westside. The paving project became the longest paving program in city history, with over twelve miles of streets receiving “blacktop” at a cost of $555,000. Even after the proposed streets had been paved, many Westside streets remained dirt thoroughfares. The area only had one or two streets leading from the Westside to other sections of the city, further increasing the existing sense of isolation. Segregationist practices still remained intact, but at least the black community did not have to eat as much dust in the ghetto across the tracks. The same year, Marble Manor, the federal housing project of one hundred low-

265 “City Ok’s Rezoning for Westside Housing Project” *Las Vegas Sun* (Las Vegas, NV, 1951)
266 “City’s Largest Paving Job Gets Under Way in West Las Vegas” *Las Vegas Sun* (Las Vegas, NV, 1956, 20)
income homes, was completed. The project stipulated that low-income people without consideration of race, creed, or color would qualify to live in the rental units, but most of the occupants were African Americans.\footnote{268}{Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)}

In 1953, Assemblyman George Rudiak, a Las Vegas attorney, introduced a civil rights bill that sought to negate all written or “gentlemen’s agreements” on racial discrimination in Nevada theatres, hotels, restaurants, and places of public entertainment.\footnote{269}{Karen Tackett, McWilliams Townsite 1905 – 1980: A History of West Las Vegas and Its Residents. Las Vegas, NV.} If passed, the bill would have imposed a fine or imprisonment for people who discriminated on the basis of race, creed, or color.\footnote{270}{“Civil Rights Bill Hearing Set” Las Vegas Review Journal (Las Vegas, NV, 1953, 3)} Three southern Nevada groups endorsed the bill: the Clark County Council of Social Agencies, the NAACP, and the Non Partisan League of Las Vegas.\footnote{271}{“Groups Endorse Civil Right” Las Vegas Review Journal (Las Vegas, NV, 1953, 6)} The Washoe County ministerial Association, along with other church groups, urged passage of the law. Despite all the support and no public resistance, the measure never passed the Assembly.

Having failed at the state level, the local NAACP asked the City Commission to adopt a local civil rights ordinance. The proposed measure, similar to the state bill, sought to allow all law-abiding citizens regardless of color, race, or creed to be served in Las Vegas restaurants, swimming pools, theatres, entertainment establishments, and other public places.\footnote{272}{Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)} At the Commission hearing, the local President of the NAACP, Lubertha Johnson, said that Las Vegas “lags far behind all cities in the West in civil right with exception of the deep south.”\footnote{273}{“Nevada Negros Seeking Civil Rights Law” Las Vegas Review Journal (Las Vegas, NV, 1953, 6)} Johnson stated blacks “no matter how intelligent or
well dressed cannot enter most of the licensed establishments in the city, or must accept inferior Jim Crow service.”

City Commissioner Rex Jarrett replied that the city did not need such a law as the United States Constitution guaranteed civil rights to all Americans. After a discussion, City Commissioners asked the City Attorney for legal ruling on whether the city had the power to pass such an act. After a three-month investigation, City Attorney Howard Cannon stated that an earlier case “makes it appear that the enactment of a civil rights ordinance without specific charter authority would not be within the power of the city of Las Vegas.” The city’s legal authority declared that a recent discussion of the United States Supreme Court “leaves the matter confused.”

Based on the ruling, the City Commission refused to enact the Civil Rights ordinance. In January 1954, Franklin H Williams, Regional Counsel for the NAACP, requested that the ordinance be adopted and refuted the interpretation of the city Attorney. In April, the City Commission, avoiding the jurisdiction issue, refused to adopt the ordinance for the following reasons: (1) social equality could not be legislated, (2) it must be accepted by all adjoining cities, and (3) the right to refuse service in public establishment is the legal right of the owner. As a result, the NAACP branded the entire state of Nevada as the “Mississippi of the West” and planned a registration drive to register Westside voters in an effort to increase the political muscle of the area in bargaining with city officials. In 1954, the first black physician, Dr. Charles West,

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274 “City Attorney Asked for Civil Right Law Ruling” Las Vegas Review Journal (Las Vegas, NV, 1953, 7)
275 Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
276 Interoffice memo to the Mayor and City Commissioners from City Attorney Cannon November 30, 1953, p 7
277 Ibid
278 “Can’t Legislature Equality Commission Tells NAACP” Las Vegas Review Journal (Las Vegas, NV, 1954); also Mayor Baker gave the same response in a letter to Mrs. Eve Shelbourne on September 27, 1954.
moved to Las Vegas to practice medicine, and one year later, the community got its first black dentist, Dr. James MacMillan. Both men added leadership skills to a small existing group of leaders composed of Lubertha Johnson, Woodrow Wilson, David Hoggard, Bob Bailey, and a group of black ministers fighting to gain civil rights in Las Vegas.

Discrimination in the 1950s continued to be widespread with both state authorities and city authorities refusing to accept any responsibility for eliminating racist practices. For a long period of time, black entertainers at the resort hotels could not even stay at the hotels where they performed. Sammy Davis Jr., Eddie (Rochester) Anderson, Arthur Lee Simpkins, Bill “Bojangles” Robinson, and many other black entertainers had to stay over on the Westside at a boarding house run by Mr. G “Ma” Harrison. Alan Jarlson, a West Las Vegas resident, recalled that the Sands Hotel was the first resort to allow black performers to stay at the hotel. Periodic refusals to perform by Josephine Baker, Lena Horne, Harry Bellafonte, and Dorothy Dandridge caused hotel officials to allow blacks to attend the shows for a short time, but the overall practice remained discriminatory, and African Americans continued to be denied entrance to the hotels. Recreational facilities in Las Vegas were also segregated and with few exceptions forced blacks to swim or use recreational facilities on the Westside. Lubertha Johnson said Southern Nevada Memorial Hospital had a special section of the hospital reserved for blacks in the indigent section regardless of the income of the patients. Housing was unavailable in other

281 Ibid
sections of the city and most of the county. Eating establishments and bars had signs posted which read, “We reserve the right to refuse service to anyone” and barred blacks from their establishments. Las Vegas blacks could purchase goods in department stores, gas stations, and other places, but they could not eat in restaurants, drink in bars, or participate in amusement activities in any section of town except the Westside. The only restaurant on the strip that did not discriminate was Foxy’s restaurant.

Segregated housing and the ghetto that arose to accommodate the racial attitudes of white Las Vegans was one of the drastic examples of Jim Crow in Las Vegas. Unlike other cities where ghettos formed over twenty to thirty years, the Westside developed during the war years into a slum. The lack of housing caused shacks to appear overnight all over West Las Vegas, and once the pattern began; city officials found it was almost impossible to stop. Many of the black immigrants came from rural areas of the south and generally from low-income groups. Having lived under segregated policies all their lives, most did not openly fight against the conditions and were content to earn the best wages they had ever received. Many refused to protest the conditions for fear of losing their jobs. Educated blacks were not attracted to the community because of the segregation.

283 Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
286 Ibid
Community organizations trying to improve the Westside sprang up periodically and then disappeared. The only organization that remained strong was the NAACP, and it met resistance from the white power structure every time it tried to institute changes.²⁸⁷

The Westside Recreation Center, which served as the major community center for the black community, had degenerated into a sanitary hazard. Hank Greenspun suggested in 1954 that unless the city took action soon they would have to expand their juvenile home. He called the center “… a rat hole that indifference and irresponsibility is attempting to wash clean with a hambone.”²⁸⁸ The barracks-style structure had clogged sewer drains, which backed up sewage all over the floor. City officials finally planned to build a new recreation hall in a three-year construction program costing $155,000. Several years later, the center reached completion.

Although housing tracts like the Cadillac Arms, consisting of eighty duplexes, and Berkeley Square, a 148-unit housing development, helped alleviate the housing crisis somewhat, the new construction could not keep pace with the community’s rapid growth.²⁸⁹ In 1955, approximately sixteen thousand people, mostly blacks, lived in the Westside section of the city, which comprised one hundred sixty acres. The Las Vegas Sun carried several articles in 1955 describing the horrible conditions present in the area. The Moulin Rouge, a multi-racial hotel and casino that opened in 1955 and closed within a year due to financial problems, brought a ray of hope for the West Las Vegas community.²⁹⁰ It was an improvement to horrible conditions. Its demise made some

²⁸⁷ Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
²⁸⁸ Hank Greenspun “Where I Stand” Las Vegas Sun (Las Vegas, NV, 1954, 1)
²⁸⁹ Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
Westside residents feel that the white power structure did not want a thriving black section.\textsuperscript{291}

City officials began to recognize by 1955 that they had a slum within their beautiful city. During the period from 1955 to 1960, city officials experimented with various methods of cleaning up this embarrassing blemish. One of the first attempts was a cleanup drive of illegally parked mobile trailers. The crackdown drew sharp protests from Westside residents who presented a petition of six hundred names urging an outright repeal of the ordinance.\textsuperscript{292} They argued that due to high unemployment rates, people could not afford to house their trailers in trailer parks.\textsuperscript{293}

In 1956, the city expanded the slum clearance program and applied for $4 million of federal money recently made available by Congress for the urban renewal project. The city submitted a plan to the federal government that would allow city officials to condemn slum properties and develop the land as they saw fit.\textsuperscript{294} In 1957, a federal freeway going over the Las Vegas Valley was to be built through the Westside. Westside residents protested the plan because of the number of people that it would displace. The city pledged to make every effort to relocate any displaced residents into other houses and tied the highway program in with the urban renewal plan that had been presented to federal officials.\textsuperscript{295} City Planning Director Franklin Bills appointed an advisory group of leading Westside residents to help oversee the project\textsuperscript{296}

\textsuperscript{291} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{292} Ibid
\textsuperscript{293} “Westside Trailerites Protest City Crackdown” \textit{Las Vegas Review Journal} (Las Vegas, NV, 1955, 1)
\textsuperscript{294} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{295} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{296} Ibid
In late 1957, federal officials announced that Las Vegas’ urban renewal project qualified for federal assistance. Federal acceptance, Mayor Baker said, was “evidence that Las Vegas is doing something to eliminate and prevent blight in the city.”

After several surveys of the Westside, the Planning Commission began the first phase of the urban renewal program, entitled “Project Madison.” The project included the clearing of forty-two acres between the Madison school and the north side of Van Buren Avenue and “H” and “J” streets. Once cleared, the city planned to build 160 single-family units.

The program received $577,000 in federal money with the city financing the remaining $288,000 of the budget. Forty single-family slum houses, a few other buildings, and one hundred trailers would be demolished, displacing nearly two hundred families. Approximately 5 percent of Westside residents owned their own homes.

Outside property owners refused to improve their Westside properties because it did not appear to be profitable. Blacks were not issued loans to build houses on the Westside until the late 1950s when the Savings and Loan Association was established in Las Vegas and began lending money to blacks for home improvements or to build new homes.

Earlier, when Westside residents went to lending institutions for loans, the banks denied the loans because property assessments were too low in the area to protect the bank’s investment. The lending institutions’ excuse of low property assessment for denial of loans to blacks in Las Vegas was a thinly veiled cover for the racist attitudes that still prevailed in the city. Those who could afford it and wanted to move out of the area could

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298 “Vegas approves Slum Clearance” Las Vegas Review Journal (Las Vegas, NV, 1959, 1)
300 Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
not find housing elsewhere. The displaced residents affected by the slum clearance were assured in a letter in 1960 that they would be moved to “decent, safe, and sanitary housing.” Later, the Mayor appointed a blue ribbon advisory committee, which recommended measures to prevent further slum and blight conditions and operated separately from the urban renewal project. Bills said that “slums hit everyone in the pocketbook...because they breed unsanitary conditions, fire hazards, crime, and delinquency, while being unable to pay for this because their property evaluations, on which taxes are based, are so low.”

An editorial in the *Las Vegas Sun* stated, “The contrast between the palatial luxury of many parts of this town and the poor substandard area in the near-northern part of West Las Vegas should be abhorrent to every decent citizen.”

In late 1960, after six years of planning, the slum clearance began with fifty property owners and tenants being removed from the renewal area. Approximately 96 percent of the displaced people supported the project. Despite hopes that the project would alleviate the shortage of decent housing on the Westside, it was too little, too late. In the four years that it took to get the program financed, planned, surveyed, and constructed more residents moved into the area than the new housing units could accommodate. The Advisory Urban Renewal Committee suggested that additional low-income housing be built in another area besides the West Las Vegas neighborhood.

The planners ignored their recommendations. Dr. Charles West, a member of the

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301 Ibid
302 “Letters explain Las Vegas Slum Program” *Las Vegas Sun* (Las Vegas, NV, 1960, 3)
303 “Commend Urban Renewal” *Las Vegas Sun* (Las Vegas, NV, 1960, 14)
304 Ibid
committee and a member of the West Las Vegas community, characterized the urban renewal program as another method used to keep blacks in the ghetto.

In 1960, 20 percent of the city’s population lived on the Westside, and the majority of those living on the Westside were black. Forty percent of the American Red Cross funds and 44 percent of the public assistant funds made available to the city were spent in this area.\(^{306}\) Police and fire protection for the area cost $180,000 while real estate and personal property taxes only amounted to $43,000.\(^{307}\) City officials began to realize in the late 1950s that the slum conditions on the Westside cost the city untold dollars in taxes and expenses and began to do something constructive about the problems.\(^{308}\) New housing units and slum clearances were patchwork devices. Until the root causes underlying the ghetto had been eliminated, the problem would remain. Structures cannot replace attitudes. An inferior attitude on the part of black residents, who were denied housing elsewhere, and acceptance and support of segregation by the white residents, created and fed the ghetto, an area produced and cultured by racism.

Black leaders knew this and constantly tried different methods to break down the Jim Crow barriers. When they urged the City Commission to adopt a civil rights law, they tried to use economic pressure as leverage. The NAACP’s regional branch in San Francisco sent letters to organizations asking them not to hold conventions in Las Vegas because of the segregation barriers.\(^{309}\) The organization asked the Western Region of the American Public Welfare Association to withdraw its plans to hold its annual meeting in

\(^{306}\) Ibid
\(^{307}\) “No Civil Rights Issue in Nevada, US Group Says” \textit{Las Vegas Review Journal} (Las Vegas, NV, 1959, 2)
Las Vegas because the hotels refused to accommodate black delegates.\textsuperscript{310} The convention committee then selected another site. This method of economic pressure failed when the city refused to pass the law. In 1957, the group introduced another civil rights bill into the Assembly, which went to the Judiciary Committee.\textsuperscript{311} The Chairman tried to throw the bill into the Social Welfare Committee. Clark County Delegate James Ryan said of the attempt, “This is the first time in my sixteen years in the Legislature that I have ever seen the Judiciary Committee duck an issue.”\textsuperscript{312} Again, the bill did not get out of the Assembly.

The response of the power structure made the NAACP officials realize that to accomplish change they would have to develop a much stronger political base. Since the charter of the NAACP prohibited political activity, black leaders, principally Drs. MacMillan and West, decided to form a political arm of the organization which they named the Nevada Voters League.\textsuperscript{313} They registered voters and actively participated in the 1958 gubernatorial election.\textsuperscript{314} The NAACP invited gubernatorial candidate Grant Sawyer to speak to them, and he seemed responsive to their needs, so they strongly supported him in the campaign.\textsuperscript{315} The Westside voters almost unanimously voted for Sawyer in the primary and helped him win the Democratic Party’s nomination.\textsuperscript{316}

\begin{flushright}
\textsuperscript{310} “Vegas Racial Bias Charged” Las Vegas Review Journal (Las Vegas, NV, 1954, 1)
\textsuperscript{311} Karen Tackett, McWilliams Townsite 1905 – 1980: A History of West Las Vegas and Its Residents. Las Vegas, NV.
\textsuperscript{312} “Civil Rights Law Introduced in House” Las Vegas Review Journal (Las Vegas, NV, 1957, 1)
\textsuperscript{313} Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
\textsuperscript{314} Karen Tackett, McWilliams Townsite 1905 – 1980: A History of West Las Vegas and Its Residents. Las Vegas, NV.
\textsuperscript{315} Claytee White, A Brief History of the Las Vegas Branch of the NAACP – 1111 Las Vegas, NV: University of Nevada Las Vegas, Oral History Research Center, 2009.
\textsuperscript{316} Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
\end{flushright}
In the general election, the Westside voters gave Sawyer and Senatorial Candidate Cannon one-thousand-plus votes. The support of the black community was a crucial factor in Cannon’s election. The voting results clearly showed that the Las Vegas black community would be a power to consider in future elections. In 1959, Grant Sawyer became Governor, and in his message to the legislature, he asked for legislation to permit the Governor to appoint an eleven-member commission on Human Relations to handle all cases of discrimination. The legislature denied authorization for the committee. Another civil rights bill was introduced at the 1959 state legislature but failed this time by one vote.

