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# All Deliberate Delay: Desegregating the Public Schools of Orange County, Florida

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# All Deliberate Delay: Desegregating the Public Schools of Orange County, Florida

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**ABSTRACT:** Discussions of the Deep South often ignore Florida and neglect to note the complexities of race relations throughout the state's history. Central Florida particularly has been overlooked and historians have yet to establish firmly the history of mid-twentieth century race relations in the region. Since there are few existing written accounts of the civil rights movement in Central Florida, this study attempts to contribute to the scholarly discourse about race in the region by investigating the desegregation of Orange County public schools.

The bulk of this study is devoted to the 1962 case *Ellis v. Board of Public Instruction of Orange County, Florida* and how the case eventually desegregated the county's schools. The desegregation process was a long and arduous effort, but progress continued steadily; ten years after the suit was initiated, the county's school system bore little resemblance to the rigidly operated dual system of just one decade prior. This thesis sheds light on a previously overlooked segment of Central Florida's history and demonstrates why the untold story of Orange County's school desegregation effort is an important part of America's nationwide civil rights movement.

.....      *Republication not permitted without written consent of the author.*      .....



The history of school desegregation in Orange County, Florida, is a story of gradual change accomplished through a lengthy series of court decisions. Eight years after the Supreme Court found school desegregation unconstitutional in the landmark case *Brown v. Board of Education of Topeka*, Orange County's schools had yet to begin desegregating. Eight parents took it upon themselves to challenge the school board and demand desegregation. In the spring of 1962, the case *Ellis v. Orange County Board of Public Instruction* inaugurated a decade-long era of gradual reform and eventual progress. The ten-year period would be marked by compromise as the *Ellis* parents and the NAACP pressured for full desegregation, the school board attempted to control and limit that change, and the court sought to find solutions that would satisfy both parties, as well as the law. Although the school board had to be prompted to act, when compelled by the court the county complied, albeit reluctantly. Likewise, the district court that oversaw the case did not enact sweeping, radical reforms, but the court did utilize the full extent of the law to bring about gradual, consistent change.

As the climate of the country and the courts changed in support of civil rights, so too did the *Ellis* case evolve as new rulings defined what form school desegregation should take. Supreme Court cases and decisions by the Fifth Circuit Court of Appeals shaped the direction of the *Ellis* case, and indeed all desegregation cases in the country. The defining moment of school desegregation in Orange County came in early 1970 when the school board finally fully desegregated the county's faculty, while working towards full student desegregation. The court continued to refine the *Ellis* case and, by 1972, Orange County's significant desegregation efforts had ended. The process may have been slow and laborious, but the history of school desegregation in Orange County shows that progress was possible through continued commitment to compromise.

Almost a decade after the *Brown* case, little had changed in Orange County. On the eighth anniversary of the historic *Brown* decision, *The Corner Cupboard*\*, an Orange County newspaper, declared, "Negro Children May Be In Some County White Schools By Start Of September Term."<sup>1</sup> Obviously, *Brown* had not been implemented with all deliberate speed, and it was no accident that the county had yet to address school desegregation. At the time of the *Brown* ruling, Orange County school officials maintained there would be no immediate change in the operation of the county's schools and asserted

the county would see "eventual revision of the school system under a long-range planning program."<sup>2</sup> In 1954, county Superintendent Judson B. Walker claimed the county's residents were satisfied with the current system. Walker described the attitude of the black community as "cooperative and happy" because black educational facilities were excellent and blacks expressed "a preference to attend their own schools."<sup>3</sup>

Through the early 1960s, Orange County school officials continued to maintain that no desegregation efforts were necessary because black residents were satisfied with the county's education system. In 1962, Superintendent R. Earl Kipp explained that the Orange County School Board had not taken any action thus far based on the "assumption that through custom and for other reasons, there is general satisfaction over the way schools are being operated" in the county.<sup>4</sup> At the start of the previous school year, in the fall of 1961, there were rumors that ten black families planned to send their children to all-white Durrance Elementary near McCoy Air Force Base. On the first day of school, however, all black children reported to Holden Street Elementary, their assigned school. Superintendent Kipp surmised, "I am sure their parents are completely satisfied with that fine facility even if it is four or five miles away." *The Corner Cupboard* added, "Orange County's Negro families are too well pleased with the schools and attendant facilities now available for them to be concerned with sending their children to white schools, even though they may be nearer."<sup>5</sup>

