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UNITED STATES
COURT OF APPEALS

FIFTH CIRCUIT

No. 23,365

UNITED STATES OF AMERICA

Appellant

versus

THE BOSSIER PARISH SCHOOL BOARD, ET AL.

Appellees

Appeal from United States District Court
for the Western District of Louisiana

Multilith Record

I N D E X

		<u>Page</u>
1	1. Plan for Desegregation	1
2	2. Objections to Desegregation Plan	13
3	3. Memorandum on Behalf of Defendants	
4	in Support of Defendants' Plan	15
5	4. Plaintiffs' Objections to Defendants'	
6	Plan for Desegregation	30
7	5. TRANSCRIPT OF PROCEEDINGS:	34
8	<u>For Defendants:</u>	
9	EMMETT COPE	35
10	"D-1" and "D-2" (sent in original)	65
11	BILL DAVIS	133
12	"Intervenor-1" - Average Daily	
13	Membership, Bossier Parish	168
14	WHITT T. WHITE	171
15	"Intervenor-2" - Annual Reports Sub-	
16	mitted by Principals for 1964-65	
17	(sent in original)	192
18	<u>For Intervenor:</u>	
19	WILLIAM STORMER	195
20	"Intervenor-3" - Ratings of Schools	
21	(sent in original)	202
22	<u>FOR DEFENDANTS:</u>	
23	MRS. RUTH COLVIN	217
24	GEORGE C. NELSON	228
25	"D-3" - Tax percentages (sent in	
	original)	230

I N D E X
(Continued)

Page

For the Plaintiffs:

BARBARA FAYE JONES 239

For Intervenor:

HENRY W. SMITH 243

"Intervenor-4" - Work Sheets of Henry
W. Smith (sent in original) 244

"Intervenor-5" - Maps (sent in original) 245

6. Order on Plan for Desegregation 251

7. Notice of Appeal 258

8. Designation 259

9. Order by Court of Appeals 260

10. Amended Order on Plan for Desegregation 261

11. Notice of Appeal 263

12. Certificate of Compliance 264

(a) Notice of Supt. Cope to Parents
and 12th Grade Students 269

(b) Affidavit of Brady Porter
(8-24-65) 270

(c) Public Notice 271

(d) Affidavit of Brady Porter
(8-23-65) 272

(e) Public Notice 273

13. Notice of Appeal 274

14. Letter to Alton L. Curtis, Clerk, from
John Doar dated 10-26-65 275

I N D E X
(Continued)

	<u>Page</u>
15. Motion and Order for Extension of Time Within Which to Docket Case	276
16. Clerk's Certificate	277
17. Appellant's Designation	278

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1
2
3
4
5
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SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA

1 IN THE UNITED STATES COURT OF APPEALS
2 FOR THE FIFTH CIRCUIT
3

4 NO. 23,365
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8 UNITED STATES OF AMERICA,

9 Appellant,

10 Versus

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12 THE BOSSIER PARISH SCHOOL BOARD, ET AL.

13 Appellees
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19 Appeal from the United States District Court for
20 the Western District of Louisiana
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23 RECORD ON APPEAL
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

URA BERNARD LEMON, ET AL,
Plaintiffs

NO. 10687

VS

THE BOSSIER PARISH SCHOOL
BOARD, ET AL.
Defendants

CIVIL ACTION

NOW INTO COURT, through undersigned counsel, come
BOSSIER PARISH SCHOOL BOARD and EMMETT COPE, its Superintend-
ent, who, with respect, show:

1.

That defendants, pursuant to an order of Court,
present herewith three alternative plans for desegregation
of Bossier Parish Schoos.

JACK P.F. GREMILLION, Attorney
General, State of Louisiana,
Capitol Bldg., Baton Rouge,
Louisiana

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Louisiana

1 to invite or induce disorganization and would impose ex-
2 cessive burdens on the available resources as well as
3 teaching and administrative personnel of the school and,

4 WHEREAS, the State Board of Education has not
5 promulgated rules and regulations relative to placement
6 of students in the schools and this Board has the inherent
7 power of pupil placement and more complete regulations
8 are necessary.

9 NOW, THEREFORE, to insure the continued orderly
10 and efficient operation of the school system and to comply
11 with the order of the Honorable United States District Court
12 and to instruct the school staff as to how they shall
13 handle the problems of desegregation and to insure orderly
14 procedure of uniform application for pupil assignment,
15 transfer, and/or placement, and to enable the continuing
16 improvement of educational advantages offered, the follow-
17 ing rules and procedures shall be followed:

18 I.

19 All initial pupil assignments made for the school
20 year 1965-66 will be considered adequate, subject,
21 however, to the right of a student to transfer to
22 the nearest formerly all-white or all-colored
23 school in accordance with the following transfer
24 provisions:

25 A. The Bossier Parish School Board will,

not later than July 14, 1965, mail a copy of this plan to all students, regardless of race or color, presently assigned for the school year 1965-66, to the twelfth grade of any school under its jurisdiction in School District No. 13, advising them that they may, from July 22, 1965, to August 5, 1965, apply for transfer and re-assignment to twelfth grade of the formerly all-white or all-Negro school closest to their place of residence.

B. Bossier Parish School Board will cause this plan to be published in the _____ for three (3) days, between July 14, 1965 and July 21, 1965, advising persons responsible for pupils eligible to enter the first grade in School District #13 that applications for assignment to the first grade of any school within School District #13 may be made from July 22, 1965 to August 5, 1965.

C. Each Negro child entering the first grade in School District #13 will report between July 22, 1965 and August 5, 1965, at

1 the school named below which is in the vicin-
2 ity of the child's residence at the time; up-
3 on such registration, an application may be
4 made by the parents for the child' assignment
5 to the nearest formerly all-white or all-Negro
6 school.

7 1. Butler Elementary School.

8 D. Each white child entering the first
9 grade in School District #13 will report
10 between July 22, 1965 and August 5, 1965, at
11 the school named below which is in the vicinity
12 of the child's residence at the time; upon such
13 registration, an application may be made by the
14 parents for the child's assignment to the
15 nearest formerly all-white or all-Negro school:

16 1. Waller Elementary School

17 2. Kerr Elementary School

18 3. Central Park Elementary School

19 4. Bossier Elementary School

20 5. Plantation Park School

21 6. Meadowview Elementary School

22 E. Application forms for transfers for
23 twelfth grade students within School District
24 #13 will be made available upon request by the
25 School Board at the School Board office to all

1 students affected. Complete detailed in-
2 structions as to procedure to be followed
3 in applying for transfers will be furnished
4 with the applications, and complete detail-
5 ed instructions as to procedures to be fol-
6 lowed in applying for transfers for the
7 first grade students will be furnished with
8 the applications at the schools named above
9 in sub-paragraphs C and D.

10 F. Transfers or assignments, when re-
11 quested, shall be initially made by the of-
12 fice of the Superintendent of Bossier Parish
13 schools. No transfer shall be unreasonably
14 denied, nor shall any denial of a request for
15 transfer or assignment be based on race or
16 color. Notice of the action of the office of
17 the Superintendent of Schools on the request
18 for transfer or assignment shall be mailed in
19 writing to the applicant not later than
20 August 16, 1965. In the event an applicant for
21 transfer or assignment is dissatisfied with
22 the action of the office of Superintendent of
23 schools in denying such application for trans-
24 fer or assignment, then the applicant may re-
25 quest a review of this action by the School
Board at any time prior to August 23, 1965,
and the applicant shall be notified of the ac-
tion of the School Board on or prior to

1 August 27, 1965. If such notification is
2 to the effect that the requested transfer
3 or assignment has been denied, specific
4 reasons shall be set forth in the notifica-
5 tion of review; provided, however, that the
6 office of the Superintendent and the School
7 Board may deny a request for assignment or
8 transfer if such request is not made with-
9 in the time limits herein specified. In
10 determining whether or not a request for
11 transfer or assignment shall be granted,
12 the office of the Superintendent and the
13 School Board may consider the following fac-
14 tors as proper criteria:

- 15 1. The desire or wishes of the pupil and
16 his parents, or guardian.
- 17 2. Availability of space and other fa-
18 cilities in the school to which the
19 transfer or assignment is requested.
- 20 3. The age of the pupil as compared with
21 the ages of pupils already attending
22 the school to which transfer is re-
23 quested.
- 24 4. The availability of requested or de-
25 sired courses of study in the school

to which the transfer is requested.

5. No pupil shall have a right to more than one transfer in any one school year unless he has a change of residence.

6. No request for transfer or assignment may be denied solely on the grounds of technical errors or omissions made by the applicant or his parents or guardian in the preparation of the application for transfer or assignment.

II.

The procedures for initial assignments and for transfers as set forth in this plan shall become applicable to the following grades in the following years for all schools under the supervision and control of the Bossier Parish School Board:

1966-67	Grades 1, 2, 11 and 12.
1967-68	Grades 1, 2, 3, 10, 11 and 12
1968-69	Grades 1, 2, 3, 4, 9, 10, 11 and 12
1969-70	Grades 1, 2, 3, 4, 5, 8, 9, 10 and 12
1970-71	All Grades

III.

Dual school districts on racial lines shall be abolished contemporaneously with application of this plan to the respective grades when and as reached by the application of this plan.

IV.

The method of initial assignment herein provided for /will, of course, be subject to all reasonable procedural requirements that may be adopted and promulgated by the Bossier Parish School Board.

V.

Nothing contained in this order shall be construed to prevent the separation of boys and girls in any school or grade, or to prevent the assignment of boys and girls to separate schools.

VI.

If any paragraph of these rules and procedures shall be held by any court of competent jurisdiction to be invalid for any reason, the remaining paragraphs shall continue in full force and effect. If any portion, clause, or sentence of any paragraph shall be held by any court of competent jurisdiction to be invalid for any reason, the remainder of such paragraph shall continue in full force and effect.

ALTERNATIVE PLAN

NO. 1

In lieu of paragraph II of the original plan,
substitute therefor the following paragraph:

II.

The procedures for initial assignments and for
transfers as set forth in this plan shall be-
come applicable to the following grades in the
following years for all schools under the
supervision and control of the Bossier Parish
School Board:

1966-67	Grades 1, 2, 11 and 12
1967-68	Grades 1, 2, 3, 10, 11 and 12
1968-69	Grades 1, 2, 3, 4, 9, 10, 11 and 12
1969-70	All Grades

ALTERNATIVE PLAN NO. 2

In lieu of paragraph II of the original plan, substitute therefor the following paragraph:

II.

The procedure for initial assignments and for transfers as set forth in this plan shall become applicable to the following grades in the following years for all schools under the supervision and control of the Bossier Parish School Board:

1966-67	Grades 1, 2, 11 and 12
1967-68	Grades 1, 2, 3, 4, 9, 10, 11 and 12
1968-69	All Grades

Filed June 25, 1965

---oOo---

(Title Omitted)
No. 10687

OBJECTIONS TO DESEGREGATION PLANS
SUBMITTED BY DEFENDANTS

The United States, plaintiff-intervenor, objects to the plans for desegregation of the Bossier Parish schools submitted by the defendants, and specifies its objections as follows:

I.

The plans fail to provide desegregation of all grades of all schools in Bossier Parish for the school year beginning 1965 - 1966, nor do the plans show any facts which would justify any delay.

II.

The plan and the optional plans fail to meet the minimum legal requirements in rate and scope of desegregation even if it were shown on hearing of these objections that administrative difficulties would justify a delay in the immediate and total desegregation of the school system for the school year 1965 - 1966.

III.

The plans fail to provide for a start of system-wide desegregation for the school year 1965 - 1966, but only proposes that desegregation be commenced in two grades in District 13, the Bossier City area, and that no steps be

1 taken to commence desegregation of the remainder of the
2 school system in Bossier Parish.

IV

3
4 The plans fail to provide for a unitary system of
5 school attendance zone, but rather retains bi-racial attend-
6 ance zones, even in District 13, and the plans merely set
7 up a transfer system whereby students in grades 1 and 12
8 may apply for transfer from the school in their racially
9 restrictive attendance areas.

V.

10
11 The plans fail to provide, with respect to grades
12 not yet desegregated, for the permissive transfer of
13 students to other schools in order to take courses of study
14 not available in the school of attendance.

VI.

15
16 The plans fail to provide for non-racial assignment
17 of students in grades not immediately desegregated, who come
18 into the school system for the first time, or who transfer
19 their residence within the parish from one attendance area
20 to another.

VII.

21
22 The plans fail to provide for the elimination of
23 racial discrimination in services, activities, and programs,
24 including buses or other transportation facilities provided
25 or sponsored by or affiliated with the school system.

VIII

The plans fail to provide for the elimination of race as a factor in the hiring, retention, assignment, and the conditions and privileges of employment of teachers, administrators, and other staff personnel in the schools of the Bossier Parish School District.

/s/ D. Robert Owen
D. ROBERT OWEN, Attorney
Justice Department

/s/ Alexander C. Ross
ALEXANDER C. ROSS, Attorney
Department of Justice

/s/ Edward L. Shaheen
EDWARD L. SHAHEEN
United States Attorney

Filed: July 12, 1965

---oOo---

(Title Omitted)
No. 10687

MEMORANDUM ON BEHALF OF DEFENDANTS IN SUP-
PORT OF DEFENDANTS' PLAN

Eleven separate objections have been proffered to defendants' plan of desegregation of Bossier Parish schools; of these, four are common objections by the plaintiffs and the intervenor. The government has three separate objections

1 of its own, and plaintiffs have four separate objections.
2 We shall deal separately with each.

3
4 COMMON OBJECTIONS

5 I.

6 THE PACE IS ALLEGED TO BE TOO SLOW

7 Both plaintiffs and intervenor are dissatisfied
8 with defendants' four-year plan; plaintiffs maintain that the
9 HEW standard of three years would be proper, while the
10 government insists all grades should be integrated the first
11 year (see plaintiff objections, paragraphs 1 and 2; defend-
12 ant objections, paragraphs 1 and 2).

13 Pretermittting for a moment the question of whether
14 the decisions of the Fifth Circuit Court of Appeals require
15 a more rapid pace than four years, the court decree, pursuant
16 to which this plan was submitted, should be examined first.
17 The decree, rendered April 13, 1965, states in pertinent
18 part as follows (Record 114, et seq.):

19 "The speed and manner as to which the schools
20 are desegregated shall be in accordance with
21 the requirements set forth by the Fifth Cir-
22 cuit Court of Appeals in the following cases:
* * * (here follows a citation of 5th Circuit
cases.)"

23 None of the cases cited in the decree provide for a more
24 rapid desegregation than four years. In the Lockett case
25 (Feb. 24, 1965), the latest of those cases mentioned in the

1 decree, the court stated that four years is the maximum ad-
2 ditional time to be allowed for the inclusion of all grades
3 in a desegregation plan. In that case the plan at issue
4 had already been in effect for one year, and the court did
5 not make it clear whether or not its decision meant that
6 four years would be the minimum time in all future cases, or
7 whether, on the other hand, five years would be allowed
8 (counting the one year the plan had been in operation.) But
9 it is clear that the four-year pace for desegregation is
10 the most that could possibly be required under any construc-
11 tion of Lockett. The other decisions mentioned in the decree
12 call for a less rapid desegregation pace; e.g., the Gaines
13 case called for six years, and the Stell case called for six
14 years.

15 The decree of this court rendered April 13, in
16 specifying the "speed and manner as to which the schools
17 are desegregated" was an appealable decision. Thus, in
18 Board of Public Instruction of Duvall County, Fla., v. Brax-
19 ton, 326 F. 2d 616 (5th Cir. 1964), the court specifically
20 ruled that a District Court decree ordering the submission
21 of a desegregation plan was an appealable decree, notwith-
22 standing the fact that the District Court retained juris-
23 diction for the purpose of implementing the plan, and not-
24 withstanding the fact that additional time would be allowed
25 before carrying out the plan. Neither the plaintiffs nor the

1 intervenor has appealed from the decree of this court, and
 2 we submit that this decree is, therefore, "the law of the
 3 case" insofar as "the speed and manner" are specified.

4 The easy answer to plaintiffs' and intervenor's
 5 objections to the pace for desegregation is found in the
 6 latest expression of the Fifth Circuit. In Price v. The Den-
 7 nison Independent School District Board of Education, et al.
 8 No. 21,632 (5th Cir. July 2, 1965), the Fifth Circuit,
 9 referring to recent cases of that court, stated:

10 "From this history all in this circuit know
 11 other specific things. The first is that,
 12 if challenged, a grade a year will not pass
 13 muster. Second, the process must work
 14 simultaneously from both ends -- first grade
 15 and last grade. Third, the end is in sight
 16 and all grades must be desegregated by the
 17 opening of school term Fall 1958-69."
 18 (Emphasis supplied.)

19 The plan submitted by defendants in this case meets
 20 the standard of the Dennison case in providing for full de-
 21 segregation of Bossier Parish schools by the Fall term 1968-
 22 69 and, further, the plan works from both ends -- the first
 23 grade and last grade. It is therefore respectfully submit-
 24 ted that even if the court's decree rendered in this case
 25 April 13 is not "the law of the case", then defendants' plan
 meets the standards set forth by the Fifth Circuit.

23 II.

24 Bi-RACIAL ZONES ALLEGEDLY RETAINED

25 Both plaintiffs and intervenor object that bi-racial

1 school attendance zones are retained by the Board (see
2 government's objections, par. 4 & plaintiffs' objections,
3 par. 6). These objections misconceive the defendants' plan.
4 Paragraph III of defendants' plan specifically states that:

5 "Dual school districts on racial lines shall
6 be abolished contemporaneously with applica-
7 tion of this plan to the respective grades
8 when and as reached by the application of this
9 plan."

10 This method of abolishing dual attendance zones as the plan
11 reaches each respective grade is standard operating pro-
12 cedure in desegregation cases. For example, see Armstrong
13 v. Board of Education of City of Birmingham, 333 F.2d 47 at
14 p. 51 (5th Cir. 1964) wherein it is stated:

15 "The dual or bi-racial school attendance system,
16 that is, any separate areas, districts or zones,
17 shall be abolished as to each grade to which the
18 plan is applied and at the time of the applica-
19 tion thereof to such grades, and thereafter
20 to additional grades as the plan progresses. Bush
21 v. Orleans Parish School Board, (5th Cir. 1962),
22 308 F.2d 491."

23 See Also Davis v. Board, etc., of Mobile County,
24 Ala., 333 F. 2d 53 (5th Cir. 1964). Or, see
25 Stell v. Savannah Chatham Board of Education,
333 F. 2d 55 (5th Cir. 1964) wherein it is said
(333 F. 2d at 64):

"Moreover, a necessary part of any plan is a
provision that the dual or bi-racial school
attendance system, i.e., separate attendance
areas, districts or zones for the races, shall
be abolished contemporaneously with the ap-
plication of the plan to the respective grades
when and as reached by it. Bush v. Orleans
Parish School Board, *supra*."

III.
INTEGREGATION OF TEACHERS NOT REQUIRED

The government and plaintiffs complain that the plan is deficient in that it fails to provide for the immediate elimination of race as a factor in the hiring, retention, assignment and conditions and privileges of employment of teachers, administrators and other staff personnel in the Bossier Parish School System (see government's objections, par. 8 and plaintiffs' objections, par. 7). The comments made above relative to the failure to appeal this court's decree of April 13th are applicable here; paragraph 4 of the court's decree (Record 115) specifically states that:

"The question of desegregation of teaching and administrative personnel in the Bossier Parish schools will be deferred until the plan for desegregation of pupils, as finally approved, either has been accomplished or has made substantial progress. Augustus v. Board of Public Instruction of Escandia County, Florida, 306 F. 2d 862 (5th Cir. 1962); Calhoun v. Latimer, 321 F. 2d 302 (5th Cir. 1963); and Lockett v. Board of Education of Muskogee County School District, Ga. _____ f. 2d _____, (5th Cir. 1965)."

Plaintiffs' failure to appeal this part of the court's decree makes this the law of the case. Furthermore, the cases cited in the court's decree as authority for deferring action on integregation of teaching personnel, clearly justifies the action of the court in this regard.

IV.

BUSES ALLEGEDLY NOT DESEGREGATED

Plaintiffs and the government complain that the school bus system and other services, activities and programs of the School Board are not desegregated by the plan (see government's objections, par. 8 and plaintiffs' objections, par. 7). Individual school buses serve individual schools. Defendants did not intend to maintain segregation in the school bus system, except to the extent that individual schools may remain segregated. However, to the extent that individual schools are desegregated, defendants recognize that the school buses must also be desegregated. This does not mean, of course, that school buses will be routed out of their way simply to maintain some quota of racial mixing, but to the extent that the operation of an efficient and convenient school bus system requires, defendants will not maintain racial segregation in the bus system. In like manner, school activities and programs will be desegregated to the extent that the schools are desegregated.

OBJECTIONS SUBMITTED SOLELY BY THE INTER-
VENOR

I.

RURAL AREAS EXCLUDED FROM THE PLAN

The government objects that during the first year of operation of this plan, only the urban areas are included (School District #13) and that the plan does not apply to the rural areas until the second school year. Of course, in the second school year the plan applies to rural areas to the same extent as it does to School District #13.

It is significant that plaintiffs, who have local counsel, have not objected to the exclusion of the rural areas in the first year.

All of the myriad cases following the Brown decision have recognized that the District Court has wide discretion, within certain broadly stated outlines, to implement desegregation plans. The obvious reason for this discretion vested in the District Court is that each school jurisdiction has its own peculiar problems which can best be resolved by the District Judge on the local level. The difficulties in immediately desegregating rural areas in Bossier Parish are obvious to everyone within Bossier Parish, including the School Board, and we submit that it would be proper exercise of the court's discretion to allow postponement of desegregation in Bossier Parish rural areas until the second year of

1 the plan.

2 Authority for the exercise of discretion in this
3 regard is found in Davis v. Board of School Commissioners
4 of Mobile County, Ala., 322 F. 2d 356, and 333 F. 2d 53
5 (5th Cir. 1964), cert. den. 85 S. Ct. 85. There, the
6 court said (333 F. 2d at 54), "It should be noted that the
7 mandates of this court in Mobile and in Birmingham, when we
8 granted an injunction pending appeal, are essentially
9 identical, except that in Mobile the District Court was au-
10 thorized to defer desegregation of rural schools in Mobile
11 County until September 1964."

12
13 II.

14 TRANSFER TO TAKE UNAVAILABLE COURSES UN-
15 AUTHORIZED

16 The government next argues that the plan is de-
17 ficient in failing to provide, with respect to grades not
18 yet desegregated, for the permissive transfer of students
19 to other schools in order to take courses of study not avail-
20 able in the school of attendance (government's objections,
21 par. 5). To begin with, there is no showing that Negroes
22 are discriminated against in regard to courses of study at
23 the Negro schools. To the contrary, the Bossier Parish
24 School Board submits that while their education has been
25 separate for the races, it is, nonetheless, equal. We know

1 of no decided case in which such "permissive transfers" have
2 been required, nor has the government referred the court to
3 any such decision. Accordingly, we submit that this objec-
4 tion is totally without merit.

5 6 III.

7 CHILDREN COMING INTO THE SYSTEM FOR THE 8 FIRST TIME

9 The intervenor (but not the plaintiff) objects that
10 the plan does not apply to children coming into the school
11 system for the first time or to those who change their resi-
12 dence within the parish from one attendance area to another
13 (government's objection, par. 6). The plan, of course,
14 does apply to children coming into the system for the first
15 time as to those grades which have been reached by the plan.
16 We submit that there is no valid reason for granting new
17 students such preferential treatment. To the contrary, they
18 should have precisely the same rights that the local Bossier
19 Parish Negroes have. The defendants' plan grants these new
20 students such equal rights.

21 PLAINTIFFS' OBJECTIONS

22 I.

23 ALLEGED INITIAL ASSIGNMENT OF NEGROES

24 The plaintiffs (but not the government) object to
25

1 what is called "registration" at Negro schools to be fol-
2 lowed by "onerous and burdensome" transfer proceedings as a
3 prerequisite to entering white schools (plaintiffs' objec-
4 tions, par. 3, 4, 5).

5 To say that the defendants' plan provides for a
6 "screening process" or otherwise imposes onerous or burden-
7 some requirements upon the Negroes desiring transfer is
8 totally fallacious. Rather, defendants' plan is both rea-
9 sonable and simple and devoid of any discriminatory pro-
10 vision. Thus, the plan provides for more than adequate no-
11 tice to the Negro of his right to transfer (Plan, par. 1-A
12 &B), provides that application forms for transfers will be
13 made freely available, and further that "complete detailed
14 instructions as to procedure to be followed in applying for
15 transfers will be furnished with the application" (Plan,
16 par. 1-E); and, most important, the plan specifically pro-
17 vides that no request for transfer or assignment may be
18 denied solely on the grounds of technical errors or omis-
19 sions made by the applicant or his parents or guardian in
20 the preparation of the application for transfer or assignment
21 (Plan par. 1-F6); and, further, that no transfer shall be
22 unreasonably denied, nor shall any denial of a request for
23 transfer or assignment be based on race or color (Plan par.
24 1-F).

25 Plaintiffs' objection that a "freedom of choice

1 plan" does not meet the Fifth Circuit requirements in school
2 desegregation cases, is simply contrary to the decisions of
3 that court. For example, the plan in Armstrong v. Board of
4 Education of the City of Birmingham, 9 Race Rel. L. Rep.
5 1163, et seq (Civil Action 9678 USDC N. District of Ala.,
6 So. Div., June 28, 1964) specifically provides for Negro
7 students entering the first grade to report to the Negro
8 schools for assignment, and for white children to report to
9 the white schools for assignment. It is interesting to
10 note that this provision was inserted in the plan by the
11 District Judge ex proprio motu in order to meet the mandate
12 of the Fifth Circuit Court of Appeals. The Fifth Circuit
13 had stated (Armstrong v. Board, etc., 333 F. 2d 47, at 52,
14 June 18, 1964) as follows:

15 "The proposed plan must be further implemented
16 by giving timely notice of it by the Superin-
17 tendent and Board of Education to the students,
18 parents, teachers, and other appropriate school
19 personnel ... We also leave to the discretion
20 of the trial court the fixing of dates and
21 period of time during which such applications are
22 to be made and acted upon. Applicants will not
23 be required to submit to undue delay in the
24 consideration of their applications, or to burden-
25 some or discriminatory administrative procedures.
McNeese v. Board of Education, 373 U.S. 668, 83
S. Ct. 1433, 10 L. Ed. 2622."

22 Thus, the District Court's purpose in inserting this provision
23 in the plan was to provide for an easy and non-discriminatory
24 manner by which first-grade Negroes would be integrated into
25 white schools.

We submit that the plan's provision for considering the previous years' assignments as effective unless and until a transfer is requested is in accordance with the law of the Fifth Circuit. As noted by the Fifth Circuit in Stell v. Savannah Chatham County Board of Education, 333 F. 2d at 59 (footnote 2):

"No Court has required a 'compulsory racially integrated school system' to meet the constitutional mandate that there be no discrimination on the basis of race in the operation of public schools. See Evers v. Jackson Municipal Separate School District, 5th Cir. 1964, 328 F. 2d 408, and cases there cited. The interdiction is against enforced racial segregation. Incidental integration, of course, occurs through the process of desegregation. See Stone v. Board of Education of Atlanta, 5th Cir. 1962, 309 F. 2d 638."

Indeed, practically every plan considered by the Fifth Circuit has involved a similar "freedom of choice" provision as that contained in the Bossier Parish plan.

II.

ALLEGED OVERCROWDING IN COLORED SCHOOLS

Plaintiffs next object that defendants' plan, by failing to propose destruction of the dual system of coalescence of dual zones, permits excessive overcrowding of Negro schools as compared with white schools to continue (Plaintiffs' objections, par. 9). As mentioned above, the dual school zones are to be abolished by specific provision

1 of the plan as the particular grades are reached by the
2 plan. Secondly, there is no overcrowding of Negro schools
3 in relation to white schools. The defendants' answers to
4 plaintiffs' interrogatories, contained at page 45, et. seq.
5 of the record, will show that the percentage of capacity of
6 the white and colored schools in Bossier Parish is comparable.

III.

DISCRIMINATION IN SCHOOL CONSTRUCTION PLANS ALLEGEDLY CONTINUES

7
8
9
10
11 The plaintiffs argue that defendants' plan, by
12 failing to propose destruction of the dual system of coales-
13 cence of the dual zones, fosters continued discrimination
14 in regard to the proposed plan for school construction
15 (plaintiffs' objections, par. 10). Again, dual zones are
16 being eliminated as the plan reaches the respective grades.
17 Secondly, there is not, nor has there been, any discrimina-
18 tion with regard to expenditure of funds for capital im-
19 provement (see defendants' Answers to Interrogatories, Nos.
20 37 & 38, Record 52-53). Rather, funds for capital improve-
21 ments are made on the basis of need at particular schools.

IV

FINANCIAL BURDEN ON NEGROES ALLEGELY CON- TINUES

22
23
24
25 Plaintiffs allege that by failing to propose

1 destruction of the dual school zones the unnecessary finan-
2 cial burden borne most heavily by Negro parents will
3 continue (plaintiffs' objections, par. 11). As mentioned
4 above, the dual school zones are being abolished. But to
5 say that Negro parents are shouldering an unfair financial
6 burden in the operation of Bossier Parish schools is down-
7 right ridiculous. In fact, as will be shown by evidence to
8 be presented at the hearing of these objections, it is the
9 white people of Bossier Parish who bear an unfair per capita
10 burden for supporting the schools.

CONCLUSION

11
12
13 It is respectfully submitted that the objections
14 of the government and of plaintiffs to defendants' plans are
15 without merit.