In May 1959, the city held elections for municipal offices, and the Nevada Voters League decided to test its strength in the local contest. Dr. West ran for a city commission post and emerged from the primary election in a runoff with Tom Elwell, a popular hotelman. Prior to the primary, in a private meeting between Dr. West and City Commissioner Wendell Bunker, who ran for mayor, West agreed to put the Nevada Voters League behind Bunker if Bunker would help drum up support in other city precincts for West. In the primary, Dr. West received 1,589 votes, and more than thirteen hundred of those came from the Westside precincts. Although West was disappointed that Bunker had not generated more votes for his campaign, the Nevada Voters League agreed to support Bunker in the general election.

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317 Ibid
320 “Sunlight on Politics” Las Vegas Sun (Las Vegas, NV, 1959, 20)
Two days before the general election, an ad appeared in the *Las Vegas Sun* supporting West with the wording, “Elect the Best. He stands for Liberty, Equality, and Fraternity. Vote for Dr. Charles I. West, the only negro candidate, City Commissioner, Second Class.”

After the ad appeared, both West and the NAACP angrily confronted the *Las Vegas Sun*, wanting to know why “the only negro candidate” had been placed on the advertisement. An investigation by the *Las Vegas Sun* revealed that none of the West supporters had placed the ad, therefore assuming it had been done by one of the twelve defeated candidates in the primary. The man called the newspaper office, stated that he was from West’s headquarters, and placed the ad. It is unknown if the ad had much effect on the election; however, it was designed to appeal to the racial prejudices of voters. The next day, the twelve defeated candidates placed an ad ran in the newspaper supporting West’s opponent. Elwell defeated West in the election, and Bunker lost the mayoral election to Oran Gragson even after the Westside backed Bunker with eleven hundred votes.

Mayor Gragson had stated prior to the election that he would be ‘Mayor of all the people” despite the Nevada Voters League’s opposition to him. The day after the election, Gragson went over to the Westside and toured the area with League officials and stated he would be responsive to the black community. He hired blacks for

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321 Hank Greenspun “Where I Stand” *Las Vegas Sun* (Las Vegas, NV, 1959, 1)
municipal jobs, and his door was always open to African Americans who had grievances. At last, the Westside had a mayor who remained responsive to their needs.

Governor Sawyer again requested that the state legislature create a Commission of Human Relations at the 1960 Legislature. In his address to the body he said:

We in Nevada pride ourselves on our independence of thought and action. Our history is studded with the colorful to be commonplace—of their insistence on their freedoms within the law… We must not shame our state or our own consciences by failing to anticipate and protest any situation which might prevent our citizens from living in peace and dignity without discrimination, segregation, or distinction based on race, creed, ancestry, national origin or place of birth.

That session of the legislature created a Commission on Human Relations which functioned as an advisory group to the governor.

The NAACP, not satisfied with the Commission on Human Relations, decided to ask the State Gaming Commission to bring disciplinary actions against any gaming establishments who discriminated. As this was the most powerful force in Las Vegas, they hoped that through gaming licenses they could bring about equal public accommodations. The state Attorney General’s office ruled that the Commission could not legally forbid licensed gamblers to discriminate because the license board only had power over licensing and gaming.

After the rebuff, national events in 1960 influenced the local NAACP to take further steps to break down segregation in Las Vegas. The sit-in movement and the

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324 Ibid
325 “Safeguard for Equality,” Las Vegas Sun (Las Vegas, NV, 1960, 8)
326 Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
327 “Gaming Board Cannot Forbid Discrimination” Las Vegas Review Journal (Las Vegas, NV, 1960, 1)
boycotts had received national attention, and the time was ripe for a major thrust in Southern Nevada. NAACP President MacMillan received the annual letter from the national office urging him to do everything in his power to end local discrimination. He decided to take a long shot and wrote a letter to the Mayor requesting a meeting with the Mayor, city and county officials, the Police Chief, the County Sheriff, representatives of the resort industries, church groups, and unions to discuss public accommodations.\textsuperscript{328} He stated in the letter that:

Our local organization has been requested by the national office of the NAACP to take action in the present ‘sit-in’ protests that are taking place in other areas where segregation is practiced. We feel that such action would bring most unsavory national publicity to Las Vegas, and seriously impede its progress as a convention city.\textsuperscript{329}

A reporter covering city hall, Alan Jarlson, happened to see the letter on Gragson’s desk and went to MacMillan to find out what he had planned.

The \textit{Las Vegas Sun} reporter and MacMillan agreed that segregation should be eliminated and proposed a strategy to do it. Jarlson suggested that the NAACP give city and county officials and hotel and casino executives a short deadline to end racial discrimination, and if the barriers did not drop, then the NAACP would hold a “peaceful but firm” demonstration.\textsuperscript{330} Dr. James MacMillan said the short deadline would preclude officials from delaying action and finding ways of placing wedges in the movement. On

\textsuperscript{328} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)

\textsuperscript{329} Letter from Dr. James MacMillan to Mayor Oran Gragson, March 11, 1960, located in files in the city clerk’s office.

\textsuperscript{330} Perry Kaufman, \textit{Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960} (Paper submitted to University of Nevada Las Vegas Lied Library)
March 17, after consulting with the NAACP executive board, MacMillan set March 26 at 6pm as the target date for the demonstration and stated that three hundred blacks had been organized for the mass march if necessary. The story broke in local newspapers and then made headlines in other newspapers across the county. The resulting publicity and the fear of additional publicity over any racial marches on Las Vegas establishments worried the public officials and hotel executives.331

One of the major obstacles to equality in the past had been the resort and casino owners who feared that some of the southern “high rollers” might stop coming to Las Vegas if blacks played in the establishments. Many of them also feared that racial incidents might occur between blacks and whites. Because the Las Vegas economy depended on tourism, the opposition of the resort people as well as a general segregationist attitude by most Las Vegans had served to maintain the Jim Crow practices since 1941. NAACP officials knew that the key to ending discrimination lay in the strip and downtown casinos. If these businesses agreed to equal public accommodations, the rest of the city would follow suit and end discrimination.332

The City Commission held a special session on March 18 to discuss MacMillan’s request to hold a meeting to discuss discrimination. Commissioner Sharp stated that the commission had no jurisdiction over the groups MacMillan requested to attend the meeting, so the Commission agreed that a public meeting would be held March 23. The mayor, returning a letter to MacMillan, suggested that if the NAACP wanted any specific organizations to attend the meeting, they would have to send out formal invitations.

331 Ibid
332 Perry Kaufman, Mississippi of the West: The Growth of the Black Community in Las Vegas 1930 – 1960 (Paper submitted to University of Nevada Las Vegas Lied Library)
MacMillan, in an interview with Jarlson, emphasized that the demonstration would take place “only if all other efforts fail to break the barrier of discrimination.”

He said discrimination existed on many levels within Las Vegas. The movie theatres, with the exception of the Huntrridge Theatre, all had some type of segregation, hotels and downtown restaurants refused to serve blacks, and housing discrimination confined the city’s twelve thousand blacks to the Westside. MacMillan hoped that the threat of a demonstration (especially since national attention had centered on the civil rights efforts) would psychologically dispose resort people to agree to equal public accommodations. MacMillan and the NAACP were bluffing; they did not know if they could get even three blacks to march.

Local representatives of the national conference of Christians and Jews, the Southern Nevada Council of Churches, the Council of Social Agencies, and the B’nai B’rith organizations offered to serve as mediators and asked for a closed-door hearing. Civil right supporters feared that irresponsible people might come to an open hearing and hinder “intelligent discussions” sought by the NAACP and community leaders. Despite the NAACP’s request for a closed session, the city commission insisted that the meeting be public, and finally the NAACP agreed to attend. The day before the meeting, Gragson agreed to have a “controlled discussion so that most talking would be by responsible leaders of some dozen groups.” The district attorney, George Foley, said the hotels had no legal right to evict a person if his clothing and behavior were appropriate. Sheriff Leypoldt said he would not “tolerate any disturbance of the peace” but would uphold the

333 Alan Jarlson, “Demonstration Set if Other Efforts Fail” Las Vegas Sun (Las Vegas, NV, 1960, 1)
335 “Exploratory Discussion of Race Issue Set Today” Las Vegas Sun (Las Vegas, NV, 1960, 2)
336 “Okay controlled Discussion on Las Vegas Racial” Las Vegas Sun (Las Vegas, NV, 1960, 2)
rights of “all individuals to conduct themselves in a proper manner at public business places.”

While the NAACP prepared for the meeting and city officials privately contacted decision-makers, other residents planned for the racial showdown. Several hundred blacks contributed to the “battle fund” to break the racial barrier in Las Vegas. Operators of the strip hotels met and discussed the action they would take if a demonstration occurred. Rumors circulated that black employees would be fired if they participated in the demonstration. The hotel executives decided to ignore the demonstrators and hope “it will all blow away.”

Pressure and tension mounted in anticipation of the meeting until Mayor Gragson cancelled the meeting after “numerous requests have been made of the Mayor that the meeting be cancelled by different groups and interested parties.” No major establishments had agreed to end discrimination, and apparently those opposing the NAACP’s action asked for the cancellation hoping that additional time would lessen the demands. After the cancellation, the NAACP asked Governor Sawyer to intervene and stated the demonstration would take place if an alternative meeting was not planned. This response convinced some hotel executives that the demonstrations had considerable support.

The threat of a demonstration caused some black ministers to withhold their support because they feared that violence might arise. In addition, they did not feel that

337 “Sheriff Warns Against Any Violence,” Las Vegas Sun (Las Vegas, NV, 1960, 1)
339 “Racial Showdown Nears in Las Vegas” Las Vegas Sun (Las Vegas, NV, 1960, 2)
demonstrating was the Christian way to resolve problems. Rev J. L. Simmons stated that black churches had been a conservative force in the Las Vegas community for a variety of reasons: they were concerned mainly with person salvation, some received financial support from white organizations and people, and some because they feared that violence would result from excessive demands which only made conditions worse. The ministers, along with some of the black leaders, began to suggest that the confrontation be stopped as they feared that some demonstrators might lose their jobs. The NAACP received the most support from the “man on the street” that was tired of discrimination and appeared ready to fight for his rights.342

Hank Greenspun, the *Las Vegas Sun* publisher, who usually spoke out on racial issues, had remained quiet through the first few days of the action and counteraction to Jim Crow practices. He finally explained why he had not commented on the racial matter. He wrote, “There are many who are willing to hold my coat if I would get involved. I am acquainted with this type of supporter. Not only they, but my coat would quickly vanish if matters got a little warm.”343 Greenspun did not get publicly involved but instead worked behind the scenes because he felt more could be accomplished without publicity or threat tactics. He got in touch with Mayor Gragson and said he would persuade the hotel owners to end discrimination if Gragson could get the support of the casinos downtown.344 Greenspun put pressure on the strip hotels, telling them their licenses would be in jeopardy if they did not agree to equal accommodations. Finally, the morning of the proposed demonstration, there was a meeting between NAACP officials, 

342 Ibid
343 Hank Greenspun “Where I Stand” *Las Vegas Sun* (Las Vegas, NV, 1960, 1)
Mayor Gragson, Governor Sawyer, and other public officials. Greenspun and Gragson announced “we have received assurances from the majority of downtown and strip businesses that the policy of racial discrimination has ended.” With the announcement, integration and equal public accommodation began, and Las Vegas threw off its Jim Crow clothes. Subsequently, the march was called off and a peaceful integration began in strip and downtown establishments, and the rest of the businesses followed and opened their doors to blacks. Thus what began as a “shot in the dark” by Dr. MacMillan gathered steam, and with the threat of a demonstration, the support of “common” blacks, the national publicity on civil rights, and the help of Gragson and Greenspun, MacMillan and the NAACP accomplished what black leaders in Las Vegas had been trying to do for thirty years. If they had been forced to stage the demonstration, they feared that they could only have gotten one hundred fifty people to march, and MacMillan considered calling off the demonstration for lack of support if no agreement was reached. Although the NAACP executive committee, consisting of David Hoggard, Woodrow Wilson, Lubertha Johnson, Bob Bailey, and Rev. Donald Clark stood behind MacMillan, supporting him in varying degrees, he was the one who conceived the integration plans and stood his ground and received all the pressure. After the crisis, MacMillan paid dearly for his role as many of his patients left his practice.

Later, a Southern Nevada Human Relations commission was formed to end racial discrimination and hear charges of discrimination practices. It consisted of thirteen

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345 Alan Jarlson, “March Off: Greenspun Plan hailed” Las Vegas Sun (Las Vegas, NV., 1960, 1)
members: six named by the city commission, six named by the county commission and one appointed by the Governor.  

The process of integration had a profound and unexpected affect on the Westside. Prior to equal public accommodations, the black business community had a built-in clientele who were forced to patronize the Westside clubs and restaurants. After being denied service for years in the hotels, casinos, and restaurants, Las Vegas blacks went out and purchased their goods outside of the Westside. Many did this prove to themselves and others that they had the same rights as whites. Consequently, the black businesses began to diminish. Many of the black operators had never been trained in sound business practices, and with integration they could not compete with other outside businesses that had more capital and training. This was perhaps one of the prices paid for the integration. Many residents interviewed during this time discussed the deterioration of Westside businesses after 1960.  

Jackson Street, the center for Westside business, gradually took on the appearance of a ghost town.  

Although discrimination began to disappear in 1960, the ghetto remained. 92.4 percent of the blacks in Las Vegas lived in one census tract, tract 3, known as the Westside. The area contained 70.8 percent of the total black population of Nevada in 1960. The black population for Las Vegas Township, which included North Las Vegas, was 10,680 in the same year. Blacks could now go into restaurants, casinos, and hotels, but they still encountered job discrimination. African Americans were not dealers, hotel

\[\text{Ibid}\]


[349] Oral history with Dr. Charles West; the following oral histories expressed the same opinions about the deterioration of Westside businesses: Harvey Jones, Gwen Weeks, George Fortsen, Boysie Ensley, Clarence Ray, Woodrow Wilson, and Dr. James MacMillan.
executives, bartenders, or high public officials; they still occupied the lowest rungs of the economic ladder. In some ways, conditions on the Westside had improved; it was not the dust bowl that it had been in 1945. However, the shortage of decent housing persisted, and it was still difficult for blacks to obtain housing loans. Integration had been accomplished, but beneath the surface it was hollow. Las Vegas, the place of excitement and glamour, still had an eyesore on the Westside. It remained as a memorial to ‘The Mississippi of the West.’