Furthermore, when questioned at a deposition hearing in 1962, Kipp testified that the county's schools had been desegregated for at least one, possibly two years. He asserted "dark complexioned boys and girls" were currently attending schools with white children, although "to prove they are Negroes could be difficult . . . because some states issue birth certificates that make no mention of race."<sup>6</sup>

The Florida Pupil Assignment Act, also referred to as the Pupil Placement Law, was another effective way for school districts like Orange County to claim compliance with the Supreme Court, yet prevent any actual desegregation. Many other states also adopted "pupil placement" laws as a means of avoiding effective desegregation. These laws allowed school districts to reassign students to schools based on a host of criteria, none of which included mention of race. In actuality, black students were almost always denied placement in white schools.<sup>7</sup>

By 1962 it was clear that many black parents were not “too well pleased” with the state of schools, and parents throughout Florida began to demand compliance with the *Brown* ruling and the elimination of the Pupil Placement Law. That year parents challenged school boards in Duval County, Volusia County, Escambia County, Hillsborough County, and Orange County.<sup>8</sup> Historian James T. Patterson cites many reasons for the increase in civil rights activity after 1960, including the increasing “impatience of black people . . . with the pace of change since . . . *Brown*.”<sup>9</sup> Clearly, the number of suits initiated by Floridians in 1962 indicates black parents could no longer wait for school districts to voluntarily desegregate.

Floridians challenging the state’s school districts were bolstered by a federal ruling in the spring of 1962. U.S. District Judge J. Skelly Wright, of the Fifth Circuit Court of Appeals, declared Louisiana’s pupil placement law invalid. Four years earlier, the U.S. Supreme Court had ruled Alabama’s pupil placement law was constitutional “on its face,” but if the law was used to perpetuate segregation, it would be unconstitutional. Judge Wright maintained all pupil placement laws were unconstitutional because they can “only be validly applied in an integrated school system and then only where no consideration is placed on race.”<sup>10</sup>

It was in this atmosphere of increased statewide activity and more amenable federal courts that Orange County’s black parents began to agitate for school desegregation. The path to desegregation in Orange County would prove long and laborious, yet despite occasional protests from both the white and black communities, as well as the Orange County School Board, progress continued steadily and relatively conflict-free through 1972, when the county’s main desegregation efforts ended.

To better understand the attitudes of the white community in Orange County in the early 1960s, consider that in the summer of 1962 a white neighborhood in Eatonville asked the county zoning commission for permission to erect a seven-foot wall to block the sight of their black neighbors. A local paper referred to the partition, which would run for three-tenths of a mile, as a “Berlin type wall.”<sup>11</sup> Taking into account the symbolic significance of the Berlin Wall, built just one year earlier, the comparison underscores the division between the black and white communities. Another neighborhood in southwest Orlando became “aroused over [an] integration threat” and at least two families moved because they feared

“Negro children may be assigned to the . . . all-white Catalina Elementary.”<sup>12</sup>

Despite strained race relations between the black and white communities in Orange County, or perhaps because of them, in March 1962 eight black families asked the school board to desegregate the county’s schools. John P. Ellis, Altamese L. Pritchett, Will Lee Curry, Emma N. Woodley, M.K. Starke, Deloris M. Lance, and Alfred S. Wolcott presented the school board with a list of four demands: 1) Assignment of students to schools without regard to race, color, or creed; 2) Assignment of teachers, principals, and personnel without regard to race, color, or creed; 3) Abolition of dual schemes or patterns of school lines or attendance area lines based on race or color; 4) Abolition of practices which base budget, policies, curriculum, construction program and/or any function or administrative duties on race, color, or creed.<sup>13</sup>

Black parents had good reason to demand school desegregation. Not only was it the county’s long overdue responsibility to comply fully with the Supreme Court, but there was also a clear disparity between the quality of education white students received and that which black students received. The county admitted black children were given “old desks and books” and “double sessions were more prevalent in Negro schools.”<sup>14</sup> The district court also noted that “physical facilities, equipment, courses of instruction, and instructional materials” were inferior at black schools and black students entering white schools frequently required remedial education.<sup>15</sup>

When first confronted with the demand to open the county’s schools, the board accepted the position without comment and “no action was taken or anticipated.”<sup>16</sup> The board then attempted to “talk the parents out of their demands on the grounds that Orange County’s schools for Negroes are far and away better than any elsewhere; that they would be unwise to leave them for the far more overcrowded white schools.”<sup>17</sup>