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23 By /s/ J. Bennett Johnston, Jr.
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Filed: July 28, 1965

Attorneys for Defendants

(Title Omitted)
No. 10687

PLAINTIFFS' OBJECTIONS TO
DEFENDANTS' PLAN FOR DESEGREGATING
THE BOSSIER PARISH SCHOOLS

In response to defendants' desegregation plan filed herein on June 28, 1965, plaintiffs make the following objections:

1. Plaintiffs object to the time proposed to complete desegregation. The proposed pace (including that in the alternative plans) does not conform to the minimum standards set by the United States Office of Education* which except for rare instances, are the judicial standards in this circuit. Singleton v. Jackson School District, No. 22527 (5th Circuit, June 22, 1965)

2. Plaintiffs further object to the pace contemplated by these plans on the ground that defendants have failed to justify any proposed delay; minimum standards are merely that -- defendants must bear the burden of showing why complete desegregation can't be accomplished immediately.

* Defendants, as the court knows, receive a considerable amount of federal financial assistance and pursuant to Title VI of the 1964 Civil Rights Act would squarely be subject to the Education Office's standards but for the presence of this court's orders. This order should not be used to permit defendants to depart from these minimum standards.

1 3. Plaintiffs object to the method of desegregation
2 proposed by the plan. The plan contemplates a system of
3 racially grounded transfers pursuant to which Negro children
4 and their parents or guardians are required to apply for the
5 privilege of attending "white" schools after they have been
6 initially assigned to "Negro" schools. This Negro children
7 will be screened, will be required to "pass muster" in or-
8 der to enter "white" schools. Not only is this at variance
9 with the law in this circuit, see Lockett v. Board of Educa-
10 tion of Muscogee County School District, 342 F. 2d 225 (5th
11 Cir. 1965) (freedom of choice as a minimum guide), it is an
12 avoidance by defendants of their duty to desegregate.
13 Singleton v. Jackson School District, supra, n. 5.

14 4. What the plan proposes with respect to the first
15 grade is particularly objectionable since Negro children
16 are first required to register at "Negro" schools and they
17 apply to attend white schools. Hence, there is a complete
18 absence of nondiscriminatory initial assignment which can
19 only be accomplished by assigning children, Negro and white,
20 to the schools nearest their homes on the basis of fairly
21 drawn unitary nonracial geographic zones.

22
23 5. Plaintiffs are made subject to "onerous and burden-
24 some requirements" (See Lockett, supra) by the screening
25 criteria and review procedures of defendants' plan. This

1 is a piece with the racially discriminatory transfer system
2 proposed in the plan.

3
4 6. The plan does not provide for abolition of the dual
5 system since there are no provisions for coalescence of the
6 present dual zones based on race into single zones based
7 only on such factors as population, capacity, geography,
8 residence, etc..

9 7. The plan proposes nothing with respect to desegrega-
10 tion of adult teaching and supervisory personnel.

11
12 8. The plan fails to provide for the desegregation of
13 the racially based dual system of busing Negro and white
14 children to school nor does it take into account the effect
15 of the transportation pattern on the system of dual zoning
16 and does not purport to abolish either.

17 9. Defendants' plan, by failing to propose destruction
18 of the dual system by coalescence of the dual zones, permits
19 excessive overcrowding in the Negro schools as compared with
20 the white schools to continue.

21
22 10. Defendants' plan, by failing to propose destruction
23 of the dual system by coalescence of the dual zones, fosters
24 continuing discrimination in regard to the proposed plans
25 for school construction.

11. Defendants' plan, by failing to propose destruction of the dual system by the coalescence of the dual zones, continues in effect the unnecessary financial burden borne by both races but which falls more heavily on Negro parents, that is the result of operating a dual system of schools.

/s/ Norman C. Amaker

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Filed: July 28, 1965

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF LOUISIANA
3 SHREVEPORT DIVISION
4

5 URA BERNARD LEMON, ET AL.

6 VS.

NO. 10,687

7 BOSSIER PARISH SCHOOL
8 BOARD, ET AL.

9 Transcript of proceedings in the above-entitled
10 action, before the Honorable Ben C. Dawkins, Jr., United
11 States District Judge, at Shreveport, Louisiana, on July
12 28, 1965.

13 MESSRS:

14 NORMAN C. AMAKER,
Attorney for Plaintiffs

15 ALEXANDER ROSS,
16 Attorney for Intervenor

17 J. BENNETT JOHNSTON, JR. and
18 LOUIS H. PADGETT, JR.,
19 Attorneys for Defendants.
20
21
22
23
24
25

1 THE COURT: Gentlemen, we have the case of 2
3 Lemon against the Bossier Parish School Board, et al. The
4 Board filed its proposed plan and there have been objections
5 filed in writing by the Government as Intervenor.

6 It seems to me that the orderly
7 method of reaching the problems presented would be to permit
8 the taking of all evidence that is attempted to be taken
9 first and then take up each of the objections seriatim.

10 Does that meet with your
11 approval?

12 MR. JOHNSTON: Yes, sir.

13 THE COURT: As proponents of the plan, you
14 ought to go first, Mr. Johnston. Will you proceed.
15

16 EMMETT COPE

17 called as a witness on behalf of the defendants, being
18 first duly sworn by the Clerk, testified as follows:
19

20 DIRECT EXAMINATION

21 BY MR. JOHNSTON:

22 Q You are Mr. Emmett Cope, Superintendent of Schools
23 in Bossier Parish?

24 A Yes, sir.

25 Q Mr. Cope, how long have you been connected with

1 the Bossier Parish School System?

3

2 A Since 1952 as principal of the Bossier High School
3 when I came here from the State Department of Education. In
4 1956, I was Business Manager of the Bossier Parish School
5 Board.

6 Q Prior to 1952, what was your connection with the
7 educational system in Louisiana?

8 A I was a member of the State Department of Education
9 and I have coached and taught since 1939.

10 Q Since 1939 you have been connected with education
11 in Louisiana?

12 A Yes, sir.

13 Q How long have you been Superintendent of Schools
14 in Bossier Parish?

15 A I will have been Superintendent three years as of
16 August 1.

17 Q Mr. Cope, in the plan submitted by the Bossier
18 Parish School Board there are three important areas. First
19 of all, we have requested a minimum of four years to
20 integrate all schools and an additional year to integrate
21 the schools in the rural areas -- the first year to apply
22 to School District 13 and thereafter to the rural areas.

23 As regards School District 13, which is the Bossier
24 City area, approximately how many students do you have,
25 approximately, from Barksdale Field?

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1 A We have approximately 1100 on Base students.

4

2 Q As opposed to the second alternative plan, the
3 Government and the plaintiffs insist the plan should be
4 implemented for total desegregation in one year.

5 Is it necesssry for the Bossier Parish School
6 Board to have a least a minimum of four years within which
7 to implement this plan?

8 A Yes, sir, I actually feel that way.

9 Q It would be impossible to desegregate Bossier
10 Parish in one year?

11 A Yes, sir.

12 Q Is the Bossier Parish School System different from
13 other school districts or school systems within the State of
14 Louisiana?

15 A Yes, I think we are an exceptional case.

16 Q How does Barksdale Field and other federally con-
17 nected school children affect the particular problem in
18 Bossier Parish?

19 A We have a great turn-over due to the rotation of
20 military personnel. There are approximately 4,400 students
21 as a result of the impacted area.

22 Q In other words, 4,400 children are federally
23 connected children?

24 A Yes, sir, out of approximately 15,500.

25 Q This includes the missile base, ordnance plant and

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1 Barksdale Field?

2 A Yes, sir, the Veterans Administration and other
3 organizations.

4 Q Is this not the largest impacted area in the State
5 of Louisiana?

6 A It is by far the largest in the State of
7 Louisiana and I think the largest in the South considering
8 the size of Bossier City.

9 Q The impacted area student is different from the
10 ordinary student in that there is a large turn-over as to the
11 number of students assigned to the Bossier Parish Schools?

12 A Yes, sir. Out of the 4,400 impacted children, the
13 greater portion of them are from Barksdale Field and due to
14 the fact that there are military movements we have a
15 constant turn-over of students.

16 I asked Mr. Davis, the Superintendent of Attendance,
17 to give me the turn-over and the figures that I got were
18 about a thousand to fifteen hundred a year.

19 Q In other words, you can count on a thousand to
20 fifteen hundred turn-over of students per year?

21 A Yes. That was principally in Bossier High School.
22 I know the largest enrollment was 1,133 pupils and each year
23 half of that student body had not gone to that school the
24 previous year. That includes the incoming grades from the
25 Junior High.

1 Q You said a thousand to fifteen hundred turn-over
2 each year. Let us assume for the sake of argument you had
3 exactly fifteen hundred families that did move out and
4 exactly fifteen hundred that did move in. Would it create a
5 problem in your school system?

6 A Yes. You would have to determine the age of the
7 children and it would affect the grade levels.

8 Q In other words, out of a given fifteen hundred
9 you might have 200 first graders in one group and 200 in
10 another group?

11 A That's right. It affects your personnel, housing,
12 and several other things.

13 Q In addition to the problem of desegregating and
14 the shifts caused by desegregation, you have a very great
15 administrative problem in Bossier Parish Schools on account
16 of the large impacted area of student population?

17 A Right.

18 Q You stated that under the present system you can
19 count on a thousand to fifteen hundred student turn-over
20 each year. How will this be affected by the announced plans
21 at Barksdale Field for the increase of their contingent?

22 A I would like to say another thing about our
23 population. Our population from a civilian standpoint is
24 transient to a great extent, which a lot of areas don't
25 have which adds newcomers to our community, and along with

1 the fast growing areas we have it brings in large numbers
2 of students.

3 Q Is Bossier Parish faster growing than any other
4 place in Louisiana?

5 A 22 parishes which are considered fast growing
6 parishes, and Bossier Parish is one of those parishes --

7 Q Go ahead.

8 A I might point out the fact that we have a transient
9 population and we are a fast growing area and the tremendous
10 impact that the military has with the rotation and I might
11 cite an example which happened last fall.

12 We estimated an increase in attendance to take care
13 of the growth. Due to the fact that there was a turn-over
14 in the military, and I think most of came primarily as a
15 result of Boeing Aircraft being here and renovating the
16 B-52's -- they moved out in the summer -- and along with
17 the fact that the I-20 Expressway took certain areas in
18 Bossier which caused a population shift.

19 As a result, we fell short by 594 students in our
20 estimated increase in attendance. We employed teachers on
21 the basis of that increase. As a result of the fall off, we
22 became over-staffed approximately \$100,000.00 worth of
23 teachers.

24 Q You over estimated 594 and, by the same token,
25 be
you might/under estimating next year?

A Right.

1 Q It is a problem in estimating the number of
2 students?

3 A Yes, sir.

4 Q Mr. Cope, the plan which we have submitted provides
5 grades will be desegregated as the plans reach the grades.

6 The Government has complained that we ought to in-
7 clude, in addition to those grades reached, that we ought
8 to include newcomers to the plan.

9 If you included newcomers it would include the
10 shifting of a thousand to fifteen hundred students each
11 year?

12 A Yes, sir.

13 Q This puts Bossier Parish in a different situation
14 as regards newcomers than any other parish in the State of
15 Louisiana, does it not?

16 A I think so.

17 MR. AMAKER: We object to the leading
18 pattern of the questions.

19 THE COURT: Don't lead the witness.
20

21 BY MR. JOHNSTON:

22 Q Mr. Cope, you have testified about shifting of
23 students caused by the impacted area nature of Bossier
24 Parish. How does the shifting of students within the parish
25 cause problems? In what categories and in what respects

1 does it cause problems?

2 A It causes a space problem -- housing problem and
3 personnel problem as far as teachers are concerned. A
4 number of students may have shifted to a different grade
5 level. We have the problem of curriculum and courses
6 offered particularly on the junior and senior high school
7 level. It creates a transportation problem and a curriculum
8 problem.

9 Q Mr. Cope, of those problems which you have mention-
10 ed, you will handle the problems created by space allocation,
11 will you not?

12 A Yes, sir.

13 Q The other areas will be covered by the particular
14 members of your staff concerned with those problems?

15 A Yes, sir.

16 Q Turning to the space problems, Mr. Cope, aside
17 from any desegregation of Bossier Parish Public Schools, does
18 the impacted area situation in Bossier Parish affect your
19 space problems right now?

20 A Yes, sir, we think so.

21 By 1968, and it has been released by the military
22 and press releases that an additional Bomber Wing, and an
23 additional Tanker Squadron will be added to Barksdale Field.
24 There will be a personnel complement of somewhere in the
25 vicinity of 1,800 to 2,000 military personnel coming to the

1 community. We have no way of knowing exactly how many
2 students that will bring. I think you will find probably
3 95% of your officers are married and about 40% are airmen.
4 Across the board, it will probably average $2\frac{1}{2}$ students per
5 family.

6 We have no way of knowing how many families are
7 in that group.

8 With the addition of a Bomber Wing and a Tanker
9 Squadron, we feel there should be in the vicinity of a
10 thousand to twelve hundred students added to our system.

11 Q Is this in addition to or included in the thousand
12 or fifteen hundred turn-over you have each year?

13 A That is in addition to it.

14 Q What is the condition of the elementary schools
15 right now with regard to over crowding or under crowding or
16 capacity?

17 A In District 13, we are relatively full as far as
18 our elementary schools are concerned with the exception of
19 Plantation Park and Meadowview. We have some available space
20 in those schools.

21 With the shifting population, it creates problems
22 as far as the grade levels are concerned and creates
23 personnel problems as far as teaching problems are concerned.

24 Q Mr. Cope, you maintained dual attendance zones
25 before this suit was filed, didn't you?

1 A Yes, sir.

2 Q In regard to the white attendance zones, would
3 each white student attend the school closest to him, or
4 in some cases would some white students attend schools
5 further away?

6 A Many white students didn't attend the closest
7 school. We have to keep those classrooms full from a
8 financial standpoint and with the shifting of population we
9 have to vary our attendance areas in order to keep the
10 classrooms full. Therefore, we have white students in large
11 numbers that we transfer to a school further away.

12 Q Even in regard to your white students there has
13 been some degree of gerrymandering in your formerly white
14 school districts in order to keep the schools at capacity?

15 A Yes, sir.

16 Q As you abolish these formerly all white and
17 colored lines and have applications for transfer, how will
18 you determine the propriety of who can attend?

19 A That is an administrative problem we are worried
20 about, Mr. Johnston.

21 We proposed in this plan, which we thought was the
22 best method, with the numbers we had involved.

23 Q I am going to mark this map "D-1 and ask you what
24 this map represents, Mr. Cope?

25 A That represents the junior high school and the

1 elementary district in the metropolitan area.

12

2 Q Are these all white or do they include the
3 colored schools also?

4 A Those are all white.

5 Q When you made up the all white attendance zones,
6 this includes only white students that attend white schools?

7 A Right.

8 Q It was made up without consideration of what was
9 going to happen in the future as far as desegregation is
10 concerned?

11 A Yes, sir.

12 Q I notice many of these school districts are ir-
13 regularly shaped?

14 A Yes, sir.

15 Q This irregular shape came about because of your
16 desire to fill the classrooms to the optimum capacity?

17 A Yes, sir.

18 Q As the plan reaches the grades, you are abolishing
19 the lines?

20 A Yes, sir.

21 Q How are you going to determine priorities as to
22 who can attend what schools?

23 A We are very worried about it, Mr. Johnston, because
24 we have a tremendous administrative problem involved from
25 several standpoints.

1 One is the fact of keeping our housing space
2 available. In considering personnel within the school you
3 would find a shift in grade levels which would constitute
4 shifts in personnel.

5 I would hate to think about attempting to administer
6 an entire program when I think we need experience and some
7 time to implement the plan.

8 Q In other words, when you re-draw these lines each
9 year you are going to have some experience in doing it and
10 you will be better able to tell how many Barksdale students
11 come in and what grade they come in?

12 A Right, sir. You don't reach out and take in so
13 many of those to keep the classrooms full. For instance,
14 in the elementary school, the recommendation is 30 students
15 per classroom and in your junior and senior high schools the
16 recommendation is 25 students per classroom, and Mr. Davis
17 and Mr. Smith in setting up the attendance areas run into
18 the problem "we want to take this street in." But when you
19 have 24 students in the third grade and there may be 35 in
20 the fourth grade, as a result of moving that one street of
21 pupils, you may bring the 24 up to 30 but you may increase
22 the 35 to 40 which creates a crowded condition and you have
23 to do a lot of searching around and finding a street which
24 has pupils by grade levels to adjust your classrooms.

25 Q With the Barksdale students, do you know of this

1 one thousand to fifteen hundred students what grade they 14
2 will be in?

3 A No, sir. I don't think the military could tell us
4 without a survey.

5 Q With the desegregation plan do you know how many
6 colored students will request transfer to the white schools?

7 A No, sir. It is undetermined.

8 Q And vice versa?

9 A Yes, sir.

10 Q Your two unknowns will be your federally connected
11 children and your Negro children requesting transfer?

12 A Yes, sir.

13 Q Mr. Cope, would it be possible right now to draw
14 a new attendance line until you find out how many federally
15 connected children you will have or how many Negro children
16 you will have requesting transfers?

17 A I think it would be most difficult. We have the
18 problem of space, transportation and textbooks and it creates
19 a terrific administrative problem and I think there would be
20 a lot of lost school time involved.

21 Q When you do get around to drawing these lines, Mr.
22 Cope, which you can do only with experience, will there be
23 any discrimination whatsoever between the races in determin-
24 ing priorities in attending school?

25 A I think the Bossier Parish School Board submitted

1 a plan in good faith and in that plan we stated that it 15
2 would be administered without discrimination and we intend
3 to administer it that way.

4 Q These administrative problems you are talking about
5 are not the problems of how to complete the segregation
6 but to draw administrative lines?

7 A That's right. You have to have some basis for the
8 program of your school system.

9 Q Mr. Cope, I will pass to the peculiar problem of the
10 rural areas.

11 You have mentioned School District 13 comprises
12 Barksdale Field and Bossier City proper as a general rule?

13 A That is correct.

14 Q How many school districts are there in Bossier
15 Parish?

16 A Six.

17 Q I will show you what I will mark "D-2" and ask you
18 what this map represents?

19 A That map represents the school districts in Bossier
20 Parish -- the six districts. On it are the wards that are
21 involved in making up those school districts.

22 Q In other words, the heavy colored lines are the
23 school district lines?

24 A Yes, sir.

25 Q Mr. Cope, why is it with only six school districts

1 you have one, two, three and then thirteen, twenty-six and
2 twenty-seven?

3 A Mr. Johnston, I don't know all the history back
4 from the time of the organization of the school districts in
5 the State but I feel relatively sure there were twenty-seven
6 districts within Bossier Parish and over a period of time
7 ~~56~~ consolidation we started re-numbering.

8 For instance, consolidated District No. 1 comprises
9 three and four.

10 Q That is wards three and four?

11 A Yes. It is numbered consolidated District No. 1.

12 Q They have come about, in effect, as a result of the
13 consolidation of the previous small districts?

14 A Yes, sir.

15 Q Are they attendance districts or what are they?

16 A Actually, the district is based upon a taxation
17 basis.

18 Q These are taxation school districts as opposed to
19 attendance districts?

20 A Yes, sir.

21 Q Does the School Board have the power to change
22 these taxation lines?

23 A Only with the district by a vote of the people
24 and on the basis of assessed valuation and both have to pass
25 in both districts.

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1 Q In other words, the school district has no control 17
2 as to where these lines are drawn?

3 A That is correct.

4 Q You mentioned these are taxation districts. Does
5 each district have its own separate millage rate?

6 A Yes, sir, they do.

7 Q Let us take District 2 for example: The millage
8 voted for school construction in School District 2, can it
9 be spent in any other district?

10 A No, sir.

11 Q The same goes for each of the other districts?

12 A Yes, sir.

13 Q The millage voted by the people must be spent in
14 the geographical confines of that district?

15 A Specifically it is spent for the purpose indicated
16 on the ballot.

17 Q Mr. Cope, you mention there are problems peculiar
18 to the rural areas that you don't have in School District 13.
19 In School District 13 do all the children who reside within
20 the geographic confines of District 13 go to school in
21 District 13?

22 A Primarily that district is self-contained with the
23 approximately 1,100 Base children included in the
24 district.

25 Q Are the rural areas self-contained?

1 A No, sir, the rural areas are not self-contained. 18

2 Q In District 1, which is in the Plain Dealing area,
3 children who live within the geographical confines of
4 District 1, in what other districts do they go to school?

5 A I don't know the history of the thing, but I do
6 know approximately 60 children in consolidated District 1
7 are being transported to Springhill High School in Webster
8 Parish. Bossier Parish supplies the transportation and
9 Webster Parish educates the children.

10 Q Do any children in one district go to any other
11 district in the Bossier Parish School System?

12 A I am almost positive there are a few but I don't
13 know the exact number. It is in the Benton area.

14 Q With respect to District No. 2, where, in addition
15 to the school in District 2 do the children go to school?

16 A There are a few that attend at Plain Dealing and
17 a few attend in District 13.

18 Q That is District 2 at Benton?

19 A Yes, sir. Also some go to District 26.

20 Q With regard to District 3, which is the Haughton
21 and Princeton area where, in addition to their own districts
22 do the school children go to school?

23 A Some attend in District 27.

24 Q In regard to District 26, which is generally the
25 Rocky Mount area where, in addition to their own schools do

1 the children go to school?

2 A I don't know the exact number, but approximately
3 100 colored children in that district attend school in
4 District 1, which is the Plain Dealing area. Approximately
5 200 out of District 26 attend C.H. Irion School, which is
6 in the Benton District, District 2.

7 Q How about District 27, Elm Grove? Where else do
8 they go to school in that district?

9 A A very small number attend in District 3.

10 Q Is it a fair statement with the rural areas, as
11 opposed to the Bossier City area, the taxing districts are
12 not the geographical confines of school attendance areas;
13 that children in each of these rural districts cross lines
14 to other districts?

15 A Theoretically it should be but the attendance lines
16 don't conform to the school districts.

17 Q This policy was set before your time?

18 A That's right. I don't know the history of it.

19 Q Mr. Cope, suppose District 26 at Rocky Mount where
20 you mention that approximately 200 students go up to Irion
21 at Benton and approximately 100 go to District 1 at Carrie
22 Martin, those are all colored children?

23 A Right.

24 Q Suppose in the very first year of this plan you
25 had 200 come back from one district and 100 come back to the

1 other district, as they have a right to do under the plan, 20
2 what would be the effect on your Rocky Mount district?

3 A It would create a problem. Even though there may
4 be an additional one or two classrooms, one teacher teaches
5 the first grade and in the second and third grade, one
6 teacher teaches two grades and the third and fourth one
7 teacher teaches two grades. The next two grades, one teacher
8 teaches. When you bring the students back and fill your
9 classes, I feel sure it would require additional teachers --

10 Q Let me interrupt. Is your millage sufficient to
11 support the additional students?

12 A Let me say this: I think a survey would reveal
13 that due to the size of the high school, which is small,
14 and the number of students coming in on the high school
15 level, that that would create a need for additional classrooms.

16 That district now is paying 20 mills, I believe.

17 THE COURT: The plan provides, as I recall,
18 that one of the factors that may be taken into account is
19 that the space availability in this matter of attending a
20 school nearest to their residence. Could that not be applied
21 in this situation?

22 THE WITNESS: Yes, sir, I would think so.

23 THE COURT: In other words, lack of space
24 in the school nearest to the student's residence would
25 justify the Board in sending the child to some other school,

1 would it not?

2 THE WITNESS: Yes, sir.

3 THE COURT: Your plan so provides, does it
4 not?

5 THE WITNESS: Yes, sir.

6 THE COURT: Another thing I want to ask,
7 these same problems you are talking about now will exist
8 next year just as well, won't they?

9 THE WITNESS: Yes, sir, they certainly will.

10
11 BY MR. JOHNSTON:

12 Q Mr. Cope, in regard to your rural areas you
13 mention this practice has grown up of sending children out
14 of their own taxing district into another district.

15 Is there any legal authority for doing so that
16 you know of?

17 A I think you will find that the legal responsibility
18 of any one district would be with one living in the confines
19 of the district. Movements have developed where one
20 district may be in a little better financial condition and
21 through cooperative efforts on the part of the Board have
22 made an agreement in the interest of the children.

23 Q Getting back to the assumption in connection with
24 the Rocky Mount district. Let us say the adjoining district
25 refuses to educate those children and all the children return

1 to the district, would it create a space and teacher
2 problem?

3 A We feel certain. I don't have a survey by grade
4 levels but the problems I mentioned of one teacher teaching
5 two grades. Even though there may be two vacant classrooms,
6 you would increase the senior and junior high school level
7 and it would call for additional classroom space. I feel
8 certain we would have the housing problem and we would be
9 in a position of having to go to the taxpayers for trying to
10 raise money for another bond election to provide additional
11 space.

12 Q You would have to adjust the millage in Rocky
13 Mount?

14 A Yes, sir, I feel reasonably certain we would.

15 Q Does the School Board have the power to up this
16 millage?

17 A The Board has the right to regulate the millage to
18 pay off the bonded indebtedness which was passed by a vote
19 of the people. The Board has no right to levy any millage
20 unless voted by the people.

21 Q How would one year's delay in the rural area help
22 you in the Rocky Mount area?

23 A Taxation districts and attendance areas don't
24 coincide particularly in District 26 and we don't know
25 actually in the other districts. We should be able to make

1 surveys in all districts in the early part of the year for
2 the possibility of increasing millage and the vote in the
3 particular district and the shifting of students back to
4 that district will be necessary.

5 Q In other words, you will be able to make a survey
6 in the early part of the year of the students who want to
7 transfer?

8 A Yes, sir.

9 Q And on that basis you would know what millage
10 would be necessary?

11 A Yes, sir.

12 Q Would it be possible by September to have that
13 readjustment?

14 A We could not do it, particularly in District 26.
15 For capital outlay you would have to have a bond issue and
16 sell the bonds and you have to employ an architect and plans
17 have to be drawn.

18 Q One year's time will give you time to do that?

19 A We feel it will.

20 Q What other problems do you have in your rural areas
21 that are not peculiar to your city areas?

22 A I think you have a distance factor involved as far
23 as transportation that you don't have in District 13.

24 I think you have convenience factors as far as
25 your constituents are concerned that developed over a period

1 of years.

2 Q What do you mean by "distance" and "convenience
3 factors"?

4 A For instance, historically Bodcaw Bayou is the
5 dividing line between School District 2 and School District
6 3. Bridges have been built and any large shifting of
7 students or any revision of school districts, Bodcaw Bayou
8 wouldn't be a problem.

9 Q You mean distance and convenience factors -- does
10 the same amount of mileage in the country always amount to
11 the same degree of convenience and inconvenience?

12 A I think it depends upon roads and distance.

13 Q It varies more in the country than in the city?

14 A Yes, sir.

15 Q What other problems do you have in the rural area
16 that are not peculiar to your city areas?

17 A Scheduling difficulties as far as courses are
18 concerned. For instance, in District 13 there may be five
19 sections of an English class offered in one school and there
20 may be one section in Spanish. There is no scheduling
21 problem as far as the student is concerned.

22 In your rural areas with a smaller number of
23 students there may be only one English period and one class
24 of Spanish and they come in the same period.

25 You have in rural areas smaller schools and

1 scheduling conflicts which creates problems. Also, you have 25
2 teacher problems, as far as personnel is concerned, with
3 teachers having to be certified to teach in this area.

4 In District 13 a teacher might teach English all
5 five periods during the day. In a rural area you will find
6 a teacher teaching a various number of subjects.

7 Q Do you have a problem shifting teachers?

8 A Yes, sir, we do. Teachers would be, in most cases,
9 reluctant to move and particularly on this situation some
10 of them would.

11 The tenure law we have in this state, you have to
12 be mighty careful about any transfers you make.

13 Q What are the applicable provisions of the tenure
14 law with reference to the moving of teachers?

15 A The one area they transfer to must be just as
16 convenient, as far as the teacher is concerned, as the area
17 they left. They have a right to go to Court.

18 Q Let us say you made a big shift of students in the
19 Rocky Mount area and you had some teachers teaching in the
20 adjacent district in School District 26. There would then
21 be a problem in telling the teachers they will have to move
22 back to Rocky Mount?

23 A Yes, sir. You are uprooting people.

24 Q Will the one year's delay in order to make the
25 survey you are talking about, will that help you in solving

1 the problem of teaching shifts?

2 A Yes, we could look into it and we would have an
3 opportunity to survey the teachers and find out the problems.

4 Q Would the one year's delay aid you in solving
5 your curriculum problems?

6 A Yes, sir, I think it will definitely.

7 Q Do you have a problem in the rural areas in con-
8 nection with school busses?

9 A We have School Board busses and some privately owned
10 busses. Most of the private contracts are in the rural area.

11 Q Explain what you mean by a private contract school
12 bus?

13 A That is where the School Board contracts with the
14 driver. The driver buys his own bus. He owns that bus.
15 In addition to the salary he draws for driving the bus he,
16 in turn, based upon schedules set down by the State Board of
17 Education is paid on the basis of mileage which helps him
18 pay for the bus.

19 Where there is any re-routing, transportation would
20 be involved. We could be put in a position by cutting a
21 man's salary where he obligated himself for a bus and we
22 could increase the salary of some other person, which
23 creates a transportation personnel problem.

24 Q As you shift the students, the busses would have
25

1 to be shifted with the students and a large number of busses 27
2 in the rural area would create the problem?

3 A Yes, sir.

4 Q Would the one year adjustment period enable you to
5 determine what shifting will take place and help your
6 school bus problem?