Conclusion

After decades of a thriving economy fueled by family businesses, entertainment districts, and commercial development, West Las Vegas became home to the city’s black middle class and a large majority of African Americans in Las Vegas. While Clark County grew by more than 171 percent between 1970 and 1990, the number of residents in West Las Vegas declined by roughly 20 percent, from 19,725 people to 15,677. And while 80 percent of the county’s black population lived on The Westside in 1970, only 22 percent of blacks lived there as of 1992. Correspondingly, the number of black students in West Las Vegas dropped from 6,849 in 1974 to 4,427 in 1990. These changes can be attributed to the fact that post-desegregation, West Las Vegas experienced a gradual decline of economic activity, resulting in community disinvestment, urban decay, and increasing rates of poverty. Additionally, African Americans moving to Las Vegas after the 1960s enjoyed more housing options, and over time, increasingly chose to live outside of West Las Vegas. The area’s shrinking tax base, increased levels of

352 CCSD Memo at 12-13
353 West Las Vegas Investment Report, May 2009
concentrated poverty, declining black population, and rapidly growing Latino population, further complicated its legacy of racial segregation and maintenance of separate and unequal.\textsuperscript{354} At the end of the 1960s and entering the 1970s, the Westside prepared for its next major battle: the integration of the six Westside schools.

Established in 1956, the Clark County School District (CCSD) is one of seventeen school districts in the state of Nevada and the only district serving Southern Nevada and metropolitan Las Vegas. At the time of its founding, CCSD operated a system with 20,240 students and an annual budget of $7.5 million.\textsuperscript{355} Just fifty-six years later, CCSD serves more than 309,000 students and operates a total of 385 schools with an annual operating budget of $5.6 billion (CCSD, 2012). As the size of the district exploded, racial and ethnic demographic change proved swift and dramatic.\textsuperscript{356}

In 1970, approximately 80 percent of CCSD students were white, 16 percent were African American, 3 percent were Latino, 1 percent identified as other and less than 1 percent were American Indian. By 1990, the white population fell to approximately 69 percent, and by 2000, was down to 50 percent. During the same decade, the Latino student population more than doubled, increasing from 12 percent to 29 percent.\textsuperscript{357}

In 2009, for this first time in its history, CCSD became a majority-minority school district, with a student population that was 31 percent white, 42 percent Latino, 12


\textsuperscript{357} Ibid
percent black, 8 percent Asian/Pacific Islander, and 0.06 percent American Indian.  

While the declining population in white students was in no way unique to Las Vegas, the explosive growth of the Latino population, coupled with this decline in white student enrollment, not only changed the racial demographics of Las Vegas, but also drastically altered the demographics of West Las Vegas and its schools. In 2010, The Westside, which was historically African American and home to black neighborhood schools, became a community that was roughly 45 percent black and 45 percent Latino, adding further complexity to issues of demography and diversity in both the area’s neighborhoods and schools.  

In the next sections, there will be a review of the struggles incurred by the West Las Vegas community to get their sons and daughters access to a quality education (chapter four) and further struggles to return them to their neighborhood schools (chapter five).

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CHAPTER 4
SCHOOL DESEGREGATION IN LAS VEGAS

Introduction

In 1968, Herbert Kelly, a local teacher and parent of a daughter in a Westside elementary school, sued the Clark County School District for violating the Fifth and Fourteenth Amendments. Charles Kellar, a New York attorney for the NAACP, served as attorney in this case, known as Kelly v. Guinn. He argued that the district’s practices and policies “obligate the great majority of the Negro children to attend segregated schools in the area [of Las Vegas] known as the Westside.”360 When the case was filed, 98 percent of elementary school students in West Las Vegas were black, and the majority of black teachers in CCSD were assigned to West Las Vegas along with the district’s three black principals.361 The case was named after the interim superintendent, James Mason. After Mason retired, subsequent motions were filed under Kelly v. Brown, 1969 & 1970, but finally all cases were encompassed in Kelly v. Guinn, 1972 to reflect the names of subsequent superintendents Richard Brown and Kenny Guinn.

Las Vegas, consisting of five municipalities: Las Vegas, North Las Vegas, Henderson, Boulder City, and Mesquite, situated in the heart of Clark County School District (CCSD), struggled with providing its minority students with an equal education. Following back and forth litigations, CCSD was required to desegregate the six elementary schools on the Westside of Las Vegas. Their first attempt was a freedom-of-choice plan, also known as free transfer, which allowed students to voluntarily leave their neighborhood school to attend another school. In most cases where desegregation plans

360 Kelly v. Guinn, 456 F.2d. 100, (1972)
361 Ibid
were beginning to emerge, districts implemented a freedom-of-choice plan which ultimately resulted in a court-ordered plan. In most cases, white students did not volunteer to attend all black schools, and only a small percentage of black students choose to leave their neighborhood to attend predominately white schools.\textsuperscript{362} The freedom-of-choice plan in Clark County was known as An Action Plan for Integration of Six Westside Elementary Schools. Unfortunately, CCSD fell right into the national pattern, resulting in a court-ordered plan. Their second attempt was a clustering plan, also known as grade reorganization, in which multiple schools are involved in the integration process.\textsuperscript{363} Students would travel in groups. In most cases, the groups were organized by academic grade levels where kindergarten through second grade would travel together going to the same school, third through fifth grades, sixth through eighth grades, etc. In some cases, schools housed a single grade level at a given time, and this was the case in CCSD. In the district’s clustering plan, known as the Sixth Grade Center Plan, the Westside schools became the facilities for educating sixth-grade students. Therefore, students living within West Las Vegas would be bused out of their neighborhoods for every academic year except sixth grade, in which students not living in West Las Vegas would be bused into these schools.

In 1954, the Westside of Las Vegas consisted of three schools: Hoggard Elementary School (1952), Madison Elementary School (1952), and Booker Elementary School (1954). The populations of these schools were comprised of students with a variety of ethnic backgrounds. After 1954, the population in Las Vegas increased

exponentially (see Table 1.), and the Westside of Las Vegas became a predominantly African American neighborhood. In an effort to combat racial segregation\(^{364}\), in 1956, the school district did not build any new junior or senior high schools on the Westside. As a result, Clark County School District was completely integrated at these grade levels.\(^{365}\)

Table 1. CCSD Black Student Population, 1972-1992\(^{366}\)

<table>
<thead>
<tr>
<th>School Year</th>
<th>CCSD Black Student Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972-73</td>
<td>76.5%</td>
</tr>
<tr>
<td>1980-81</td>
<td>59.9%</td>
</tr>
<tr>
<td>1987-88</td>
<td>68.8%</td>
</tr>
<tr>
<td>1991-92</td>
<td>31.2%</td>
</tr>
</tbody>
</table>

Between the years 1956 and 1966, CCSD opened four new elementary schools on the Westside of Las Vegas: Kit Carson Elementary School (1956), Matt Kelly

\(^{364}\) According to the 1973 US Commission on Civil Rights, school segregation in Las Vegas resulted, not from laws requiring it, but from racially separate housing patterns upon which neighborhood school attendance was imposed.

\(^{365}\) *Kelly v. Guinn*, 456 F.2d. 100, (1972)

\(^{366}\) Table retrieved from CCSD Memo at 12-13
Elementary School (1960), Jo Mackey Elementary School (1964), and CVT Gilbert Elementary (1965). Hoggard Elementary was renovated to accommodate the increasing population. At the same time, in 1965, the school district closed two predominately white schools close to the border of the Westside.  

1966 Integration Policy in Action Plan

Prior to 1966, Clark County School District (CCSD) did not have an existing integration policy. By December 1966, Superintendent Dr. James Mason, the Advisory Council on Integration, and the District Planning Council completed CCSD’s first integration policy. Within the policy, there is a statement of position that states:

The Clark County Board of School Trustees is opposed to the segregation of children for reasons of race, religion, economic handicap, or any other difference, and is willing to assume its full educational responsibility, but believes that the final solution to the problem of de facto segregation must be a shared responsibility.

367 *Kelly v Guinn*, 456 F.2d. 100, (1972)

368 These were the members of the Advisory Council on Integration: Rev. Marion Bennett, David Hoggard, David Hoggard Jr., Leandrew LaMar Mc Daniel, Dr. Charles West, Bob Bailey, William Earl Wynn, Robert Reid, Robert Mullen, Rev. Leo Johnson, Jim Lewis, Rev. Prentiss Walker, Rev. V. C. Coleman, Rev. J. L. Simmons, Dr. James McMillan, Charles Kellar, Woodrow Wilson, Walter McCall, Eva Simmons, James Snowden, Monroe Williams, Eloise Blue, Sylvia Harris, and Annett Bremmer.


Later, members of West Las Vegas realized that these were just words written on paper; the District had no intention of enforcing the policy. The citizens of West Las Vegas would have to fight to obtain integration.

The 1966 Integration Plan was supposed to be implemented in three stages. Stage one would focus on compensatory programs such as Project Head Start, Remedial Reading, Equal Educational Opportunities In-Service Programs, Project Saturation, the Reinforced Studies Project, and the Moapa Migrant Workers Project. The focus of these programs and projects was to provide increased opportunities for student success.\textsuperscript{371} The district was also committed to hiring the best teachers to provide a quality education for all students and placing them in schools without regard to race, color, or creed. In addition, CCSD would provide in-service training to their staff and administrators to improve the quality of education. Moreover, CCSD would revamp the textbooks to use integrated texts to support multicultural learning, revise testing programs, and recruit counselors based on their interest, experience, and educational qualifications. CCSD also promised to implement student and community involvement programs. All of these ideas were submitted for the first phase of the integration policy.\textsuperscript{372}

Stage Two was a continuation of stage one. The district hoped to begin this stage in the 1970-71 school year and continue it through the 1974-75 school year unless the plan was terminated early due to funding or unforeseen circumstances. CCSD wanted to

\textsuperscript{372} Ibid
give special attention to facility development, reorganizing, zoning, and evaluation of the plan during stage two.\textsuperscript{373}

The final stage, Stage Three, would operate from school years 1975-76 through 1979-80. The focus would continue to be the same as stage two. Dr. James Mason concluded the 1966 Integration Policy with, “We must be worthy of the goal of equal education opportunity if we are to fulfill our educational destiny. The American way of life will not long tolerate human inequalities as we aspire to create a society in which the dignity of man is the prime essential…”\textsuperscript{374} What happened? Why did CCSD fail to deliver on its promises? Did the children on the Westside become unworthy of equal educational opportunities, or did their educational destiny change before implementing the plan? Maybe tolerating inequality had become too ingrained in the American way of life. Needless to say, CCSD had a change of heart, which led to the next section, the Kelly case.

\textit{Kelly et al. v. Clark County School District}

Las Vegas was slow to honor the Supreme Court ruling of \textit{Brown} 1954 & 1955. Similar to Boston, Charlotte-Mecklenburg, and Caswell County, Las Vegas used the legal system to expedite a local desegregation plan. This was not an uncommon practice. Many school districts started integrating their schools in the late 1960s and early 1970s only after undergoing extensive litigation.

District and Superintendent James Mason in 1968. Kelly and the other plaintiffs, through legal representation, alleged that their rights under the Fifth and Fourteenth Amendments of the Constitution of the United States had been violated. In addition to these violations, the plaintiffs also charged the School District with discrimination in personnel practices. At the time the lawsuit was filed, all the elementary schools on the Westside of Las Vegas were 97 percent African American. On May 27, 1968, Clark County School District requested more time to adequately respond to the lengthy charges brought by the defendants. Additional time was granted by the court. Clark County School District responded to the plaintiffs’ claims citing these points of law:

(1) A school system developed on the neighborhood school plan, honestly and conscientiously conducted, with no intention or purpose to segregate races, need not be destroyed or abandoned because the resulting effect is to have racial imbalance in certain schools where districts are populated almost entirely by Negros or whites, and racial imbalance in public schools is not constitutionally mandated.

(2) If the policy formulated by a school board, after exercising its accumulated technical expertise and balancing all legitimate interests, is one conceived without bias and administered uniformly to all who fall within its jurisdiction, the courts should be extremely wary of imposing their own judgment on those who have a technical knowledge and operating responsibility for the educational system. There is no constitutional duty on the part of a school board for the sole purpose of alleviating racial imbalance to construct any school sites

375 Upon appeal, the cases were joined and renamed Kelly v. Guinn who was superintendent in 1972. Guinn later became the 27th Governor of Nevada.

376 Kelly v. Guinn, 456 F.2d. 100, (1972), 126
solely in the furtherance of such purpose.\textsuperscript{377} (3) The fact that in a given area a school is populated almost exclusively by children of a given race is not of itself evidence of discrimination, since the choice of school sites is based on density of population and other geographical considerations of administrative discretion. No litigation should be started in Federal Court where the school board may adopt a policy of integration designed to remedy any de facto segregation.\textsuperscript{378}

Based on the above-mentioned points of law, Clark County School District acknowledged the racial imbalance in their elementary schools but did not assume responsibility for the situation nor any obligation to remedy it. On June 17, 1968 Clark County School District (CCSD) denied the allegations and requested a dismissal.\textsuperscript{379} Their request for dismissal was denied.

On September 20, 1968, in a letter to Judge Roger Foley, Charles Kellar, a New York attorney for the NAACP representing Herbert Kelly against CCSD, requested Foley recuse himself from the case as the judge’s strong connections to the Las Vegas community presented a conflict of interest.\textsuperscript{380} Three days later, Judge Foley honored the request, and the case was reassigned to Judge Bruce Thompson, a Reno Judge. Judge Thompson set a date for trial to begin on October 14, 1968. He requested information on the identity, location, geographical area served, and student-teacher assignments for every elementary school in the District at that time. Judge Thompson wanted to do a comparative analysis of said factors before and after the implementation of the 1966

\textsuperscript{377} \textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 127
\textsuperscript{378} \textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 128
\textsuperscript{380} Ibid
Integration Policy in Action Plan, which was in effect at the time of the lawsuit. As a result, on October 16, 1968, the Honorable Bruce Thompson concluded the following:

- that separate educational facilities are socially wrong and debilitating;
- that racial segregation in educational accommodations is illegal;
- that de facto segregation is unconstitutional;
- that segregation exists in the Clark County Elementary School System;
- and that the Federal Courts are not powerless to end segregation in public schools.

Pursuant to these findings, the court ordered the district to prepare and submit a plan for integration that would “accomplish integration and not just talk about it,” as quoted from an article written in the *Las Vegas Voice*. CCSD was given a deadline of April 10, 1969, which was less than six months from the start of the trial.

In February 1969, several community members filed motions to intervene in the case. They claimed that their interests were at stake, that the outcome would affect their lives, and the representation of their interests by the plaintiffs and the defendants may have been inadequate. Reverend Prentiss Walker and Sharron Jordan of the League of Women Voters of the Las Vegas Valley were among this group, as was David Canter, the attorney for Parents Who Care. The League of Women Voters of Las Vegas Valley, Inc. was a non-profit organization composed of citizens and parents interested in the growth and desegregation of Las Vegas. The Parents Who Care organization, composed of

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382 *Kelly v. Mason*, LV – 1146, 2, Plaintiffs’ Brief in Opposition to Defendants’ Plan for Integration
383 *Kelly v. Guinn*, 456 F.2d. 100, (1972)
384 *Kelly v. Mason*, LV – 1146, 2, Plaintiffs’ Brief in Opposition to Defendants’ Plan for Integration quoted from an article written in the Las Vegas Voice, a black newspaper, on October 24, 1968, p1.
Patricia Fahey, Douglas Williams, Bradley Hoskins, and Jack McCutcheon, were opposed to forced busing and in favor of neighborhood schools. Mr. Canter ultimately was elected to the school board and, as a consequence, became a defendant in the case. Two months later, Woodrow Wagner and Virgil Nelson, members of the Las Vegas community, entered motions, but they were denied.\textsuperscript{385} The League of Women Voters argued that segregated schools were academically inferior to other schools within the district. The brief they filed with the court stated in part, “This academic inadequacy seriously impairs the Negro’s ability to compete in society and deprives society of an appreciable amount of talent.”\textsuperscript{386}

In Parents Who Care’s motion to the court, they stated:

… the vast majority of both the white and black citizens of Clark County, Nevada who favor the voluntary integration of the Clark County school system through voluntary busing of children while recognizing the need to utilize some form of public transportation in order to integrate schools. It is imperative for the Court to have before it representatives of the mainstream of the citizens of Clark County, Nevada, as opposed to representatives of peripheral factions of the local citizenry who either favor forced busing or are opposed to any busing whatsoever.\textsuperscript{387}

On March 27, 1969, Dr. Mason presented “An Action Plan for Integration of Six Westside Elementary Schools” to the School Board. In a preemptive attack on the plan, the plaintiffs, Kelly et al., filed an Amicus Curiae Brief on April 7, 1969. The objectives of the Amicus Curiae Brief were to:

\textsuperscript{385} Ronan Matthew, “A history of the Las Vegas school desegregation case: Kelly et. al. v. The Clark County School District” (Las Vegas, NV, 1998)
\textsuperscript{386} \textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 169.
\textsuperscript{387} \textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 155.
(1) identify the harms of segregation and cite the positive advantages of integration; (2) to provide legal authority supporting this Court’s position as announced on October 16, 1968; (3) to substantiate the contention that the proposed plan will perpetuate segregation; and (4) to propose alternative solutions which could be incorporated into a plan which would successfully accomplish school integration without the extreme complexity and expense found in the proposed plan.  