When the parents persisted, the school board responded by citing the Pupil Placement Law of 1955 and noted no one had yet taken advantage of the law. Superintendent Kipp advised black families they simply needed to fill out the appropriate forms. *The Corner Cupboard* asserted, “Orange County’s Negro school children can attend any white public school they wish. All they have to do is prove they are being discriminated against because of their color.”<sup>18</sup> The application process, however, was far from simple. A series of complicated forms had to

be obtained from the principal of the school to which a student wished to transfer. Many school districts resorted to similar procedures that almost always assured black students would not be able to negotiate “the booby trapped battery of educational, sociological, and psychological tests.”<sup>19</sup>

In response, Francisco Rodriguez, NAACP attorney for the eight black parents, stated, “The Florida Pupil Assignment Law as it now reads is a totally inadequate remedy in view of the Supreme Court decision in the 1954 *Brown* case. We don’t want token integration. We want it to be complete; as the law provides.”<sup>20</sup> If the board did not react promptly, Rodriguez was prepared to sue the county to compel desegregation. *The Corner Cupboard* reported that the board would be sued for “allegedly operating a segregated school system.”<sup>21</sup> The use of “allegedly,” probably intended sarcastically, is indeed a dubious qualifier, considering the *Florida Educational Directory*, an official state-issued listing of all schools in Florida, continued to list Orange County’s white schools and black schools separately until 1963.<sup>22</sup>

In light of the county’s inaction, on April 6, 1962 John P. Ellis, on behalf of his daughter Evelyn, and the seven other African-American parents sued the Board of Public Instruction of Orange County Florida “to compel integration in public schools.”<sup>23</sup> It would be almost two years before the first court order was issued in response to the suit.

In the meantime, the school board sent home a letter with every student, informing parents they had the right to request transfer to any school they wished before August 15. The letter read in part, “Any application you make will be given careful consideration.”<sup>24</sup> Superintendent Kipp maintained his belief that black families were satisfied with the education system in Orange County and, at most, desired better school buildings and equipment.<sup>25</sup>

By the August 14 deadline, the school board received 368 reassignment applications, 23 of which were filed by black parents seeking reassignment to a white school. Fifteen of the requests were granted and the remaining eight were denied.<sup>26</sup> Out of the anticipated 10,120 black students who began school in Orange County in 1962, only the handful of students who were allowed to transfer attended a biracial school.<sup>27</sup> The other students were informed an “honest and conscientious process had clearly developed that the move would be illogical and impractical.”<sup>28</sup> Kipp reassured the board and the

community that the county was “operating to such a degree that the possibility of a federal court order forcing integration” was remote.<sup>29</sup>

As the county continued to evade desegregation, it became clear that desegregating the school district would require legal intervention. Finally, in the summer of 1964, the *Ellis* parents received the court’s first response to their suit.

On May 28, 1964, the Orange County School Board submitted a desegregation plan that satisfied the “prayers of the Plaintiffs.” The court’s final decree on June 9 found the plan to be “a fair and realistic one, considering the circumstances and conditions in the community, personnel and administrative problems, the efficient and harmonious operation of the school system itself, and at the same time, the constitutional requirements of deliberate speed.”<sup>30</sup> The heart of the plan was detailed in the first section, which granted students the right to attend the school closest to their residence without regard to race or color, provided the request complied with several prerequisites, including “(a) Choice of the pupil’s parent or guardian filed at a specified time. (b) Availability of capacity.” Most importantly, requests had to conform to a schedule for gradual school desegregation by grade level. The schedule called for the desegregation of grades one, two, and seven during the 1964-65 school year, grades one through eight the following school year, grades one through eleven the next year, with grades one through twelve desegregated by the 1967-68 school year.