7 A We would have a problem which we could solve. I
8 don't know whether we will work it out or not.

9 Q It would be easier to do it with a one year delay
10 than it would to do it immediately?

11 A Yes, sir, it would.

12 Q Mr. Cope, I believe we touched on this a moment
13 ago. School District 13 is self-contained?

14 A Yes, sir. There may be isolated cases of hard-
15 ship, or something like that. Basically, it is self-
16 contained with the children within the district, plus on-Base
17 students at Barksdale Field.

18 Q How are your School Board members elected in Bossier
19 Parish?

20 A They are elected by wards. A new law went into
21 effect in 1960, I believe, where each ward is allotted a
22 School Board member. If there is any increase in population
23 of 10,000 or a major fraction thereof they are entitled to
24 an additional member.

25 Q Mr. Cope, does a School Board member have anything

1 to say about shifting students between school districts?

2 For example, would the School Board member in Ward 3 have
3 anything to say about bringing in a student from outside
4 Ward 3?

5 A Yes, sir, he has a definite right through
6 administrative procedures because his district is only
7 obligated for the children within his district.

8 Q Would he have a veto power about bringing any
9 children in?

10 A Of course, by the majority vote of the Board he
11 wouldn't. I think through cooperative efforts which
12 existed through the years, if that person has a problem I
13 don't believe the Board would out vote him.

14
15 BY MR. PADGETT:

16 Q Mr. Cope, I am not certain everyone understands
17 the difference between the taxing district and the election
18 district. For that purpose, and using District 2 as an
19 example, which lines represent the taxing district on this
20 map?

21 A The orange line.

22 Q That outlines District 2?

23 A Yes, sir.

24 Q All of those people who reside in that district,
25 by a vote of the people of that district, can be required to

1 pay taxes for the purpose of construction of school build-
2 ings; is that correct?

3 A You have the problem of overlapping of wards. Yes,
4 sir.

5 Q Is it true that a portion of this district lies in
6 ward 2 of Bossier Parish and that a portion lies in ward 5?

7 A Yes, sir.

8 Q When there is an election of a School Board member
9 from District 2 can the people in ward 5 vote for him or
10 against him?

11 A They cannot.

12 Q So that you have a situation that people who re-
13 side in School District 2 but not ward 5 have no power to
14 elect the man who represents them on the School Board; is
15 that correct?

16 A That's right.

17 Q So if it were proposed that a number of students
18 would be permitted to go from one district to another, would
19 it be reasonable to assume that the member of the School
20 Board from that district, that his wishes in that regard
21 would be considered seriously by the Board since he is
22 responsible for raising the taxes?

23 A I would think so. I would definitely say yes.

24 Q Specifically, if under the proposed plan that the
25 Court questioned you about it were proposed that these

1 students who live in ward 5 and attend school in ward 2,
2 suppose the School Board member from ward 2 were to say we
3 can no longer accommodate those students and we cannot build
4 any further facilities, what would happen?

5 A It would create a problem.

6 Q Even under the plan the School Board proposed of
7 giving freedom of choice to the students for transfer to the
8 nearest all white or all colored school, it would still
9 create an administrative problem at this time?

10 A That is correct.

11
12 BY MR. JOHNSTON:

13 Q The one year period in the rural areas would aid
14 in solving those problems?

15 A Yes. There is one more thing that affects the
16 time element involved in the desegregation plan.

17 We are living in a period of transition as far
18 as education is concerned which greatly affects our
19 curriculum.

20 For instance, the business education program needs
21 to be revamped and we are considering that. Our Industrial
22 Arts -- we want to shift more to trade and industrial educa-
23 tion to meet the technical needs of the times.

24 For instance, we have an example at Mitchell High
25 School where we are building an additional shop. We are

1 putting in a course on small motors to provide training there. 31
2 We have a teacher that is not qualified to teach the trade
3 in industrial education and that teacher will have to be
4 absorbed in a minor field over a period of time.

5 The agricultural curriculum in the State of Louisi-
6 ana is being revamped. Teachers have to be trained. In the
7 agricultural field today they are teaching courses in
8 connection with occupations related to agriculture.

9 Then we have the problem of distributive education
10 which would require a specially trained teacher. Those
11 things create personnel problems that we need to solve to
12 give the child the education to meet the needs of the times.

13 Q Desegregation is not the only problem you will
14 have to overcome in the next few years?

15 A No, it is not.

16 Our State Department of Education currently is
17 undergoing a reorganization of personnel along the same
18 lines I have mentioned. Bill Dodd set up a committee of
19 a hundred to study educational problems for revision of
20 curriculum to meet the times.

21 I am sure you will hear more about quality educa-
22 tion out of that committee which will need a revision. The
23 State Board of Education with the state colleges and
24 Louisiana State University's Board of Supervisors are making
25 an attempt to coordinate higher education and that would

1 create curriculum problems to supply the students for the
2 colleges and universities.

3 I think the Federal Government recognized that
4 fact by the passing of the Vocational Educational Act of
5 1963, and more recently in the elementary and secondary
6 education act.

7 If we are to accommodate the students for the
8 world in which we are living several changes will have to
9 be made in the next three or four years. That constitutes
10 a personnel problem as well as a curriculum problem.

11 Q Mr. Cope, you previously identified these two maps
12 as "D-1" and "D-2" as being correct representations of what
13 you have described; is that correct?

14 A Yes, sir.

15 MR. JOHNSTON: In connection with the witness'
16 testimony I offer "D-1" and "D-2" in evidence.

17 THE COURT: Let them be filed.

18 ---oOo---

19 NOTE:

20 "D-1" and "D-2" - maps (sent in the original)

21 ---oOo---

22 MR. JOHNSTON: Tender the witness.
23
24
25

CROSS EXAMINATION

BY MR. MAKER:

Q Mr. Cope, I would like to be sure I understand
defendants' Exhibit 2.

32

The large block red numbers denote, as I understand
your testimony, wards in the area?

A Not the large red numbers.

33

Q What do they depict?

A The black numbers represent the ward itself. The
numbers that are pinned on represent the school districts.
You have varying colors to single out the various school
districts.

Q The numbers that are appended on the sheet of
paper written in ink are numbers appended by your office;
is that correct?

A Right, and they represent the school districts.

Q And in some instances the boundaries of the ward
may overlap the boundaries of the school district?

A Right.

Q Isn't it a fact that the School Board of Bossier
Parish has jurisdiction over all of the school districts
that are indicated on this map?

A Subject to the laws of the State of Louisiana.

Q The Board does administer those districts?

A Right.

1 Q Do you draw attendance area lines for all of those 33
2 districts?

3 A As far as numbers are concerned having them on
4 maps, no. You don't have the concentration that you have
5 in a urban area.

6 Q Do you, in fact, assign presently children within
7 the Bossier Parish Public school system to schools within 34
8 the six districts on the basis of attendance zones previously
9 drawn by your staff?

10 A With the exception of the rural areas where by
11 agreement of the Board students attended primarily for in-
12 struction purposes and other reasons that I don't know --
13 repeat your question?

14 Q My question is whether at the present time the
15 School Board of Bossier Parish and you, as Superintendent
16 and your administrative staff working under you, assign
17 school children within the Bossier Parish public school
18 districts -- the six school districts -- to schools in the
19 Bossier Parish school system on the basis of attendance
20 areas or zones?

21 A Yes, sir.

22 Q Can you tell me how long the presently existing
23 attendance zones, to your knowledge, have been used for
24 this purpose?

25 A I think we have two distinct areas. We have an

1 urban area, District 13, and the rural areas. The attendance 34
2 zones in District 13 would be subject to revision due to
3 influx of population. In your rural areas where you don't
4 have your turn-over in population, you don't have your
5 increase in student population and as a result the attendance
6 areas would not have to be revised.

7 Q My question was, how long have you been using 35
8 these attendance zones in all of these six districts?

9 A I cannot actually tell you about the rural areas.
10 I can tell you about District 13.

11 Q Tell me about District 13?

12 A Each year we revised it.

13 Q I understand according to your plan and your testi-
14 mony there are occasions when revisions have to be made and
15 these occasions have existed in the past?

16 A Primarily in District 13.

17 Q What I am getting at, revisions notwithstanding
18 assignments have been made on the basis of attendance zones
19 drawn to encompass school districts 1, 2, 13, 26 and 27?

20 A Repeat your question?

21 Q Haven't attendance areas been drawn by the
22 administrative staff of the Bossier Parish School Board in
23 School Districts 1, 2, 3, 13, 26 and 27 notwithstanding the
24 fact revisions have to be made from time to time?

25 A As I pointed out, in District 13, we definitely

have and do it more or less on an annual basis.

35

As far as the other districts are concerned, in District 27 we have a larger population there. We have to revise those attendance areas a time or two but I personally haven't been brought in on any shift of attendance zones since I have been Superintendent.

Q Excuse me. The question calls for a simple yes or no.

36

It is whether or not the assignment has been on the basis of attendance zones which encompass the six districts listed on the exhibits?

A You may have a combination on District 3. I would say no, if I understand it properly.

Q Putting the question simply, Mr. Cope, the answers to the Interrogatories filed some months ago, as well as the preamble to the plan that has been filed indicate at the present time students are assigned on the basis of attendance zones?

A Right.

Q My question is, isn't that true for all of the school districts that appear on this exhibit?

A For the district itself? Is that your question?

Q Do you have attendance zones encompassing all of the school districts that come under the jurisdiction of the Bossier Parish School Board?

A Not divided as far as the map is concerned.

For instance, in Plain Dealing, wards 3 and 4, which is consolidated School District 1, we have two schools located within six blocks of each other. Those schools serve

1 the entire two wards. We don't have a divided plan. We
2 have admittedly operated a dual school system.

3 On some of these problems I have people under me
4 that do the work and are more familiar with it than I am.

37

5 Q Your plan seems to be applicable only to School
6 District 13; is that correct?

7 A We felt in submitting a plan and knowing our prob-
8 lems, as I pointed out before, we have many problems in the
9 plan of desegregation.

10 We looked at the entire system as to what was best
11 for it and the way it could be handled most conveniently.

12 We saw from an overall standpoint that we had two distinct
13 problems. We had a city area, District 13, where our

14 problems were different than they are in the rural areas.

15 As a result, as far as desegregation is concerned, in solving
16 those problems we felt like District 13 and the rural areas
17 should be treated separately in the plan.

18 We definitely feel like District 13 and the rural
19 areas present administrative problems and we cannot solve
20 overnight and we need a minimum of four years to carry out
21 the plan.

22 In the plan it is proposed that the rural areas be
23 desegregated in four years minimum. It is our feeling that
24 we need that time in order to make surveys and find out where
25 we stand.

1 Q The plan you submitted to this Court only concerns
2 District 13?

3 A As far as this coming session. In the plan we
4 submitted there was one of four, one a five year and one a 38
5 six year plan. If the four year plan is adopted there would
6 be total integration in the rural areas at the end of the
7 four year period.

8 Q All I am asking is, the plans as already con-
9 structed do not specify anything with respect to the rural
10 schools?

11 A Not for this coming year.

12 THE COURT: It covers rural areas beginning
13 in 1966.

14
15 BY MR. AMAKER:

16 Q This figure you gave to Mr. Johnston of 15,500, I
17 think that was the number of students in District 13 or
18 throughout?

19 A That is throughout the entire system. That figure
20 would vary any day of the week due to the turn-over in popula-
21 tion.

22 Approximately 9,200 of that student population is
23 in District 13. The remainder are in the rural areas.

24 Q Getting to some of the problems you talked about,
25 Mr. Cope, can you state again the effect of the millage

1 taxation in the respective wards on the drawing of attend-
2 ance zones or the assignment of children on the basis of
3 zones?

4 A I stated previously we anticipated problems that
5 we had to solve in regard to this in a survey as far as the
6 rural areas are concerned in order to attack the problem
7 properly.

8 As far as taxation, each district, as shown on
9 the map, votes the money for the capital outlay within that
10 particular district. As a result, they are responsible
11 primarily for the children in the district.

12 Q Isn't it true, Mr. Cope, however, with respect to
13 the assignment of children to the schools in that district
14 that the School Board is responsible for that?

15 A We operate according to the law of the State of
16 Louisiana. We operate under the pupil placement plan.

17 Q Notwithstanding the effect or possible effect of
18 the overlapping wards or differences that arise out of the
19 tax structure, that with respect to the attendance in the
20 schools the School Board is responsible for the assignment
21 of children; isn't that true?

22 A Right.

23 Q In fact, that assignment has been made heretofore
24 by the School Board?

25 A Subject to the laws of the State.

39

LOUISIANA
SHREVEPORT,
BUILDING,
311 FEDERAL
REPORTER,
YOUNG,
SIDNEY

1 Q I understand that, but the fact is the assignment 39
2 has been made?

3 A As I pointed out before, the School Board attempted
4 to cooperate in serving the children in the entire system.
5 If we have a great shifting as a result of desegregation, 40
6 and particularly with the problem we have involved, I don't
7 know that they will cooperate. If they don't cooperate,
8 then you revolve back to the State law and they have the
9 right to refuse.

10 Q What cooperation are you talking about?

11 A For instance, we pointed out a few minutes ago,
12 say, School District 3 -- the people near the Webster
13 Parish line through a cooperative agreement, and I am not
14 familiar with it, but I do know we transport and pay for the
15 transportation of sixty students to Webster Parish. Then
16 there are certain students -- I don't know the exact number
17 in that school district -- that we pointed out, due to
18 convenience factors, that they attend school in District 2.
19 Those assignments are made on the basis of the thing as it
20 has developed and we make that assignment.

21 Q What is the cooperation you alluded to in your
22 previous answer?

23 A I don't know the significance of all the assignments
24 because many students were there prior to my becoming
25 Superintendent.

THE COURT:

I think counsel is driving at this, Mr. Cope: Regardless of whether or not a Board Member from a particular ward might want or not want a student from another attendance area coming to his school, that the Board has the power to make the assignment to the schools for children as needed; isn't that true?

THE WITNESS:

As I pointed out a few minutes ago, with the problems involved in this thing with large shifting --

THE COURT:

You don't anticipate large shifting in the rural areas under the plan anyway?

THE WITNESS:

Not under the plan as submitted. Over a four year period we would hope to work into it gradually.

THE COURT:

You understand the people there. Don't you anticipate that would be the very minimum in the first year?

THE WITNESS:

Yes. I think the students in existing schools, regardless of race, are pretty well satisfied where they are. The plan would provide for those who are unhappy to be transferred within the regulations of the School Board and the laws of the State of Louisiana and, as I said before, we would administer the plan without discrimination.

1 BY MR. AMAKER:

41

2 Q Mr. Cope, have you ever taken a survey since you
3 have been Superintendent of Schools to determine whether
4 persons who are presenting attending the Bossier Parish
5 Schools are satisfied where they are?

42

6 A I have not. I know generally from association.
7 I mean in the white and colored schools I have supervisors
8 and administrative staff constantly in the schools and it
9 is not necessary for a survey to know the feelings of our
10 people because we understand each other and we know general-
11 ally what the sentiment is.

12 Q In reference to defendants' Exhibit 1, Mr. Cope,
13 which has been placed in evidence and is the school area
14 map pertaining to the white junior high and elementary
15 schools for the last school year, in answer to Mr. Johnston
16 you testified several of those districts as they appear on
17 that map have been gerrymandered for the purpose of meeting
18 the demands of the shifting population and conserving space
19 in the schools?

20 A That's right and personnel problems also.

21 Q I take it you have a comparable map which has not
22 been introduced for the Negro schools?

23 A I do not know the history as far as the dual
24 system that we operate in Bossier Parish which we admit we
25 operate. I have not found it in the Minutes. I haven't

1 read them from the inception of the school district where 42
2 officially there is an official attendance area drawn from
3 the School Board standpoint.

4 We have administered it on a dual basis. As a
5 result, for instance, in District 13 we have two schools, 43
6 one, Butler with grades one through six and Mitchell with
7 grades from seven through twelve and since we did operate a
8 dual school system our colored people attended those two
9 schools. But due to the larger numbers of white students
10 we have difficulty in figuring capacity and personnel and
11 so forth. We have had to revise the attendance.

12 As I pointed out, you have money involved and you
13 have transportations problems.

14 Q Isn't it true the attendance districts for the
15 white schools have had to be revised to the extent you
16 indicated because you have been operating the dual system?

17 A No, I would not say so. The very thing you are
18 asking for, which would be total desegregation, would be
19 too much for us to handle because we would have problems
20 along those lines.

21 Q Isn't it a fact that some of the districts have
22 been gerrymandered as the result of an attempt to keep the
23 population of the white schools in the white schools?

24 A We have made no survey to that effect. Possibly a
25 portion of it is, but the major problem is white students and

1 I don't know exactly where the colored people live in 43
2 District 13.

3 Q Isn't it true that in some cases Negro schools have
4 been located in such a manner that on the basis of the
5 gerrymandering of the zones they have been assigned to a 44
6 further away school?

7 The districts which appear on defendants' Exhibit
8 1, you say you have sent students away to some of these
9 schools?

10 A Right.

11 Q I am asking this: Isn't it a fact that Negro
12 schools exist closer to some of those students which have
13 been sent to some of the farer away schools?

14 A I am sure that's right.

15 Q Isn't it a fact if an attendance area were drawn,
16 whether the population be Negro or white, that the zone
17 lines would not have to occur -- the gerrymandering?

18 A Due to geographical locations, I think there are
19 two sides to the problem and whether you have white or
20 colored in those areas you mentioned we have the problems
21 of space and teaching personnel -- the transfer or displac-
22 ing of one student -- we don't know the number of transfers,
23 and displacement is an administrative problem. We actually
24 don't know how many transfers we will be involved with and
25 we know it will take time to solve it.

1 Q The answer to my question is what?

44

2 A Repeat your question again.

3 Q Isn't it a fact, if the lines were drawn with only
4 a view of the closest school to the residence of one student,
5 whether the student is Negro or white, that the exhibit
6 introduced which showed the gerrymandering zone lines, that
7 the lines would not have to be drawn in that manner?

45

8 A They would have to be re-drawn.

9 Q Does that mean that some of the white students
10 who go to a school further from their residence would go to
11 a school closer to their residence?

12 A There is a possibility they would.

13 Q Isn't there a definite possibility?

14 A I don't know where the concentration of colored
15 students is in District 13. I don't know where they are
16 located.

17 Q You haven't made a survey?

18 A Mr. Davis has it. I don't know the minute details
19 because I don't administer the entire program.

20 Q Mr. Cope, isn't it true you have stated capacity
21 figures for every school building operated by the Bossier
22 Parish School Board?

23 A Right, based upon information submitted to me by a
24 member of my staff.

25 Q I believe, sir, there are 23 such schools?

1 A Yes.

45

2 Q Those 23 schools are located throughout each of
3 the 6 school districts that appear on this map; isn't that
4 true?

5 A Right.

6 Q You testified when Mr. Johnston was questioning
7 you that with the exception of about two schools that most
8 of the schools were at or about capacity?

46

9 A The elementary schools.

10 Q What is the situation in the junior high schools
11 and high schools?

12 A We have space.

13 Q These capacity figures, how are they determined?

14 A On the elementary level, as far as classroom
15 space, you have 30 students per class and we ordinarily,
16 where we can, in new construction, we build a school with a
17 capacity of 24 classrooms.

18 When you get into figuring capacity as far as
19 junior and senior high schools are concerned, you have
20 classrooms and special rooms such as art or physical educa-
21 tion, home economics, and so on. That varies your capacity
22 in junior and senior high school levels.

23 Q Is there any difference in the manner of capacity
24 -- the manner in which capacity is determined in the rural
25 areas as opposed to District 13?

1 A Not as far as capacity is concerned. Most of the 46
2 buildings in the rural areas, they have been kept as far as
3 the physical facilities are concerned with the exception of
4 English about the same.

5 Again, I say we operate a dual system and attempting 47
6 to change at both schools for both races where we have two
7 in an area, we would have a problem as far as housing
8 facilities are concerned.

9 Q The capacity of the school has no relation to the
10 race of a student in that school?

11 A No, it does not.

12 Q Then it would follow whether you had a percentage
13 of Negro or white or all Negro or all white you would still
14 make the basis in the way you have?

15 A Yes, we would.

16 Q Have the presently operated schools been established
17 as long as you have been Superintendent?

18 A We have built one elementary school, Meadowview
19 Elementary. That capacity was set. We have built Air Line
20 High School, and the capacity of that school would have to
21 be set under my administration.

22 Q What I am getting at, the capacity figures that were
23 given in answer to plaintiff's interrogatories were
24 figures set before this plan was proposed to the Court?

25 A Yes, sir.

1 Q Have those capacity figures changed in any material 47
2 degree?

3 A They have not.

4 Q Has there been a significant increase in the school
5 population since those figures were given? 48

6 A I don't remember the exact date of the interrogat-
7 school
8 ories, but coming within this past/year up until the time
9 school was out the increase and turn-over of student popula-
10 tion that we have, I can't answer the question, but there has
11 been no substantial increase or decrease. Next fall we
12 anticipate an increase.

13 Q I take it from your testimony during the period of
14 time you have been with the Board you have noted a fairly
15 constant increase in school population?

16 A Primarily in District 13 and since about 1959 in
17 District 27 and District 3.

18 Q The increase in school population you indicated,
19 would it create much of a problem for you in the terms of
20 the school at their present capacity?

21 A You mean based on the facilities we had at the end
22 of the year and if we had a tremendous increase in enroll-
23 ment?

24 Q The figures of 1,000 or 1,500 which you expect to
25 be added to the total school population, do I understand
that correctly?

1 A That is a turn-over. That is not an increase or
2 decrease.

3 We could get the same amount coming or going out
4 but we could get 200 more which creates a personnel problem.

5 Q Isn't it true that turn-over is Negro and white?

6 A Your tremendous turn-over has been in the white.

7 There has been some turn-over in the Negro population but
8 not a substantial turn-over.

9 Q Isn't it true whatever number of students you
10 expect to have above and beyond the enrollment figures you
11 have for this last year, a substantial portion of those
12 will be Negro and white?

13 A Of any increase?

14 Q Of any increase?

15 A We will get Negro and white. The great majority
16 will be white.

17 Q Isn't it fair to state with respect to the turn-
18 over you testified about and any expected increase that the
19 problem of encompassing these factors is a problem for the
20 entire system, isn't it?

21 A As I pointed out before, I think every school
22 system in the State of Louisiana varies due to geographical
23 makeup and the population and so forth, and I think we have
24 a variance in our system.

25 District 13, as we pointed out, in the plan, has

48

49

LOUISIANA
SHREVEPORT,
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1 problems peculiar to that district and the rural areas have 49
2 problems peculiar to it.

3 Q What I am asking is that whether or not the schools
4 are desegregated to any degree, this coming fall these
5 problems you testified about -- the turn-over would exist?

6 A That would exist but it would be multiplied by 50
7 desegregation.

8 Q How is that true if, ^{as} /you state, you already
9 determined the capacities of the various schools in the
10 district and you can anticipate what the enrollment will be?

11 How can the fact of any desegregation add to that
12 problem?

13 A I think it depends on the number of grades de-
14 segregated. We have asked for a minimum of four years and
15 I think total desegregation would mutlipy the problem.
16 We need to anticipate the problems and in fairness to both
17 races it requires a minimum of four years.

18 Q Would total desegregation increase the number of
19 students in the system?

20 A No, it would not increase the number of students
21 in the system but it would increase the number of problems.

22 Q Will total desegregation vary the capacity figures
23 of the schools at all?

24 A It would not.

25 Q Would tctal desegregation have any effect on this

1 turn-over you testified about?

2 A It would not on the turn-over as far as transient 50
3 population, no.

4 Q Would it have any effect on any anticipated numbers
5 of students you expect to add to the enrollment?

6 A Yes, it would. 51

7 Q How would total desegregation affect that?

8 A We don't know how many would want to go to the
9 white or colored schools. We are talking in terms of
10 capacity. The reason we need additional time is space --
11 space doesn't mean vacant classrooms. Due to this turn-
12 over -- the grade level -- actually, you have got a person-
13 nel problem with teachers qualified to teach certain grades.
14 Those are the real problems in this thing.

15 Q Aren't the teachers you have employed qualified
16 to teach the grades no matter what the race of the students
17 are?

18 A I can't speak with authority. Mr. White knows
19 more about curriculum. Primarily, you have primary teachers
20 and upper elementary and high school and junior high school.
21 I think a shift would create a problem as far as teaching is
22 concerned.

23 On the high school level it could vary on subject
24 matter in certain cases.

25 Actually, the problems involved that we need to

1 solve are not necessarily the physical facilities. It is 51
2 the pupils that go along with it.

3 Q I take it the answer to my question is you don't
4 know?

5 A We anticipate problems you are not familiar with
6 I can anticipate and those problems will require time to 52
7 solve in the interest of the children of both races.

8 Q The specific question I asked you is whether or
9 not the teachers you have currently employed are qualified
10 to teach in the grades irrespective of race?

11 A Irrespective of race according to certification.

12 Q They are qualified to teach?

13 A We consider in our employment of teachers two
14 things, one is certification and one is qualification.

15 Q Excuse me. Just answer the question?

16 A Repeat the question.

17 Q Whether the teachers you presently have employed
18 are qualified to teach in the grades regardless of the race
19 in those grades?

20 A Yes.

21 Q You mentioned some other problems -- you said
22 space. You just indicated you weren't talking about physical
23 space because you have capacity in most of the schools; isn't
24 that true?

25 A Right.

1 Q What kind of curriculum problems were you concerned 52
2 with that would be affected by desegregation?

3 A Curriculum and teaching personnel due to the turn-
4 over in moving from primary to upper elementary grades. It
5 creates teaching problems. You have a first and second grade
6 teacher who functions better than on the fourth and fifth 53
7 grade level and other teachers are qualified in the fourth
8 and fifth grade level.

9 Q That problem isn't aggravated by desegregation?

10 A By the increase of shifting of grade level, yes.
11 I can't tell you how much it will affect it, but we know
12 that it will from experience.

13 Q You haven't proposed to shift any teachers from
14 one grade level to another?

15 A Those are problems we will have to face and we
16 need four years to solve those. With total desegregation
17 the problem would be multiplied and it would be difficult
18 to administer.

19 Q Your teacher allotment for the entire system has
20 been set for the next year, hasn't it?

21 A Based on estimates of my staff, yes.

22 Q Those estimates were based on a total number of
23 students regardless of race?

24 A Yes.

25 Q The assignment to grade levels were made -- the

1 Negro teachers who are teaching grade six and white teachers 53
2 for grade six are qualified to teach grade six; isn't that
3 correct?

4 A That is correct.

5 I can't give you the definite answer like a member 54
6 of my staff can, but there are problems as far as complete
7 desegregation is concerned which is going to affect our
8 teaching personnel and curriculum.

9 Q You have indicated several kinds of problems which
10 will
you state are problems you/have in desegregation.

11 From the answer you have given me, every single
12 problem you have mentioned is a problem indigenous to the
13 school system irrespective of whether you have desegregation
14 this coming fall?

15 A Yes, except the administrative problem multiplied.

16 Q Do they multiply because of the race of the
17 students involved?

18 A Due to the fact that we have been operating a dual
19 school system in the State of Louisiana, we need a minimum
20 of four years.

21 Q You have testified that presently students are
22 assigned by the Board in each of these districts. You testi-
23 fied you have the capacity of the schools indicated; that
24 you know approximately what the enrollments will be. How
25 does prospective desegregation change any of those facts?

1 A In the increase we may have as a result of inte- 54
2 gration as far as all grades are concerned, we definitely
3 wouldn't know how much to make our estimates as far as set-
4 ting up for this next year is concerned when they have been
5 made already.

6 Information has been submitted to the State Depart- 55
7 ment of Education which supports the school system primarily.
8 We would increase our problems.

9 Q These estimates have been made on a basis of the
10 dual system; isn't that true?

11 A Yes.

12 Q These estimates have been made taking into account
13 a separate system of schools for Negro and white; isn't
14 that correct?

15 A That is correct.

16 Q This plan you have submitted here also takes that
17 factor into account; isn't that true?

18 A That is true.

19 Q But your plan doesn't change the current method of
20 assignment?

21 A It definitely changes the method of assignment.

22 Q How does it change the method of initial assignment?

23 A We have got an administrative problem in administer-
24 ing a plan of desegregation.

25 Q How does this plan change the method of assignment

1 currently existing under the dual system?

55

2 A Maybe I can answer the question by this method:
3 From May 1 to May 15 every student we have in the Bossier
4 Parish School System is assigned to the particular school
5 which he attends.

6 Q In the case of a Negro student it is a Negro school
7 and in the case of a white student it is a white school?

56

8 A Yes.

9 Q Isn't that the system you are operating under now?

10 A Yes.

11 Q How does the plan change that system since you
12 indicated the Board does assign children to the schools?

13 A Any request for transfer should come from May 15

14 --

15 Q Are you stating to the Court you consider a request
16 for a transfer tantamount to an assignment which you testi-
17 fied the Board makes and has been making regularly under the
18 school system?

19 A I am trying to show you the students are already
20 assigned.

21 Q I understand that. What we have before the Court
22 is a plan for desegregation which, I take it, is a plan for
23 making some kind of change in the method of assignment.

24 Are you stating to give persons an opportunity to
25 transfer is the same as making an initial assignment not

1 based on race?

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2 A I don't say that. The administrative problem is
3 where we have to administer a school system of 15,000
4 students plus all the personnel involved and we need to
5 consider several factors in making the change and as a re-
6 sult we have submitted a plan to do away with dual school
7 zones over a period of four years. As far as the assignment
8 is concerned, it is mentioned in the plan those students who
9 attended Butler Elementary School in grade one would report
10 to Butler.