The Amicus Curiae Brief criticized “An Action Plan for Integration of Six Westside Elementary Schools” for not providing any guaranty or certainty of integration in their proposed plan. The Plaintiffs stated that CCSD’s proposed plan would perpetuate the segregated conditions that currently existed. Should “An Action Plan for Integration of Six Westside Elementary Schools” be accepted in its present form, the Plaintiffs feared segregation in Clark County elementary schools would not only continue but would do so with judicial sanction.

The title “An Action Plan for Integration of Six Westside Elementary Schools” implied the plan was conceptually preoccupied with only the six Westside schools, suggesting these schools were the problem areas when, in fact, many schools outside of the West Las Vegas were predominately white and thus also segregated. To be in compliance with the Supreme Court’s ruling in Brown, any school with a predominate race needed to be integrated. The title of the action plan could have been, for example, An Action Plan for Integration. This title would have suggested integration for all schools in CCSD as opposed to focusing only on schools in West Las Vegas.

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stated their position as being “opposed to the segregation of children for reasons of race, religion, economic handicap or any other differences.”

Information concerning integration had been limited, and based on the continued pleas from community members in the school board meeting minutes; CCSD families had received little information on the possible benefits of integration.

The Plaintiffs argued that CCSD failed to demonstrate positive leadership in support of their stated policies regarding integration. Instead of being at the forefront of change and initiating dialogue concerning the positive advantages and sound educational principles of integration, CCSD implemented their plan as a mandatory response to a court order invoking a judicial violation into areas within their exclusive jurisdiction. “An Action Plan for Integration of Six Westside Elementary Schools” did not reference the positive benefits of integration as listed in both the Majority and Minority Reports of the Integration Task Force, nor did it propose community education to inform the entire citizenry of these positive benefits, even though CCSD acknowledged the heated community climate concerning desegregation. Records documenting the large numbers of community members attending the school board meetings, as well as topics of discussion recorded in the meeting minutes indicate a high degree of tension surrounding the topics of integration, busing, and desegregation within the community. Some of the positive benefits the Action Plan conveniently left out that may or may not have swayed the minds of the reluctant were: a rise in academic achievement among minority children, a rise in negro aspiration and self-esteem, increased cultural tolerance and mutual respect, and increased multicultural friendships.

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391 Kelly v. Mason, LV – 1146 (1969), Amicus Curiae Brief
392 Ibid
that ultimately serve to dispel myths and stereotypes, increase intergroup exposure, prepare citizens for a multi-racial society, and promote democratic order out of diversity. The absence of a program to inform the community of these positive benefits left room for confusion and perpetuated ignorance and fear of the unknown in community members.

On April 10, 1969, Clark County School District, in compliance with court orders, submitted “An Action Plan for Integration of the Six Westside Elementary Schools.” In its original form, the plan allowed African American students the option to transfer to schools outside their neighborhood schools and allowed white students the option to transfer into the Westside schools. To attract white students to the Westside schools, the plan was to make C. V. T. Gilbert Elementary School a “prestige” school. The prestige school offered special programs, had lower teacher-pupil ratio, offered a greater quantity and variety of equipment, teaching styles, and materials, and provided more in-service education to teachers, resulting in more effective teaching. This concept was similar to what is now referred to as a “magnet” school. Madison Elementary School, currently Wendell Williams Elementary School, would become a career, trade and vocational school for grades 7-10. Kit Carson Elementary School would become a specialized school for pre-school and talented students and included a reading center. Matt Kelly Elementary School would continue its designation as a community school with emphasis on adult education and would also house a pre-school program. Jo Mackey and Highland Elementary Schools would be converted into an educational park program in

395 Ibid
connection with Nellis and Manch Elementary Schools. The term “Educational Park” originated in the Pittsburgh Public School District in 1963 as a long-term program for housing a rapidly increasing student population faced with the problem of segregation. The educational park concept called for the development and placement of students in grades kindergarten through twelve to accommodate several elementary, middle, and senior high schools on a single school site but not necessarily under the same roof. The various building units were able to take advantage of amenities within the park such as a cafeteria, auditorium, laboratories, outdoor areas, and a gymnasium and were able to establish interrelated programs in subject areas and activities between the formally organized schools. However, the success of the action plan was contingent upon a volunteer basis, thus making it a freedom-of-choice concept.\textsuperscript{396} This was all a part of the Action Plan to draw students into the Westside schools. The plaintiffs opposed this plan for the following reasons:

\begin{quote}
...The concept of voluntary reassignment of students shifts the burden of integration to the black community and offers no guaranty of successful integration; the Plan effectively abolishes the neighborhood school in the Westside while preserving this “institution” in the white community; the Plan denounces the use of forced and cross busing but utilizes these procedures in transporting negro students; the restructuring of the six Westside elementary schools eliminates regular classrooms at a time when extensive over crowdedness exists; the sixth grade students from the Westside schools will be segregated in Madison for an entire school year; and, it is unrealistic to believe the plan can be
\end{quote}

\textsuperscript{396} Clark County School District (Nev.), and James I. Mason, “An action plan for integration of six Westside elementary schools” (Las Vegas, Nev., Clark County School District, 1969).
implemented according to its timetable in light of the resignation of the Plan’s author\textsuperscript{397}, the current labor dispute and the almost total absence of community, teacher, and student preparation for integration.\textsuperscript{398} (2)

Rumors began to circulate that CCSD was going to implement the plan without prior approval from the court. The plaintiffs thought CCSD was going to require all Westside students to attend Madison Elementary in August 1969. In response to these rumors, Charles Kellar filed an injunction on May 8, 1969, prohibiting all students from the Westside elementary schools from attending Madison in the fall without prior approval from the court. In response to Mr. Kellar’s injunction, Robert Petroni, attorney for the defendants, filed opposing papers denying the accusations and requesting the denial of the injunction since the claims were false. On May 28, 1969, there was a hearing to evaluate the proposed integration plan, “An Action Plan for Integration in Six Westside Elementary Schools.” On June 23, 1969, the Court indicated its satisfaction with the proposed plan and ruled “the plan...has possibilities of successfully solving the problem and should be approved until proven unworkable.”\textsuperscript{399} Implementation of “An Action Plan for Integration in Six Westside Elementary Schools” was scheduled for the 1969-70 school year. The court ordered:

(1) “An Action Plan for Integration in Six Westside Elementary Schools” filed on April 10, 1969 was approved and the Clark County Board of School Trustees was ordered to put said plan into effect September 1969; (2) on or before October 15, 1969, defendants shall file with the Clerk of this Court a report of

\textsuperscript{397} James Mason resigned as Superintendent on May 12, 1969, the same day the School Board voted in Richard Brown as acting Superintendent.

\textsuperscript{398} \textit{Kelly v. Mason}, LV – 1146, 2, Plaintiffs’ Brief in Opposition to Defendants’ Plan for Integration

\textsuperscript{399} \textit{Kelly v. Mason}, LV – 1146, (1970), 2, Supplement to Amicus Curiae Brief
accomplishments with respect to staff redeployment and integration in effective implementation of the plan; and (3) on or before March 1, 1970, the defendants shall file with the Clerk of this Court a report of its accomplishments toward effective integration of the six Westside elementary schools, together with any suggested modifications of the plan deemed necessary for more fruitful attainment of its objectives.\(^{400}\)

On October 14, 1969, Clark County School District filed a report with the District Court detailing its accomplishments with respect to the staff redeployment and integration implementation aspects of its integration plan\(^{401}\) as ordered by the Court. Mr. Kellar filed another motion on February 2, 1970, to abandon the freedom-of-choice plan and establish a unitary school system. Kellar cited the ruling in the *Green v. County School Board of New Kent County*, in which the Supreme Court concluded a freedom-of-choice plan is an insufficient step to effectuate a transition to a unitary system.\(^{402}\) On March 2, 1970, CCSD submitted a report to the Court and the San Francisco Regional Office of Education documenting the accomplishments of the court-ordered integration plan. The report consisted of population figures of all the schools in the Las Vegas attendance area, a chart showing the number of black students living on the Westside but taking advantage of the voluntary transfer, and a copy of the mid-year report filed with the San Francisco Regional Office of Education indicating the progress of integration and the disbursement of funds obtained pursuant to the 1964 Civil Rights Act.\(^{403}\) Shortly after submitting the report to the Court, Mr. Petroni filed an addendum requesting to keep

\(^{400}\) *Kelly v. Guinn*, 456 F.2d. 100, (1972), 292.


\(^{402}\) *Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968)

the plan in place for the 1970-71 school year. This was a natural succession to the report given that the report provided a positive account of the current plan. The report stated that during the 1969-70 school year, only three out of fifty elementary schools had no Negro student enrollment, and by the second semester there were only two schools without black student enrollment. Also, in the 1969-70 school year there were 5,534 black elementary school children, and of those children, 2,549 were attending schools outside the West Las Vegas area. On March 19, 1970, Judge Thompson ordered both sides to complete the serving and filing of objections to the reports on the integration plan by May 1, 1970. Mr. Kellar filed his objections on April 9, 1970, listing twenty-five objections.\footnote{Kelly v. Mason, LV – 1146, (1970), Plaintiffs Brief in Opposition to Defendants’ Plan for Integration} Here are a few key objections:

- CCSD was not truly committed to integrating the schools in compliance with the Supreme Court.
- Black personnel are still predominantly on the Westside.
- Black children and parents must bear the entire burden of the integration plan.
- The voluntary integration plan has increased class sizes to as many as forty-five children in a class.\footnote{Ibid}

On April 7, 1970, the plaintiffs filed a Supplement to the Amicus Curiae Brief showing the results of “An Action Plan for Integration of Six Westside Elementary Schools,” a freedom-of-choice concept, with the court.\footnote{Kelly v. Mason, LV – 1146, (1970), Supplement to Amicus Curiae Brief} After operating for one year under the freedom-of-choice concept, five Westside elementary schools had 99 percent black enrollment, and white enrollment had decreased in four of the schools since 1968. The sixth Westside elementary school had 70 percent black enrollment. Of the forty-four
elementary schools outside West Las Vegas: twenty-eight schools had 95-100 percent white enrollment; nine schools had 90-95 percent white enrollment; five schools had 80-90 percent white enrollment; and two schools had 70-80 percent white enrollment.\textsuperscript{407} According to the League of Women Voters, CCSD stated that 2,549 black students were attending schools outside of the six Westside schools; on the contrary, it was fewer than one thousand. The League of Women Voters accused CCSD of misrepresenting the data to a judge. The Supplement to Amicus Curiae Brief included only one addition: a statement quoted in Exhibit D of the Defendants’ Report to Court filed in March, 1970:

Young children are wholly free from racial bias and easily adjust to one another if brought together in the early elementary grades. By the time they reach high school young people have formed their teenage cliques and resent the intrusion of strangers; they have taken on the prejudices of their elders; and, worse of all, the most stubborn complex in prejudice—the fear of miscegenation—is aroused. If, therefore, gradualism is permitted, it would seem wiser to start the process of integrating with elementary schools rather than with high schools.\textsuperscript{408}

The League of Women Voters asserted that the “predictions of unfairness and failure cited in the Amicus Curiae Brief filed April 7, 1969, have come to pass.”\textsuperscript{409}

On April 28, 1970, the League of Women Voters of Las Vegas filed a preliminary motion supporting the plaintiffs’ position that the defendants’ integration plan had failed.

In favor of maintaining neighborhood schools, the Parents Who Care filed objections on May 1, 1970 which stated:

\textsuperscript{407} \textit{Kelly v. Mason}, LV – 1146, (1970), Supplement to Amicus Curiae Brief
\textsuperscript{408} \textit{Kelly v. Mason}, LV – 1146, (1970), 4, Supplement to Amicus Curiae Brief
\textsuperscript{409} \textit{Kelly v. Mason}, LV – 1146, (1970), 8, Supplement to Amicus Curiae Brief
• Defendants have failed to adequately provide a system of voluntary busing maintaining the neighborhood school system and avoiding ultimately forced cross-busing of pupils as evidenced by defendants’ failure to consult with any of the interveners to the alternative of adopting an educational park system to achieve voluntary desegregation of the school system, without forced busing, the court having directed the Defendants to consult interested citizens in reference to adopting a voluntary program alternative to its own.

• Defendants’ plan reinforces racial polarization in the schools which necessity negates the primary purpose of the plan because of the cost of the programs and the location of the schools that purportedly are to be desegregated, which results in the discrimination in favor of and against children depending upon their locations.

• Defendants have failed to properly delineate between policy of open enrollment and a policy of maintaining the neighborhood school concept and have attempted through its plan to amalgamate both policies purportedly under one educational program.

• Defendants’ plan fails to consider the alternative of utilizing the west side schools for zone or area directors’ offices for the Clark County School District and for in-service training centers for inter-group teachers and parents, in addition to the use of the schools for educational purposes.
Defendants plan fails to adequately provide safeguards against forced busing and set forth guidelines providing for the achievement of assimilation of minority group children and quality education in the Clark County School District.\textsuperscript{410}

Their objections were restricted to the issue of forced busing to achieve integration even though the court had not yet mandated this course of action. These objections put the defendants on notice to ensure the existence of procedural safeguards if they proposed forced busing as an option. The original purpose of the objections by Parents Who Care was to bring before the Court the views of the vast majority of the citizens of Clark County, Nevada, who favored voluntary integration of local schools but who objected to any forced busing of either black or white children to achieve integration and who supported the preservation of the neighborhood schools system.\textsuperscript{411} After careful consideration, the organization, through its spokeswoman, Patricia Fahey, withdrew its objection on August 3, 1970:

\textit{…that after careful and thorough study and analysis of defendants integration plan, affiant believes that said plan adheres to the principle of voluntariness in attempting to achieve integration of the Clark County School System for the reason that said plan contains no present provisions requiring the forced busing of any elementary school children, black and white, and will preserve the neighborhood school system.}\textsuperscript{412}

An underlying reason for withdrawal was the imminence of the new school year. In addition, the group conceded that the integration plan continued to be voluntary and the neighborhood character of schools was maintained.

\textsuperscript{410}\textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 436-438.  
\textsuperscript{411}\textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 456.  
\textsuperscript{412}\textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 457.
The League of Women Voters of Las Vegas Valley, Inc, also filed a motion asking the court to intervene on May 11, 1970. Two day later, both the plaintiffs and the defendants filed an opposing motion to avoid unnecessary delays in the now two-year-old case on the basis that other parties’ motions had already been denied. According to the plaintiffs, “the motion is not timely, is not in good faith and is made only for the purpose of satisfying the personal aims and ambitions of politically inclined individuals.”\footnote{413} In spite of their opposition, Judge Thompson granted the League of Women Voters’ motion to intervene on June 26, 1970. He stated:

A case of this kind does not involve the normal characteristics of timeliness and status present in standard litigation. Standing to intervene should be judged on the basis of whether the applicant has sufficient interest to be accorded standing to plead, appear and participate without obtaining special permission from time to time.\footnote{414}

On August 14, 1970, the attorneys for the League of Women Voters filed another brief detailing the ineffectiveness of the district’s plan for integration. It pointed out that the freedom-of-choice plan, which would cost at least $1 million in the 1970-71 school year, had cost $800,000 in the 1969-70 school year with the following results:

- Each of five Westside elementary schools has more than 99 percent Negro enrollment and the white enrollment in four said schools has decreased markedly since 1968.
- One Westside elementary school has 70 percent Negro enrollment.