One of the most significant portions of the plan freed the school board from having to bus students to comply with transfer requests. The section reads, “Nothing herein shall be construed to obligate the board to use the transportation system to honor preference, transfers, or assignments requested by parents or guardians.”<sup>31</sup> The plan also stated that race or color could no longer determine the location of new schools, the expansion of new facilities or the assignment of teachers and administrative personnel. Desegregation of the teaching staff was ordered to begin in the 1965-66 school year and continue every year thereafter.<sup>32</sup> A later court order in August 1971 stated the school board had fully complied with the court’s 1964 order.<sup>33</sup>

By the start of the 1965 school year, school officials reported 647 black students would attend school with white students. For the first time that year, ten previously all-white schools would enroll black students. The county



expected total enrollment to reach seventy thousand students.<sup>34</sup>

Not everyone was satisfied with the county's progress, however. In September of 1965, Rev. Henry McKinnon of the Taft Community Church accused the Orange County Public School System of racial bias. McKinnon strongly objected to the elimination of the sixth grade at Taft Elementary and the transfer of its students to Holden Heights Elementary almost eight miles away, and he charged that the school board refused to return his calls or hear his protests. When McKinnon had appeared before the school board in July he was told, "there was no intention to close the school or reduce the number of grades." School board member Kenneth Thigpen said he had "erred" when he told McKinnon no changes would be made. McKinnon felt the action was part of a plan to close the school completely, but maintained the community was growing sufficiently to keep the school open.<sup>35</sup> Ultimately, McKinnon's fears were realized and the following year the county closed the school entirely.<sup>36</sup>

One of the most important rulings in the history of the *Ellis* case as well as one of the most significant cases to come before the federal Fifth Circuit Court of Appeals was *United States v. Jefferson County Board of Education of Alabama* in 1967. The *Jefferson* ruling would eventually change the course of Orange County's *Ellis* case and the course of similar school desegregation suits in the South.

*Jefferson* was important for several reasons. It marked the beginning of greater judicial support for desegregation and also involved court supervision of public education.<sup>37</sup> Judge John Minor Wisdom of the Fifth Circuit decided the court would no longer tolerate thinly-veiled attempts to perpetuate segregation, such as pupil placement laws and freedom of choice plans. In *Jefferson*, Wisdom found, "The only adequate redress for a previously overt system-wide policy of segregation against Negroes as a collective entity is a system-wide policy of integration."<sup>38</sup> Most importantly, Wisdom developed a model school desegregation plan based on the guidelines developed by the Department of Health, Education, and Welfare (HEW), an agency established under the Civil Rights Act of 1964. Entrusted with overseeing federal funding for public schools, HEW started setting specific desegregation requirements for school districts, which risked losing federal funding if they did not comply.<sup>39</sup> In *Jefferson*, Wisdom adopted guidelines established by

HEW as minimum standards for a court order in the Fifth Circuit.<sup>40</sup>

In light of the *Jefferson* decision, on April 25, 1967 Judge Young amended his original *Ellis* order to comply with the new ruling. Among other revisions, Young ordered the board to use buses to satisfy the requests of students. The order states, "Where transportation is generally provided, buses must be routed to the maximum extent feasible in light of the geographic distribution of students, so as to serve each student choosing any school in the system."<sup>41</sup>

The revised plan also included a section on school equalization. The board was ordered to improve all previously all-black schools by taking "prompt steps necessary to provide physical facilities, equipment, courses of instruction, and instructional materials of quality equal to that provided in schools previously maintained for white students."<sup>42</sup> If those improvements were not possible, the school in question was to be closed and students were to be reassigned to the school of their choice. Furthermore, remedial education was to be offered to any student attending a previously segregated school to "overcome past inadequacies in their education."<sup>43</sup>

Official school board reports were optimistic about the pace of progress in the county. The introduction to a 1967 "Report on the Status of the Orange County Public School System" declared, "School desegregation is being accomplished in an orderly manner in Orange County." The report reflects that as a result of the 1964 and 1967 court decrees, by the start of the 1967 school year fourteen percent of the county's black enrollment, or 1,740 students, were "in attendance at predominantly white schools." Furthermore, 128 black teachers and 35 white teachers taught in schools where their race was the minority.<sup>44</sup>

Despite some initial progress, in December 1968, the *Ellis* plaintiffs sought further action to desegregate Orange County's schools based on the Fifth Circuit case *Graves v. Walton County Board of Education* (1968). The Fifth Circuit had found, "there are still many all-Negro schools in this circuit, all of which are put to notice that they must be integrated or abandoned by the commencement of the next school year."<sup>45</sup>

The school board initially submitted two unsatisfactory plans, but finally on March 11, 1969 a third plan, Plan C, was submitted to the court. However, the plaintiffs objected to its lack of specifics, what the court described



as a “skeletal” plan. At the evidentiary hearing that began April 30, witnesses for the school board presented greater details of the plan, removing many of the plaintiffs' complaints