57

11 Believe it or not, that doesn't have to be on a
12 discriminatory basis. Any student, first grade or other-
13 wise, has to have information even though we advertise in the
14 paper how to go about the assignment.

15 Don't you feel that a Negro child going to Butler
16 in the first grade will get more advice as far as assignment
17 is concerned than he would by going to a white school?

18 Q Don't you have a central administrative office?

19 A Yes, we have a central administrative office. I
20 would hate to have 1500 people come in at one time to
21 register.

22 Q What is the purpose of having the Negro child go to
23 Butler?

24 A As I said before, as we are set up the assignments
25 were made this past May. There is an administrative problem.

1 As we propose, due to the fact that those administrative 57
2 problems exist from an organizational standpoint, we would
3 assign the first graders of the Negro race to go to Butler
4 and those going to a white school, to go to a white school 58
5 and the applications for assignment be processed there.

6 Q Under this plan, isn't it a fact assignments
7 aren't being made? It is the request for transfer that will
8 determine where students go -- if the request for transfer
9 is honored?

10 A As far as the first grade is concerned it is a
11 matter of assignment. If a student is already enrolled in
12 grade twelve, it is a matter of transfer.

13 Q How can you state as far as the first grade is
14 concerned it is an assignment in the light of the language
15 of the plan which indicates that each Negro child entering
16 the first grade will report between July 22 and August 5
17 of this year at the school named below and upon such regis-
18 tration -- I assume you can correct me, that "registration"
19 means Butler Elementary School and application may be made
20 by the parents for the child's assignment. Isn't there an
21 inconsistency between an assignment and application?

22 A In other words, any child in the first grade of
23 the Negro race who reports to Butler Elementary, he reports
24 for application in the school system for the first time.
25 Then if he expresses a desire to stay in that particular

1 school he can be assigned there. If he expresses a desire
2 to go to the nearest white school and space is available
3 he will be permitted to go there under the plan.

59

4 THE COURT: Is this intended as an overall
5 freedom of choice plan?

6 THE WITNESS: I think there are two things
7 we attempt to consider, Judge. One is freedom of choice and
8 another convenience -- proximity.

9 As I pointed out a little
10 while ago we don't always get to send the child to the
11 nearest school regardless of race.

12 THE COURT: As a whole, would you classify
13 it as a freedom of choice plan?

14 THE WITNESS: I think that I would, yes, sir.

15
16 BY MR. AMAKER:

17 Q Isn't it a fact the reason why the Negro students
18 are required under your plan to go to Butler Elementary
19 School is because traditionally Butler is the Negro
20 Elementary School in District 13?

21 A For some consideration, yes, but there are other
22 factors involved like I mentioned a few minutes ago where
23 they will get better advice from a member of their own race.

24 Q What kind of advice are you talking about?

25 A There is no under under coercion as far as our

1 personnel are concerned. A parent entering a child for the 59
2 first time, they need advice.

3 Q Under this provision the child first registers in 60
4 Butler?

5 A Not necessarily so, in my interpretation. They re-
6 port there and then express their desire. As far as I am
7 concerned, in the administration of the plan, if they express
8 a desire to attend school at Butler it will be granted. If
9 they go to the nearest white school and facilities and every-
10 thing are available then they will be permitted to go and
11 we have agreed to administer it on a non-discriminatory
12 basis. As far as I am concerned, it will be administered
13 that way.

14 Q Assuming a Negro child entering the first grade
15 wants to go to Kerr Elementary School and that is the school
16 to which he would apply after a registration at Butler,
17 why didn't the plan specify the child could go directly to
18 Kerr and register there?

19 A It would depend where the child lived.

20 Q Aren't Kerr and Butler in the same general area?

21 A Right.

22 Q Assume the plaintiffs in this case are living
23 closer to Kerr rather than Butler and according to the
24 answers to the interrogatories their children went two miles
25 further to Butler than to Kerr.

Are you stating under this plan a child entering the first grade who wants to go to Kerr would have to go to Butler and register and then apply at Butler to come back and register at Kerr?

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A I am saying he would report to the school as a matter of administration on the first grade level. The parent would express a desire where to attend school.

Q And they would express that desire at Butler?

A Yes.

Q Why can't they express that desire at Kerr if that is where they want to go?

A In the plan we presented we felt like that was the best way to administer it and bring about desegregation over a four year period.

Q Then the answer to the question is that you felt this was true because in the past Butler has been the Negro school?

A And along with the fact that they can get better counselling from members of their own race than from the white race, due to the fact that you have a large teaching personnel and I cannot control the personnel.

Q What kind of counselling are you referring to?

A Any information they ask for.

Q Wouldn't you have persons at Kerr who can counsel a parent as to how to fill out a form?

1 A We have different personalities. I can't control
2 it.

3 THE COURT: Your answer, Mr. Cope, is you
4 believe the Negro personnel at Butler would be more likely
5 to give fair and impartial advice than would the white
6 personnel at Kerr?

7 THE WITNESS: I definitely do.
8

9 BY MR. AMAKER:

10 Q Is that feeling based on the basis that the Bossier
11 Parish School System is operating a dual system based on
12 race?

13 A We have some 800 teachers. I don't know them all
14 personally. We don't know what the reaction would be. I
15 can't answer that.

16 Q In answer to Judge Dawkins' question you said you
17 felt they could receive better advice from members of
18 their own race?

19 A I certainly do. I think they could.

20 Q I am asking only for the basis of that feeling
21 which you expressed to the Judge's question.

22 Isn't the basis of that feeling the fact that the
23 school system has been operated on the basis of race?

24 A Right.

25 Q Isn't it a fact as the plan presently stands if

62

SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA

1 there are no transfers that there will not be any desegrega-
2 tion in Bossier Parish Schools?

3 A I think it is an individual right matter. The
4 right of the individual should be considered.

5 Q If no child applies for a transfer in any grades
6 there will not be any desegregation; isn't that true?

7 A By freedom of choice.

8 Q If no child applies there will not be any desegrega-
9 tion?

10 A Yes.

11 Q In the light of the fact that you currently assign
12 students to schools in all grades, how does this plan at
13 all provide for desegregation?

14 THE COURT: I think the answer to that is
15 obvious. The plan is not attempting to require integration.
16 It simply permits desegregation.

17 MR. AMAKER: Sir, you indicated in the order
18 you wrote July 13 in this case in connection with the
19 Appellate decision that the duty and burden is on the School
20 Board.

21 THE COURT: That is correct, but there must
22 be a freedom of choice on the part of the student and
23 parents.

24 MR. AMAKER: The testimony indicated if a
25 child doesn't apply for a transfer then that burden will not

1 be shouldered by the School Board.

2 THE COURT: All he has to do is apply and
3 get his transfer. 64

4 MR. AMAKER: All the child has to do is get
5 his transfer; is that true?

6 THE COURT: Of course, there are certain
7 guide lines which must be taken into account. Generally
8 speaking, that is true, Mr. Cope?

9 THE WITNESS: Yes, sir.

10
11 BY MR. AMAKER:

12 Q You have six criteria listed under Paragraph F-1
13 of the plan. Are you stating these criteria will be used
14 in such a way as to assure those students --

15 A It has been some time since I read the plan.

16 Q Let me show it to you.

17 You can that the plan proposed will provide for
18 desegregation. Criteria 1 is "the desire or wishes of the
19 pupil and his parents or guardian."

20 If no parent or guardian indicates he wants to
21 transfer, no desegregation will occur?

22 A That's right.

23 Q Then under Criteria 2 you say: "Availability of
24 space and other facilities in the school to which the
25 transfer or assignment is requested."

1 A That is true.

2 Q In light of the testimony that the capacities for
3 each school in the system has already been determined and
4 in most instances you do have space available throughout
5 the system?

6 A That's right.

7 Q On the basis of that criteria, doesn't it mean
8 an assignment to any given school, that the student would
9 not be permitted to go to that school if that school was
10 overcrowded?

11 A Based upon freedom of choice, yes.

12 Q If the capacity of that school was considered
13 in relation to the residence of the person in that area,
14 that question would not arise; isn't that true?

15 A I would say it would be true in most cases.

16 Q Then Criteria 3 is the age of the pupil.

17 Aren't most students in the first grade in the
18 Bossier Parish School System the same age?

19 A I don't think this refers merely to the first grade.
20 Ordinarily, a first grader is five and a half to six or a
21 little over six.

22 Q What about the twelfth grade?

23 A You have different ages due to several factors.
24 Probably some are as a result of being retained and you have
25 this school problem. If a child is getting along well in one

65

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SIDNEY YOUNG.

1 school why throw him in another school and give him another
2 adjustment problem?

3 Q Is there any real variation between the ages of
4 students in the twelfth grade?

5 A I couldn't answer that.

6 Q There has been no study of it?

7 A I am not aware of it.

8 Q Is there any school in your system --

9 THE COURT: What you have in mind in con-
10 nection with that particular criteria is, for example,
11 someone is dull and has not been promoted -- who is fifteen
12 or sixteen years old and is in the fifth grade -- that would
13 be something you would take into account?

14 THE WITNESS: Yes, sir. If he was adjusted
15 in one school, why throw him in a new environment where he
16 is creating the additional problem for the student himself.

17
18 BY MR. AMAKER:

19 Q Your fourth Criteria is the availability of
20 courses of study.

21 Does this refer only to the twelfth grade or the
22 first as well?

23 A Primarily it would refer to junior and senior
24 high school.

25 Q If a Negro student applied for transfer under this

1 plan to a school, one of the factors that would prevent the
2 application of the request being granted is the fact that
3 there might not be a course of study available in that
4 school?

66

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5 A I don't understand your question.

6 Q I am trying to understand this particular Criteria.

7 A Well, maybe by answering that in reverse I might
8 give you an answer.

9 For instance, you have a child in a particular
10 school and there is another school in the vicinity in the
11 junior and senior high school level and the child in this
12 particular school feels like he needs a course available at
13 another school. We would give it consideration.

14 However, we have in our system generally, and the
15 rule we have operated under, if a course is requested on the
16 senior high level by as many as ten students we attempt to
17 offer that course in that particular school. Yet, at the
18 same time, there are other factors where maybe ten students
19 have not applied as far as conditions are concerned in the
20 other schools and I think that situation has to be taken
21 into consideration.

22 THE COURT: The Fifth Circuit Court of
23 Appeals recently held in one case where there is a particular
24 course a particular student wants to take that is not
25 available in his own school but available in another school,

1 that he is entitled to a transfer to that other school in
2 order to take that particular course.

3 Does your plan accomplish that 68
4 sort of thing?

5 THE WITNESS: Yes, sir. We would certainly
6 abide by the decision of the Fifth Circuit Court of Appeals
7 since that is in our plan.

8
9 BY MR. AMAKER:

10 Q In the case of a Negro student, this criteria
11 could be used to deny his admission to a school?

12 A If it is done on a discriminatory basis, yes, but
13 we plan to administer it without discrimination.

14 Q The plan makes no reference to any shift in the
15 transportation system. Is it the contemplation --

16 THE COURT: I think it necessarily follows,
17 Mr. Amaker, where a particular grade is desegregated and
18 there are students who have applied for and obtained
19 transfers, that the bus transportation will be provided to
20 them to that particular school and grade be it an integrated
21 bus or not. Is that correct, Mr. Cope?

22 THE WITNESS: Yes, sir. That has been our
23 intention. We didn't feel like it was necessary to spell it
24 out in the plan. We operate on a system where busses haul
25 to a particular school from a certain area and on up the

1 line.

2 In the district where that bus 68
3 hauls to and from a particular school and there is a colored
4 child in that district he will get on that bus and ride to 69
5 that school. That is the way we intend to administer it.

6
7 BY MR. AMAKER:

8 Q Could you state again what problems you will face
9 by the desegregation of the schools being delayed beyond
10 this coming fall?

11 MR. JOHNSTON: Your Honor, we have gone over
12 that.

13 THE COURT: I think we have gone over that
14 very thoroughly, Mr. Amaker. That is repetitious.

15 MR. AMAKER: Your Honor, I would like to
16 pass the witness at this time with the proviso I may have a
17 few additional questions to ask him under the adverse witness
18 rule.

19 THE COURT: All right.
20 We will take a short recess at
21 this time.

22
23 (SHORT RECESS)
24

25 THE COURT: Proceed.

CROSS EXAMINATION

70

1
2 BY MR. ROSS:

3 Q I think we may have gotten this straightened out
4 when you were talking about the thousand to fifteen hundred
5 turn-over. You meant by that that many students may go in
6 and out in the same year and it doesn't mean an increase of
7 a thousand to fifteen hundred each year?

8 A Yes, sir. It creates a problem by different grade
9 levels.

10 Q In other words, the thousand that leave may be
11 in different grades than the thousand that come in?

12 A That's right, and sometimes you have a decrease as
13 a result of the turn-over and sometimes we have a large
14 increase.

15 Q The increase might be in one area and the decrease
16 in another area?

17 A Right.

18 Q That is because of the Base being there that you
19 have to operate that system?

20 A Basically, yes, and may I explain. I pointed out
21 we have a transient population in civilian population as
22 well as the military.

23 Q It is a military and transient civilian population?

24 A A thousand or fifteen hundred is the information I
25 asked Mr. Davis for in military personnel.

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1 Q That is white and Negro students throughout all
2 twelve grades?

3 A Right, sir.

4 Q In this system you have to have it set up so that
5 you can be flexible to meet these changes in population?

6 A We have to try to be, yes, sir.

7 Q Is there any particular time of year when the
8 population shifts particularly?

9 A It goes on all year long. I can't give you an
10 answer as to any definite time. Sometimes there is a great
11 turn-over at the different periods of the year over which
12 we have no control.

13 Q You have to be flexible and attend to it when it
14 happens?

15 A We attempt to be, yes, sir.

16 Q Is it possible in one elementary school you will
17 have four sections and five sections of the third grade one
18 year and the next year?

19 A That's right.

20 Q You have to have teachers available to teach those
21 grades?

22 A Based upon certification requirements of the
23 State it creates a personnel problem also.

24 Q I don't believe you answered the question. I
25 asked you whether you have teachers to teach one grade one

1 year and another grade the next year?

2 A We do at certain level shifts.

3 Q And because of the level shifts the teachers have
4 to be flexible?

5 A Yes, but in consideration of the teacher -- some
6 teachers function better at the primary level and some
7 function better at the elementary level. The shift creates
8 a problem.

9 Q I take it a teacher who teaches the first grade
10 is also qualified to teach the third grade?

11 A Yes. We think grades one through three and,
12 particularly, one and two of the primary grades.

13 Q You were talking about some of the administrative
14 problems. You spoke about housing space. What do you mean
15 by that?

16 Did you mean classroom and building space?

17 I am talking in terms of problems you have with an
18 integrated school system. You said some of the problems
19 were housing. What do you mean by that?

20 A Space in the turn-over, I mean by that, for in-
21 stance, in the elementary schools I pointed out that in two
22 schools, Meadowview and Plantation Park we had classrooms.

23 Q Is housing classroom space? Is that what you mean?

24 A I have that in mind based on 30 students for
25

1 elementary and 25 in junior and senior high per classroom.

2 For instance, in shifting from school to school -- from
3 one school attendance area to another school attendance
4 area after the attendance lines have been drawn, then it
5 creates a space problem of different levels being affected.

6 In other words, so many transfer in on a primary
7 level.

8 Q Haven't we gone through that before?

9 Is what you are saying the ones that go out may
10 have been in one grade and the ones which come in are in
11 another grade?

12 A Yes.

13 Q Your system has to be flexible to allow for those
14 changes?

15 A We attempt to be.

16 Q You also mentioned in the future -- at least you
17 have been told that added personnel at Barksdale would
18 increase the school population but you don't know by how
19 much?

20 A It would be difficult to estimate, but we estimate
21 it would be at least a minimum of a thousand students and it
22 could go higher.

23 Q You don't know in particular in the future what
24 grades those children will be in?

25 A That's right. Those grades worry us as far as

1 housing is concerned.

2 Q Am I correct that you have a list of all the
3 students in the parish? You know who every student in the
4 parish is that is going to a particular school and what
5 grade he is in as of at the end of last year, let us say?

6 A Right, sir.

7 Q You can plan for next year what facilities you
8 will need when they graduate one grade beyond what they were
9 last year?

10 A Yes. I would like to make an explanation. The
11 fact that during the summertime there can be a tremendous
12 turn-over in student population and our estimates are off.

13 Q At least your estimates are based on the students
14 who were there last year?

15 A Yes.

16 Q You know the white and Negro students?

17 A Yes.

18 Q And you know how many white and Negro students
19 there are?

20 A Right.

21 Q In your transient population at Barksdale Field
22 when they are coming in next year or next fall, you don't
23 know who those people are?

24 A I have no way of knowing.

25 Q You don't know whether they are white or Negro?

1 A Right.

2 Q You will have to make your adjustments then to
3 send them to certain schools?

4 A Yes.

5 THE COURT: Mr. Cope, I believe you
6 mentioned earlier you presently register children in May of
7 each year.

8 Does that include the first
9 grade?

10 THE WITNESS: No, sir, it does not because we
11 don't consider the first grade in that due to the fact that
12 it is such an indefinite thing. Some of our elementary
13 schools have had pre-school round-ups and some have a turn-
14 over and there is a difference in the ones who enroll.

15 THE COURT: That is used in making an
16 estimate of your needs?

17 THE WITNESS: We attempt to estimate our
18 needs in each elementary school where we feel there are just
19 about the same number of students in the first grade as were
20 in school the year before.

21 As you progress up the line --
22 you have a third grade and you have five sections and in
23 some instances you would decrease a section and at the same
24 time you would have by your turn-over maybe three sections
25 of a certain grade and due to the turn-over you would have

four sections above the grades you are considering.

BY MR. ROSS:

Q Would it be correct to say you don't know for sure how many sections in a certain grade you are going to have until school starts in a certain year?

A You will have to estimate how many will be there, that's right.

Q This school District 26, is there a school for Negro students in that district?

A No, there is not.

Q There is a school for white students?

A There is a school for white students.

Q That is Rocky Mount grade one to twelve?

A Yes.

Q The Negro students who live in this bonding district attend in this part of the district, which is District 1, I believe, or this district; is that right?

A That's right.

Q At least for Negro students in this area there are really two attendance areas, Irion over here and Carrie Martin up there; is that correct?

Taking this whole area here, for Negro students there are two zones, those who go to Carrie Martin and those who go to Irion?

1 A In my opinion I would not consider it a divided
2 area. I think it is a convenience factor for the ones who
3 go to District 2 or 1, as far as transportation is concerned.

4 Q You don't draw lines and say all people who live
5 in that area go here? You try to get the ones closer to
6 Irion and the Negroes in this area who are closer to Carrie
7 Martin go there?

8 A That's right.

9 Q It is not attendance areas on the map, but if you
10 pinpoint where the students that went to Carrie Martin live
11 in this area and the ones who live here go to Irion?

12 A That's right.

13 Q Since there is no Negro school in this district,
14 it is as though this line didn't exist as far as Negro
15 students are concerned; isn't that correct?

16 A In District 26, yes.

17 Q These lines have nothing to do with the attendance
18 areas for Negroes; isn't that right?

19 A They do with taxation and by permission through the
20 years of cooperative effort to educate the children when
21 you have a problem as far as taxation.

22 Q You went through that before.

23 My point is a simple one: What you have outlined
24 in green is an attendance area for white children?
25

1 A In my thinking it is a taxation district.

2 Q But isn't it also an attendance area?

3 A Since there is no Negro school in that district,
4 naturally it becomes more or less of an attendance area.

5 Q You don't call it an attendance area but it is, in
6 fact, an attendance area because the white children go to
7 that school?

8 A All the white children got there in that district.

9 Q If they live in District 1, a white child goes to
10 Plain Dealing?

11 A That's right.

12 Q You stated earlier you re-draw the district lines
13 and try to fill the available classroom space?

14 A We do, sir. The appearance of those lines, which
15 would give the appearance of gerrymandering -- it is a
16 visual picture.

17 Q I wanted you to remember back when you did say
18 earlier you re-draw the lines every once in a while in order
19 to fill up a school in a certain area.

20 I take it, it hasn't been necessary to re-vamp
21 these areas in the rural districts over the years because of
22 population -- the population may be fairly static; is that
23 correct?

24 A That is correct.

25 Q Whereas in District 13 the particular zones may

1 have been changed every year with an adjustment in popula-
2 tion and they remain the same in the rural areas; is that
3 right?

4 A With this exception, that District 27, which is
5 South of town is beginning to get growth now and as a result
6 there will probably be from time to time revision of attend-
7 ance areas in that particular situation.

8 Q You are referring specifically, I believe, to the
9 two white elementary schools in District 27?

10 A That's right.

11 Q In this district, for instance, there is only one
12 school for white children to go to and that is Plain Dealing,
13 and the same thing is true in this district where white
14 children go to and that is Benton?

15 A That's right.

16 Q There is no matter of reassigning because there is
17 one school but in this district there are two schools where
18 you have to divide them up?

19 A But two elementary schools. Parkway contains
20 grades one through nine.

21 Q And so does Curtis?

22 A That is correct.

23 Q In your answers to interrogatories it is shown
24 Rocky Mount has a capacity of 220. Does that sound about
25 right?

1 A It does. I didn't arrive at that capacity
2 personally but I would assume that is true.

3 Q There is an enrollment in that school of grades one
4 to twelve of about 95 to 100?

5 A That is correct.

6 Q How long would you say Rocky Mount has had that
7 much under-capacity?

8 A I would say before my time.

9 Q Before you became Superintendent?

10 A Yes.

11 Q I take it since there is enough room in all these
12 rural schools you haven't found it necessary to re-zone
13 into this area to fill up Rocky Mount as you did in District
14 13? You would change the zones to compensate when you have
15 a school half full as Rocky Mount is?

16 A It is within a taxing district and we have
17 transportation problems.

18 Q Say that the white school at Plain Dealing was
19 getting crowded and you had this extra room at Rocky Mount.
20 You could transport students who live around here into Rocky
21 Mount to adjust for that situation, couldn't you, Mr. Cope?

22 A By agreement of the Board members involved in these
23 districts. Legally, we couldn't do it.

24 Q You do adjust sometimes to accommodate Board
25

1 members on things like that?

2 For instance, if somebody lived way up here and
3 the closest school was down here, you might make an
4 accommodation that is not technically legal to let the kid
5 go to a school a little closer to his home?

6 A As I pointed out previously, Mr. Ross, distance
7 and convenience are a factor.

8 Q You said this fall you were planning to make a
9 survey of the students who wanted to transfer in the rural
10 areas. Did you say you were going to do that or you could
11 do that?

12 A We felt like it would be necessary in order to
13 implement a plan for desegregation in the rural areas be-
14 cause your taxation and attendance areas don't necessarily
15 coincide.

16 Q Was it your thought to survey and find out how
17 many Negroes next year would want to transfer to white
18 schools? Is that your thought?

19 A Of the entire problem, that could be a part of it.
20 Primarily, we were thinking in terms of shifting population
21 as a result of desegregation.

22 Q Have you made a specific plan for a survey?

23 A We recognize the fact --

24 Q Have you taken any steps to make this survey that
25 you spoke of earlier?

1 A We plan to get into it.

2 Q You know who is going to make the survey?

3 A It would have to be members of my staff plus the
4 legal end as far as taxation districts are concerned. Mr.
5 Padgett is our legal counsel.

6 Q That wouldn't have anything to do with the survey
7 as to what students might want to attend schools, would it?

8 A It would as to what could be done in implementing
9 the plan from a legal standpoint.

10 Q One of your concerns is how many students will
11 want to go from one school to another school at a particular
12 time; is that right?

13 A That is correct.

14 Q If you plan to integrate some grades this fall
15 and some grades the next fall and some grades the fall after
16 that, wouldn't you have to continuously re-survey each year
17 to adjust for the increase in the number of grades affected
18 by your plan?

19 A Not necessarily in the rural areas because your
20 population is fairly constant. You don't have the turn-
21 over and it wouldn't be necessarily true in implementing
22 a plan over a four year period. We would have to make four
23 different surveys. In order to get the plan underway we
24 need time to make a survey.

25 In District 13 we have problems which will occur

every year.

Q The problems in District 13 have to do with Barksdale Field population and the transient population, which is a problem you have had for years?

A Yes.

Q That problem has nothing to do with the rural areas; is that right?

A That's right.

Q How long would it take you to make that survey?

A I would say this: It is an undetermined thing. It is the type survey we are not accustomed to. It has problems we haven't faced up to before and members of my staff are tied up for a month after school starts attempting to make adjustments.

THE COURT: Let me ask you this, Mr. Cope, along that line: If after due notice was given there was a ten day or a two week period allowed within which applications for transfer could be made, you would know at the end of that length of time how many to expect, would you not?

THE WITNESS: You are talking about in the rural areas?

THE COURT: Yes, sir.

THE WITNESS: Is that confined to grade one and twelve?

1 THE COURT: Yes.

2 THE WITNESS: Yes, sir, we would know that
3 within that period.

4 THE COURT: In other words, you would know
5 that right away?

6 THE WITNESS: Yes, sir.

7
8 BY MR. ROSS:

9 Q You would know immediately how many people made
10 the choice and you would have to adjust accordingly?

11 A That's right, but may I clarify it?

12 THE COURT: Yes.

13 THE WITNESS: In the rural areas, this thing
14 of taxation districts and attendance districts not conform-
15 ing is going to change the attitude of people.

16
17 BY MR. ROSS:

18 Q You have a non-conforming district in the sense of
19 Negroes living in this district going to Carrie Martin or
20 Irion. It is something you have dealt with before. It is
21 not a new problem.

22 A This will be a new problem in my experience.

23 Q I am talking in terms of the physical aspect of
24 making the plans. Put aside the issue of segregation, if
25 you can, and I will ask you have you had this problem of

1 students going to another taxation district before to go to
2 school even though they live in this taxation district?

85

3 A That is true.

4 Q It is something you have had over the years?

5 A That's right.

6 Q You know now, I take it, where all your students
7 live? You have their addresses as of last year?

8 A Yes, sir, we have that in our attendance section.

9 Q You spoke of the problems that would arise with
10 the shifting of teachers. You brought up a problem that
11 they were reluctant to move.

12 Do you mean move their residence or move from one
13 school to another?

14 A I think in the rural areas residence would be
15 involved and I think from school to school.

16 Q Especially in the city, from school to school.
17 You opened the new high school last year; isn't that right?

18 A That's right.

19 Q Are some of those teachers people who taught at the
20 old high school the year before?

21 A They came from several areas.

22 Q Are some of them?

23 A Some of them came from Bossier High and two junior
24 high's primarily.

25 Q That is another problem you have dealt with before,

1 teachers moving from one school to another?

2 A That's right, sir.

3 Q You have also mentioned a problem would exist be-
4 cause of the drivers in the rural area owning their own
5 busses and have a contract with you to carry students.

6 I didn't understand how that would cause any prob-
7 lem with integrating the school system. Would you explain
8 that?

9 A What I had in mind, primarily the setup on private
10 contracts -- for instance, the contract at Carrie Martin,
11 if that reverted to District 26 and the 200 in District 2
12 reverted back to Rocky Mount, the transportation problem
13 would involve the route of those drivers.

14 Q I realize that. The point I was making, you said
15 it had something to do with the contract drivers. I didn't
16 understand why that would be an administrative problem?

17 A When you go to cutting one man's salary and adding
18 to another one, you have an administrative problem and it is
19 quite a problem.

20 Q You mean you would cut the amount of money because
21 the bus route wouldn't be as long?

22 A That's right.

23 Q Don't you change the routes if a kid lives here
24 and graduates from Plain Dealing and the bus driver doesn't
25 get him any more?

1 A Those are minor changes. You don't have great
2 changes in the rural areas. Then in Bossier City, District
3 13, most of our busses with the exception of 85 are publicly
4 owned by the School Board and we can administer them easier.

5 Q There is no legal problem which prevents you from
6 shortening a bus driver's route in the rural area?

7 A No legal problem but it might be a financial
8 problem.

9 I might say, Mr. Ross, we have to get permission
10 to alter routes from the State Department of Education.

11 Q Each time you change a route?

12 A Mr. Smith can give you more accurate information
13 on that than I can.

14 Q Why don't we wait for that?

15 A All right.

16 MR. ROSS: That's all the cross examination
17 I have of this witness now.

18
19
20 RE-DIRECT EXAMINATION

21 BY MR. JOHNSTON:

22 Q You were asked on cross examination about the School
23 Board being responsible for assignments within the entire
24 Parish of Bossier. Does the School Board have any legal
25 right to assign the children from one taxing district over

1 to another taxing district?

2 A My opinion is from a legal standpoint the Board
3 would not.

4 Q The only reason this has grown up through the years
5 is by consent and practice?

6 A Right.

7 Q If you try to make wholesale shifts caused by
8 desegregation and it was not by the consent of the particular
9 taxing district then it would require a vote of the people
10 to re-draw these lines?

11 A That's right.

12 Q The School Board has no right to re-draw these
13 taxing lines?

14 A That's right.

15 Q The School Board has no right to transfer students
16 out of one taxing district into another taxing district?

17 A I think that is true.

18 Q Even though you might be able to make a survey in
19 a week or ten days or ten or two weeks to determine the
20 amount of shifting you will have in your rural areas, never-
21 theless to change these lines and implement these changes
22 would take the time to have an election and vote of the
23 people?

24 THE COURT: That is provided you have some
25

1 hard headed Board members?