\footnote{413} Kelly v. Guinn, 456 F.2d. 100, (1972), 444.  
\footnote{414} Kelly v. Guinn, 456 F.2d. 100, (1972), 452.
• Of the remaining forty-four elementary schools, twenty-eight are 95 to 100 percent Caucasian, nine are 90 to 95 percent Caucasian and two are 70 to 80 percent Caucasian.

• Fewer than one thousand Negro elementary school students are attending elementary schools outside their six neighborhood Westside schools as a result of the board’s integration plan, rather than the 2,549 claimed by the said board.

• Out of Caucasian elementary school population of over fifty-eight thousand, the author does not know of a single white volunteer student in five of the six Westside schools.415

Using standard precedent case methodology, the attorneys for the League of Women Voters applied *Spangler v. Pasadena Board of Education* to show that the Clark County School District’s plans were not in accordance with recent court decisions. According to Spangler, “A school board may not, consistently with the law and the Fourteenth Amendment, use a neighborhood school policy as a mask to perpetuate racial discrimination.”416 Further, based on past experience, the board’s plan did not accomplish integration, and the 1970-71 plan did not appear to be an improvement. Clearly, this belief opposed Judge Thompson’s 1968 order to “develop a plan for integration which will actually accomplish integration.”417 The League of Women Voters additionally contended that the school board’s plan circumvented the court order, did not accomplish integration, and perpetuated segregation. Also, the plan was unfair:

> Almost the entire burden of desegregation has been shifted from the School Board to the parents of Negro elementary students and the Negro students themselves.

The Board has made a half-hearted attempt to get Negro parents to volunteer their children for reassignment to white schools while doing nothing to encourage white parents to volunteer their children for reassignment to the Westside schools. The plan, if successful, would eliminate the neighborhood school in the Westside while preserving the neighborhood school in the white community. A part of the plan, called for skill centers within a school. After its operation of one year, a survey taken by the district’s office of intergroup education shows that in at least five schools designated as skill centers the teachers stated they did not want any more black students.

In response to the League of Women Voters’ claims, the attorneys for the defendants claimed that they were in compliance with Article 2, Section 2, of the Nevada Constitution, which provides for a uniform system of common schools with no provision relating to race or color. By definition, then, the district had a unitary system. No students were excluded on account of their color, but neighborhoods had become segregated by living arrangements independent of school policies.

During August 17-19, 1970, the plaintiffs and the defendants filed reports regarding the effectiveness of the plan. On December 2, 1970, Judge Thompson concluded that the “freedom-of-choice” plan failed to integrate the elementary schools and would continue to fail in the future. In other words, Clark County School District would have to abandon the freedom-of-choice plan and provide the court with an alternative plan. Judge Thompson’s decision was based on his belief that “the Plan did

418 Kelly v. Guinn, 456 F.2d. 100, (1972), 469.
419 Kelly v. Guinn, 456 F.2d. 100, (1972), 476.
420 Green v. County School Board of New Kent County, Virginia, 391 U.S. 430 (1968), concluded a freedom-of-choice plan cannot be accepted as a sufficient step to effectuate a transition to a unitary system.
not live up to his expectations and to the intent to desegregate the elementary schools on the Westside.”

He decreed:

1. The elementary schools in the Westside area of Las Vegas, Nevada, shall be desegregated with the result that the black student enrollment in any grade level in any elementary school in the Clark County School District shall not exceed 50 percent of the total student enrollment in such grade.

2. The board and Administrators shall forthwith adopt and effectuate an integration plan in compliance with the foregoing order, using whatever devices are available (e.g. rezoning, pairing of schools, voluntary busing, enrichment programs to attract volunteers, and directive placement of students in designated schools, perhaps by lot), with the result that the elementary school pupil attendance will be so integrated upon the commencement of the 1971-72 school year.

3. The plan effectuated shall not be permitted to result in a distortion of the pupil-teacher ratio in any class in comparison with the average pupil-teacher ratio of all elementary schools in the metropolitan area of Las Vegas, allowing a tolerance of 10 percent, and accepting specialized schools such as the C.V.T. Gilbert Prestige School.

4. If not otherwise required by the unavailability of plant facilities and increased elementary school enrollment in the district, the plan shall not include the establishment of double sessions at any elementary school.

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5. The existing policies respecting the furnishing of transportation services to elementary students shall not be modified to the detriment of student whose placement is affected by the integration plan.

6. In the event a “middle” school is effectuated by the district, such schools to one or more of the present elementary grades, the schools shall be integrated in compliance with the foregoing requirements.

7. The defendants shall file a report in this action on or before November 1, 1971, demonstrating the accomplishment of the integration objectives contemplated by the foregoing orders.\(^{423}\)

On December 10, 1970, the defendants filed a counter-motion requesting amendments to the decree. As a result, on February 8, 1971, Judge Thompson amended his decree as follows:

1. This percent requirement shall not apply in those special classes involving federal or other remedial or experimental programs of the School District.

3. The plan effectuated shall not be permitted to result in a distortion of the pupil-teacher ratio in any race class so as to discriminate in those classes involved in the integration plan, and exceeding specialized schools such as the C.V.T. Gilbert Prestige School.\(^{424}\)

After the decision, \textit{Review Journal} reporter Nedra Joyce wrote an article titled,\(^{425}\) “Fall enrollment balance ordered for county schools by Reno judge.” In the article, Joyce

\(^{423}\) \textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 517.

\(^{424}\) \textit{Kelly v. Guinn}, 456 F.2d. 100, (1972), 527.

\(^{425}\) Nedra Joyce, “Fall enrollment balance ordered for county schools by Reno judge” \textit{Las Vegas Review Journal} (Las Vegas, NV, 1970, 1)
explained that the order failed to capture the reactions of the community. These reactions were many, and the community had a lot to say. In a letter to the editor, Carol Oberhansly, a concerned citizen, commented:

…my feelings are as follow: When I bought my home five years ago, it was for one reason and that was so my son could walk to each and every school he would need to attend until college. This is his neighborhood, his school, his park, and needless to say his domain. He identifies with it and this is the most important thing to a child. Now the school district… is going to put him on a bus twice a day to go to a school on the opposite side of town??? NO WAY!!!

School board meetings were filled with people voicing their questions, comments, and concerns pertaining to integration, desegregation, and busing. Unfortunately, the school board minutes are not detailed enough to tell the reader exactly what was on the minds of the community. There are only lists of members that spoke and a brief statement of the topic they spoke about. Both Westside parents and parents outside of the Westside area wanted to know how this would affect their child’s learning environment. These parents were in support of and opposition to the integration/desegregation process. Reports from the district, however, seemed to support Ms. Oberhansly’s sentiments. They indicated that when left in the hands of the parents, only a small percentage of African American students transferred to schools outside of their neighborhoods, and even fewer white students transferred into the Westside schools. The court ordered the district to create an alternative plan that would integrate the elementary schools effective

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428 Kelly v. Guinn, 456 F.2d. 100, (1972)
September 1971. The court stipulated that African American student enrollment should not exceed 50 percent in any grade level in any elementary school in Clark County School District.429 Later, the court amended the 50 percent to 60 percent African American student enrollment in any elementary school in Clark County School District.

Sixth Grade Center Plan of Integration

On March 4, 1971, the School Board spoke extensively about their options for integrating the Westside schools. Mr. Theron Swainston, resident and practicing doctor in West Las Vegas, reported on a single grade plan. Mr. Parsons, minister of a church on the Westside, presented the pairing plan430 which was supported by the plaintiffs. Kelly et. al. recommended a school pairing plan where “each Westside school [would pair up] with three predominately white schools. All schools would keep all the grades…” Twenty-five percent of the Westside students on each grade level would be sent to each of the receiving schools. They, in turn, would send… that many students in each grade level [to the Westside schools].”431 He also suggested educational parks as a long-term solution to integrating the schools. After the freedom-of-choice plan failed and integration became the hot topic again, school board meetings were filled once again with community members voicing their opinions on the topic. There were community members in attendance both for and against forced busing. In contrast to a voluntary plan where students had the option to be bused in or out of their community, forced busing eliminated the choice. If a student lived in an area where busing was required, the student did not have a choice.

430 Clark County School Board meeting minutes from March 4, 1971.
On March 9, 1971, CCSD appealed the Amended Judgment and Decree with the United States 9th Circuit Court of Appeals. They requested an “order staying enforcement of any proceeding to enforce said Amended Judgment and Decree pending final disposition of Defendants’ appeal.”432

Clark County School District created the “Sixth Grade Center Plan of Integration” to integrate the elementary schools within the district. The “Sixth Grade Center Plan of Integration” took all the sixth grade students in Las Vegas, North Las Vegas, and certain adjacent unincorporated areas and assigned them to one of the sixth grade centers as part of a clustering plan. Students in grades first to fifth, including West Las Vegas, were reassigned to schools in the metropolitan Las Vegas area. Henderson and other rural areas of Clark County were not included because of transportation and time issues. Schools within Las Vegas that were “naturally integrated” were exempt from the integration plan. Naturally integrated schools were defined as falling within the attendance zone and having a residential student population ranging from 8 percent to 25 percent black.

On April 8, 1971, the School Board adopted the Sixth Grade Center Plan of Integration with a vote of five to two. The Review Journal quoted an anonymous man as saying, “I’ll send my boy to Arizona before I’ll let him be bussed away from the neighborhood where my wife can take care of him.”433 This citizen did not want his son attending a school on the Westside, not even for one school year. As talks about the plan continued, on May 13, 1971, the School Board unanimously voted to modify the plan to exclude the following elementary schools: Cahlan, McCall, Craig, Bonanza, Nellis.

432 Kelly v. Guinn, 456 F.2d. 100, (1972), 534.
433 “Parents to try anything to stop busing children.” Las Vegas Review Journal (Las Vegas, NV, 1971, 1)
Lincoln, and Manch because these schools were deemed naturally integrated and would remain K – 6.\footnote{Clark County School Board meeting minutes from May 13, 1971.}

On April 12, 1971, the League of Women Voters filed a motion in opposition to the CCSD’s motion for a stay on appeal. The plaintiffs contested the Sixth Grade Center Plan of Integration because it forced busing on black children for eleven years and white children for only one year. At the same time, on April 23, 1971, the plaintiffs requested amending the Sixth Grade Center Plan to make it more fair and equitable. They maintained, “…the program now proposed by the District, subjects the black child to greater physical hardship and psychological disaffection than children of other ethnic and racial stock.”\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 558.}

Parents Who Care, an antibusing group, filed a counter-motion on April 27, 1971, to alter, modify, and amend the Amended Judgment and Decree. Parents Who Care cited the \textit{Swann v. Charlotte-Mecklenburg Board of Education}\footnote{The district court wanted efforts made to reach a 71 percent white students to 29 percent black students ratio in the schools. The revised plan left 10 schools 86 percent to 100 percent African American student population. The district adopted a plan that used zoning, pairing, and grouping techniques in the elementary schools so that the schools throughout the system would be between 9 percent to 38 percent African American student population. The court upheld the district court’s use of mathematical ratios as a starting point.} case in support of the following objection: “absent a showing of state-imposed racial segregation in the schools that it was constitutionally prohibited for lower federal district courts to order the involuntary assignment and transfer of public school students in order to achieve racial balance in the schools.”\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 562.} Therefore, they maintained that since “neither the State of Nevada, nor the Clark County School District has any history of state-imposed racial
segregation in its public schools then CCSD should not force busing on the community. On April 29, 1971, Clark County School District also filed a motion for the court to consider an Amended Judgment and Decree citing Swann. CCSD echoed Parents Who Care’s sentiment in stating they were not guilty of state-enforced separation of races. They blamed housing patterns for the separation of races. As the community became more divided on this issue, Helen Cannon, Vice President of the CCSD School Board, was quoted as saying “integration was to blame for current school problems.”

On April 30, 1971, CCSD filed another motion in opposition to the original motion for Stay of Implementation of Current Proposed School Plan. CCSD wanted the court to vacate its present Amended Judgment and Decree and reinstate the freedom-of-choice plan. Helen Toland, working with the NAACP, recalled in an interview doing research “to see how other cities were handling integration,” and one of the ideas she discovered was the pairing plan. The pairing plan would involve combining the facilities of two schools. For example, if a community had separate elementary schools, one black and one white, one school would be converted to kindergarten through third grades and the other for grades four through six. In CCSD’s case, the pairing would involve the six Westside schools and six schools outside of the Westside. On May 3, 1971, the League of Women Voters filed a motion in opposition to the district’s motion for Stay of Implementation of the currently proposed Sixth Grade Center Plan. The League of Women Voters claimed the Sixth Grade Center Plan of Integration involved more of the white community as opposed to just a select few as presented in the pairing plan. The

438 Kelly v. Guinn, 456 F.2d. 100, (1972), 561.
Sixth Grade Center Plan would not only integrate more than just twelve elementary schools but also integrate the faculty, staff, and administration. Between clustering and pairing plans, the Sixth Grade Center Plan of Integration was quickly becoming the plan of choice.\(^{441}\) In an interview, Joe Neal, former Nevada Senator, stated, “...for all of the schools to share an integrative experience at one time or another, the Sixth Grade Plan became a feasible one...” In opposition to the Sixth Grade Center Plan, Bus-Out, an anti-busing group, organized a one-day boycott to influence the judge’s decision. Their organization kept seven thousand students out of class. On May 6, 1971, Kenny Guinn was quoted in the Review Journal as saying, “I don’t believe in any student boycott—at the public school or university levels. I believe in working through the system, and that means through the courts in this case. I hate to see students used by their parents in this way.”\(^{442}\) In the same article, Operation Bus Stop, an anti-busing group, condemned the boycott by Bus-Out, stating, “We are trying to keep our children in the neighborhood schools...keeping them out of school is in direct contradiction.”\(^{443}\)

As an attempt to appease the anti-busing community, on May 27, 1971, CCSD’s Board of Trustees voted to enact an “Amended Integration Plan.”\(^{444}\) The “Amended Integration Plan” was interpreted by the plaintiffs as a reintroduction of the Action Plan for Integration of Six Westside Elementary Schools which had previously proven unsuccessful. Because of its failure, it had already been rejected by the court. The plaintiffs suspected this was a stall tactic to prolong litigations and to appease those against integration. Clark County School District continued to deny any constitutional

\(^{441}\) Kelly v. Guinn, 456 F.2d. 100, (1972), 590 - 592.
\(^{442}\) “They’ll only lose another day of school Guinn raps ‘using kids’ in boycott.” Las Vegas Review Journal (Las Vegas, NV, 1971, 1).
\(^{443}\) Ibid
\(^{444}\) Kelly v. Guinn, 456 F.2d. 100, (1972), 641.
violations of equal protection under the law, deliberate discrimination, and/or
gerrymandering of their African American students to maintain segregation; however,
they went on record favoring integration and were willing to put an integration plan into
effect as a good faith effort.\textsuperscript{445} CCSD did maintain that their effort had to involve the
least possible forced integration of the races.\textsuperscript{446}

On June 3, 1971, Judge Thompson denied the motions to modify the court decree
of February 8, 1971, brought on by CCSD and Parents Who Care. He also denied the
plaintiffs’ motion to stay the implementation of the Sixth Grade Center Plan. On June 7,
1971, the plaintiffs filed a cross-appeal with the 9th Circuit Court of Appeals. They were
opposed to the Sixth Grade Center Plan of Integration on the basis that it would phase out
elementary schools on the Westside while maintaining the elementary schools in white
communities. The plaintiffs criticized Judge Thompson for his failure to mandate that
CCSD establish a single unitary school system.