In a lengthy explanation, the school board described how closing several black schools would affect the school system and noted exactly how the racial composition would change at remaining schools. The plan also committed the board to desegregating the county's faculty and promised “all formerly all-Negro schools will have biracial faculties and every school will have at least three teachers of the race which is in the minority at that school.”<sup>46</sup>

Eleven of the county's 106 schools were to remain completely black, including ten elementary schools and one junior high school. The board maintained rezoning would not have effectively desegregated those eleven schools and justified the exemption by citing legal precedents that gave the court the right to develop a desegregation plan according to the county's unique circumstances. Furthermore, the court maintained the county no longer had an identifiable dual system because the county's transportation system and extracurricular activities were completely desegregated and the school board was working toward desegregating the schools' faculties as well.

In conclusion, the court asserted the Orange County School Board had demonstrated its “good faith” in the past and there was “no reason to believe that the board will not earnestly endeavor to accomplish the objectives of Plan C.”<sup>47</sup>

Later the same year, two more court rulings would again change the course of the *Ellis* case and all other desegregation cases in the South. The Supreme Court case *Alexander v. Holmes County Board of Education* and the Fifth Circuit case *Singleton v. Jackson Municipal Separate School District* would finally compel the district court to order the Orange County School Board to operate a unitary school system.

In September 1969, the Supreme Court decided in *Alexander* the Court could no longer tolerate further delay in implementing school desegregation and the all-deliberate speed decree had expired. Desegregation must be implemented “at once.”<sup>48</sup> In January, 1970 the Supreme Court even more precisely defined the desegregation timetable. *Carter v. West Feliciana Parish*

*School Board* placed an expiration date on complying with the *Alexander* ruling. The Carter case ruled that all school districts had to complete full faculty and student desegregation by February 1, 1970. Carter reaffirmed the mandate set forth in *Alexander*, stating it was “the obligation of every school district to terminate dual school systems at once and to operate now and hereafter only unitary schools.”<sup>49</sup> Most importantly, Carter went further than *Alexander* and concretely defined “at once” as February 1, 1970.<sup>50</sup>

The Fifth Circuit established specific guidelines for the faculty desegregation that was to take place by February 1 in the December, 1969 *Singleton* case.<sup>51</sup> Although *Singleton* included many sections, the most important part provided for a fixed ratio of white teachers and staff to black teachers and staff at each school in a district. All schools in a district had to reflect the same ratio as present in the entire school system.<sup>52</sup> In Orange County, where eighty percent of the district's faculty was white and twenty percent was black, the faculty at each and every school had to be eighty percent white and twenty percent black.<sup>53</sup>

As ordered, the school board responded to the court on January 15 with a new plan for full student desegregation, named Plan I, and Judge Young approved the plan the following week.<sup>54</sup> Plan I modified the existing freedom-of-choice plan, Plan C, in three important ways: 1) Black students attending entirely or predominately black schools were given the “absolute, unconditional first choice” to attend the nearest entirely or predominantly white school; 2) Those black students would be provided “complete and total transportation;” and 3) The choice could be exercised anytime during the school year.<sup>55</sup>

Previously, lack of transportation or lack of available space prohibited black students from attending any school of their choice, but the court noted in its approval, “Plan I eliminated those two restrictions so that students in an all-black or predominantly black school [would] be able without any inhibiting factor to attend a school in which whites numerically predominate.” The most important point was the addition of transportation, giving black students “not only the right but the means to transfer.”<sup>56</sup>

Reaction to the ruling varied greatly. The most notable opposition came from the local NAACP, which appealed the ruling. NAACP attorney Norris Woolfork III noted the plaintiffs objected to the plan because two of the



county's schools would remain entirely black and although the current plan showed promise, mass transfers would be required to achieve countywide desegregation.<sup>57</sup>

After ordering the school board to submit more information about Plan I, the Fifth Circuit responded to the NAACP's appeal on February 17, 1970. The court ultimately ruled that the county's system of assigning students to the school nearest their home was essentially sound. The problem, according to the court, was that the county granted variances allowing white students to attend a predominantly white school farther from their home than a closer predominantly black school. The court allowed Orange County to keep its current system but without the use of variances. This would ensure each student was truly assigned to the school closest to his or her residence without regard to race. With the elimination of variances, the county's eleven all-black schools would be reduced to three.<sup>58</sup>