2 THE WITNESS: That's right.

3
4 BY MR. JOHNSTON:

5 Q Defendants' Exhibit 1 shows last year's lines for
6 junior high and elementary schools in School District 13 --
7 your attendance areas?

8 A Right.

9 Q They cover the whole parish -- they don't exclude
10 any areas?

11 A That's right.

12 Q This applies only to white children?

13 A Right.

14 Q Were the people of these districts determined by
15 the fact that you had Negro children anywhere?

16 A They were determined by the size of the school and
17 keeping the classroom full based upon the fact that was a
18 white school.

19 Q For example, in Central Park Elementary, maybe the
20 year before the line came here but in order to increase it,
21 rather than take in this area, you would take in this area
22 because you might have enough elementary students who live
23 in this area and wouldn't live in that area (indicating)?

24 A That's right.

25 Q The gerrymandering is something that has come

1 about by the need and capacity of the school rather than any 90
2 segregation intent?

3 A Under the system we operated, that is true.

4 Q In re-drawing these lines for next year it will
5 require some degree of gerrymandering not based on segrega-
6 tion to operate your schools at optimum capacity?

7 A That is true, Mr. Johnston. I have been so busy
8 lately, I don't know the estimated increase but I am sure
9 there will be some changes and Mr. Davis can answer that
10 later.

11 Q In speaking about the elementary schools being
12 close to capacity but under capacity, let us say you have
13 a school which has a thousand capacity and is operated at
14 900 right now. It is below capacity?

15 A That's right.

16 Q Does that mean each grade in that school will have
17 9/10ths of its capacity?

18 A No, sir, we have over-crowded conditions by grade
19 and some under capacity.

20 Q And a shifting of students within the school
21 system will aggravate that problem even worse, will it not?

22 A By grade levels, it will, yes, sir.

23 Q Mr. Cope, getting to this part of the plan whereby
24 first grade students are to report to Butler, there has been
25 some questions here about the difference between the word

1 "assignment" and "reporting" and "registration."

2 As I understood your testimony, you mean by
3 "registration" that they report there to be assigned upon
4 filling out an application; is that right?

5 A That is correct, on the basis of the plan we sub-
6 mitted.

7 Q As someone who has been in the Louisiana School
8 System for a long time, do you feel you know fairly general-
9 ly where the colored children are going to want to go to
10 school in the first grade?

11 A I think I personally know from association with the
12 different schools -- the different races and members of my
13 staff. I have stated once before that the majority of the
14 colored students in our parish will want to go to the
15 schools that they attended the previous year.

16 Q How about first grade students? Do you think the
17 majority of the first grade students will want to go to
18 Butler or the white school?

19 A I think the majority will want to go to Butler.

20 Q If the majority of the colored students are going
21 to want to go to Butler, from an administrative standpoint
22 would it be easier to send them initially to Butler and
23 let those who want to be assigned to another school be
24 assigned out, or would it be easier to send them all over
25 the school district and have them re-assigned to Butler?

1 A It would be much easier an administrative problem
2 for them to report as proposed in the plan.

3 Q They can be assigned right at Butler and cut down
4 on the red tape?

5 A That's right.

6 Q That is the real reason about the provision to
7 send them first to Butler?

8 A That's right.

9 Q And they will get at least as good or better ad-
10 vive as to how to transfer out by members of their own race?

11 A In my opinion, they definitely would.

12 MR. JOHNSTON: No further questions.

13
14 RE-CROSS EXAMINATION

15 BY MR. AMAKER:

16 Q Mr. Cope, do you recognize as a school adminis-
17 trator a difference between a transfer and an assignment?
18 Would you state that difference if you recognize it?

19 A An assignment is when a student has definitely been
20 in our system assigned to a particular school. We operated
21 under the pupil placement act.

22 Q I am asking you, generally, what do you understand
23 the difference between a transfer and assignment and I am
24 asking you on the basis of your expert knowledge as an
25 educator?

1 A A transfer is a request to change from one school
2 to another.

3 Q Is it possible for anyone to transfer until they
4 have been assigned?

5 A No, not under the definition of transfer.

6 Q Of course, a transfer is only made pursuant to
7 some person applying for a transfer after an assignment
8 has been made; isn't that true?

9 A To a particular school.

10 Q The assignments contemplated under this plan are
11 assignments that will be made as they have been made in the
12 past; isn't that true? Doesn't the plan state that?

13 A As I stated, it has been some time since I read
14 the plan.

15 Would you read me the words in it?

16 Q Paragraph 1 of your plan states:

17 "All initial pupil assignments made for the school
18 year 1965-66 will be considered adequate, subject, however,
19 to the right of a student to transfer to the nearest former-
ly all-white or all-colored school in accordance with the
following transfer provisions:"

20 The question is, this plan does contemplate all of
21 the students will be assigned as they have been in the past?

22 A All students in our system have already been
23 assigned.

24 Q Those assignments have been made as in previous
25

1 years?

2 A That is correct.

3 Q Those assignments were made on the basis of the
4 dual racial system?

5 A That's right.

6 Q And there has been no change under this plan?

7 A As far as students this past year, no.

8 Q For the succeeding years the assignment will be
9 as it has in the previous years; isn't that true?

10 A In grades not covered by the plan?

11 Q In grades covered by the plan?

12 A In grades covered by the plan it would be on a
13 freedom of choice basis.

14 Q The freedom of choice basis is the exercise of a
15 transfer after an assignment has been made based on race,
16 isn't that true, in the grades covered by the plan?

17 A Of the people already in school, yes.

18 Q They are assigned to those schools based on race?

19 A They were assigned this past school year.

20 Q And they will be in the future?

21 A People have the right to request a transfer.

22 MR. JOHNSTON: The plan speaks for itself.

23 I think it is rather clear on this.

24 MR. AMAKER: We have had some problem as to
25 what freedom of choice means.

BY MR. AMAKER:

Q Isn't there a choce to transfer from a school to which a student has been initially assigned on the same racial basis as before this plan was formulated?

A Yes, as the students enrolled last year.

Q This is going to be in subsequent years?

A What does the plan say with reference to first graders?

Q What I read was with reference to first graders. I will read it again:

"A Negro child entering the first grade will report at the school named before an application may be made."

Based upon the definition we have agreed on of an assignment as opposed to a transfer, isn't that application in essence and reality a transfer application?

A In my thinking, no.

Q How can it be other than that if a person has to apply for it?

A I think there is a difference in the formulation of the plan on the part of the plan as far as semantics is concerned and the implementing of the plan from the legal plan.

Q It is not really a semantic difference. Isn't it a real difference?

A In my thinking, as far as first graders are

1 concerned, those who have not been assigned in the past
2 school year, if they report to Butler and are new to the
3 system for the first time, in my consideration of it it
4 would be the fact that they have the freedom of choice to
5 attend that particular school or the nearest all white
6 school and we would attempt to administer it that way and I
7 would consider that an implementation of the plan by the
8 request where they wanted to attend school at Butler or
9 the nearest white school and that would be an assignment.
10 They wouldn't be assigned to Butler. They have a freedom of
11 choice. When it is transmitted into legal words, I could
12 see why you would interpret it differently.

13 Q Your plan states the decisions of parents will be
14 taken into account and in answer to Mr. Johnston's recent
15 questions you indicated this is a free choice plan.

16 I asked you, if prior to the order of this Court
17 requiring the institution of a plan for desegregation, the
18 Bossier Parish School Board, the administrative staff, or
19 any of its employees, ever polled Negro parents who had
20 children attending the school system to determine whether
21 they wanted to go to the schools that they were attending?

22 A No poll was ever made, no.

23 Q Did you ever poll white parents?

24 A No.

25 Q Isn't it true no survey or poll or attempt has

1 been made to determine the choice prior to the order re-
2 quiring this desegregation plan?

3 A Repeat that?

4 Q Isn't it true prior to the order of the Court re-
5 quiring this desegregation plan no one connected with the
6 Bossier Parish School System has ever done anything to
7 determine the choice of the parents be that child Negro or
8 white?

9 A Since my time, that is true. Previously, I can't
10 say.

11 Q What would your judgment be in that regard?

12 A My judgment would be it has never been because we
13 operated the dual schools.

14 Q The children were placed in school by action of
15 the School Board and not choice?

16 A That is true.

17 Q That action by the School Board was the assignment
18 of Negro children to Negro schools and white children to
19 white schools?

20 A In past years.

21 Q Without asking anybody whether they wanted their
22 children to go to a particular school?

23 A That is correct.

24 Q The only purpose of having a choice is because you
25 have been ordered to desegregate; isn't that true?

1 A I suppose that is true.

2 Q Again, if no one exercises any choice, the school
3 system and the assignments will remain exactly as they have
4 in the past?

5 A That is true.

6 Q That over-crowded conditions by grade that you
7 responded to Mr. Johnston's question about -- the example
8 he gave with a school of a thousand capacity and 900
9 enrollment and you stated that means each grade has 9/10ths
10 of the capacity.

11 Isn't it true the problem of over-crowding by
12 grade would be alleviated on the example he gave if you
13 merely considered the capacity of that school and assigned
14 the children to all grades of that school based on their
15 residence until the capacity was reached?

16 A I don't think it is administratively possible.

17 MR. AMAKER: That's all.

18
19
20
21
22
23
24
25

RE-DIRECT EXAMINATION

20 BY MR. JOHNSTON:

21 Q Mr. Cope, in speaking about this transfer and the
22 difference between assignment and transfer, suppose a Negro
23 student asked to transfer this year from the formerly all
24 Negro school to a white school and that transfer is granted
25 this year. The following he would be automatically re-

1 assigned to the white school, would he not?

2 A That is correct.

3 Q It is designed to give the student the choice of
4 where he wants to attend school?

5 A That's right.

6 MR. JOHNSTON: That's right.

7 THE COURT: We will recess until a quarter
8 of two.

11 (AFTERNOON SESSION)

12
13 Trial resumed.

Same Appearances.

16 ---c0o---

BILL DAVIS

100

called as a witness on behalf of the defendants, being
first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. JOHNSTON:

Q You are Mr. Bill Davis?

A Yes, sir.

Q Mr. Davis, what is your position with the Bossier
Parish School Board?

A Supervisor of attendance.

Q Do you try to solve these administrative problems
of assigning students to schools and determining eligibility,
capacity and that sort of thing?

A Yes, sir.

Q How long have you been with the Bossier Parish
School Board?

A Three years.

Q It is your job to also make estimations of the
following year's proposed enrollment, is it not?

A Yes, sir.

Q Mr. Davis, in the alternative plans for desegrega-
tion of the Bossier Parish schools submitted by the School
Board there are three plans, the lowest of which calls for

1 a four year desegregation plan, whereas the Government and
2 plaintiffs insist on a one year plan for total integration
3 of Bossier Parish Public schools.

4 In your opinion, as the person who handles
5 administrative assignments of students to schools, would it
6 be possible to solve this desegregation problem in one
7 year or, on the other hand, would you need four years at
8 least?

9 A We would need four years. Personally, I could not
10 do it. I do not feel as though I could do it in one year.

11 Q Tell the Court, Mr. Davis, what some of these
12 administrative problems are that would be caused by the
13 shifting of population?

14 A Well, in the first grade last year we had
15 1200 new first graders in District 13. As you can see, it
16 is a terrific problem in determining where they live, and
17 that sort of thing, as to where they would go to school.

18 Q Last year you had attendance lines for your white
19 students, did you not?

20 A Yes, sir.

21 Q Were those the same attendance lines you had the
22 year before and the year before that?

23 A We have made minor changes. As you know, the
24 downtown area is not as densely populated as it was at one
25 time. People are moving to the outlying reaches of the city

1 limits. They are moving and that is a problem. The new
2 people coming to our town, and with the rapid growth we now
3 are having, we are the tenth largest city in Louisiana. If
4 our percentage of growth continues -- if you project that in
5 thirty years, we would be larger than Shreveport. We would
6 be larger than Shreveport if we continued our growth at the
7 rate we are going and Shreveport continued their growth at
8 the rate they are going.

9 Q How frequently do you have to change these lines?

10 A Well, we might make minor changes every year or so
11 because of different localities.

12 Q In implementing a plan of desegregation would you
13 then have to change the lines again or actually re-draw new
14 lines in order to accommodate the shifting population?

15 A Yes, sir, I feel certain we would.

16 Q Is it as easy to re-draw lines where you have two
17 grades involved, say, the first and twelfth, as it would be
18 to re-draw the lines for all grades?

19 A It would be very hard for all grades. I don't see
20 how that is humanly possible.

21 For example, last year we mentioned the fact that
22 we are a flexible system and we are, but last year I made a
23 mistake and I over estimated the number we would have in our
24 system by 590 students and this meant a great cost to our
25 system because of the number of teachers we had to hire with

1 this anticipated enrollment. There is a limit as to how
2 flexible you can be.

3 Q You say in the first grade last year you had over
4 a thousand applications?

5 A Yes, sir.

6 Q Each one of those applications had to be processed
7 and an assignment made on the application?

8 A That is correct. It is a matter of filling out a
9 form and whether they fill out a form to go to one school
10 or another it is a matter of having to know how many are
11 there and how many we can expect.

12 Q From the administrative standpoint we mentioned,
13 under our plan the Negro students will report to Butler and
14 the white students will report to the closest white school
15 in their area of residence.

16 Mr. Cope testified it is his opinion most of the
17 Negro first graders would want to go to Butler. Assuming
18 that to be true, from an administrative standpoint, would
19 it be easier for them to report to Butler or go to another
20 school in the parish?

21 A It would be the most logical solution to let them
22 go to school where the majority would want to go anyway.
23 Those who would want to attend white schools, that could
24 be done easy and the procedure is not set up to prohibit
25 that.

1 Q Why would it be easy to send your Negro first
2 graders to Butler?

3 A So many of our students want to go to the school
4 where their brothers and fathers went to school. There is
5 a sense of spirit.

6 Q Why is it easier from a paperwork standpoint?

7 A Well, it will be broken down into smaller groups.
8 Each elementary school will have a group of first graders
9 report. If they all report to one location, it would be
10 impossible for a thousand coming in at the same time. With
11 a thousand first graders you will have a thousand mothers
12 come in and this is meant to help all concerned, white and
13 Negro alike.

14 Q Under our plan, newcomers will be given the right
15 to desegregate as the plan meets each particular grade.

16 The Government and the plaintiffs have insisted
17 that newcomers be given the right to integrate without
18 reference to whether or not the plan reached their particular
19 grade. In view of the large number of Barksdale students,
20 would this create a problem peculiar to Bossier Parish as
21 opposed to the rest of the State as regards the newcomers?

22 A Yes, sir, it is a terrific problem now and it
23 would be compounded with the integration problem. Youngsters
24 coming to our city from 49 different states, it is a
25

1 terrific problem getting all the new seniors into our
2 system and giving them the subjects for graduation.

3 Q Approximately how many, and I believe this figure
4 has been stated before, turn-over would you have of these
5 federally connected children?

6 A About a thousand or fifteen hundred. Somewhere
7 in that neighborhood, and a lot of this shift comes in the
8 summer when we have no contact with them. Of course, the
9 military cannot tell us what they plan to do because of
10 security reasons.

11 Q There has been some mention of a new Bombing Wing
12 coming in and a transportation squadron. Do you know ap-
13 proximately how many students would be connected with this
14 change?

15 A They aren't able to tell us how many students.
16 They are able to tell us the number of airmen and officers,
17 roughly. Some of them might have one child. Some of them
18 might have two. We have no way of knowing what particular
19 grade level they will be on.

20 Q Do you know approximately how many military
21 personnel will be involved?

22 A The amount of personnel would practically double
23 if we add this new squadron.

24 Q That would be coming between now and sometime in
25 1968?

1 A Yes, sir.

2 Q Do you know exactly when they will be here?

3 A No, sir. It is around that date but for security
4 reasons they are not able to tell us exactly.

5 Q You have something like forty-four hundred federally
6 connected children?

7 A Yes. We would not get that many more because a
8 lot of these are from associated occupations -- contracts
9 that come in at various times. For example, the Boeing
10 contract expired and that is the reason we over estimated.
11 They moved out during the summer, and we don't know that.

12 Q To make a rough educated guess, in addition to
13 this forty-four hundred federally connected students you
14 have now, how many would you estimate we would have coming
15 in from these two contingents?

16 A A thousand, five hundred, two thousand.

17 Q As far as newcomers to a system, you might have
18 as many as two thousand coming in in addition to the fifteen
19 hundred ordinary turn-over?

20 A Yes.

21 Q You might have as many as thirty-five hundred new-
22 comers to the system?

23 A That is correct. Also, we have this loss and gain
24 as a result of the transient population. We have this
25 shift of losses and gains in addition to the military.

Q Mr. Davis, from the administrative standpoint, would it be a greater problem to integrate this 3,500 new students into the system in any one year without reference to whether or not the desegregation plan had reached that particular grade in which they are students, or would it be easier from the administrative standpoint to let this be taken care of as the plan reaches each grade?

A The only way it could be done would be on a gradual basis -- four years is not a gradual basis -- that is really stepping it up and that would be the minimum. I don't see how we would do it in any less time -- not and due (sic) justice to all concerned.

Q Mr. Davis, with reference to the first grade, do you know prior to the first day of school when they report to the particular school how many students, whether colored or white, will be applying?

A No, sir.

Q There is no way you can check on this without having them actually report?

A No, sir.

Q In reporting, from an administrative standpoint, we are having the Negro students report to Butler in the first grade on the first day of school and you have mentioned the reason for this and most of them, you would expect, would stay there. Why is this easier from the administrative

1 standpoint?

2 A Well, it is easier for the parents and the
3 children.

4 Q I am talking about from your standpoint?

5 A What happens, we receive all those applicants from
6 the various schools -- the principals are able to get it to
7 us in alphabetical order and we are able to go through
8 those and to verify teacher allotments for various schools.
9 That is the great problem there. One of the great problems
10 you have touched on, and it is this: If we have a few that
11 plan to integrate, we will have a number that will want to
12 transfer. We will have a mass shift of population out of
13 twelve grades which would give us chaos. I can visualize
14 it and it happened in some areas. I would hate to think of
15 trying to integrate twelve grades.

16 MR. JOHNSTON: Tender the witness.

17
18 CROSS EXAMINATION

19 BY MR. AMAKER:

20 Q In what areas has this mass shift happened before,
21 Mr. Davis?

22 A Well, you mean in other localities?

23 Q Yes.

24 A I have not been there as a witness, of course.

25 Q Is that what your answer is?

1 A I would like to cite the Washington, D.C. case
2 where now --

3 Q Let me interrupt you. I take it this mass shift
4 you are talking about, you weren't talking about any
5 situation that occurred in Bossier Parish, were you?

6 A No.

7 Q That is because you have never had any Negroes
8 going to school with whites before?

9 A Not to my knowledge.

10 Q How do you determine now, Mr. Davis, how many
11 children are going to be assigned to the first grade, that
12 is, prior to the promulgation of this plan?

13 A Well, with our estimate of the year before and
14 adding a per cent of the increase that we have had in years
15 prior to that.

16 Q Estimate of the year before is based on what the
17 previous years enrollment is in the particular school?

18 A Yes, sir.

19 Q In order to make the estimate for the coming year,
20 what do you add to that?

21 A It depends upon the school. If you have a fast
22 growing school that per cent, of course, is fairly static.
23 Where the population is decreasing, we might have minus
24 factors there and we would have fewer in the first grade.
25 We try to work it out on an individual school basis.

1 Q You have done this in the past with a normal
2 amount of difficulty?

3 A Well, for me it is rather difficult. I missed it
4 last year.

5 Q The estimate has been related to the capacity of
6 a given school; isn't that true?

7 A It is related to the number of people that were
8 there last year.

9 Q How do you plan to make the estimates for the
10 coming school year under this plan?

11 A The same way. We won't know until this is over
12 exactly what our plans are.

13 Q You know now what the capacity of a given school
14 is?

15 A Yes.

16 Q Would the job of estimating be no more difficult
17 than in the past if the students were assigned to a given
18 school on the basis of the capacity of the school?

19 A The great problem is this --

20 Q Could you answer the question?

21 (Whereupon the last question was read by the
22 Reporter.)

23 THE WITNESS: We are doing that now.

24 BY MR. AMAKER:

25 Q That is what you are doing now?

1 A Yes.

2 Q If you continue to do that, whether the students
3 were Negro or white would not have any affect on that; isn't
4 that true?

5 A That is true.

6 Q You say the problem you have is that of determining
7 where people live. Do you have population records?

8 A Yes.

9 Q You have been keeping them for a number of years
10 as part of the School Board records showing where students
11 live?

12 A That is correct.

13 Q How has this problem of determining where students
14 in the system live in the past been handled? Has it been
15 handled on the basis of the data you normally keep?

16 A Yes.

17 Q What would cause a change in that process by
18 desegregation of the schools?

19 A Where the people are going to be when school
20 starts is something else. A lot of these people will move
21 and leave their homes. That is my opinion.

22 Q You have had people moving and shifting and leaving
23 their homes since you have been with the School Board; isn't
24 that true?

25

1 A Yes. I am talking about mass numbers -- large
2 numbers.

3 Q On what basis do you anticipate mass numbers?

4 A That is just my opinion. We haven't had this prob-
5 lem in our system before.

6 Q You have handled the problem of persons shifting
7 their residences before?

8 A Oh, yes.

9 Q You have been able to put those people in school
10 despite the shifts?

11 A We do the best we can.

12 Q All those persons who are entitled to go to the
13 Bossier Parish School System have, in fact, gone despite
14 the shift?

15 A Yes.

16 Q You stated that the problem in re-drawing lines were
17 grave in the school. Isn't it easier to re-draw the line
18 for a particular building and assign students who live in
19 that area to that school?

20 A Unless they move from one school district to another
21 school district.

22 Q Yes, but assuming that did not occur. If you simply
23 drew the lines with respect to a school building?

24 A I feel as though it will occur.

25 Q I said on the assumption it does not occur any

1 more than it has in the past?

2 A You are asking me to answer questions that I don't
3 believe have an answer. I don't think it is going to happen.

4 Q You must have an opinion in this area?

5 A I think so.

6 Q The answer to that question is what?

7 A You are asking me do I still beat my wife. We
8 would have problems. We will do the best we can.

9 Q Let me restate the question: I asked you if you
10 simply drew the geographical lines with respect to a
11 particular school building and its capacity, wouldn't that
12 eliminate and diminish any problem with respect to grades?

13 A If they did not leave the district we could. The
14 schools are there and the lines could be drawn on paper.

15 Q Isn't it a fact, in the past you have had around
16 a thousand transfers for various reasons during the school
17 year?

18 A No. This thousand is youngsters coming into our
19 system from other states.

20 Q Let me ask you this: Approximately how many trans-
21 fers have you had in the normal course of a year for various
22 reasons?

23 A That is answered in the interrogatories, I believe.

24 Q Without taking the time to get the exact figure,
25

1 you would state the Board granted transfers for various
2 reasons in the past?

3 A Yes, we plan to do that.

4 Q Those transfers have been from one attendance area
5 to another?

6 A Yes.

7 Q And they have been for various reasons?

8 A For medical reasons and things.

9 Q Educational reasons?

10 A We try to do the best we can for the youngsters.

11 Q I take it this process would continue in effect?

12 A You can work with small numbers. It is mass
13 numbers when you have your great problems.

14 Q I am suggesting you wouldn't have mass numbers
15 if students were assigned on the basis of their residence
16 and capacity of a particular school?

17 You would have about the same amount?

18 A If no one left the district and no one entered,
19 that is true.

20 Q You would have transfers between the districts
21 but they would be no more?

22 A We are confusing school districts and school
23 attendance areas.

24 Q We are talking about school attendance areas. There
25 would be no tremendous problem in handling transfers?

1 A There would be terrific problems.

2 Q How would those problems be different?

3 A I can simply draw the lines on paper. It is getting
4 the people to go along with this. That is our problem and
5 that is why we need time.

6 Q You are saying your problem really boils down to
7 community acceptance?

8 A That is part of our problem.

9 Q That is your only problem?

10 A No, that is not our only problem. We have a lot
11 of problems.

12 Q Mr. Johnston asked you to answer questions based
13 on an assumption Mr. Cope made. He asked you whether or
14 not, on the assumption, most of the Negroes who will be
15 entering the first grade would want to go to Butler
16 Elementary School -- whether it would be easier to handle
17 the situation of placing them the way the plan contemplates.
18 You remember your answer that you thought it would?

19 A Yes.

20 Q If that assumption is incorrect then would you
21 change your answer? If the assumption is incorrect most of
22 the Negroes won't go to Butler?

23 A My boss is never wrong.

24 Q I would like an answer. I appreciate the levity.

25 A He is right. He is absolutely right.

1 Q That is not my question. If the assumption is 116
2 wrong?

3 A I believe if he was wrong, our relationship is so
4 fine that we would have known about it before now. There
5 is no doubt about that.

6 Q I will still press you for an answer to my ques-
7 tion?

8 A You would like to know if my boss is wrong. Can I
9 answer that?

10 THE COURT: I don't know whether you can
11 or not, Mr. Davis.

12
13 BY MR. AMAKER:

14 Q You cannot conceive of that assumption being in-
15 correct. Is that why you can't answer that?

16 A I might have a lot of reasons for feeling any
17 particular way I do. It goes rather deeper than one reason,
18 I feel.

19 The questions you are asking don't have one motive,
20 they have a number.

21 Q Assuming that a substantial number of Negro stu-
22 dents will be entering the first grade this fall and want
23 to go to schools other than Butler Elementary School in
24 District 13, then would you still say that the easier
25 administrative way to handle it is to have them all report

1 to Butler and then make an application to attend some other
2 school?

117

3 A Yes, I would think so for this reason: We have a
4 number of teachers at Butler in the first grade. At Butler
5 we have five first grade teachers. We anticipate 125 first
6 graders. That gives each teacher 25 students. If these
7 five teachers can get 25 students in their room and they can
8 assign them and if they want to transfer, that can be done
9 quickly. There is no problem.

10 Here you have one teacher able to talk to a few
11 students. If they go anywhere, they will want to go their
12 very first day and we might have a flooding of an area too
13 and it is a matter of trying to make it easier and more
14 pleasant for the youngster and the mother.

15 It is difficult for mothers with youngsters on
16 the first day. It is a matter of ease for them and,
17 certainly, the teachers involved.

18 Q You testified you anticipate a great deal of growth
19 in the school system. This growth was anticipated prior to
20 this Court's order requiring a desegregation plan, was it
21 not?

22 A Yes. Our growth is rather sproadic right now.
23 Last year we didn't have the growth we did before. In going
24 back a number of years, each year we have had a substantial
25 growth and we just have to base it on that, of course.

1 Q You, in fact, made contingency plans to accommodate 118
2 this expected growth?

3 A Tentative plans, yes.

4 Q If this order would not have been entered, you would
5 have accommodated this growth in the schools you have; isn't
6 that true?

7 A Yes, we will try. It might involve a shift in the
8 morning or an afternoon shift. I hope not.

9 Q You will have administratively accommodated that
10 growth?

11 A Yes.

12 Q I ask you, sir, how does the fact that you now
13 have a desegregation change the fact that the Board would
14 have accommodated this growth?

15 A I believe we discussed that.

16 Q Is there any necessary relationship between the
17 two?

18 A The problems that are involved and, administrative-
19 ly, there are many. We feel as though we can do it/an easier
20 way for the youngsters by this method presented in the plan.
21 That is the reason this was proposed.

22 Q Is there any greater problem related to the expected
23 increase of school population because of the anticipated
24 desegregation?
25

1 A We haven't had this problem before and I don't 119
2 know. It would be a matter of opinion as to what problems
3 we will be faced with.

4 Q You just testified if there had been no desegrega-
5 tion plan required you would have accommodated this growth?

6 A Yes.

7 Q There is no relationship between the anticipated
8 desegregation of the schools and the accommodation of the
9 growth?

10 A If we are desegregated we will educate them.

11 Q With respect to the newcomers, you gave some
12 figures you have been faced with out of Barksdale Field of
13 military personnel, that you could reasonably anticipate
14 about 2,000 new students?

15 A Not in September. We were talking about when this
16 wing comes in.

17 THE COURT: I think we can dispense with
18 the discussion about newcomers because the Courts repeatedly
19 held any newcomer to the system is entitled to admission
20 to whatever grade he belongs in regardless of what the plan
21 might be otherwise.

22 MR. AMAKER: With that understanding, I
23 pass the witness.
24
25

CROSS EXAMINATION

120

1
2 BY MR. ROSS:

3 Q Mr. Davis, can you tell me offhand how many Negro
4 students there are in District 13?

5 A That is in the interrogatories of last January,
6 I believe. Last January we had in Butler 763. At Mitchell
7 479.

8 Q Around 1,200?

9 A Yes.

10 Q This turn-over you spoke of earlier of 1000 or
11 1500 a year --

12 A That is the military connected.

13 Q That is mostly within District 13?

14 A Yes.

15 THE COURT: Can you tell me out of this
16 1,200 approximately how many Negro students are federally
17 connected?

18 A Federally connected, living on Base, you would
19 have about 60, I suppose.

20
21 BY MR. ROSS:

22 Q How about living off Base? About a third of that?

23 A Possibly so.

24 Q Let me clear up some of the details of how this
25 zone system works: This green line which runs through the

1 middle of the red line divides your high school and junior
2 high school?

121

3 A That is correct.

4 Q This is Green Acres Junior High. All the white
5 students that live above this green line go to Green Acres
6 Junior High School?