CCSD complied with the court in submitting the Sixth Grade Center Plan for the
court’s consideration, but they also filed an appeal opposing this judgment. The court
accepted the Sixth Grade Center Plan of Integration and ordered its implementation.
CCSD filed another appeal against the implementation of the Sixth Grade Center Plan
and sought a stay of execution pending the outcome of the appeal. The plaintiffs also
filed a motion to prevent the implementation of the Sixth Grade Center Plan. On June 11,
1971, CCSD won their stay of execution. Judge Thompson concluded, “a stay of
implementation of the integration plan was justified pending an authoritative

\textsuperscript{445} Kelly v. Guinn, 456 F.2d. 100, (1972), 642.
\textsuperscript{446} Kelly v. Guinn, 456 F.2d. 100, (1972), 648.
determination of the difficult legal issues.” After the ruling, Judge Thompson stated, “the community resistance to the school district’s efforts to accomplish elementary school integration will be substantially dissipated and a peaceful solution anticipated.” The plaintiffs, in turn, appealed the granting of the school board’s motion for a stay pending appeal and petitioned the United States Court of Appeals to vacate the stay.

On June 14, 1971, CCSD notified the court of their appeal to the 9th Circuit Court. On July 8, 1971, the 9th Circuit Court remanded the case back to the district court. On August 13, 1971, a special fact-finding was issued to explain the 9th Circuit Court’s ruling. The 9th Circuit Court found that there was a strong local resistance to extensive busing of elementary school children to achieve desegregation and that segregation was the result of housing patterns. They also denied the motion to vacate the stay ordered by Judge Thompson and set a hearing for November 8, 1971, in San Francisco at their regional center. On August 18, 1971, the court of appeals denied the plaintiffs’ application to vacate the district court’s stay and ordered the appeals to be expedited.

On August 23, 1971, the plaintiffs filed a motion asking the appellate court to consider certain facts: (1) pre- Brown I, CCSD only had one school with 50 percent black enrollment; (2) post- Brown I, CCSD used zoning, pupil assignment, and sanctification of the neighborhood school concept only in West Las Vegas; (3) white students were not assigned nor bussed to the Westside schools until the creation of the Prestige school which was not established until said lawsuit; (4) CCSD assigned and bussed white students miles passed West Las Vegas, even though schools in West Las Vegas had available seats, for the sole purpose of avoiding integration; and (5) African American

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448 Ibid
administrators and staff were assigned to schools with predominately African American students, thus preventing integration of administration and staff.\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 686.}

The “Sixth Grade Center Plan” was scheduled to be implemented in September 1971\footnote{This stay of judgment pushed the start of the “Sixth Grade Center Plan” back to September 1972.}; however, due to the numerous post-judgment motions filed, the plan was delayed.\footnote{Kelly v. Brown, LV – 1146, (1970)} On November 8, 1971, a three-judge panel from the 9th Circuit Court heard arguments in San Francisco, California. On December 10, 1971, the appellate court determined that the plaintiffs presented a legitimate argument. They found that school authorities had deliberately attempted to fix or alter demographic patterns to affect the racial composition of schools.\footnote{Ronan Matthew, “A history of the Las Vegas school desegregation case: Kelly et. al. v. The Clark County School District” (Las Vegas, NV, 1998, 34)}

On February 22, 1972, the 9th Circuit Court unanimously upheld Judge Thompson’s decree but left the stay in effect until Judge Thompson could vacate it. Their decision was based on several key pieces of evidence. While the elementary schools were almost completely segregated, Clark County School District did not build middle and high schools on the Westside to avoid segregation by race. Yet, CCSD continued the neighborhood school policy on the elementary level knowing this would support segregation. By making this choice, CCSD was guilty of exercising its official powers to segregate elementary schools in the district.\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 105.} In addition, Clark County School District practices for teacher assignment, combined with the almost complete segregation of administration and staff at certain schools, as well as their choices of
location when building new schools and abandoning old ones, further supported the plaintiffs’ claims. In an oral history interview, Frank Schreck recalled,

Petroni, attorney for the district, got up to accost the judges. As he started to argue his case, Justice Browning, one of the 9th Circuit Court judges, interrupted him saying, excuse me Mr. Petroni, I need to ask you a question… I know which are alleged segregated schools and which are predominately white but I’ll read this list of names with fact… He leaned over and… started reading off Joe White school: seventeen white teachers, no black teachers, Sam Smith school: fifteen white teachers, no black teachers, William Wilson school: sixteen white teachers, one black teacher and so on. He gets to Booker Washington and then his… his eye would go way over his glasses and he’d lean over in his chair and said sixteen black teachers, no white teachers. And then he’d wait for the answer to that. And the answer was yes, that’s one of the alleged segregated schools. It was clear the point he was making. Position was evident by the assignment of teachers.

The 9th Circuit Court held that Judge Thompson did not abuse his discretion in ordering CCSD to adopt and implement an integration plan that would result in a unitary school system. CCSD responded by filing an appeal with the 9th Circuit Court. CCSD wanted their case reheard, but on April 3, 1972, the 9th Circuit Court denied their motion.

On April 18, 1972, the plaintiffs filed another motion to vacate the stay granted by Judge Thompson. They argued that the stay granted on June 11, 1971, preventing the implementation of the Sixth Grade Center Plan should be lifted since the 9th Circuit Court found CCSD to be in violation of the black student populations’ constitutional rights of equal protection under the law. They wanted the Sixth Grade Center Plan of Integration

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454 Kelly v. Guinn, 456 F.2d. 100, (1972), 105.
to begin September 1972 with progress reports on the planning and implementation process issued to the court on May 15, 1972; July 1, 1972; and August 15, 1972.

The next day, April 19, 1972, CCSD filed a motion to maintain the stay, arguing that they had not exhausted all of their rightful appeals. It was at this time that CCSD notified the court of their intentions to prepare a Petition for Writ of Certiorari to the Supreme Court of the United States, and until the Supreme Court had rendered a judgment, CCSD wanted the stay to remain in effect.\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 707.} No one could anticipate Supreme Court decisions or the outcome of federal legislation; therefore, the court denied the request so as not to further prolong the integration of this school district.

On May 11, 1972, Judge Thompson vacated his stay and ordered the implementation of the Sixth Grade Center Plan of Integration. He stated the “defendants shall carry in effect the approved sixth grade center plan effective for the 1972-73 school year and thereafter, subject to the further orders of the Court.”\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 725.} In preparation for the implementation of the Sixth Grade Center Plan of integration, CCSD transferred textbooks, purchased new furniture, reorganized the library/media center, and, where necessary, cleaned and painted schools. Parents received letters explaining the law and their child’s new school assignment. The district held orientations for parents, students, and teachers to aid in the transition, as well as a three-day teacher workshop discussing the legal reasons for the desegregation program, the sociological and psychological impact of integration, curriculum, and counseling, and how to promote positive human relations in class and in the school.\footnote{“School desegregation in Clark County, Nevada.” Governmental Research Newsletter (Reno, NV, University of Nevada, Reno, 1973, 4).}
On August 9, 1972, the *Review Journal* ran a story written by Mary Hausch in which the Deputy School Superintendent, Dr. Cliff Lawrence, was quoted as saying, “the busing moratorium bill passed by Congress and signed by President Nixon provides a stay for the district. You don’t have to ask for a stay if you already have one.” This comment and others like it prompted Frank Schreck, attorney for the League of Women Voters, to file a motion demanding that CCSD show cause as to why they should not be held in contempt of court. These statements also contradicted Dr. Lawrence’s previous statements, such as, “there is no way to do the job of integration without moving kids… the Sixth Grade Center Plan is the most equitable and will show its benefits in the long run.” On August 24, 1972, Judge Thompson ordered CCSD to appear in court to defend why they should not be held in contempt of court for their public announcement of intended violation of the order of the court and refusal to grant their stay. CCSD appeared before Judge Thompson and argued they had complied with the court’s ruling in preparing the Sixth Grade Center Plan. They also stated they were within their rights to appeal to the Supreme Court. Judge Thompson did not find CCSD in contempt but ordered the implementation of the Sixth Grade Center Plan. To further complicate matters, President Nixon signed the Education Amendments of 1972 which stated:

No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance. No funds appropriated for the purpose of carrying out any applicable program may be

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458 President Nixon was against busing as a means of achieving desegregation in schools.
460 The motion was filed on August 14, 1972.
461 “Students bussed to school in the fall.” (Las Vegas, NV, 1971, 1)
462 Education Amendments of 1972, P. L. 92-318, Title VIII, Sections 801, 802, and 803.
used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system…

It was the interpretation of this section that caused Deputy Superintendent Clifford Lawrence to conclude that a stay was in place by virtue of the Education Amendments of 1972. To refute Dr. Lawrence’s claims, Mr. Schreck filed an affidavit claiming that the “Education Amendments of 1972 are not self-executing and to hold so would destroy the independent status of the Judicial Branch of Government and eliminate the system of checks and balances basic to our Democratic form of Government…” The matter of desegregation in Clark County School District’s elementary schools had been decided, and the order would be carried out.

A new group protesting busing appeared claiming irreparable harm to themselves and their children if the sixth grade center plan were implemented. Bus-Out was adamantly opposed to busing, and they sued the school district in the 8th Judicial District Court. In fact, “Leaders of Bus-Out and Parents for Neighborhood Schools also called for a mass march of citizens opposed to forced busing at the Convention Center at 9 a.m. Saturday.” As a political tactic for re-election, Senator Floyd Lamb led the march. To accelerate the movement, he took out paid advertisements in local newspapers affirming

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464 Kelly v. Guinn, 456 F.2d. 100, (1972), 739.
465 “Leaders of Bus-Out and Parents for Neighborhood Schools also called for a mass march of citizens opposed to force busing at the Convention Center at 9 a.m. Saturday.” Las Vegas Review Journal (Las Vegas, NV, 1972, 1)
his opposition to forced busing and expressing his hope that “the United States Senate immediately passes the strong anti-forced busing bill approved by the House of Representatives.” Lamb further wrote that he believed, “in the inalienable right of children to attend their neighborhood schools and not to suffer the rigors of massive busing across vast geographical areas merely to satisfy a quota of some kind.” The plaintiffs asked for and received a preliminary injunction from Judge Carl Christensen in the 8th Judicial District Court on September 5, 1972, in their case, Garland Jones v. Clark County School District. The order granting the preliminary injunction stated in part:

1. The value of the plaintiffs’ homes, purchased in substantial part by relying on the quality of the schools nearest to said homes, will be greatly diminished by virtue of the fact that their children will not be allowed to attend them;

2. The time for the control and parental instruction of, and the enjoyment of the company of, their children will be diminished by the time necessary for transportation to non-neighborhood schools, including a waiting time;

3. Since the Nevada Revised Statutes 292.340 does not waive the District’s immunity from tort liability, plaintiffs will be required to face a contingent liability for their children’s injuries, if any, without legal remedy against the potential tortfeasor.

Garland Jones v. Clark County School District named the school district as a defendant; however, the Kelly et al. v. Clark County School District case was much

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466 Ibid
467 “Leaders of Bus-Out and Parents for Neighborhood Schools also called for a mass march of citizens opposed to force busing at the Convention Center at 9 a.m. Saturday.” Las Vegas Review Journal, (Las Vegas, NV, 1972, 10)
468 A tortfeasor is a legal term used to reference a person who commits a wrongful act that injures another person for which the law provides a legal right to seek relief; a defendant in a civil tort action is a tortfeasor.
different. In *Jones*, the district did not oppose the motion for a preliminary injunction against them to prevent the immediate implementation of the Sixth Grade Center Plan. In reality, their inaction suggests that perhaps they were in favor of the plaintiffs’ action.\footnote{Ronan Matthew, “A History of the Las Vegas School Desegregation Case: Kelly et. al. v. The Clark County School District” (Las Vegas, NV, 1998)}

The plaintiffs in *Kelly*, however, reacted strongly to the appearance of *Jones*. In response, on September 7, 1972, the Kelly plaintiffs filed a motion asking for a temporary restraining order against Judge Christensen’s judgment and asked that the plaintiffs in *Jones* as well as Judge Christensen be named as defendants in *Kelly*.\footnote{Ibid}

Judge Thompson made several rulings on September 12, 1972:

(1) he accepted the plaintiffs in *Jones* and Judge Christensen as defendants in *Kelly*; (2) he included CCSD’s attorney Robert Petroni as a defendant in *Kelly* due to his failure to object to the motions of the plaintiffs in *Jones*; (3) Judge Thompson ordered, …that the original defendants herein are enjoined and restrained to immediately carry out implementation of the Sixth Grade Center Plan in accordance with prior orders of this court…subject only to the further order of this Court or the granting of a stay by the Court of Appeals or a Justice of the Supreme Court of the United States.\footnote{Kelly v. Guinn, 456 F.2d. 100, (1972), 807.}

School was scheduled to begin on September 5, 1972; however, Bus-Out filed a new lawsuit delaying the start of school.\footnote{A discussion of *Jones* v. Clark County School District will take place in Chapter Five.} On September 17, 1972, the *Review Journal* reported that Bus-Out and Parents for Neighborhood Schools had collected approximately thirty thousand signatures on a petition against busing.\footnote{Mary Hausch. *Las Vegas Review Journal* (Las Vegas, NV, 1972, 15)} Regardless,
Judge Thompson had finally received a response from the Supreme Court denying CCSD’s request for a stay of implementation of the Sixth Grade Center Plan and denying their Writ of Certiorari. The Supreme Court had refused to hear the case. Therefore, on September 18, 1972, the elementary schools in Las Vegas finally opened, and the Sixth Grade Center Plan of Integration was implemented. Students in kindergarten to fifth grades continued to attend their neighborhood schools, and students in sixth grade were assigned to a sixth grade center for school.\footnote{Six schools were declared exempt from the plan because they were naturally integrated. Students attending one of these schools were exempt from the rezoning process.} Westside schools included in the plan were: Jo Mackey, Madison (currently Wendell Williams), Matt Kelly, Kermit Booker, C.V.T. Gilbert, and Kit Carson. Students living in Las Vegas were assigned to one of these centers.

In 1973, Bernice Moten was the only person of color on the CCSD School Board; she remained persistently opposed to the Sixth Grade Center Plan.\footnote{Ed Koch, “Moten, first black member of School Board, dies at 66.” \textit{Las Vegas Sun}. (Las Vegas, NV, 2000) Retrieved from http://www.lasvegassun.com/news/2000/apr/20/moten-firstblack-member-of-school-board-dies-at-6/} Moten expressed that West Las Vegas residents did not want the Sixth Grade Center Plan, and when it was implemented, she said, “Busing is breaking up the sense of community in our children.”\footnote{Ibid} When Moten passed away in 2000, Reverend Bennett, former President of the Las Vegas branch of the NAACP, shared that in the end, Moten was right to oppose the Sixth Grade Center Plan, saying “While some diversity was achieved through desegregation, the school district failed to follow up on programs to improve education for blacks and just shipped our kids out of West Las Vegas.”\footnote{Ed Koch, “Moten, first black member of School Board, dies at 66.” \textit{Las Vegas Sun}. (Las Vegas, NV, 2000) Retrieved from http://www.lasvegassun.com/news/2000/apr/20/moten-firstblack-member-of-school-board-dies-at-6/}
On March 13, 1975, the school board voted to include Mabel Hoggard Elementary School as a sixth grade center because of its rapidly changing demographics. Once again, Kelly et. al filed a motion to prevent this change. They contended that Hoggard was naturally integrated and would remain as such. CCSD provided the court with evidence that stated that in October 1972 African American student enrollment at Hoggard was 37 percent. By March 1975, African American student enrollment at Hoggard was 51.7 percent. As a result, Judge Thompson amended his previous ruling that no school or class could exceed 50 to 60 percent black student enrollment. This adjustment kept Hoggard from being included as a sixth grade center. However, the following year, 1976, Hoggard’s black student enrollment continued to grow, exceeding 60 percent and thus making Hoggard, once again, eligible for conversion to a sixth grade center school. In fact, CCSD was denied federal funds under the Emergency School Aid Act (ESAA) because Hoggard exceeded the 60 percent figure. In a letter from the Department of Health, Education and Welfare to Superintendent Guinn, it stated, “The current racial/ethnic enrollment data which the District submitted at the request of this office indicated that the current enrollment of the Mabel Hoggard School is 64.9 percent black and 67.5 percent minority…Your district is therefore ineligible for ESAA funds due to its failure to fully implement its court-ordered desegregation plan.” Therefore, on August 4, 1976, Judge Thompson approved an exemption for Hoggard to exceed 60 percent black student enrollment for the 1976-77 school year.