To satisfy the aforementioned faculty ratios established by *Singleton*, the board devised a plan for transferring the county's teachers. In order for the faculty of each school in the county to be eighty percent white and twenty percent black, 508 teachers had to be transferred. Over 200 teachers volunteered, and it was decided the rest of the transfers would be determined by a random drawing of names.<sup>59</sup>

On Friday, January 23 at five o'clock in the evening, volunteers from Valencia Junior College congregated to draw names. The marathon event would last until nearly six o'clock the next morning and was televised and anxiously watched by the county's teachers.<sup>60</sup> One teacher commented, "I had tears in my eyes all night. What will happen to my school children? This is terrible."<sup>61</sup> The now famous "fish bowl incident," so dubbed because the names were pulled from a long row of glass pickle jars, would dramatically change the landscape of the county's schools.

Many described the day after the transfer as being like the first day of school all over again.<sup>62</sup> Despite initial confusion over who had been transferred, faculty desegregation progressed with little incident. Of the names drawn, only four teachers resigned, one retired, and on the first day of classes after the transfer, only twenty-seven teachers missed class, most of whom called in sick.<sup>63</sup>

Although the "fish bowl" incident and accompanying

implementation of Plan I had varying consequences for Orange County's schools, the events during the early months of 1970 would prove to be a defining time in the history of the county's school desegregation efforts. Following the faculty transfers in January and the Fifth Circuit ruling in February, both Judge Young and the Fifth Circuit decided the county operated under a unitary school system and stated compliance with the court was "fully and timely accomplished."<sup>64</sup> More important than mere compliance, the Orange County School Board had acted decisively and promptly to abolish all remaining vestiges of faculty segregation and was working toward full student desegregation, to the satisfaction of the NAACP. Sixteen years after the Supreme Court ruled against segregated schools, Orange County public schools finally had a unitary system. For several years, Orange County would be one of only two districts in the nation to receive such a designation. The other unitary school system was in Knoxville, Tennessee.<sup>65</sup>

The Supreme Court cases *Swann v. Charlotte-Mecklenburg County Board of Education* and *Cisneros v. Corpus Christi, Texas, Independent School District* would compel the district court to make a few final amendments to Orange County's desegregation plan. The unanimous *Swann* decision in 1971 reaffirmed a state's duty to use all possible techniques of pupil assignment, particularly transportation, to achieve "the greatest possible degree of actual desegregation."<sup>66</sup> Judge Young interpreted the language of the *Swann* decision to compel Orange County to eliminate "all vestiges of past segregation," meaning schools that had existed under a dual school system and remained predominantly black required further desegregation. In the court's judgment, this included six of the eleven schools previously exempt under Plan C. However, the court ruled that four of the eleven previously exempt schools, all built after the demise of the dual system, "were built on their present sites for reasons other than to perpetuate segregation, so their racial compositions are not vestiges of past segregation."<sup>67</sup>

On September 17, 1971, Judge Young approved much of the school board's revised plan which included little busing. The approved plan closed two all-black elementary schools and called for clustering three schools, a common desegregation technique that combined grades at two or more schools to achieve greater racial balance. This required "some extra busing."<sup>68</sup> Furthermore, the plan slightly altered attendance zones, a move that required no additional busing. And lastly, two schools would





remain all-black because “their neighborhood make-up [was] such as to justify this.”<sup>69</sup>

A year later, on October 12, 1972 the district court ordered additional desegregation efforts in Orange County based on *Cisneros*. The 1972 *Cisneros* case applied specifically to Mexican-Americans in Texas, but the case also had important implications for all school desegregation cases. *Cisneros* reaffirmed school districts’ responsibility to abolish traditional patterns of segregation, and in light of the new ruling, the board submitted a strategy for further desegregating three schools.<sup>70</sup>

Although some black parents objected to the plan, the court praised the board’s efforts. The court felt it was clear the board was eager to “finally terminate the case” and remarked that the board “exercised sound judgment in seeking to avoid further litigation and accompanying disruption to the educational processes”<sup>71</sup> by submitting a viable new plan. The plan would begin in January 1973 and be fully implemented by the start of the 1973-74 school year.<sup>72</sup>

Although the *Ellis* case continued to exist in the courts through 2000, Orange County’s significant desegregation efforts ended with the court’s December 1972 order. After that year, the case was occasionally revised and amended, largely to reflect new school attendance zones, but it did not fundamentally change. Desegregation was not complete, but by 1972 the county’s school system bore little resemblance to the rigidly operated dual system of just one decade prior. In 1962, students attended schools defined by race, and black parents had little choice but to accept an unfair policy of arbitrary standards. The *Ellis* case finally compelled Orange County to deliver on the promise of the *Brown* decision, albeit belatedly. By 1972 a majority of the county’s students attended desegregated schools and black parents finally had a legal avenue to seek the best school possible for their children.