7 A Except with a few minor exceptions.

8 Q What sort of exceptions?

9 A Medical reasons.

10 Q One where they ask for a transfer?

11 A Yes.

12 Q If they live here, for instance, there are a few
13 streets below the green line?

14 A They go to Rusheon Junior High.

15 Q What about the kids on the Base?

16 A From the Base -- Green Acres was built after
17 Rusheon and the children from the Base do go to Green Acres.

18 Q And on to Airline High School?

19 A Yes.

20 Q And below this line they go to Bossier High School?

21 A That is true.

22 Q As a matter of balance -- in other words, if you
23 send the Base kids who live below the green line to Rusheon
24 and Bossier that would cure up?

25 A Yes, that is true.

1 Q You sort of make an exception to your geographical 122
2 area in order to balance up the score?
3 A That is true.
4 Q Parkway Elementary is grades 5 to 9?
5 A Yes.
6 Q Is that in District 13?
7 A 27.
8 Q The District 27 line is here somewhere?
9 A It is up near the military bridge.
10 Q Parkway is a white school?
11 A Yes.
12 Q Where do the children go to school in the 10th
13 grade?
14 A Bossier High.
15 Q Where do the Negro children go in District 27?
16 A If they live near Stikes they go there.
17 Q What about the white children who live further
18 South? They go into Bossier?
19 A They travel into Bossier.
20 Q You said last year you had 1,200 new first graders?
21 A Yes.
22 Q Was that in District 13 or the whole parish?
23 A District 13.
24 Q Do you know howmany of those were at Butler?
25

- 1 A First graders at Butler, 125.
- 2 Q About 10% of the first graders in District 13?
- 3 A That's right.
- 4 Q You were referring to estimates of the first
- 5 graders for this coming year?
- 6 A Yes.
- 7 Q Do you have that?
- 8 A Yes.
- 9 Q What is that total?
- 10 A It is projected enrollment.
- 11 Q Is that also about 1,200 first graders or more
- 12 than last year?
- 13 A Well, about the same.
- 14 Q Some years it grows more than it has this year and
- 15 last year?
- 16 A That is true.
- 17 Q You might have 1,200 total first graders one year
- 18 and as many as 1,400 the next year?
- 19 A That is true.
- 20 Q And you have to make your adjustments accordingly?
- 21 A That is true.
- 22 Q Perhaps, Mr. Davis, you could explain to me why
- 23 it is more difficult to make arrangements for the 125 first
- 24 graders at Butler than it is to make the normal adjustments
- 25 of 200 or 300 first graders in your whole system?

1 A Why?

2 Q You have testified earlier you were going to have
3 administrative difficulties with this plan. I would like to
4 know what they are?

5 A For each one that you have that will want to trans-
6 fer, and we will certainly grant those transfers under the
7 plan -- for each one we are going to have a number of whites
8 that are going to want to transfer to schools nearer their
9 locality where they live. They have the same right. For
10 example, the Shady Grove area. All of those practically
11 within walking distance would like to go to Parkway. We
12 have to drive them all the way down to Curtis Elementary.

13 Q They also have to take a bus above the red line?

14 A That's right. We have youngsters within walking
15 distance of a white school and we carry them by bus because
16 we have grown so fast.

17 Q What does that have to do with the administrative
18 difficulties you will have in dealing with these 125
19 children?

20 A If they want to transfer to the nearest formerly
21 all white school, won't we have to do the same thing for a
22 white child who would like to transfer? That is the problem.
23 It is this mass numbers we are going to have of transfers.

24 Q You feel your plan of desegregation now would allow
25 the parents of white children who live in this area to request

1 of you that you send them to Parkway Elementary where there
2 is not enough room?

125

3 A The nearest white school.

4 Q You will have problems with available space?

5 A That is the thing.

6 Q This is Bossier Elementary?

7 A That is correct.

8 Q Would you refer to the answers to the interrogatories
9 and see the capacity of that school and tell us what it was?

10 A Bossier Elementary, 728. Capacity of 900.

11 Q There was 172 under the capacity?

12 A That is true.

13 Q Would you refer to Meadowview?

14 A This 172, that was the capacity of the old building.
15 Since then we have taken out a partition and enlarged the
16 cafeteria. We included a band room in the elementary
17 building that was not there and a core room and we have a
18 library.

19 Q Those numbers are not correct?

20 A If we get in a jam we try to be flexible and we
21 will have to use those rooms.

22 Q Isn't it true, as far as Bossier Elementary is
23 concerned, you have had to gradually expand this geographical
24 attendance area because of the decrease of population in
25 that area?

1 A That is true.

2 Q Do you expect that trend to continue?

3 A With what is ahead of us, I would hate to say what
4 is going to happen to our city. I don't know.

5 Q Would you refer again to the answers to the inter-
6 rogatories and tell me the difference between the capacity
7 at Plantation Elementary and the enrollment?

8 A The capacity is 720. The enrollment is 570.

9 Q That is about 150 under capacity; is that true?

10 A Yes.

11 Q Would you look at the same figures for Meadowview
12 Elementary?

13 A 720 capacity, 461 enrollment. That is the last
14 school we built and with the anticipated growth we expect to
15 reach capacity.

16 Q You keep track of where the students live; is that
17 correct?

18 A That is true.

19 Q Do you have a map that is a reproduction of these
20 attendance areas that has pins in it?

21 A That is true.

22 Q You have one for elementary students?

23 A Yes.

24 Q White elementary students?

25 A Yes.

1 Q Do you have a pin representing every student?

2 A Yes, and grade level.

3 Q This is different colored pins for different grade
4 levels?

5 A Yes. That is the map you were able to see last
6 week.

7 Q The areas are the same except it is a bigger map
8 and you have pins in it representing students?

9 A Yes.

10 Q You never had occasions to put pins in the map
11 for the Negro students because the entire area is the same
12 zone?

13 A Yes.

14 Q It doesn't matter to you where the Negro students
15 live because they all go to Butler Elementary or Mitchell
16 High School?

17 A Yes. Our population hasn't increased.

18 Q The Negro population hasn't increased?

19 A That's right.

20 Q Do you expect the Negro population to increase?

21 A It depends on what happens in Caddo on their in-
22 tegration suit.

23 Q You think that might make a difference?

24 A It possibly might, yes, sir.

25 Q You have the names and addresses of all the Negro

1 students who were in school last year?

2 A That is correct.

3 Q You could put pins on your map showing where the
4 Negro students live?

5 A Yes.

6 Q If there are 1,200 Negro students in District 13,
7 how long do you suppose it would take you to put a pin in
8 the map for each of those 1,200 students?

9 A If my boss said it, I would do it tonight, I
10 imagine.

11 Q Could you do it within three days?

12 A He has a big whip. I would do the best I could.

13 Q If you did that and you had a different colored
14 pin for each grade, say, this were the elementary children
15 and I believe you said there were 737 at Butler last year?

16 A 758.

17 Q If you had put those 758 pins up here and you had
18 a different color for each grade and put them on the same
19 map and you had the pins for the white students, you would
20 have a pin for every elementary student in the district?

21 A Yes.

22 Q I take it your lines on your map are strings rather
23 than drawn so if you want to change an attendance zone you
24 just move a string?

25 A We can move a string to see what we will get and

1 then we will experiment.

2 Q To try to balance the pins from school to school?

3 A Yes.

4 Q You have got all these pins -- six different
5 colors. How difficult would it be for you to take those
6 strings and divide off the various zones and make new zones
7 taking those new pins into consideration?

8 A I could move the pins but we are dealing with
9 human beings.

10 Q Assuming they are pins for this moment?

11 A Yes, I could have them on there.

12 Q In a day or so you could balance it around so that
13 each school was filled less than capacity -- in the whole
14 city there is more classroom space than there are students?

15 A Yes, we can house them. It cannot be administered,
16 I don't believe, in one year.

17 Q When the Negro children under the plan the Board
18 proposed that go to Butler Elementary to make their choice,
19 they may come from anywhere in this area to go there?

20 A We do that because we can help them by bringing
21 them by bus.

22 Q What plans have you made to show them which white
23 school is closest to their home? Have you made plans for
24 that?

25 A That is going to be the administration of this.

311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA
SIDNEY YOUNG, COURT REPORTER.

1 We will certainly let them know.

2 Q I am speaking of this particular plan you have
3 submitted to the Court. I take it there are Negroes from
4 the rural area which come to Butler?

5 A There might be a few, but not many.

6 Q Are there some Negroes that live down here in this
7 area -- Bascom Street, Richardson Street and in these other
8 streets down here?

9 A That is true. Those white people that live in
10 that same subdivision could walk to Waller but we don't have
11 room and, consequently, they go to a distant elementary
12 school. That is the white people.

13 Q It will be Negro students coming from various
14 other white elementary areas. What plans have you made for
15 which of the white schools they should go to?

16 A The busses the first day will make the run they
17 made last year with a few minor changes. They will take
18 them to Butler. At that time the teachers will adjust a
19 few. They will be able to let them know the nearest school.

20 Q Have you made plans to apprise the Negro teachers
21 who will be at Butler?

22 A We will be doing that. We don't know how many
23 grades. We hope the first grade, we can handle that. Then
24 we will contact the first grade teachers and that is going
25 to be simple to work out.

1 Q If you knew precisely who was coming it would
2 make it easier for you?

3 A Yes, sir.

4 Q If the Air Force were suddenly to assign enough
5 families to increase the school population by a couple of
6 thousand, that would throw you into a turmoil, wouldn't it?
7 If that happened tomorrow?

8 A By "turmoil" I am/a bit of a turmoil right now.
9 It is a matter of degree. We will do the best we can.

10 Q If they assign tomorrow families with 2,000
11 children, could you work it out?

12 A Yes, sir, we will do the best we can.

13 Q This Parkway Elementary is grade one to nine?

14 A Yes.

15 Q Rusheon Junior High School is grades seven and
16 eight?

17 A Junior High.

18 Q Green Acres is seven to eight?

19 A Yes.

20 Q The Negro school and Mitchell, that is grade seven
21 to twelve?

22 A Yes.

23 Q Would these white junior high schools, did they
24 used to have grade nine?

25 A Yes.

1 Q When did you move grade nine?

2 A We feel as though the 6-2-4 system is a better
3 system.

4 Q When did you move them?

5 A I don't know the date really.

6 Q Was it within the last couple of years?

7 A When Airline was built.

8 Q Then you changed it to seven and eight and put
9 the ninth grade at Airline and put the ninth grade in Bossier?

10 A It is working real well.

11 Q Any particular reason why you left the ninth grade
12 at Parkway?

13 A Administrative convenience.

14 Q Is there room at Bossier for that 9th grade if, for
15 instance, all of a sudden you had a crowd there? Could you
16 adjust by moving to Bossier?

17 A Yes, sir, if it is all right with the Board members
18 and all concerned.

19 Q You would consider that possibility if that were
20 one of the problems you had to deal with?

21 A That's right.

22 MR. ROSS: That's all I have.

23

24

25

RE-DIRECT EXAMINATION

133

1
2 BY MR. JOHNSTON:

3 Q Mr. Davis, you were asked to make assumptions on
4 the basis of putting six different colored pins for six
5 elementary grades and putting them on the map and drawing
6 strings around them, and you were asked whether it would be
7 theoretically possible to do this within a matter of days and
8 make the strings fit the schools.

9 You stated that it would from a matter of adjusting
10 this map. In order to do that, of course, you would have
11 to make changes from last year's assignments, would you not?

12 A Yes, that's true.

13 Q So that if a student had been attending a school
14 for four or five years, if the string didn't include him he
15 would have to change schools?

16 A That is true.

17 Q You couldn't put the pins in there for first
18 graders because you don't know how many there are going to
19 be?

20 A That is true.

21 Q In moving those strings like that could you have
22 any freedom of choice whatsoever?

23 In other words, would your pin show whether or not
24 the wishes of that student or parent would be to go to school
25 where that string hits?

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311 FEDERAL BUILDING,
COURT REPORTER,
SIDNEY YOUNG.

1 A We plan to give freedom of choice, if that is
2 what you mean.

3 Q The point is to indiscriminately put a lot of pins
4 on the map and move a string around in order to make the
5 string fit the classroom, you would have to eliminate the
6 choice?

7 A That's right. So many of our military connected
8 young people have made a number of moves in their short life
9 in the schools throughout the Nation and foreign countries.
10 We feel as though the fewer moves we can make the better
11 adjusted they will be and we try not to move them unless it
12 is absolutely necessary.

13 Q When you shift students is it that easy to move
14 teachers?

15 A Teachers cannot be shifted because of the tenure
16 law unless it is an equal situation. They cannot be just
17 moved as the pins on the map.

18 Q Shifting these pins and strings, does that show
19 you anything about availability of courses, demand for
20 courses at a particular school?

21 A No, sir.

22 Q In short, wouldn't you say it would be impractical
23 to work a school system by putting a lot of pins on a board
24 and putting a string on them?

25 A Yes, sir.

1 Q That is why you need time to work this out?

135

2 A Yes, sir.

3 MR. JOHNSTON: That's all.

4
5 RE-CROSS EXAMINATION

6 BY MR. ROSS:

7 Q You do, in fact, use this string and pin system
8 for your elementary grades?

9 A Yes.

10 Q Is this part of the records you were asked to
11 bring today?

12 A Yes.

13 Q What is it called?

14 A Average Daily Membership, Bossier Parish, from
15 1922 until the present.

16 Q This is the School Board's file of statistics
17 having to do with the history of enrollment and membership?

18 A Yes.

19 MR. ROSS: I would like to mark this as
20 "Intervenor-1" and offer it in evidence. We will have these
21 documents copied and put the copy in evidence and return the
22 original.

23 That's all.
24
25

RE-CROSS EXAMINATION

136

1
2 BY MR. AMAKER:

3 Q Mr. Davis, do you remember an occasion around the
4 end of August of last year when four Negro women, who are
5 the adult plaintiffs in this law suit, visited your office
6 for request forms to transfer to white schools?

7 A They came to the Material Center. That is in
8 Bossier City.

9 Q Did they speak to you?

10 A They did.

11 Q Do you recall in substance what the nature of
12 their request was?

13 A To transfer to Kerr School.

14 Q Do you recall also, sir, the stated reason that
15 was given to you why the request was being made?

16 A I asked them to write their reason on the transfer
17 and it was written on the transfer.

18 Q Do you recall what the reasons were?

19 A I would hesitate to say. That was a year ago.
20 They were treated as other transfers were.

21 Q Don't you know at that time or did you subsequently
22 learn that the schools to which they were seeking to transfer
23 their children were closer to their homes?

24 A I knew it at the time.

25 Q Did you, when you spoke with them, on any subsequent

1 time inform them they had a choice of attending the school
2 nearer to their home than the school the children were then
3 attending?

4 A I did not explain the administrative procedures.
5 It was the first day of school and we had a number of
6 transfer applicants to process and I didn't pass on it at
7 the time. I didn't give them any answer as to whether it
8 would be approved or disapproved.

9 Q Did you ever tell any of them they had a choice to
10 send their children to a school nearer their home?

11 A We don't do that to the white people.

12 Q You havent done that in the past?

13 A That is correct.

14 MR. AMAKER: That's all.

15 MR. JOHNSTON: That's all.

16
17 ----oOo----

WHIT T. WHITE

138

called as a witness on behalf of the defendant, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. JOHNSTON:

Q You are Mr. Whit White?

A Yes, sir.

Q Mr. White, you are the Assistant Superintendent in the Bossier Parish School System, are you not?

A Yes, I am.

Q How long have you been in the school system?

A In the Bossier System about 23 years.

Q Your particular area of responsibility concerns teachers and assignments of teachers, does it not?

A And curriculum.

Q We have been talking here, Mr. White, about moving strings to fit pins, and that sort of thing, and we touched on the problems of whether or not it would be just as easy to move teachers.

As the person responsible for assigning teachers, could you tell us what problems you would encounter in trying to move a string around to fit some pins?

A Moving a teacher is difficult. A question was asked a moment ago where the teachers now at Airline came

1 from and if we moved them from the high school. There are
2 very few teachers at Airline who were at Bossier High
3 School. We are probably a little too lenient with teachers
4 and we are bound by law. We left Bossier High over-staffed
5 and the majority of the Airline teachers came from junior
6 highs. A teacher cannot be transferred to a less desirable
7 position, and in most cases it is really up to the teacher
8 to determine whether or not the position was less desirable.

9 Q That is the way this has been administered?

10 A Correct.

11 Q If you got a new line somewhere and told the
12 teacher in a particular school -- let us say Central Park --
13 the string falls on the other side of the map and you got
14 to go to Waller. If that is what you tell the teacher, you
15 might run into trouble with that teacher and she would have
16 legal rights under the teacher tenure act?

17 A That is correct.

18 Q As students shift -- let us say we implement this
19 desegregation plan with only the first and twelfth grades.
20 Do you anticipate problems in the shifting around of the
21 twelfth grade students in connection with the courses that
22 will be available?

23 A Are we talking about District 13 only at the
24 moment?

25 Q With reference to the whole system?

1 A I think there would be problems. Right now it 140
2 is our policy at the end of the school year where each
3 principal makes a survey of his students and determines the
4 classes they intend to take the next year. From that survey
5 they are able to determine they need one class in this
6 particular course or three classes in something else and on
7 that basis we employ teachers and work out the assignments
8 of those teachers.

9 In the rural schools it is difficult because you
10 have fewer teachers and, therefore, there is difficulty in
11 scheduling. Teachers have to have a wider scope of ability
12 because they must teach not just one subject but a variety
13 of subjects.

14 Q How many students do you have to have in order to
15 request a course be taught in a particular school?

16 A It has been our policy to institute courses at the
17 secondary level if there are ten or more. Also, it has
18 been our policy to drop a course if the enrollment dropped
19 below ten.

20 Q Suppose in Central Park you are teaching Spanish
21 because ten students requested it and because of integration
22 two of those students transfer out. Then you would have to
23 discontinue Spanish in the Central Park School?

24 A That is correct.

25 Q Suppose at Waller you had eight students who were

1 interested in studying Spanish and you got two new students, 141
2 you would have to start teaching Spanish in Waller?

3 A Yes.

4 Q Any shifting of student population will cause a
5 commensurate shift in teacher need?

6 A That is true.

7 Q Is time a factor in shifting courses and teachers?

8 A Ordinarily we have from the middle of May until
9 the opening of school to work out class loads and teacher
10 assignments. It is necessary that we know what classes are
11 in demand and how many of them in order to plan for the
12 teachers.

13 Q In doing so, that is based always on the previous
14 year's assignments in taking into consideration any request
15 for transfer?

16 A That is correct.

17 Q From a teacher standpoint and from a course and
18 curriculum standpoint, Mr. White, do you feel you could
19 accomplish this change to an integrated system of all
20 twelve grades in one year or would you need four years of
21 time?

22 A I think we need four years or more. According to
23 various decisions there are some things we can't consider
24 as reasons. Acceptance is not considered. I think the
25 results of acceptance would have to be considered.

1 Mr. Davis made a very valid point that there can be
2 great swapping of white pupils from school to school accord-
3 ing to news reports, and that does happen. That would
4 create a tremendous problem if you had to set up a whole
5 system and make all the adjustments in all twelve grades at
6 one time. It is going to be difficult to do it with two.

7 MR. JOHNSTON: Tender the witness.
8
9

10 CROSS EXAMINATION

11 BY MR. AMAKER:

12 Q Mr. White, under the tenure law, how many years
13 must a teacher be employed before he or she has the
14 protection of the provisions of that law?

15 A Three.

16 Q You have approximately how many teachers in your
17 system that are employed for the coming year -- for the year
18 beginning this fall?

19 A Nearly 700.

20 Q Of that 700 can you tell me, or estimate as close
21 as you can, how many have been employed for less than three
22 years?

23 A I couldn't tell you. It may be in the inter-
24 rogatories. I don't recall.

25 Q It is not in there.

1 THE COURT: Just in round figures?

2 THE WITNESS: I would guess that there are
3 around 150 or 200. That is a guess.
4

5 BY MR. AMAKER:

6 Q That would be employed for less than three years?

7 A Yes.

8 Q In the interrogatories, No. 21, as of January of
9 this year it gave a percentage figure of 10.9% for your
10 white teachers, 4.6% for your Negro teachers and 9.2% as
11 the area turn-over rate.

12 I will ask you, first, whether those percentages
13 are still accurate as of this moment?

14 A I haven't re-figured it.

15 Q There has been no recomputations since this?

16 A No.

17 Q Can you tell me whether these percentages have
18 been constant over the period of time that you have been
19 acting in your present capacity?

20 A Not exactly, but within that fairly narrow range.

21 Q About how many years has that been sir?

22 A Six or seven years.

23 Q About how many in terms of numbers -- about how
24 many actual replacements under-lie these figures?

25 A That is a varying number each year.

1 Q I am asking on the basis of the six or seven year
2 period if you can estimate an average figure?

3 A Of replacements?

4 Q Yes.

5 A Around 40.

6 Q With that approximate number of replacements each
7 year, do you expect that this figure would remain in that
8 same general range in the coming few years -- say, the next
9 four or five years?

10 A It goes up a little bit as the number of teachers
11 go up.

12 Q It certainly wouldn't diminish?

13 A I wouldn't think so.

14 Q Projecting that figure over a period of time,
15 could you give me an estimate as to the number of years it
16 would take to replace entirely the 700 teachers you now have
17 in the system with new teachers?

18 A I am not that good a mathematician. It would be
19 purely a guess and I have no intention of trying to replace
20 them.

21 Q Has any such computation been attempted or made?

22 A No.

23 Q Just take the figure of the 40 replacements. You
24 would be hiring approximately that many teachers each year?

25 A Yes.

Q Certainly you have between 150 and 200 teachers who have been employed for three years and then you have the replacement figure of 40 which makes it a total of approximately 200 to 250?

Would these teachers have the option under the tenure law -- the replacements as they came in -- would those teachers have any option with respect to where they were assigned to teach?

A Legal option?

Q Yes.

A I don't believe they would.

Q The answer to Interrogatory 20, Mr. White, states an applicant for a teaching post, after having the interview, is asked to talk with the principal the applicant would be assigned under?

A That is correct.

Q Who makes that assignment?

A I would ordinarily make it after discussion with the principal.

Q Would that new teacher have any means of knowing what school he or she was going to be assigned to?

A She would go to a definite school and talk to a definite principal.

Q Is that application at the Central Office?

A Yes.

1 Q At that time the teacher could be assigned to any
2 school?

3 A It could be possible but it doesn't ordinarily
4 happen.

5 Q At any rate, you testified that the tenure law
6 says a person can't be transferred to a less desirable
7 position. But with respect to this amount of turn-over
8 there would be no question of a transfer involved?

9 A That is correct.

10 Q The same situation exists with respect to those
11 teachers who have been employed for less than three years;
12 isn't that true?

13 A Yes.

14 Q So that no question that the transfer is less
15 desirable can arise?

16 A Yes. The point you are trying to make, mathematical-
17 ly you can prove it, but actually when you are filling
18 specific positions in specific schools you can take these
19 people who have no choice because they have to fill a
20 specific position.

21 Q The answer to the Interrogatories indicate that
22 in the past teachers have been assigned on the basis of the
23 race of the school?

24 A That is correct.

25 Q And their race?

1 A That is correct.

2 Q Does the plan contemplate any change in that
3 assignment?

4 A This plan does not.

5 Q You told Mr. Johnston that a shift in the students
6 requires a shift in the courses and teachers, but your
7 testimony at this point is you do not propose to shift any
8 of your teachers?

9 A We would have to shift teachers if there was a
10 shifting of the class loads from one school to another.

11 Q Would that shifting be in accordance with the race
12 of the students and teachers?

13 A At the present moment, it would not.

14 Q Because at the present moment no shifting is
15 contemplated?

16 A No shifting of teachers. We are going to try to
17 maintain a teaching load of 25 or 30 in all of our classes,
18 which we have always done, and whatever swapping of teachers
19 is necessary to do this we will do.

20 Q You don't plan to swap a Negro teacher for a white
21 teacher in any of your schools?

22 A Under the present plan we do not.

23 MR. AMAKER: That's all.

24

25

CROSS EXAMINATION

148

BY MR. ROSS:

Q Mr. White, you were talking in terms of elective courses when you talk about ten students to fill a class?

A Yes.

Q I take it there are certain required courses you have to teach?

A Yes.

Q Let us say that at Rocky Mount, for instance -- that is a very small school, isn't it?

A That is correct.

Q It has a capacity of about 220 but there is only 95 or 100 students there?

A That is correct.

Q How many of those students are in high school?

A 27 or 28.

Q In the four high school grades?

A Yes.

Q In that particular instance, technically you could refuse to give elective courses to any of them unless they really juggled their schedules around?

A If you will recall, Mr. Ross, I explained on the annual report that one institution, PAR, examined that and came out with the statement that Rocky Mount could not offer a full course but students at Rocky Mount were taking five

1 subjects for four years and graduating with twenty-one
2 units of work rather than the required seventeen and that
3 still is a fact.

4 Q Because of the small size of the school exceptions
5 are made?

6 A Subjects are offered on an alternating basis and
7 classes are combined.

8 For instance, the 9th and 10th grade will be
9 combined for a particular science course and when you combine
10 the two grades and add them together you get, say, seventeen
11 students taking General Science.

12 Q In the answers to Interrogatories, I believe there
13 was a pupil-teacher ratio for each school given. I recall
14 the pupil-teacher ratio at Rocky Mount was approximately 12
15 pupils for every one teacher.

16 A Something of that nature.

17 Q You could double the number of students in the
18 school and still have less than 25 pupils for each teacher?

19 A Providing you double it in the right places. We
20 got combined classes all the way through.

21 Q You also testified, Mr. White, it is easier to
22 adjust courses offered in the high school level if you have
23 more students because you can be more flexible; is that
24 right?

25 A That is correct.

Q In the rural area -- District 1 up at Plain Dealing, which is a white school and the grades are one to 12. There is a similar set up in District 2. 150

Assuming for a moment there is an equal amount of students in each school because of the dual system in the past, half of the high school students are going up to another school although the schools are fairly close to each other; is that correct?

A The assumption of half and half is wrong, but otherwise you are correct.

Q Of your own knowledge, it is close to half -- 60-40 one way or the other. Would that be a good estimate?

A Yes.

Q Putting the problem of integration of schools aside and the feeling of the community, if you had a thousand students wouldn't it be easier to adjust students in one school rather than have 600 in one place and 400 in another place?

A Perhaps it would if you were to rebuild the buildings. The buildings are not built for high schools.

Q In other words, there are certain facilities you need in high schools that you don't need in elementary schools?

A Yes.

Q Everyone of those plants in District 1 does have a high school?

A That is correct.

1 Q I want to show you what I have marked as "Inter-
2 venor Exhibit-2". Do you recognize these documents?

151

3 A Yes, I do.

4 Q What are they?

5 A They are the annual school reports submitted by each
6 principal as of the end of the first month of school each
7 year and these are reports for 1964-1965.

8 Q The principal makes them out and sends them to
9 the School Board?

10 A That is correct.

11 Q And it is factual data?

12 A It is factual data as of that date.

13 There are some things that would not be true even
14 a month later.

15 I might point out these were not drawn up by
16 principals with any idea they would have to stand up to
17 Court inspection.

18 Q I will show you one that has the white Bossier
19 High School. Bossier High School is in District 13; is that
20 correct?

21 A That is correct.

22 Q The white children from District 13 and District
23 27 go to high school there?

24 A Some of the white children in District 13.

25 Q The others in District 13 go to Airline?

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311
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1 A That is correct.

2 Q The 10th, 11 and 12th grades from District 27 go
3 to Bossier High School?

4 A Yes.

5 Q The same grades for Negroes, they go to Stikes;
6 is that correct?

7 A Yes.

8 Q On the second page of the one for Bossier High
9 School, would you look at "Secondary Program of Study". Is
10 that a list of the courses offered at Bossier High School?

11 A That is a listing of the courses that can be taken
12 within a four year period by students attending Bossier High
13 School.

14 Q What is the total of courses?

15 A 53 and a half.

16 Q That includes three years of art?

17 A That is correct.

18 Q What about languages?

19 A It says you can take Latin, Spanish.

20 Q Two years of Latin?

21 A Two years of Latin, two years of Spanish and two
22 years of French.

23 Why don't we compare Plain Dealing? That is a
24 comparable size school.

25 Q I want to show you page two of the report for

1 Stikes, which is the Negro High School in District 27; is
2 that correct?

3 A Yes.

4 Q What is the total number of units offered for
5 Stikes?

6 A According to this, 28. I have not checked to see
7 if it is accurate.

8 Q Was it fairly close to accurate?

9 A I would imagine.

10 Q How many years of Latin is offered there?

11 A Not one.

12 Q What about Spanish?

13 A None.

14 Q And French?

15 A None, and there is no demand for any. It takes
16 ten students to want it and I don't believe we have had
17 even one.

18 THE COURT: What is the enrollment at Stikes?

19 THE WITNESS: 541 total but 112 high school.

20
21 BY MR. ROSS:

22 Q What is the enrollment in Bossier on the high
23 school level?

24 A 1,207.

25 Q About eleven times as many students at Bossier

1 than at Stikes?

2 A That is correct. About that many more than there
3 are at Plain Dealing and Benton.

4 Q From your knowledge, does Bossier High School
5 provide guidance counselors for the students?

6 A They do.

7 Q Do they provide guidance counselors at Stikes?

8 A Not at Stikes or Haughton either.

9 MR. JOHNSTON: If the Court please, I don't
10 know what the relevancy of this line of questioning is.
11 Apparently, it is designed to prove in some respects and in
12 some schools there is an inferiority in the Negro education
13 as compared with the white, which we don't think is correct
14 when you take the school system as a whole.

15 The Courts have already held
16 as far back as the Brown decision in 1954 that separate
17 education is inherently unequal. If we are to accept that
18 decision, as we are bound to by this Court, what is the
19 necessity of trying to show that may or may not be a fact?