479 Clark County School Board meeting minutes from March 13, 1975.
480 Kelly v. Guinn, 456 F.2d. 100, (1972), 873.
481 Kelly v. Guinn, 456 F.2d. 100, (1972), 891.
On May 3, 1977, Judge Thompson determined the Clark County School District had complied with the Court’s mandate; the decree created a single unitary school system, terminated his jurisdiction of the case, and restored exclusive control to Clark County School District free from supervision.\(^{483}\) CCSD continued the Sixth Grade Center Plan of Integration for another fifteen years.

Conclusion

Clark County School District (CCSD), under a court-ordered deadline, had to devise a workable integration plan. After a failed attempt with a freedom-of-choice plan, CCSD attempted to implement a cluster plan known as the Sixth Grade Center Plan of Integration. This plan would take all of the qualifying sixth grade students, mix them up, and reassign them to various different schools that serviced sixth grade students only. For nearly a year and a half, Clark County School District and the plaintiffs went back and forth filing post-judgment motions and delaying the implementation of the Sixth Grade Center Plan. Clark County School District tried to maintain the status quo while Kelly et. al. worked to inspire a change. Eventually, CCSD lost the battle and was ordered to implement the Sixth Grade Center Plan of Integration. In oral history interviews, Joe Neal, Eva Simmons, Sarann Knight Preddy, Jesse Scott, Lucille Bryant, and Yvonne Atkinson-Gates, all members of the West Las Vegas community, expressed the sentiment that West Las Vegas community members wanted equal facilities, curriculum, and qualified teachers for their children much like suitable housing and paved roads, obtaining quality education was a long, painful struggle.

After implementation of the Sixth Grade Centers, Dick Erbe, principal of Kermit Booker Sixth Grade Center, conducted an interview of his sixth grade students at the

\(^{483}\) *Kelly v. Guinn*, 456 F.2d. 100, (1972), 906.
beginning of the school year. He found that 61 percent of students enjoyed the bus ride; 72 percent of students had at least one good friend of another race; 60 percent of students did not think there would be trouble in the sixth grade center schools; 62 percent of students were not afraid of that part of town; 55 percent of their parents were against the plan; and 65 percent of their parents’ friends were against the plan.\textsuperscript{484} This is just a small sample of opinions from one school; however, as the roar from the community began to quiet, CCSD was able to operate under the Sixth Grade Center Plan for five years “meticulously and conscientiously,”\textsuperscript{485} earning them unitary status and thus restoring power back to the school district. CCSD continued the Sixth Grade Center plan for fifteen years.

\textsuperscript{484} To bus or not to bus: An investigation of the sixth grade plan to achieve racial integration Clark County, Nevada (1972). . S.l.: \\
\textsuperscript{485} Kelly v. Guinn, 456 F.2d. 100, (1972), 904.
CHAPTER 5

SCHOOL RESEGREGATION IN LAS VEGAS

Introduction

In June 1992, Brian Cram, Superintendent, established the Educational Opportunities Committee (EOC) to make recommendations for enhancing educational opportunities for the students in Clark County School District (CCSD) with particular attention to students in West Las Vegas. The Sixth Grade Center Plan remained in effect for two decades. Prime 6 was the first major modification to the Sixth Grade Center Plan. Prime 6 allowed students living in West Las Vegas the option to continue to attend the school in which they were currently assigned or attend an elementary school closer to home. It also allowed students living outside West Las Vegas to continue attending their assigned school, attend a Prime 6 school, or attend a special emphasis school, also known as Magnet. Booker, Carson, Fitzgerald, Gilbert, Kelly, Mackey, Madison, and McCall were reconstituted as Prime 6 schools with grades kindergarten to five. Hoggard Elementary School, located in West Las Vegas, became a special emphasis school, Magnet, with the emphasis in math and science. Under the Prime 6 proposal, the schools had an extended-day instructional program for students, and at least one West Las Vegas school offered summer school. Currently, the Prime 6 Plan is still in effect. School administrators, teachers, parents, and community stakeholders continue to grapple with providing students in West Las Vegas with a quality education.
Prime Six School Plan

Despite reported academic gains made by black students under the district’s Sixth Grade Center Plan of Integration, community demographics and attitudes had shifted. In March 1992, West Las Vegas parents decided that the district’s desegregation plan was no longer in the best interest of their children. They wanted to return to the neighborhood schools model. In the spring of 1992, out of concern for their children’s welfare, parents requested that the school district put aides on the buses,\footnote{Clark County School Board meeting minutes from April 28, 1992.} allow first-graders to attend a school within their neighborhood, develop sensitivity training for teachers and administrators,\footnote{Clark County School Board meeting minutes from May 12, 1992.} and hire more African American teachers. Although the CCSD School Board planned to build an elementary school in West Las Vegas in the near future, they explained that putting aides on buses and placing first-grade students in their neighborhood schools in West Las Vegas was not physically or fiscally possible.\footnote{Lee Brown, “Group asks parents to pull students from school Monday. WAAK-UP calls for boycott of school district.” Sentinel Voice (Las Vegas, NV, 1992).}

By June 1992, the general and student population of the formerly all-black West Las Vegas had decreased despite the explosive growth occurring in every other part of the Las Vegas Valley. For example, between 1970 and 1990, Clark County’s population grew by more than 171 percent, but the number of residents in West Las Vegas declined by approximately 20 percent. Much of this can be attributed to the fact that as African Americans moved to Las Vegas, they had more options on where to live, and most chose to live outside West Las Vegas.\footnote{Sonya D Horsford, A history Las Vegas desegregation in the Mississippi of the west: Implications for Educational Leaders (Paper presented at the University Council for Educational Administration Annual Convention), 2008.} Around the same time, parent and community activist Marzette Lewis established a community organization entitled Westside Action Alliance.
Korps-Uplifting People (WAAK-UP). A reporter for the local black newspaper reported that this organization was founded “in the wake of an incident where the school district found that there was insufficient evidence to support her first-grade son’s charges that two other students forced him to perform oral sex on them while riding in a school bus.”

Based on the community’s request, that same month, the school board created the Educational Opportunities Committee (EOC), which deliberated and identified two main areas of concern. The first area focused on “disparity of funding” and that “numeric formulas, without regard to other human factors and conditions, produces inequality in educational opportunity for a percentage of students enrolled in the district.” The second area of concern was regarding “sixth grade centers” and the need to revise the desegregation plan of 1971 due to “changing social, economic, and academic factors as well as the obvious fact that some students are bused eleven of the twelve required years of public schooling to achieve court-ordered integration.”

After unsuccessful negotiations with the district, WAAK-UP threatened a boycott for the opening of school September 1992 and lasting until after the district’s enrollment count day. Four churches and one Muslim Mosque volunteered their facilities to use as classrooms, retired and substitute teachers volunteered their services to teach students, and food had already been donated for the possibility of school meals. The goal of the

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West Las Vegas boycott was to keep three hundred black students from attending the schools, thus preventing CCSD from receiving $1 million in state funds.\textsuperscript{492}

In response to Lewis’ leadership on the WAAK-UP organized boycott and the budget crunch experienced by CCSD, School Board member Mark Schofield critiqued her in an interview, stating “This is probably the worst year she could have chosen to do something like this. The only thing she will accomplish by doing this is hurting the students, not only economically, but also academically.”\textsuperscript{493} Lewis, who was also interviewed, explained that they were prepared to educate students in churches, which were used long before schools existed. Demonstrating that this conflict was not only centered on issues of race but also class, Lewis explained her discomfort with CCSD’s support of the new-generational school in Summerlin. “It’s a tourist attraction,” she said. “Our children are not going to be bused over there. There’s going to be nothing but rich kids there.”\textsuperscript{494}

WAAK-UP proceeded with the boycott on August 24, 1992. It encompassed approximately 185 students who were taught by volunteers in churches and was expected to continue until after the district’s enrollment count day, which was on September 18, 1992.\textsuperscript{495} On August 25, 1992, the Superintendent’s Educational Opportunities Committee (EOC) presented a brief report to the school board in which Mr. Arturo Ochoa voiced his opinion. He stated the current desegregation plan, known as the Sixth Grade Center Plan, needed to be revised to reflect the change in social, economic, and academic factors.

\textsuperscript{492} Lee Brown, “Group asks parents to pull students from school Monday. WAAK-UP calls for boycott of school district.” \textit{Sentinel Voice} (Las Vegas, NV, 1992).
\textsuperscript{493} Erik Pappa, “WLV school bus boycott threatened.” \textit{Las Vegas Sun} (Las Vegas, NV, 1992).
\textsuperscript{494} Ibid
When considering a revised plan, Mr. Ochoa also felt there needed to be some consideration for students who were bused eleven of their twelve years in school. The Education Opportunities Committee concluded that a return to neighborhood schools was a viable option. The boycott ended on September 5, 1992, thirteen days earlier than anticipated, when CCSD’s Superintendent, Brian Cram, agreed to discuss the group’s demands, which included reducing the distance black students were bused, assigning bus monitors to supervise students, providing sensitivity training to teachers, and building five new schools in black neighborhoods in the next five years. The group warned further action would be taken if the discussions with Cram did not produce results. Spokesperson for WAAK-UP, Reverend Chester Richardson, stated during a press conference that, “If they don’t act in good faith we will have even more support.” On September 23, 1992, the school board approved the Educational Opportunities Committee’s recommendations and voted to change the desegregation busing plan. They requested a proposal for a new plan guided by “belief statements” that were developed by the EOC, a fourteen-member citizen advisory board appointed to study the desegregation issue.

When the draft of the plan was released, the local newspaper reported on the proposed changes and explained “the Clark County School District, reacting to pressure from black parents and to civil unrest in Las Vegas last spring following the Rodney King verdicts in Los Angeles, unveiled Monday a revised busing plan that offers black

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496 Clark County School Board meeting minutes from August 25, 1992.
parents a choice of schools in and outside of their neighborhoods.\footnote{499} The plan was to turn sixth grade centers into schools for kindergarten through third grade and would turn one of the sixth grade centers into a magnet school for math and science with preschool classes. Parents from West Las Vegas demanded that neighborhood schools serve students up to fifth grade rather than third grade.\footnote{500}

In the midst of the debate that centered on this proposed plan, parents and community members were fairly vocal in the fight for what they deemed to be just outcomes. John Gallant, a reporter for the \textit{Review Journal}, quoted one community member during a town hall meeting as declaring that black people are survivors and stated, "The message we want to leave with you tonight is do the right thing," she said. "We are not going to give up. Back in the '60s groups said 'Keep on pushing.' We are going to keep on pushing."\footnote{501}

In November 1992, the proposal was revised and approved. The proposal was entitled the Prime 6 Plan and would gradually phase out desegregation busing. Children in West Las Vegas would be allowed to attend one of seven Prime 6 schools in their neighborhood from kindergarten through fifth grade or have the choice of attending a school outside of their zone. The sixth grade centers converted to Prime 6 schools that white students would continue to be bused to and included a pre-kindergarten program for four-year olds, summer school, and curriculum with a multicultural emphasis. During sixth grade, while white students would be bused into Prime 6 schools, black students would be bused to predominantly white neighborhoods to achieve racial balance. A new

elementary school for the Westside, H. P. Fitzgerald Elementary School, was slated to be built and opened the next year. In addition, the plan called for the creation of the first magnet elementary school, Mabel Hoggard Elementary, which would focus on math and science. While giving preference to students within a half-mile radius, the new magnet school would be open to all students in the district with the intention of using this high quality school to attract white students to continue desegregation efforts and easing the transportation burden that had formerly been placed on black children. The Prime 6 plan was estimated to cost $800,000 the first year and $400,000 each year thereafter.  

Some school board members approached the plan with caution. The comments of Martin Kravitz, who abstained from voting, and James McMillan, who was concerned about a future lawsuit, were reported in the Las Vegas Sun:

Kravitz warned that if Hoggard’s math-science magnet does not attract enough white students and it becomes an ‘all-black school, then we’re going to be in the hands of a federal judge’ to alter the desegregation system. That, he said, could have horrendous consequences. When a federal judge remolded the busing system in Kansas City, he raised taxes $500 million to pay for it, Karvitz noted. ‘You better do everything to make it work…or you’re going to pay the cost.’ He said. ‘I’m sure,’ McMillan said, ‘we’re going to make sure this plan does not falter like it did before (under the existing desegregation plan). If we don’t have quality education for the West Las Vegas area, this plan is a flop’.  

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In spite of these concerns, on December 1, 1992, the board formally approved the district’s voluntary desegregation plan, known as the *Prime 6 Plan*.

At the start of the 1993-1994 school year, CCSD began to transition its sixth grade centers back into neighborhood elementary schools. It also planned to introduce the first stages of its magnet school program, designed to attract students from other parts of Las Vegas to the Westside, which still had predominately black schools when compared to others parts of the county. In addition to returning to the concept of neighborhood schools, the Prime 6 Plan identified nine key areas that would require additional attention, resources, and improvement to ensure students would receive the support they needed in their neighborhood schools. These included: (1) Program Design, (2) Student Assignment, (3) Staffing, (4) Options for Middle Schools Students, (5) Facilities, (6) Transportation, (7) Administration of Plan, (8) Parent Information, and (9) Parent Involvement.\textsuperscript{504}

Based on directions included in the Prime 6 Plan, the district reviewed and assessed the plan’s effectiveness during the 1993-94 school year concerning CCSD’s commitment to recognizing “the educational benefits of cultural and racial diversity for all students throughout the school system” and the Prime 6 Plan’s goal of providing these benefits, “while increasing the opportunities for parents to have options regarding the schools their children will attend and improving the quality of education in CCSD.” The proposed modifications offered in a report dated January 20, 1994, attempted to incorporate a community involvement component in each school, along with a multicultural education focus, innovative instructional programs, equity indicators (e.g.,

of discipline referrals, retention rates, student outcomes), extended schools days, early childhood education and full-day kindergarten programs, and a special education resource room.

Conclusion

In 1992, parents became frustrated with sending their children to various parts of Las Vegas for school. For nearly two decades, black students had borne the burden of desegregation, but now the black community was ready for another fight. In June 1992, Brian Cram, Superintendent, established the Educational Opportunities Committee (EOC) to make recommendations to enhance educational opportunities for Clark County students, with special attention to students living in West Las Vegas. The EOC was made up of parents, community members, and school district employees. They submitted their first report to the Superintendent which consisted of two belief statements: (1) one addressing funding formulas; and (2) the Sixth Grade Centers. In response to these belief statements, the Superintendent requested board approval to proceed with the development of a plan to implement certain aspects of these belief statements beginning with the 1993-94 school year.

After approval from the board, the Prime 6 Plan emerged. The Prime 6 Plan pertained to Booker, Carson, Fitzgerald, Gilbert, Hoggard, Kelly, Mackey, Madison, and McCall Elementary Schools. It worked in conjunction with other Clark County School District (CCSD) policies. In CCSD’s strategic plan, they recognized the educational benefits of cultural and racial diversity to all students throughout the school.