## Notes

\**The Corner Cupboard* was a self-proclaimed independent newspaper distributed in Orlando and Winter Park. The paper discussed local social news and events and often reported stories not published in larger papers, such as *The Orlando Sentinel*.

† “Closest to residence” was defined by the court as a school that was “closest to the child’s residence by means of the shortest available public street or generally traveled way of pedestrian or land vehicular traffic.”

‡ Although the *Carter* decision was not yet final, the Fifth Circuit wisely advised Orange County to prepare a plan that would accomplish student desegregation by February 1 in the event the Court ruled in favor of the deadline. As previously noted, the Supreme Court ruled the deadline would stand.

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## End Notes

<sup>1</sup> “Negro Children May Be In Some County White Schools By Start of September Term,” *Corner Cupboard*, May 17, 1962.

<sup>2</sup> Walter P. Jones, “Officials See Local School Status Quo,” *Orlando (FL) Sentinel*, May 18, 1954.

<sup>3</sup> Emily Bavar, “Court Segregation Ruling No Cause For Alarm Here,” *Orlando (FL) Evening Star*, May 18, 1954.

<sup>4</sup> “Color Bars Fell Last Year Without Reported Objection,” *Corner Cupboard*, August 30, 1962.

<sup>5</sup> “Kipp Says County Negroes Satisfied With Own Schools,” *Corner Cupboard*, September 14, 1961.

<sup>6</sup> “Color Bars,” *Corner Cupboard*.

<sup>7</sup> James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (New York: Oxford University Press, 2001), 100.

<sup>8</sup> Charles U. Smith and Charles Grigg, “School Desegregation In Florida,” in *The Civil Rights Movement in Florida and the United States: Historical and Contemporary Perspectives*, ed. Charles U. Smith (Tallahassee, FL: Father and Son Publishing, Inc., 1989), 200.

<sup>9</sup> Patterson, *Brown v. Board*, 121.

<sup>10</sup> “South’s Pupil Placement Laws In Jeopardy With New Ruling; Let’s See You Do It: Louisianan,” *Orlando (FL) Evening Star*, April 4, 1962.

<sup>11</sup> “Whites, Negroes In Agreement on Berlin Type ‘Wall,’” *Corner Cupboard*, July 19, 1962.

<sup>12</sup> “Isle of Catalina Area Aroused Over Integration Threat,” *Corner Cupboard*, September 27, 1962.

<sup>13</sup> “Negro Parents Ask Opening Of County Schools,” *Corner Cupboard*, March 1, 1962.

<sup>14</sup> “Color Bars,” *Corner Cupboard*.

<sup>15</sup> Final Decree of District Court, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division, April 25, 1967.

<sup>16</sup> “Color Bars,” *Corner Cupboard*.

<sup>17</sup> “Eyes on Wells in School Integration View Due Monday,” *Corner Cupboard*, March 8, 1962.

<sup>18</sup> “White Schools Will Open for Negroes Who Prove They’ve Been Discriminated Against,” *Corner Cupboard*, March 15, 1962.

<sup>19</sup> Smith and Grigg, “School Desegregation,” 201.

<sup>20</sup> “School Board Faces Suit To Integrate All Its Buildings,” *Corner Cupboard*, March 22, 1962.

<sup>21</sup> *Ibid.*

<sup>22</sup> State Department of Education, *Florida Educational Directory* (Tallahassee, FL, 1962), 99–102; State Department of Education, *Florida Educational Directory*, (Tallahassee, FL, 1963), 102–106.

<sup>23</sup> Civil Docket, United States District Court, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division.

<sup>24</sup> “Negro Children,” *Corner Cupboard*.

<sup>25</sup> *Ibid.*

<sup>26</sup> “Negroes Ask Seats in Eight White Schools: 12th Grader Applying for Winter Park High,” *Corner Cupboard*, August 23, 1962.