20 THE COURT: I think we are wasting time on
21 this, Mr. Ross.

22 MR. ROSS: It is our position these in-
23 equalities should be taken into consideration in terms of
24 the administrative difficulties that the School Board
25 claimed are reasons for delay. We feel the inequality is

1 the reason to hurry it up. The Negroes, for example, have
2 less units offered at their school. The white children are
3 offered more classes. It is our contention that that is to
4 be considered in the light of speed and the schools ought to
5 be desegregated faster because of that.

6 THE WITNESS: What you are proposing is that
7 we have consolidation. The same conditions exist in the
8 white schools that exist in colored schools. If you live
9 in an area where schools are small, you will get a shorter
10 offering than in a large area.

11
12 BY MR. ROSS:

13 Q I am not comparing apples to oranges. I am
14 comparing a geographical area Negroes live in.

15 THE COURT: Go ahead and finish what you
16 were saying, Mr. White.

17 THE WITNESS: What I am saying is the Negro
18 schools, where they are smaller, will have shorter courses
19 offered and less counselors.

20 Haughton and Plain Dealing
21 doesn't have a counselor. Schools of that size have not
22 been provided with it. It may be we are behind times but
23 it is not discrimination but a matter of size and ability.
24
25

1 BY MR. ROSS:

2 Q In District 27 it is because the student there
3 who is a Negro, he goes to Stikes and the student that is
4 white, he goes to Bossier?

5 A Actually, we spent all the money we could in
6 District 27 to build the school where the Negro people as
7 well as the white people wanted it because that is where
8 they worked.

9 District 13 would be very glad if we had a school
10 down there and District 13 considered several times making
11 District 1 spend some more money but District 1 doesn't
12 have it.

13 Q Would you tell me which schools these two are
14 from?

15 A Airline High School in District 13 and Mitchell
16 in District 13.

17 Q Mitchell is a school for Negroes and Airline being
18 for white students?

19 A Yes.

20 Q Would you look at the total course offerings at
21 Mitchell High School and tell me what that number is?

22 A 30.5.

23 Q And the total number of courses offerings at Airline?

24 A 43.5. What was Bossier?

25 Q 53.

1 A It is 10 behind.

2 Q Are there guidance counselors at Airline?

3 A They have two full time guidance counselors at
4 Airline.

5 Q Are there any guidance counselors at Mitchell?

6 A No.

7 Q Which schools are these from?

8 A Haughton and Princeton.

9 Q Princeton is a school for Negroes one to twelve
10 in District 3?

11 A That is correct.

12 Q And Haughton is the school for whites in District
13 3, grades 1 through 12?

14 A That is correct.

15 Q There is also an elementary school with grades one
16 to six in District 3?

17 A That is correct.

18 Q Referring again to these reports, would you look
19 on the second page of the Princeton report. There is a
20 category called "Books and Other Materials, Number of
21 Library Books," and there is a sub-category which has
22 "Approved Books in Good Condition, Total Volumes Per Pupil."

23 A Yes.

24 Q What is the figure per student?

25 A 3.8 as of the date of this report.

1 Q That is September last year?

2 A Yes.

3 Q Would you look at the same line for the report
4 of the Haughton School and tell me what the total volumes
5 per pupil is there?

6 A 6.3. I would also be glad to tell you why.

7 THE COURT: Go ahead.

8 THE WITNESS: We have such things as parent-
9 teacher associations and teachers that add books to the
10 library.

11
12 BY MR. ROSS:

13 Q There is any number of reasons why there may be
14 more books in one library than another. The fact is there
15 are 3.8 books at Princeton.

16 A As of this report. I don't know the present
17 status.

18 Q Would you look on the first page and read the
19 figure for Princeton for the total number in grades nine
20 through twelve?

21 A 254.

22 Q And in Haughton, the total number of grades nine
23 to twelve?

24 A 284.

25 Q The white school is a little bit bigger?

1 A That is correct.

2 Q Would you look at the number on the second page?

3 MR. JOHNSTON: Your Honor, I would like to
4 renew my objection to the relevancy. If this is relevant
5 for any reason, these reports can speak for themselves.

6 THE COURT: How much longer are you going
7 to be with this?

8 MR. ROSS: One more question.

9
10 BY MR. ROSS:

11 Q The high school enrollment in the white school at
12 Haughton is 284 and the Negro school is 254?

13 A That is correct.

14 Q At Princeton the total number of units offered at
15 the high school level is what?

16 A 34.

17 Q And at Haughton the total number of units is what?

18 A 40.5.

19 You have to ask for and have to be able to get
20 students to take a course before we can offer it.

21 MR. ROSS: I would like to offer all these
22 reports, Your Honor, as "Intervenor's Exhibit-2" with the
23 right to substitute copies.

24 That's all the questions I
25 have of this witness.

RE-DIRECT EXAMINATION

160

1
2 BY MR. JOHNSTON:

3 Q You haven't had a lot of these courses in the
4 Negro schools because you have had no demand for them; is
5 that correct?

6 A That is correct. Unless you can get the pupils
7 to sign up for a course, you can't offer it. You can't
8 force a student to take an elective course. They have to
9 take some. We have agricultural courses, shop and home
10 economics and they are electives and you can take four
11 years of each.

12 Q Have you made available to these schools on the
13 same basis as the white schools the elective courses? You
14 make the courses available if the students want it?

15 A If as many as ten students want the course we
16 will give it to them.

17 Q And there has been a freedom of choice on the
18 elective courses?

19 A Yes.

20 Q And there has been no discrimination in the
21 selection of the elective courses?

22 A No.

23 MR. JOHNSTON: That's all.
24
25

RE-CROSS EXAMINATION

161

1
2 BY MR. ROSS:

3 Q Are there any guidance counselors in any of the
4 Negro schools in the parish?

5 A No, there aren't.

6 Q District 27 is the Stikes school?

7 A Yes, sir.

8 Q Are there any guidance counselors in the elementary
9 schools?

10 A No, there aren't.

11 It is my personal feeling as opposed to what other
12 people may think that a teacher in a school the size of
13 Stikes can give better guidance to a student than if you
14 employ one person as a guidance counselor and then the
15 teacher says, "I no longer have a responsibility to do
16 guidance work."

17 MR. ROSS:

That's all I have.

18 Counsel and I have agreed to
19 let me put on one of my witnesses out of order because he
20 has to leave town.

21
22 ---oOo---
23
24
25

WILLIAM STORMER

162

called as a witness on behalf of the Intervenor, being first
duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. ROSS:

Q State your full name and occupation?

A William Stormer, Specialist, School of Housing
Statistics, United States Office of Education, Department
of Health, Education and Welfare.Q How long have you been with the Office of
Education?

A Approximately two and a half years.

Q What is your specific field of work?

A School Plant Development, evaluation planning.

Q Have you made an observation of the school plants
in Bossier Parish?

A Yes.

Q What was your reason for doing so?

A I did so at the request of the United States De-
partment of Justice.Q I asked you to look at the schools; is that
correct?

A Yes.

Q What is your educational background?

1 A Bachelor Degree, Youngstown University, 1951,
2 Elementary and Secondary Combination Major. Masters Degree,
3 University of Wyoming, 1954, Major in Educational Adminis-
4 tration, Minor in Elementary Education. Two and a half
5 years at Ohio State University, Post Master's Work.

6 Q What sort of work was that?

7 A Working with the Bureau of Educational Research,
8 School Plant Division, while taking graduate course work.

9 Q Other than your job with the Office of Education
10 have you had experience in school plant evaluation?

11 A Director of school plant studies, State Department
12 of Education, West Virginia.

13 Q Are you familiar with the textbooks and school
14 plant facilities?

15 A Yes.

16 Q Are you a member of any societies concerned with
17 school plants?

18 A National Council of School Housing Construction.

19 MR. ROSS: I want to offer Mr. Stormer as
20 an expert in evaluation of the qualify of school plants
21 and more or less in the rating of facilities of school
22 plants.

23 At this time I offer him to
24 the defendant for cross examination on his qualifications.

25 THE COURT: Do you care to cross examine?

CROSS EXAMINATION

164

1
2 BY MR. JOHNSTON:

3 Q Mr. Stormer, you have been with the Office of
4 Education for two and a half years?

5 A Correct.

6 Q Prior to that what did you do?

7 A I was Director of School Plant Studies, State
8 Department of Education, West Virginia.

9 Q How many years was that?

10 A Approximately three and a half years.

11 Q Have you had any actual experience in the field
12 of administering any particular educational facility? For
13 example, have you had experience in a school system itself?

14 A I was administrative assistant to the Superintendent
15 of Lucas County Schools, which is a suburban area in Toledo,
16 Ohio, back in 1958 and 1959. I was an elementary school
17 principal of Cadet Trainees in Warren, Ohio and I was
18 director of the School Camp Program in the same system.

19 Q When was this?

20 A This was in 1955-56.

21 Q How much of the year 1955?

22 A That was the entire year.

23 Q That was directing of school camping?

24 A Right.

25 Q Has any of your experience been in a Southern

1 state?

2 A The border state of West Virginia is all I can
3 say.

4 MR. JOHNSTON: That's all.

5 Tender the witness.
6

7 RE-DIRECT EXAMINATION

8 BY MR. ROSS:

9 Q Mr. Stormer, when did you visit the Bossier Parish
10 schools?

11 A July 13 through 16, 1965.

12 Q Would you describe for us briefly what things you
13 looked for when you observed those school plants?

14 A Visiting the site, looking at general site size,
15 general characteristics, location of the building on the
16 site. Once inside the building, the general construction
17 of the building, number of stories, number of classrooms, look-
18 ing at flooring, lighting, desks, chairs, storage facilities,
19 equipment to perform instructional activities.

20 Q In other words, all the physical facilities of any
21 kind that a school plant would have?

22 A Yes.

23 Q That would include athletic facilities?

24 A Yes, general use facilities -- cafeterias.

25 Q Did you rate the schools you observed?

165

311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA
SIDNEY YOUNG, COURT REPORTER.

1 A Yes, from field notes.

2 Q Would you describe what sort of rating system
3 you used?

4 A I used a Lynn-McCormick Rating System which was
5 developed at Columbia University Teachers' College. It
6 covers nineteen broad items with sub-items under these
7 nineteen broad categories, each of which is weighed and
8 gives you a general indication of the quality of the
9 building.

10 Q In other words, it reduces your evaluation of each
11 facility into a rating scale so that you can compare the
12 overall ratings?

13 A It reduces opinions to a numerical computation so
14 it might be easily looked at.

15 Q In terms of your rating scale, how did the schools
16 for white students generally and the school for Negroes
17 rand (sic)?

18 A All of the schools were reasonably functional and
19 fair to good. I would say the white schools rated better
20 than the Negro schools.

21 Q Any specific area that your better rating occurred
22 in?

23 A Actually, I guess you could reduce it to such
24 facilities which would be Science, Home Economics, cafeteria,
25 gymnasiums, auditoriums, libraries. Site sizes generally

1 were a little bit larger for the white schools than the
2 Negro schools.

3 Q Let me ask you this specific question: The Home
4 Economic facilities, how did they compare in the white and
5 Negro schools?

6 A Specifically I guess you could take the Home
7 Economics facilities at Stikes, for example, versus Bossier.
8 One is in a wooden frame two story structure at Stikes. The
9 other is in a modern main building at Bossier High School.

10 Q The facilities are generally better?

11 A Yes.

12 Q Better for teaching?

13 A I would say so.

14 Q What about gymnasiums, generally? Do all the
15 Negro schools use their gyms also for an auditorium?

16 A Yes.

17 Q What sort of material are the gym floors con-
18 structed of in the Negro High Schools?

19 A Cement or asphalt tile surface as compared to
20 wooden floors in all white high schools.

21 Q The elementary schools different?

22 A The elementary school gym-auditoriums, I would
23 say, would be comparable to the Negro gyms.

24 Q Are there separate auditorium facilities in any
25 of the Negro schools?

1 A None.

2 Q They combine gym in the auditorium?

3 A They combine gym in the auditorium, yes.

4 Q At Airline High School for white students, is
5 there a separate auditorium?

6 A Yes, which will seat approximately the entire
7 student body or capacity of the school building.

8 Q Is there a separate auditorium facility at any of
9 the other white high schools?

10 A At Bossier High and Benton High School and
11 Haughton School.

12 Benton is one to twelve and Haughton is one to
13 twelve.

14 Q Did you make a memorandum of your ratings?

15 A Yes.

16 Q Can you remember all those numerical ratings with-
17 out referring to your memorandum?

18 A No.

19 Q Do you have that memorandum with you?

20 A Yes.

21 Q These are copies of your original?

22 A Right.

23 Q I see at the bottom of this, Mr. Stormer, you have
24 a total score and reading from the first one in your column
25 Airline and then you have the figure 82 and then underneath

1 that the rank within the parish?

2 A Correct.

3 Q Airline happens to be the first one. It ranks 82
4 and that is first.

5 The next one is Green Acres Junior High School and
6 that is 75?

7 A Right.

8 Q Refer to it and tell me at what point in the
9 rankings the highest ranked Negro school in the parish came?

10 A I believe Mitchell ranked the highest of the Negro
11 schools at 16, which are taking all the schools together.

12 Q There are seventeen schools for whites in the
13 parish and six schools for Negroes; is that correct?

14 A Yes.

15 Q There were fifteen of the seventeen white schools
16 rated above the first Negro school, which was Mitchell?

17 A Right.

18 MR. ROSS: Your Honor, I would like to
19 mark this as exhibit, "Intervenor's Exhibit-3". I offer
20 this in evidence.

21 That's all the questions I
22 have.

23 ===oOo===

24 NOTE:

25 "Intervenor Exhibit 3" - Ratings of schools
(sent in original)

RE-CROSS EXAMINATION

169

BY MR. JOHNSTON:

Q Mr. Stormer, first, getting to your exhibit here, you have ranked each one of these things according to some numerical rank and you add it up and get a total rank for the school?

170

A Yes.

Q On this basis you say some of these Negro schools are inferior to some of the white schools?

A Correct.

Q I notice, apparently, you gave the same weight to water supply as you do to, for example, teachers' rooms; is that correct?

MR. ROSS: I believe earlier Mr. Stormer testified this was the result of the weighted scale.

THE WITNESS: Here is a copy of the weighted scale. 25 is the total ideal score for water supply and teachers' rooms is 20. Actually, I had to modify this scale to some extent because of the absence of a particular item or not observing the item in the visits to the school.

BY MR. JOHNSTON:

Q All of these schools were observed within a three day period?

A Right.

1 Q You rated how many schools?

170

2 A 23.

3 Q And you might have missed some of these items?

4 A Right.

171

5 Q Therefore, you had to vary the criteria in this
6 scale according to some arbitrary notion?

7 MR. ROSS: I think it would be better if
8 he explained the weighting.

9 If you miss an item explain
10 what you do?

11 MR. JOHNSTON: Your Honor, this witness is
12 on cross examination.

13 THE COURT: He is on cross examination.
14 Don't interrupt him, Mr. Ross.

15
16 BY MR. JOHNSTON:

17 Q Within a three day period you rated 23 schools
18 and in writing down these various weights you had to change
19 your scale or system according to some arbitrary notion; is
20 that correct?

21 A I don't know whether arbitrary is a good term but
22 they were changed in the event an item was missed.

23 If I didn't observe a toilet, for example, in a
24 particular building I did not give the ideal score to this
25 toilet room to this school.

1 Say, you had the weight of 20 for toilet rooms
2 in a particular school and if I didn't observe this I
3 deducted the 20 from the total ideal score so that it worked
4 out if I didn't, in fact, evaluate the absence or presence
5 of a toilet room on this particular item.

6 Q You started July 13 and finished July 16?

7 A Correct.

8 Q What time in the morning did you start on the 13th?

9 A On the 13th we started at approximately 2:00 in
10 the afternoon.

11 Q You finished up at what time?

12 A It was approximately 6:00. We visited two schools.

13 Q About four hours on the 13th. How about on the
14 14th?

15 A The 14th we were at the School Board Office at
16 7:00 and the first school we went to was about 8:00 or 8:15.

17 Q What time did you finish up that evening?

18 A It would have been probably after six.

19 Q You took an hour out for lunch?

20 A Yes.

21 Q It would be safe to say on the 14th you spent about
22 eight hours?

23 A I would say so.

24 Q How about the 15th; about eight hours again?

25 A On the 15th we got started close to 8:00 and

ended up close to 7:00.

172

Q About nine hours?

A Yes.

Q How about on the 16th?

173

A By the way, our lunch on the 15th was a half hour.

On the 16th we visited two schools, Benton and Irion
which was half a day. It was in the morning, approximately
9:00 to 12:00 or 1:00.

Q About three hours, would you say?

A Yes.

Q I would take it covering all of Bossier Parish in
your study your travel time between schools would take you
some period of time, would it not?

A Correct.

Q About half your time, would you say, was spent in
traveling?

A I don't know really. I can't give an answer.

MR. ROSS: I object. If counsel is
trying to establish how long he spent in each school, he
might ask him instead of going through the mathematical
computations.

THE COURT: He is entitled to phrase his
questions as he sees fit.

THE WITNESS: I can't guess. At some points
it look longer to get to and from the schools than others.

1 BY MR. JOHNSTON:

2 Q Covering all of Bossier Parish, it was a considerable
3 portion of the time, perhaps, as much as half? 174

4 A Perhaps.

5 Q If it was half the time, taking your figures, you
6 would have spent 25 total hours in evaluating 23 schools
7 and half of that time spent in traveling so that would leave
8 you an average time of only about 30 minutes in each school?

9 A If you want to take the average, possibly so. I
10 think we were running forty-five minutes to an hour, ap-
11 proximately, on elementary and junior highs and an hour or
12 more on senior highs.

13 Q And you have nineteen points you have to evaluate
14 and assigned a point to each one, so that would allow about
15 a minute and twenty seconds to each one of these points?

16 A Correct. Certain aspects, as I indicated before,
17 of the Bossier Parish Schools -- general purpose classrooms
18 in which math, language or social studies were taught. In
19 the newer facilities, generally speaking, these are
20 comparable in size. Living conditions vary.

21 Q In a minute and twenty seconds for each one of
22 these items, you can't give any real educated guess, can you?

23 A Give a real educated guess to what, please?

24 Q For example, evaluating the heating and ventilating
25

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1 system of a particular school, keeping in mind you are 174
2 evaluating it in the summer when the heat is not on. It is
3 rather difficult to say whether it is a good or bad system?

4 A If you will take the aspect and the school class- 175
5 room, whether it has hot water or steam radiation as opposed
6 to un-vented gas heaters, There is a difference and it can
7 be noted in a minute. If you take the example whether or
8 not there are window shades, this can be noted.

9 Q I notice you assign very specific amounts to your
10 heating and ventilation, 71 to Airline and 67 to Bossier.

11 What would be the 4 points difference between Air-
12 line and Bossier? Do you know?

13 A I can't recall.

14 Q Do your notes reflect a difference?

15 A Possibly. Roughly, I would say they are both
16 reasonably comparable at 4 points difference. Both have
17 windows.

18 Q Let me cut this off to save time: There were
19 rather arbitrary decisions to rate Airline at 74, another
20 school at 56 and another school at 58. There is a rather
21 arbitrary difference you had to make. You had to make that
22 arbitrary decision rather quickly, did you not?

23 A No, there was some reflection in the fact that I
24 would look at it and make field notes before I made the
25 decision. I will agree with you that these ratings would

1 fluctuate if I went back in the school presently.

2 THE COURT: Would you characterize this
3 as a sort of flying inspection trip?

4 THE WITNESS: Yes, I would characterize it 176
5 as a quick evaluation.

6
7 BY MR. JOHNSTON:

8 Q Mr. Stormer, there is really no dramatic difference
9 between the colored schools and white schools, is there?

10 A Yes, there is. I beg your pardon. For example,
11 the wooden structures used at Stikes for what I presume to
12 be elementary classrooms and those wooden structures used at
13 Irion, Comparing this to Curtis, there are no wooden
14 structures at Curtis.

15 Q Curtis is one of the better elementary schools?

16 A This is one of the elementary schools in the
17 Stikes area. If you took Benton and Irion and compared the
18 wooden structures used at Irion for elementary school
19 purposes as opposed to the structures used at Benton, I
20 think the difference would be obvious.

21 Q Are you familiar with the fact that about \$300,000
22 is planned to be spent on the Negro school at Irion?

23 A I am familiar that there has been considerable
24 capital outlay. This is evident throughout the parish.

25 Q This is planned to be done right away.

1 A This is one of the difficult things in rating.

176

2 Q I believe you stated all the schools in Bossier
3 Parish are all reasonably functional and very good overall;
4 is that correct?

177

5 A I would say if I were comparing them with other
6 plants I have seen throughout the country and, more par-
7 ticularly throughout the states in which I concentrated my
8 work, I would say Bossier Parish has done a reasonable job
9 in keeping up. There are discrepancies which you would
10 like to see improved.

11 Q Of course, this improvement will go on, but in
12 your Negro schools even though they might not compare
13 exactly on your flying report here, they are reasonably
14 functional and they are, as you say, very good for the most
15 part?

16 A Well, let me qualify my "very good" to say this
17 concerns the Irion newer structure. It concerns Stikes'
18 newer structure completed in 1963.

19 Q They are all reasonably functional?

20 A Yes, these are reasonably functional.

21 Q After all, the plant itself does not determine the
22 consideration of education necessarily but the plant is
23 adapted to perform a reasonably functional educational
24 job, is it not?

25 A I believe the plant, in essence, does have

1 considerable bearing on the instructional program. Let me 177
2 take an example of science facilities. The absence or
3 presence of demonstration areas -- areas where pupils can
4 prepare experiments or do individual study does have an 178
5 influence on whether or not he is getting the most out of
6 instruction that is given to him. These absences and
7 presence do make a difference.

8 Q The Negro schools in Bossier Parish, how do they
9 compare with Negro schools over the South generally?

10 A The ones I have seen?

11 Q Yes.

12 A I would say they would shape up a little bit better
13 than many I have seen.

14 Q They are better than average, aren't they?

15 A There are exceptions but generally speaking I
16 would say so.

17 THE COURT: Have you seen the Caddo system?

18 THE WITNESS: No, sir, I have not.
19

20 BY MR. JOHNSTON:

21 Q Of those you have seen in the South they are
22 better, generally speaking?

23 A Generally speaking.

24 Q You have been talking about such things as a gym
25

1 being combined with an auditorium. There is really nothing 178
2 wrong with this, is there?

3 A This is a difficult thing to say that there is
4 nothing wrong or there is something wrong. You can walk into
5 a gym and use it as a gym when it is a combination auditorium.
6 When you try to use the gym and auditorium as an auditorium,
7 there is a considerable difference in the situation since you
8 have greater volume. You have the lack of ability to create
9 acoustical environment.

10 Q Major asthetic differences?

11 A Asthetic as well as functional differences in terms
12 of putting on productions, if you want to use this as an
13 illustration. You can certainly put on a better theatre
14 production in a separate theatre.

15 THE COURT: Some schools actually include
16 three things, a gym, auditorium and cafeteria.

17 THE WITNESS: Yes, sir. This is more so in
18 elementary than secondary.

19
20 BY MR. JOHNSTON:

21 Q Your report here, which is made on some weighted
22 average which is not in evidence was made rather hurriedly
23 giving due consideration to the amount of time you had. I
24 find from this you are still able to say all schools in
25 Bossier Parish, white and Negro, are reasonably functional;

1 is that correct?

179

2 A I would say so.

3 Q The Negro schools in Bossier Parish are above
4 average as compared to the Negro schools you have seen in
5 the South?

6 A Those that I have seen.

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7 MR. JOHNSTON: That's all.

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SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA

RE-DIRECT EXAMINATION

10 BY MR. ROSS:

11 Q You don't penalize a school for things you don't
12 see?

13 A That's right, I don't penalize a school for things
14 I don't see.

15 Q In your system it takes account for things that
16 may not be there. For instance, in a two story building you
17 would rate the fire escapes?

18 A Yes.

19 Q But if it was only one story, that is a factor you
20 don't rate?

21 A Yes.

22 Q Does that system you use take the absence of
23 observation and absence of the particular facility into
24 account?

25 A Correct.

1 Q I assume, also, it takes longer to evaluate some 180
2 items than it does others and the longer to evaluate some
3 schools than it does others?

4 A Correct.

5 Q Did you spend more time at Airline High School 181
6 than you did in Meadowview Elementary?

7 A Yes.

8 Q Isn't Airline High School a considerably larger
9 plant?

10 A Considerably.

11 MR. ROSS: That's all I have.

12
13 RE-CROSS EXAMINATION

14 BY MR. PADGETT:

15 Q You did say you spent considerable time in examining
16 Airline High School, did you not?

17 A We spent a considerable amount in comparison to an
18 elementary school.

19 Q Were you aware of the fact that is the newest high
20 school in the state.

21 Q No, sir, I was not aware of that.

22 Q And that there are none to compare with it, either
23 white or colored, in the State of Louisiana?

24 A I was not aware of that.

25 Q I believe you said earlier in your testimony with

1 reference to the gym floor that Negro schools which you
2 examined had tile floors and the white high schools had
3 wooden floors; was that your statement?

4 A Right.

5 Q Did you find any gym floor in a white high school
6 that had tile floors? I am testing both your memory and
7 credibility?

8 A The only possibility -- it wasn't true in the
9 boys' gyms but it could have been possible in the girls'
10 gym in Airline High School. I suspect this may be true at
11 Airline.

12 Q As a matter of fact, Mr. Stormer, isn't it true
13 in the girls' gym in that most modern high school, that it
14 is the tops?

15 A I believe you are correct.

16 MR. PADGETT: That's all.

17
18 RE-DIRECT EXAMINATION

19 BY MR. ROSS:

20 Q Mr. Stormer, do they have a girls' gym and boys'
21 gym at Mitchell High School?

22 A No.

23 Q They have one gym?

24 A Right.

25 Q Do you feel the time you spent evaluating the
schools in terms of the work you do in your field, do you

1 feel the time you spent in those schools was adequate to
2 make a sound evaluation of the school plants which you
3 visited?

4 A I feel it is adequate to give a general impression, 183
5 yes. Had I spent more time I would have observed more and
6 made more complete notes and these ratings wouldn't fluctuate.
7 I think you have variations in this rating figure if you repeat
8 it and have more time.

9 Q Those variations would be slight?

10 A Yes.

11 Q You were asked whether you knew there were going
12 to be improvements at the Negro school in Irion. Let me
13 ask you this: Are those ratings based on what you saw there
14 at the time?

15 A They are based on what I saw.

16 Q They are based on your inspection, not on what
17 anybody told you about what would be done or what would be
18 changed?

19 A Yes, with the exception I couldn't rate Mitchell's
20 industrial arts or home economics rooms because they were
21 under construction.

22 Q They were building new facilities at Mitchell?

23 A Yes.

24 MR. ROSS: I have no more questions of
25 this witness.
THE COURT : You are excused.

MRS. RUTH COLVIN

184

called as a witness on behalf of the defendants, being first
duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. JOHNSTON:

Q You are Mrs. Ruth Colvin?

A Yes, sir.

Q What is your title in the Bossier Parish School
System?

A Supervisor of Materials for Instruction.

Q You have been in this position for some time?

A About six years.

Q It is within your field of responsibility to control
your textbooks and libraries, is it not?

A Yes.

Q Mrs. Colvin, you have budgetary limitations from
the state as to the amount of money you can spend, do you
not?

A Right.

Q How is this allotted?

A We receive the allotment from the state according
to enrollment.Q Are any textbooks supplied by the State in all
schools simultaneously?

1 A No, that would be impossible.

2 Q How does it work?

3 A When we receive our allotment the textbooks are
4 ordered and from this money that has to take care of re-
5 placements, that is, discarded, worn out books and an extra
6 problem always arises when there are new additions of
7 current textbooks and new State adoption. Of course, it
8 would be financially impossible to supply every child in the
9 parish with a new adoption at the same time. Often, we
10 have the situation where there are some textbooks of a
11 current type in one school and none in another.

12 Q Let us say you had English I. You had a course in
13 English I and you had a new textbook approved. You couldn't
14 in one year supply all of the parish with this new textbook
15 in English I?

16 A Definitely not.

17 Q Would you supply it in individual schools?

18 A We start out a few at a time.

19 Q Suppose you had a new textbook put in Central Park.
20 You had it in that school and didn't have it in the adjoining
21 school. How would the shifting of students caused by de-
22 segregation affect your problem?

23 A They could be in a different textbook in the school
24 they would be shifting to. They would start in another book
25 and it would be unfamiliar to the child.

1 Q How would additional time, say, like four years,
2 be helpful to you in solving this textbook problem as
3 opposed to integration in one year?

4 A It would give us time to plan ahead and foresee
5 the problems and the amount of textbooks needed to supply
6 the children. There would be a delay in shifting textbooks
7 so each child could have a textbook when school opens.

8 Q In your allotment of textbooks, is there any
9 discrimination between white and colored?

10 A No.

11 Q You spend just as much at colored schools as you
12 do white schools?

13 A Yes, sir.

14 Q How about wear and tear? How does that compare
15 with the colored and white schools?

16 A It seems to me we do replace more in the Negro
17 schools, especially the Readers in the lower grades --
18 Readers and Spellers.

19 Q We touched briefly on books acquired through the
20 PTA and that sort of thing. Explain that?

21 A Sometimes the Library reports on the principal's
22 annual report turned into the Central School Board Office
23 will show a greater volume of books for certain schools,
24 and often some of the reasons are that those schools have
25 their own funds and the PTA often helps. Someone sponsors

1 a Book Fair in which the proceeds are donated to the
2 library. Sometimes the principal has funds at his disposal
3 where he will buy a set of reference books or other type of
4 instructional material and place it in the library.