505 Gilbert Communication and Creative Arts Magnet
506 Hoggard Math and Science Magnet
507 Mackey Leadership and Global Communications Magnet
508 Currently, Wendell Williams Elementary School
system. Therefore, the Prime 6 Plan intended to continue these benefits while increasing parents’ options regarding the schools their children would attend and improving the quality of education in CCSD.

To date, the Prime 6 Plan is in effect; however, the EOC is constantly making recommendations to improve the quality of education for the students in West Las Vegas. Unfortunately, it appears little progress is being made for these children. During the 2007-08 school year, four Prime 6 schools made annual yearly progress (AYP), one Prime 6 school met the standards in one of two categories, and the remaining Prime 6 schools did not make AYP. So once again, this community is faced with the same question they have been trying to answer for more than four decades. What can be done to provide a quality education for the students in West Las Vegas?
CHAPTER SIX

CONCLUSION

In 1961, Robert L. Dowell, an African American student, along with other African American students, sued the Board of Education of Oklahoma City Public Schools (OCPS) to end de jure segregation in Oklahoma public schools. In 1963, the district court charged the OCPS Board of Trustees with intentionally operating a dual school system. The district court required the OCPS Board to desegregate the school system. In 1965, the district court found that the Board’s subsequent attempt to desegregate the schools using neighborhood zoning failed to remedy past segregation because residential segregation ultimately resulted in single-race schools. In 1972, after several failed attempts to integrate the schools, the district court issued an injunctive decree. The decree ordered the Board to use busing to transport children of different races to different schools for the purposes of eliminating single-race schools. The Board challenged this plan in federal district court. The federal district court upheld the challenge and nullified the plan. The court of appeals reversed this decision, however, holding that the Board would be entitled to such relief only upon “nothing less than a clear showing of grievous wrong evoked by new and unforeseen conditions.” In 1977, finding that the school district had achieved "unitary" status, the court issued an order terminating the case, which respondents, black students, and their parents did not appeal. In 1984, the Board adopted its Student Reassignment Plan (SRP), under which a number of previously desegregated schools would return to primarily one-race status for the asserted purpose of alleviating greater busing burdens on young black children.

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510 Ibid
caused by demographic changes. The respondents then attempted to reopen the case. The District Court denied the respondents' motion. In 1990, the Oklahoma City School Board sought dissolution of a decree of desegregation of its schools. The lower court agreed that the court-ordered desegregation plan should end. The United States Court of Appeals Tenth Circuit reversed the decision, ruling that the respondents could challenge the SRP because the school district was still subject to the desegregation decree. The court held that nothing in the 1977 order indicated that the 1972 injunction itself was terminated. On remand, the District Court dissolved the injunction, finding, among other things, that the original plan was no longer workable, that the Board had complied in good faith for more than a decade with the court's orders, and that the SRP was not designed with discriminatory intent. In 1991, the Court of Appeals again reversed the ruling, finding that a desegregation decree remained in effect until a school district can show "grievous wrong evoked by new and unforeseen conditions," as set forth in United States v. Swift & Co., and that circumstances had not changed enough to justify modification of the 1972 decree.

Similar to Oklahoma City v. Dowell, in a class action filed by respondents, black school children and their parents, the District Court in 1969 entered a consent order approving a plan to dismantle the de jure segregation that had existed in the DeKalb County, Georgia, School System (DCSS). The court retained jurisdiction to oversee implementation of the plan. In 1986, petitioner DCSS officials filed a motion for final

513 Ibid
515 Freeman v. Pitts, 503 U.S. 467, (1992)
dismissal of the litigation, seeking a declaration that DCSS had achieved unitary status.\textsuperscript{516} Among other things, the court found that DCSS "has traveled the . . . road to unitary status almost to its end," noted that it had "continually been impressed by [DCSS'] successes . . . and its dedication to providing a quality education for all,"\textsuperscript{517} and ruled that DCSS is a unitary system with regard to four of the six factors identified in Green\textsuperscript{518}: student assignments, transportation, physical facilities, and extracurricular activities. In particular, the court found that with respect to student assignments, DCSS had briefly achieved unitary status under the court-ordered plan, that subsequent and continuing racial imbalance in this category was a product of independent demographic changes that were unrelated to petitioners' actions and were not a vestige of the prior \textit{de jure} system, and that actions taken by DCSS had achieved maximum practical desegregation from 1969 to 1986.\textsuperscript{519} Although ruling that it would order no further relief in the foregoing areas, the court refused to dismiss the case because it found that DCSS was not unitary with respect to the remaining Green\textsuperscript{520} factors: faculty assignments and resource allocation, the latter of which the court considered in connection with a non-Green factor, the quality of education being offered to the white and black student populations.\textsuperscript{521} The court ordered DCSS to take measures to address the remaining problems. The Court of Appeals reversed the order, holding that a district court should retain full remedial authority over a school system until it achieves unitary status in all Green categories at the same time for several years; that, because, under this test, DCSS had never achieved

\textsuperscript{516} Freeman v. Pitts, 503 U.S. 467, (1992)
\textsuperscript{517} Ibid
\textsuperscript{518} Green v. County School Broad of New Kent County, 391 U.S. 430, (1968)
\textsuperscript{519} Freeman v. Pitts, 503 U.S. 467, (1992)
\textsuperscript{520} Green v. County School Broad of New Kent County, 391 U.S. 430, (1968)
\textsuperscript{521} Freeman v. Pitts, 503 U.S. 467, (1992)
unitary status, it could not shirk its constitutional duties by pointing to demographic shifts occurring prior to unitary status; and that DCSS would have to take further actions to correct the racial imbalance, even though such actions might be "administratively awkward, inconvenient, and even bizarre in some situations."\textsuperscript{522}

Once again, Clark County School District was keeping up with the national norm. Around the same time \textit{Oklahoma City v. Dowell} and \textit{Freeman v. Pitts} were being argued to end their desegregation plans, CCSD was implementing a return to neighborhood schools policy at the request of the West Las Vegas residents.

Like many schools in predominately minority areas of the United States, Clark County School District was ordered by the District Court of Nevada to integrate the schools on the Westside of Las Vegas. As the desegregation plan was implemented in 1972, the result was Sixth Grade Centers; the plan remained unchanged for almost twenty years when the implementation of Prime 6 Schools was born, a return to neighborhood schools plan. Currently, Prime 6 Schools are still in existence; however, the community is now, after another two decades, considering revamping the Prime 6 integration plan. As the students and their parents accepted a return to neighborhood schools policy, Clark County School District found that students in these schools were not scoring as well as on high stakes tests as their counterparts. In 2009, Clark County School District elicited the assistance of an outside assessor, Gary Orfield, to provide an independent assessment of the area’s trends in population, educational choice, and educational success.\textsuperscript{523}


Prime Six schools support a population that has extremely high participation in the free and reduced lunch program. Orfield stated, “Although there are exceptions, typically, schools perform poorly because the children come to kindergarten far behind, many are lacking basic essentials at home, health care is inadequate, the families often face involuntary moves or even homelessness, and experienced teachers typically leave such schools, which are often threatened by state and federal sanctions.”

Prime Six schools tend to fall in this category. Most Prime Six schools have failed to meet the goals of No Child Left Behind (NCLB), and with the history of desegregation and the struggle for quality education in the area, these schools, once again, find themselves at the center of attention. The recent phenomenon of intense “double segregation by race and poverty is linked to achievement scores seriously behind the district’s average performance both for total enrollment and for black and Latino students.”

It is now an area with two large disadvantaged groups of minority students, one black and one Latino.

The Las Vegas Metropolitan Area (Las Vegas), also referred to as the “Las Vegas Valley” or “Greater Las Vegas,” is located in Southern Nevada, includes all of Clark County, and is home to more than 1.96 million people or 72 percent of Nevada’s 2.7 million residents. From 2000 to 2010, Las Vegas’ population grew 41.8 percent, making it the fastest growing metropolis in the nation. It consists of five municipalities (City of Las Vegas, City of North Las Vegas, City of Henderson, Boulder City, and City of

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525 Ibid
Mesquite), each of which is governed by an elected mayor and council. The County of Clark, for which Las Vegas serves as the county seat, is managed by the Clark County Board of Commissioners, which holds considerable power given its jurisdiction over the properties located on the Las Vegas Strip, as well as regional matters such as transportation, public safety, water, and planning. Local education policy is under the purview of the seven-member elected Clark County School District Board of Trustees and implemented by a school superintendent who serves at the pleasure of the board.

Despite being recognized as an international metropolis, Las Vegas’ declining tourism and construction sectors have revealed a fragile state economy that has forced business and community stakeholders to reexamine the former boomtown’s infrastructure and investments in both social services and human capital. Reliance on consumer service industries such as gaming, hospitality, and construction has proved devastating due to the instability of the national economy and increased gaming industry competition in the U.S. and the world. Sadly, the tax revenues lost from the highly volatile industries upon which Las Vegas depends has resulted in a harsh financial reality that has been particularly damaging to systems of public K-12 and higher education in the state.

According to the 2010 Nevada’s Promise Report prepared by the Nevada Education Reform Blue Ribbon Task Force, which was charged with preparing the state’s Race to

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528 Ibid
531 Ibid
the Top application, “The staples of our economy—gaming, tourism and construction—are no longer sufficient to provide for our children’s future.”

In 2011, the historical and continued underinvestment in education at the state level, accompanied by the nation’s Great Recession and Nevada suffering the largest budget deficit as a proportion of its entire budget than any other state, created further consequences for an already compromised system. As the nation’s leader in home foreclosures in 2011 (only to be followed in the spring of 2012 by its Mountain West neighbors – Arizona and Utah), the expansion of urban, rural, and suburban poverty throughout the state disproportionately affected vulnerable families, neighborhoods, and communities and placed further strain on the schools already struggling to serve them.

Nevada consistently ranks below the national average in its share of taxable resources spent on education (2.9 percent vs. 3.8 percent) and second to last in per pupil spending ($7,845 vs. $10,557). Such inadequate support for education arguably contributed to Nevada ranking last or second to last in everything from graduation rates and post-secondary enrollment to a student’s overall chance for success.

In Las Vegas, historically black neighborhoods (the Westside) have experienced a large influx of Latino residents, causing large numbers of African Americans to leave

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their neighborhood and move to the suburbs. In the western United States, “there are no overwhelmingly black schools now, there are now as many Latinos as African Americans in the community, and the population trends in the lower grades show continuing change.” A total return to neighborhood schools would divide the African American and Latino populations.

In 2007, Seattle and Louisville Public Schools allowed students applying for high school to rank their high school choices by indicating their first choice, second choice, etc. As the more popular schools became full, the District used a system of tiebreakers to decide which students would be admitted to the popular schools. One of the methods for administering the tiebreaker was a racial factor intended to maintain racial diversity. If the racial demographics of any school's student body deviated by more than a predetermined number of percentage points from those of Seattle's total student population, which was approximately 40 percent white and 60 percent non-white, the racial tiebreaker went into effect. At any given Seattle school, either whites or non-whites could be favored for admission depending on which race would bring the school closer to the racial goal.

In 2006, a non-profit group, Parents Involved in Community Schools (PICS), sued the District, arguing that the racial tiebreaker violated the Equal Protection Clause of the Fourteenth Amendment as well as the Civil Rights Act of 1964 and Washington state


The district Court dismissed the suit, upholding the tiebreaker. On appeal, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit reversed lower court’s decision. The Circuit Court found that the tiebreaker scheme was not narrowly tailored. The District then petitioned for a ruling by a panel of eleven Ninth Circuit judges. The panel came to the opposite conclusion and upheld the tiebreaker. The majority (5-4) ruled that the District had a compelling interest in maintaining racial diversity.

With PICS taking place in 2007, it is safe to say that, as a society, we value education; however, the best way to provide a quality education for all children is still up for debate.

This historical study examined the cases that ended segregation in six elementary schools in Las Vegas while also providing a historical context for national desegregation issues and a historical background of Las Vegas. Segregation emerged as a result of economics in southern Nevada when people from the south relocated to find employment. Tourism and the gaming industry, coupled with racist attitudes brought on by Southerners, contributed to the problem. Practices of limiting blacks to low-paying jobs, low-prestige jobs, and living on the Westside earned Las Vegas the nickname “Mississippi of the West.” From a social constructivist worldview, school segregation and racial discrimination in West Las Vegas was the shared experience residents had to negotiate socially, politically, and culturally. Through interactions with other Westside residents and residents outside of the community, Westside residents had to navigate

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these everyday oppressive realities, which impacted their individual lives.\textsuperscript{542} The cement viaduct, known as the “concrete curtain”, became a physical and symbolic reminder of their separation, segregation, and isolation from the rest of the city further binding them together as a community.

Elementary schools in West Las Vegas were indeed segregated. Judge Thompson found that Clark County School District was, in fact, in violation of Westside children’s constitutional rights. The Courts were not powerless to end segregation and, in Clark County School District, they did achieve unitary status shortly after the implementation of the ordered desegregation plan. It is unfortunate that Clark County School District, like many other districts nationwide, had to endure long court battles, extensive legal fees, and children missing school to achieve integration.

More than fifty years after \textit{Brown}, public schools in the United States are even less integrated than they were in 1970.\textsuperscript{543} Approximately 26 percent of black students are in schools that are 83 percent white. On average, black students attend schools that are 54 percent black, while Latino students on average attend schools that are 52 percent Latino;\textsuperscript{544} however, 38 percent of the nation’s African American students attend 90 to 100 percent minority schools. This would not be an issue if majority-minority schools were achieving equivalent scores on high stakes standardized tests. School districts have struggled to find the most equitable solution to an ongoing problem and achieve a more racially integrated public school system.

\textsuperscript{544} Ibid
Between 1950 and 2010, the Western part of the United States’ population grew from 22 percent to 23.3 percent.\textsuperscript{545} Between 2000 and 2010, the total U.S. population increased by 9.7 percent. During this time, the Hispanic population grew by 43 percent, the Asian population by 43 percent, and the black population by 12.3 percent. The non-Hispanic white population grew by only 4.9 percent.\textsuperscript{546} Communities of color, which have been historically underserved in U.S. public schools, continue to grow at a rapid pace, and it is critical that current and future school leaders understand the significance of this demographic change and its implications for educational opportunity and equity in K-12 schools. As the classroom becomes increasingly diverse by race, class, and language, the economic and civic life of our country becomes dependent on the successful education of all children. Some would even say that education is at the core of our democracy. Minority children will support the social safety nets, such as retirement, that growing populations of elderly whites will rely on for social security checks and Medicaid benefits. In addition, minorities have historically been under-represented in such professions as science, medicine, and engineering. With the white population growing at comparatively slower rates than the non-white population, the nation could face serious shortages in many critical professions. Our future depends on tomorrow’s leaders: many of whom will be children representing communities of color.

As this research was conducted, this researcher found that most of the oral histories examined to give voice to the African American community from 1968 to 2008 were from individuals actively involved in and leading organizations like the Las Vegas

\textsuperscript{545} http://www.centerforpubliceducation.org/You-May-Also-Be-Interested-In-landing-page-level/Organizing-a-School-YMABI/The-United-States-of-education-The-changing-demographics-of-the-United-States-and-their-schools.html

\textsuperscript{546} Ibid
Chapter of the NAACP, Economic Opportunity Board, Clark County School District, as well as the Nevada State Senate and Assembly. Their reflections and viewpoints are an important piece of this local community history of school desegregation and resegregation. It is important however, to acknowledge that there yet remains an untold aspect of Las Vegas’ school desegregation story. This fuller picture requires the voices of the parents, students, teachers, school staff members, and everyday community residents whose lives were directly impacted by national and local efforts to end the practice of separate, but equal schooling in Las Vegas. Although, this case study offered some additional insight into the history of school desegregation and resegregation in Las Vegas, the half has not been told.
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Alpha Sigma Nu, National Honors Society of Jesuit Colleges and Universities
Kappa Gamma Pi, National Catholic College Graduate Honor Society
Pi Mu Epsilon, National Mathematics Fraternity