<sup>27</sup> *Ibid.*

<sup>28</sup> “Negroes Gain Seats in Two Local Schools,” *Corner Cupboard*, August 30, 1962.

<sup>29</sup> *Ibid.*

<sup>30</sup> Final Decree of District Court, Case No. 1215-ORL-Civ., United States District Court for the Middle

District of Florida, Orlando Division, June 8, 1964.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Final Decree of District Court, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division, August 16, 1971.

<sup>34</sup> “Ten All-White Schools to Get Negro Students,” *Corner Cupboard*, August 19, 1965.

<sup>35</sup> “Negro Minister Charges School Dept. Race Bias,” *Corner Cupboard*, September 16, 1965.

<sup>36</sup> *The History of Public Education in Orange County Florida* (Orlando, FL: Orange County Public Schools in Conjunction with Orange County Retired Educators Association, 1990), 208.

<sup>37</sup> Patterson, *Brown v. Board*, 145.

<sup>38</sup> Jack Blass, *Unlikely Heroes: The Dramatic Story of the Southern Judges of the Fifth Circuit who Translated the Supreme Court's Brown Decision into a Revolution for Equality* (New York: Simon and Schuster, 1981), 300–302.

<sup>39</sup> Patterson, *Brown v. Board*, 138.

<sup>40</sup> Blass, *Unlikely Heroes*, 301.

<sup>41</sup> Final Decree of District Court, April 25, 1967.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Orange County Public Schools, *Report on the Status of the Orange County Public School System* (Orlando, FL, 1967), 1.

<sup>45</sup> District Court Order, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division, May 13, 1969.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> *It's Not Over in the South: School Desegregation Cases in Forty-three Southern Cities Eighteen Years After Brown*, a report by the Alabama Council on Human Relations, American Friends Service Committee, Delta Ministry of the National Council of Churches, NAACP Legal Defense Fund, Inc., Southern Regional Council, Washington Research Project, (n.p., 1972), iv.

<sup>49</sup> *Carter v. West Feliciana Parish School Board*, 396 U.S. 290; 90 S. Ct. 608; 24 L. Ed. 2d 477 (1970).

<sup>50</sup> Ibid.

<sup>51</sup> *It's Not Over*, vi.

<sup>52</sup> Ibid.

<sup>53</sup> “Teacher Shift Takes One Day: Students Sit Tight Teachers Transfer,” *Corner Cupboard*, January 26, 1970.

<sup>54</sup> District Court Order, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division, January 22, 1970.

<sup>55</sup> “Proposed Pupil Desegregation Plan I,” appended

to District Court Order, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division, January 22, 1970, January 15, 1970.

<sup>56</sup> District Court Order, January 22, 1970.

<sup>57</sup> Andy Williams, “Schools May Be in for More Chaos,” *Orlando (FL) Sentinel*, January 25, 1970.

<sup>58</sup> *Ellis v. Board of Public Instruction of Orange County, Florida*, 423 F. 2d 203 (1970).

<sup>59</sup> “Drawing In Progress to Realign Teachers,” *Orlando (FL) Sentinel*, January 24, 1970.

<sup>60</sup> Ibid.

<sup>61</sup> “Mix List Release Set Today,” *Orlando (FL) Sentinel*, January 25, 1970.

<sup>62</sup> “New Look Schools Reopen,” *Orlando (FL) Sentinel*, January 27, 1970.

<sup>63</sup> “Teachers Want Replay,” *Orlando (FL) Sentinel*, January 28, 1970.

<sup>64</sup> District Court Order, August 16, 1971.

<sup>65</sup> “Board Gets New Plan for School Race Mix,” *Corner Cupboard*, September 9, 1971.

<sup>66</sup> *It's Not Over*, vii.

<sup>67</sup> District Court Order, August 16, 1971.

<sup>68</sup> Ibid.

<sup>69</sup> George Liedel, “Judge Young Rules: Blacks Have Right to Neighborhood Schools,” *Corner Cupboard*, September 20, 1970.

<sup>70</sup> “*Cisneros v. Corpus Christi ISD*,” *The Handbook of Texas Online*, <http://www.tsha.utexas.edu/handbook/online/articles/view/CC/jrc2.html>; “Chronological Outline,” Orange County Public School.

<sup>71</sup> District Court Order, Case No. 1215-ORL-Civ., United States District Court for the Middle District of Florida, Orlando Division, December 30, 1972.