5 Q In other words, this would not be dependent upon
6 your allotment you would give out to the schools but it
7 would be up to the school's own initiative to increase the
8 number of books?

9 A Yes.

10 Q Like the PTA and so on?

11 A Yes.

12 MR. JOHNSTON: Tender the witness.
13

14 CROSS EXAMINATION

15 BY MR. AMAKER:

16 Q Let me see if I understand an answer you gave to
17 Mr. Johnston. Did I understand you to say in the event
18 there was a great deal of shifting of students as a
19 consequence of the implementation of the desegregation plan,
20 that some of the students would be adversely affected be-
21 cause they would be using different textbooks than the ones
22 they had been using?

23 A It very well could be that.

24 Q Did I also understand you to say in some cases
25 they wouldn't be using textbooks at all?

1 A No, I didn't say that.

2 THE COURT: If the shifting took place at
3 the beginning of a term then there would not be that
4 problem?

5 THE WITNESS: No.

6 THE COURT: In other words, they would
7 start with one textbook and continue throughout the term
8 rather than shifting in mid-term, or something like that.
9 Am I correct in that assumption?

10 THE WITNESS: Yes, sir.

11
12 BY MR. AMAKER:

13 Q Do all of the second grade students, for example,
14 the
in/Bossier Parish Schools use the same textbooks?

15 A Yes.

16 Q The Negro and white?

17 A Yes.

18 Q What about the first grade students?

19 A Yes.

20 Q In light of that, I don't understand the answer
21 you gave to Mr. Johnston's question?

22 A These would be for other grades.

23 Q What would be for other grades?

24 A The problem with books.

25 Q I must be missing something.

1 A The schools are supplied with textbooks in
2 accordance with the principal's requisition for those books,
3 which are made out in January of the preceding year.

4 In other words, the principals have already
5 requisitioned their books for the next school year. They are
6 coming in now and are being sent out to the schools and they
7 will be there in September according to their prediction of
8 the anticipated enrollment they would have on hand.

9 Q Then I would understand by that response that the
10 principal at Butler High School has already requisitioned
11 a number of books he intends to use for each of the grades
12 in that school?

13 A According to his anticipation of enrollment in
14 1965-66 for grades.

15 Q This would be for all schools?

16 A Yes. The principal places on the top of the form
17 his anticipated enrollment per grade for the following
18 school year. This is made in January.

19 Q And the principal at any school which had grades
20 one through six, that principal would requisition the same
21 textbooks for the same subject as the principal of another
22 school?

23 A Yes.

24 Q And the total requisition of textbooks in the
25

1 system is based upon the total number of students you expect 190
2 to have within each grade?

3 A Yes, as he sees it at that particular time in the
4 middle of that year.

5 Q He gives you the figures and you then make the
6 requisition?

7 A He fills out on this form exactly what he needs
8 and every single book used in one through six if elementary
9 and on through senior high.

10 To give an example, he indicates how many third
11 grade Readers he wants. He indicates it on different columns.
12 There is a column to show the number of books discarded and
13 worn out and to show the number of usable books and so
14 forth.

15 Q I think you said you have been Supervisor of Ma-
16 terial and Instruction for six years?

17 A Yes, sir.

18 Q Can you recall if at any point during that six
19 year period there was a time when there was a substantial
20 influx of new students to the system that was unexpected
21 or unanticipated at the time the textbook requisition allot-
22 ment was made?

23 A There have been times with military connected
24 children. Greater numbers have come in than we had
25 anticipated.

1 Q When that occurred, what was done with respect to
2 issuing each child a textbook and assuring that each child
3 had accessibility to the textbook for a subject in his grade?

4 A Sometimes we have secured permission from the
5 State Department to place an order again on our next allot-
6 tment to get extra books. Of course, that means a delay so
7 far as the child having the books in front of him. We do
8 borrow from one school if available.

9 Q What you are saying is this has occurred in the
10 past?

11 A To some extent.

12 Q If this happened in the future, this kind of thing
13 could be done again?

14 A I suppose it could. The State Department has been
15 fairly lenient about letting us do that when we get in some
16 sort of emergency.

17 Q The total number of textbooks that are going to be
18 required for use by the students doesn't depend on which
19 schools the students attend; isn't that true?

20 A That's right.

21 Q Whether or not you have a mass shifting of students
22 from a Negro school to a white school or from a white school
23 to a Negro school, they would be using the same textbooks?

24 A No. There would be some using the current adapta-
25 tion and some in the parish who are using the former

1 adaptation.

2 About every four or five years we will have new 192
3 adaptations in various subject matters and it takes an
4 awfully long time to get every child supplied with the new-
5 est adaptation.

6 For example, we will have in Kerr School a child
7 using the former adaptation and, perhaps, in Waller, we will
8 have children using the latest adaptation and we work as
9 rapidly as we can and as the money is available to get every
10 child in the parish in the newest adaptation.

11 Q The situation you have just described has obtained
12 over the years in some cases in which the students were
13 Negro; isn't that true?

14 A Yes.

15 Q And in others in which the students were white?
16 Isn't that true?

17 A Yes.

18 Q So that whether or not a desegregation plan goes
19 into effect, the kind of situation you have described could
20 reasonably be expected to exist; isn't that true?

21 A Yes. But, again like we have mentioned repeatedly,
22 if there were a shift in any great numbers it would
23 interfere with the amount of textbooks that had been
24 requisitioned by that principal and it would affect the number
25

of textbooks currently available at that school.

Q That, Mrs. Colvin, estimate is based on the assumption that there would be tremendous variance from the enrollment that is anticipated now; isn't that true?

A No. We don't make too great an allowance for that. They would anticipate some coming in unexpectedly and they make the estimate by the grade preceding that and possibly adding five or ten.

Q They have been doing that for the past few years and, in fact, have done that for this year?

A Yes.

MR. AMAKER: That's all.

CROSS EXAMINATION

BY MR. ROSS:

Q Am I correct that if you have two schools about the same size and each have four sections of six grade English and 30 in a class on the average and there is 120 books for sixth grade English in each school, there is 120 students in each school in the sixth grade and amonth from now some of the students at one school went to another school, and vice versa, they still ended up with about 120 sixth grade English students in each school and you wouldn't have to move any textbooks, would you?

A No, not if they were in the same text.

1 Q English textbooks are pretty much -- they don't
2 change too often?

3 A Yes, they do.

4 Q In the first school they are using a 1957 edition
5 and in the second school they are using a 1961 edition.
6 Would four years be reasonable to expect a new edition to
7 come out?

8 A Yes.

9 Q When those students at both schools are in the
10 fifth grade the previous year and they are coming to the
11 sixth grade, if they go to one school that has the 1957
12 edition they will be using that book. If they go to the
13 other school they will be starting with a 1961 textbook.
14 If the shift is made before the school year starts you won't
15 have to move any books around, will you?

16 A No.

17 Q Have you/had ever occasion to move textbooks from one
18 school to another school in order to adjust for the need of
19 the other school?

20 A Yes. I answered that a while ago.

21 Q That is one of the ways you try to adjust the
22 changes?

23 A If they are available.

24 MR. ROSS: I have no more questions.

25 MR. JOHNSTON: That's all.

GEORGE G. NELSON

195

called as a witness on behalf of the defendants, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION

BY MR. JOHNSTON:

Q You are Mr. George G. Nelson?

A I am.

Q I believe you are the Tax Assessor for Bossier Parish?

A Yes, sir.

Q How long have you been in that job, Mr. Nelson?

A 21 years.

Q Mr. Nelson, in Paragraph 11 to plaintiffs' objections to our plan, they object on the ground it contains, in effect, the unnecessary financial burden borne by both races but which falls more heavily on Negro parents.

In regard to that burden borne by the respective races, are you prepared to give figures on the amount of the tax load carried by each race?

A I am.

Q Have you broken it down by race?

A I have.

Q Do you have a copy of that?

A I don't have a copy.

1 Q I am going to mark my copy "D-3" and I will ask
2 you, sir, if this is the copy of the figures which you have
3 prepared?

4 A It is.

5 Q From these figures, have you prepared an average
6 amount of the tax load borne by Negro parents in each
7 district?

8 A I worked it out according to districts and then I
9 have taken an average for the entire parish.

10 I would like to say each one of our assessments is
11 classified according to color, white or black. For that
12 reason it is very easy for me to determine the percentage
13 of taxes the colored pay and the white pay.

14 Q In School District 1, what is the percentage of
15 taxes paid by Negroes?

16 A In School District 1 the percentage is 8.203%.

17 Q Is that including the homestead exemption?

18 A That is including the homestead exemption.

19 Q They do not pay the actual homestead exemption?

20 A No.

21 Q What is the average excluding the homestead
22 exemption?

23 A 3.86%.

24 Q How about in School District 2 excluding the
25 homestead exemption?

1 A .0993%.

2 Q How about in School District 3?

3 A Excluding the homestead exemption it is 1.8%.

4 Q What is it in District 13?

5 A Excluding the homestead exemption .00282.

6 Q In School District 26?

7 A Excluding the homestead exemption .0254.

8 Q In District 27?

9 A Excluding the homestead exemption .004289.

10 Q In the parish as a whole you say you worked out an
11 average percentage. What is that?

12 A .7%. Not quite 1% of the entire parish.

13 Q These are your figures worked out by what is shown
14 on "D-3"?

15 A Yes.

16 Q Mr. Nelson, are you familiar with the fact that
17 about one-third of the school population is made up of Negro
18 students?

19 A Yes, sir.

20 Q Which one-third of the population pays .7% of the
21 taxes?

22 A That's right.

23 Q Would you say it is a fair statement that Paragraph
24 11 of the plaintiffs' objections do not jibe with the facts?
25

1 A It doesn't jibe with the facts at all.

2 MR. JOHNSTON: I offer "D-3" in evidence.

3 THE COURT: In that connection, there has
4 never been filed in the record of the case any objection by
5 the plaintiff. There has only been filed objections by the
6 Intervenor.

7 MR. JOHNSTON: On that ground, I will object
8 to any evidence by the plaintiffs because a time was set
9 up for filing.

10 MR. AMAKER: I have a certificate of
11 service made on the 9th day of July where I certified I
12 filed and served a copy of our objections on counsel for
13 defendants.

14 It is obvious that the response
15 of this witness was made to Paragraph 11 of these objections
16 and as that certificate of service attests --

17 THE COURT: I don't doubt Mr. Johnston
18 received a copy of it but the Clerk of this Court never
19 received a copy because here is the record and it is not in
20 here.

21 MR. AMAKER: On the presumption something
22 placed in the regular course of mail, as attested to by the
23 certificate of service, ought to have been received by the
24 Clerk of this Court on the 10th or 11th of July. This is the
25 first notice we have had that the Clerk did not receive that.

1 If the Clerk of this Court has not received a copy **it** is the
2 fault of the postal service and not of the plaintiffs.

199

3 THE COURT: Mr. Johnston's objections will
4 not be granted. We will allow you to substitute a copy of
5 the original in the record.

7 CROSS EXAMINATION

8 BY MR. AMAKER:

9 Q I have some questions to ask you about "D-3".
10 Can you tell me the taxes that this exhibit is concerned
11 with and how the assessment is made?

12 A We have an average assessment in Bossier Parish of
13 around 19%.

14 Q 19% of what?

15 A Of the actual cost. Say, a home cost \$16,000. We
16 have it assessed at the rate of 19%.

17 Q How did you arrive at these percentages? What was
18 the computation based on?

19 A We took all the taxes that the people of Bossier
20 Parish pay. We took the percentage of colored taxpayers in
21 Bossier Parish. We took the total taxes and divided it
22 into the percent that the colored people pay and arrived at
23 these percentages.

24 Q On what are these taxes paid? Are they paid on
25 various items or is it a tax on the home?

A A tax on real estate. Ad valorem tax.

311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA
COURT REPORTER, SIDNEY YOUNG.

1 Q As I understand it, you have been Tax Assessor
2 for 21 years?

3 A Yes.

4 Q An ad valorem tax is a computation based on the
5 value of the property?

6 A There are various things to determine the value.
7 One lot might be the same size. Two lots might be the same
8 size but they will vary in value due to location.

9 Q You first have to make a determination of the
10 value of the thing that is being taxed before you can impose
11 an ad valorem tax; isn't that right?

12 A That's right.

13 Q The percentage figure, or the tax, is a proportion
14 of the value of the property or the real estate being taxed?
15 Isn't that right?

16 A We have a valuation and we have a rate. Varying
17 taxing bodies give us a right to apply a percentage to that
18 value and that is the way we arrive at that tax.

19 Q Let us take two pieces of property. Take into
20 account all the factors that amount to a property evaluation.
21 One piece of property was valued at \$30,000 and another piece
22 of property was valued at \$10,000, can you tell me, first,
23 how the tax would be arrived at on those pieces of property
24 and then how your percentage figures would come from that?

25 A Take your \$10,000 valuation. Say, our rate is

1 one mill. You will arrive at \$100.00 in that case as our
2 tax on that, and on the \$30,000 piece of property the rates
3 vary.

4 May I make a few remarks, and I say this in all
5 respect: In Bossier Parish most of the colored property has
6 a very low value due to the fact that it does not have the
7 value that the white property has. I am not discriminating
8 in valuation. I wish I could put a larger value on that
9 colored property but I can't put a \$4,000 evaluation on a
10 two room cabin in the country. On the white property in
11 these white subdivisions, I am going to put a \$4,000
12 valuation because the property is worth that. So much of
13 the property the colored people own in Bossier Parish has a
14 very low value. I can't afford to raise the colored property.

15 Q That, of course, obviously if since the property
16 has a very low value the amount of the tax would be small
17 and if you then combined the amounts paid you would probably
18 come out with percentage figures generally lower for Negroes
19 as opposed to whites?

20 A I think the thing we are trying to bring out is
21 that the colored percentage of tax is very small.

22 Q It is small because of the fact that the property
23 is of less value. When you evaluate it, the taxes are
24 smaller and the property isn't worth as much as white home
25 owners and, therefore, the tax assessment is going to be

1 small?

2 A That's right.

3 Q And that is what this exhibit reflects?

4 A That's right.

5 Q I will ask you whether as part of your regular
6 course of business as Tax Assessor you, or anyone employed
7 by you or on your staff, has made any comparison studies
8 of the relationship between the amount of tax Negroes in
9 Bossier Parish pay as opposed to the ratio between the
10 amount of the property evaluation in the parish?

11 A I go over the entire parish several times during
12 the year. I check most of the property once a year in
13 Bossier Parish. The areas where the Negroes live, their
14 property is of a poorer quality. It is not valued as high
15 as the white people's property. I don't know why, but they
16 have the same privilege of building a nice home. There is
17 nothing to keep them from it.

18 Q Let us examine that a moment, Mr. Nelson: Do you
19 have a judgment as to why the property values of the Negroes
20 in Bossier Parish are so much lower than those of the white?

21 A Well, I think so many of the colored people don't
22 have incentive to go out and improve themselves.

23 Q When you state that, is this based on some type of
24 study or survey that you or your office has made?

25 A I have gone into colored subdivisions. We have one

1 I can call tonight at this particular time where the
2 colored people have gone in and built nice little new homes.
3 They have not taken care of these homes.

4 Q You are not answering the question I asked. I
5 asked you whether your judgment that the reason for the low
6 property value of the Negro homes in Bossier Parish is be-
7 cause of the lack of incentive of Negroes is based on some
8 kind of survey or study or compilation of data that you, in
9 your capacity as Tax Assessor, or someone in your office or
10 on your staff has made?

11 A We have not made a survey.

12 Q In your capacity as Tax Assessor, do you have
13 occasion to determine the incomes of families in the area?

14 A No, I wouldn't know what a person would make.

15 Q You have been Tax Assessor for 21 years and in that
16 capacity you have had occasion to place dollar values on a
17 lot of property; isn't that true?

18 A Right.

19 Q In that 21 year period, has it been your experience
20 that as a general rule persons whose property is of a higher
21 value are persons of higher income?

22 A That's right.

23 Q Will you state that is the case in Bossier Parish
24 with respect to the Negroes and the whites?

25 A That's right.

MR. AMAKER:

Tender the witness.

204

CROSS EXAMINATION

BY MR. ROSS:

Q This system of percentage of taxes paid, how many mills is this based on?

A The millage varies in Bossier Parish according to School districts. It varies according to wards. We can take a specific one and give it to you.

Q Do you know of your own knowledge what use that tax money is used for?

A It is prorated out just like the money that comes from all the sources of taxation. It goes to the various taxing bodies that we have, the Police Jury, Levee Board and School Board.

Q All the governmental bodies in the parish?

A Some of it goes to the State.

Q This, of course, doesn't include the severance tax?

A No, just ad valorem. That's all we deal with.

THE COURT: He doesn't even collect the ad valorem taxes. All he does is assess it and the Sheriff collects it.

1 BY MR. ROSS:

2 Q Do these figures refer to the taxes paid for
3 school construction bonds?

4 A Everything is included. That is for maintenance
5 and bond issues.

6 Q Do you have more than one assessment tax? Is
7 that a parish wide ad valorem tax everybody pays every year?

8 A We have a record of the taxes that every person
9 pays who has any property.

10 Q What about schools?

11 A We have a general fund of ten mills that everyone
12 pays. In the various school districts the rate varies.

13 Q The School Board is assigned a certain percentage
14 of the ad valorem tax collected after you assess it; is that
15 right?

16 THE COURT: So many mills. Usually it is
17 five mills that you can assess without a vote and five
18 mills you can assess with a vote.

19
20 BY MR. ROSS:

21 Q In other words, it may vary from year to year or
22 district to district?

23 THE COURT: The only variation there would
24 be is in case there was a bond issue of a different size
25 in one district as compared to another.

1 BY MR. ROSS:

206

2 Q Does the School Board have to use all five mills
3 of that?

4 A Under the law that is all they can assess.

5 Q Between five and ten it depends on a vote?

6 A That's right.

7 MR. ROSS: That's all.

8 MR. JOHNSTON: That's all.

9 That is the defendants'
10 evidence.

11 THE COURT: Any evidence by the plaintiffs?

12 MR. AMAKER: I would like to call Barbara
13 Faye Jones.

14
15
16 BARBARA FAYE JONES

207

17 called as a witness on behalf of the plaintiffs, being first
18 duly sworn by the Clerk, testified as follows:

19
20 DIRECT EXAMINATION

21 BY MR. AMAKER:

22 Q Would you state your name, please?

23 A Barbara Faye Jones.

24 Q What is your address?

25 A 539 North Circle Street, Bossier City, Louisiana.

Q How old are you?

1 A 15.

2 Q Are you a student in the Bossier Parish Public
3 school?

4 A Yes.

5 Q What school do you attend?

6 A Charlotte Mitchell High School.

7 Q What grade are you in at the present time?

8 A Tenth.

9 Q How long have you been attending Mitchell?

10 A For four years.

11 Q What school did you attend previous to that?

12 A Vanguard Junior High in Los Angeles, California.

13 Q The Mitchell school is the only school you have
14 attended since you have been in Bossier Parish?

15 A Yes.

16 Q At the time you began attending Mitchell were you
17 ever given a choice of the school that you wanted to attend?

18 A No.

19 THE COURT: That is not disputed, is it?

20 MR. AMAKER: No, Your Honor, it is not.

21 There was a great deal of testimony this morning about the
22 choice and I wanted to establish it from one of the persons
23 in the school system as to what the practice is.

24 THE COURT: The Court knows judicially the
25 Bossier School System was a segregated system.

207

208

1 BY MR. AMAKER:

2 Q In the school that you are presently attending, are
3 you entirely satisfied with the conditions that exist there?

4 A No.

5 Q Would you state to the Court what some of your
6 dissatisfactions are?

7 A Well, we don't have enough equipment to work with.

8 Q What kind of equipment?

9 A For instance, our laboratory is not complete in
10 the Science Department.

11 Q Do you have all of the courses you would like to
12 take at that school?

13 A No.

14 Q Can you state some of the courses you care to
15 take that you are lacking?

16 A I would like to take up cosmetology.

17 Q Are there some other courses you would like to
18 take that are not given at this Mitchell school?

19 A Yes.

20 THE COURT: Do you know whether cosemetology
21 is offered as a course in any school in Bossier Parish?

22 THE WITNESS: No.

23 THE COURT: Do you know that it is not or
24 you just don't know?

25 THE WITNESS: It is not.

1 BY MR. AMAKER:

2 Q What about some of your language courses?

3 A Well, the foreign languages, we only have French.

4 Q How far is the Bossier white junior high school
5 from you?

6 A About 57 blocks.

7 Q Are some of the courses you would like to take
8 given in that school?

9 A I think so.

10 MR. JOHNSTON: I object, first, because it
11 is leading and, secondly, she stated the only course she
12 wanted to take was cosmetology which was not offered any-
13 where.

14 MR. PADGETT: Counsel asked about a junior
15 high school and this girl is in the tenth grade, which is
16 beyond junior high school.

17
18 BY MR. AMAKER:

19 Q I ask you whether you have had occasion to discuss
20 with some of your classmates their reactions toward the
21 possibility of desegregation? Have you?

22 A Yes.

23 MR. JOHNSTON: Object to hearsay.

24 THE COURT: The fact that she has talked
25 to them is not hearsay. Anything they might have said would

1 be.

2 MR. AMAKER: I pass the witness. 210

3 MR. JOHNSTON: No questions.

4 THE COURT: Anything else?

5 MR. AMAKER: No more witnesses.

6 THE COURT: Does the Government have any-
7 thing else?

8 MR. ROSS: Yes, sir.

9
10
11 HENRY W. SMITH

12 called as a witness on behalf of the Government, being 211
13 first duly sworn by the Clerk, testified as follows:

14
15 DIRECT EXAMINATION

16 BY MR. ROSS:

17 Q Will you state your name and occupation?

18 A Henry W. Smith. I am in charge of transportation
19 for the Bossier Parish School Board.

20 Q You were asked to bring certain documents with you
21 today including a list of drivers. Is this what you brought
22 with you?

23 A Yes.

24 Q Three lists?

25 A Yes.

Q Will you describe what is on these lists?

1 A It is the driver's name, the school he drives to, 211
2 the size of the bus he is operating, the mileage, his total
3 salary received for the previous year, his base salary, which
4 all drivers receive the base salary, operational money and
5 the average daily attendance.

6 Q This is a work sheet you use to figure out your
7 budget?

8 A Yes.

9 MR. ROSS: I would like to offer these
10 as Intervenor's Exhibit 4. 212

11
12 BY MR. ROSS:

13 Q Mr. Smith, you were also asked to bring some maps
14 to show your bus routes. Are these those maps?

15 A Yes.

16 Q You have more than one map.

17 A Yes.

18 Q Is this the one for District 13, Bossier City white
19 elementary schools?

20 A And also part of District 27.

21 Q This is for the white junior high school in District
22 13?

23 A Yes.

24 Q This is for the white senior high school in District
25 13?

1 A Yes.

212

2 Q This one shows the Negro bus routes in Bossier City?

3 A Yes.

4 Q That is for Mitchell and Butler?

5 A Yes.

6 Q This shows the rural routes for white students

7 and the Negro students are on another map?

8 A That's right.

9 Q I have a set of copies. Have you looked over

213

10 these copies?

11 A I glanced over them.

12 Q Do they look like they represent pretty much the

13 ones you made up?

14 A Yes.

15 MR. ROSS: I would like to offer all

16 these maps in evidence and substitute the copies I have in

17 my hand.

18 I would like to mark the

19 original maps "Intervenor-5".

20

21 BY MR. ROSS:

22 Q You have special maps for Bossier City?

23 A Yes.

24 Q They are a little bit more detailed?

25 A Yes, sir.

1 Q You use these maps to keep track of where your 213
2 drivers go?

3 A Yes.

4 Q Do any busses in your elementary level pick up all
5 six grades at once?

6 A Are you speaking of District 13?

7 Q Yes.

8 A They pick up the first, second, third graders on 214
9 the second load and the fourth, fifth and sixth graders
10 on the first load.

11 Q What is the reason for that?

12 A Due to the dense population I have to have all the
13 busses in the city, except some on an extreme outer edge,
14 make at least two routes and some of them are making three
15 routes.

16 Q They go and pick up the fourth, fifth and sixth
17 graders and drop them at school and then pick up in the same
18 area the first, second and third graders and bring them back
19 to school?

20 A That's right.

21 Q Is that also true for busses which pick up students
22 for Mitchell and Butler?

23 A No, except in the heavy dense population in North
24 Bossier. They pick up all the elementary at one time.

25 Q Is it more than one bus which goes in that area?

1 A Right.

2 Q I take it there are some students who live in
3 Bossier Base?

4 A That's right.

5 Q For the students which go to Mitchell and Butler,
6 does the same driver pick them up at Bossier Base as he does
7 at Barksdale Field?

8 A Right.

9 Q Does he go from Bossier Base to Barksdale Field
10 and pick up all twelve grades and then go over and drop the
11 seventh and twelfth graders at Mitchell and then go to
12 Butler?

13 A That's right. It wouldn't justify three busses.

14 Q Because there aren't enough?

15 A That's right.

16 Q The drivers who make that particular circuit makes
17 one route?

18 A That's right. Also, on Bossier Base I have a
19 white bus which picks up the junior high and high school
20 together. I don't send a separate bus out.

21 Q You pick up junior and senior high and take them
22 to Green Acres and Airline?

23 A That's right.

24 Q You have another bus which picks up the elementary
25 students and takes them wherever they go?

A That's right.

214

215

SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA

1 Q Does it ever happen, Mr. Smith, you have to change 215
2 the route the bus goes on because it is getting empty or
3 getting too many people on it?

4 A Right.

5 MR. JOHNSTON: I don't want to object but I
6 fail to see the relevancy of this. We have admitted as the
7 plan is implemented the school busses will be desegregated
8 as they go to each school.

9 THE COURT: You have not assigned as a 216
10 reason for delay in implementing the plan the fact of school
11 bus transportation.

12 MR. ROSS: My point is throughout the
13 normal course of business he has to make adjustment in his
14 routes and it is something he can do easily and he can send
15 the bus to a different place if the need comes about.
16 Changes from school to school is a regular problem. That can
17 be dealt with in the regular course of business and doesn't
18 involve any administrative difficulty.

19 MR. PADGETT: This is absolutely super-
20 fluous. It is not at issue.

21 THE COURT: You are not contending that is
22 a reason for delay.

23 MR. ROSS: When Mr. Cope testified earlier
24 he said the bus routes in general would be an administrative
25 problem. He didn't elaborate.

That's all I have.

216

MR. JOHNSTON:

No questions.

THE COURT:

Do you have anything else?

MR. ROSS:

I have nothing more.

THE COURT:

Let the evidence be closed.

---OOO---

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SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA

C E R T I F I C A T E

I, SIDNEY YOUNG, Official Reporter, United States District Court, Western District of Louisiana, do hereby certifi that the above and foregoing 216 pages of type-written matter contain a true and correct reporting and transcription of the proceedings had at the time and place as herein before set out on Page 1 hereof.

IN WITNESS WHEREOF I have hereunto affixed my signature at Shreveport, Louisiana, on this the 24th day of August, 1965.

/s/ Sidney Young
Sidney Young
Official Reporter
U.S. District Court
Western District of Louisiana

Filed: August 24, 1965

---oOo---

(Title Omitted)
No. 10,687

ORDER ON PLAN FOR DESEGREGATION

Respondent, Bossier Parish School Board, pursuant to this Court's order of April 13, 1965, has presented to the Court a proposed plan for desegregation of the Bossier Parish School system. The plaintiffs and intervenor have presented their objections thereto.

Now, after due consideration of the proposed plan submitted by respondents, and the objections thereto presented by plaintiffs and intervenor, and after having taken into consideration the local problems inherent in any attempt to desegregate the public schools in Bossier Parish, as well as prior pronouncements of the United States Supreme Court, and of the United States Court of Appeals for the Fifth Circuit, by which pronouncements this Court is bound:

IT IS ORDERED that the following plan for the orderly desegregation of the schools under the supervision and control of the Bossier Parish School Board be, and it is hereby approved and adopted:

1. All initial pupil assignments made for the school year 1965-1966 will be considered adequate, subject however to the following transfer provisions:

1 (a) The Bossier Parish School Board will,
2 not later than August 2, 1965, mail no-
3 tices to all students, regardless of race
4 or color, presently assigned for the school
5 year 1965-1966, to the twelfth grade of any
6 school under its jurisdiction, advising
7 them that they may, from August 9, 1965, to
8 August 13, 1965, apply in person, accompanied
9 by parents or guardian, for transfer and re-
10 assignment to the twelfth grade of another
11 school of their choice.

12 (b) Such transfers will be made in accord-
13 ance with the procedures pertaining to
14 transfers currently in general use by the
15 Bossier Parish School Board.
16

17 (c) The Bossier Parish School Board will,
18 not later than August 2, 1965, cause to be
19 published in The Shreveport Times for three
20 (3) consecutive days, a notice to persons
21 responsible for pupils eligible to enter
22 the first grade, advising said persons that
23 applications for assignment to the first
24 grade of any school under its jurisdiction
25 may be made in person at the Bossier Parish

1 School Board Office from August 16, 1965,
2 to August 20, 1965.

3 (d) Application forms for transfers or
4 assignments will be made available, upon
5 request, by the School Board to all stu-
6 dents and parents affected, and complete,
7 detailed instructions as to procedures
8 will be furnished with the applications.

9 (e) Transfers or assignments, when re-
10 quested, shall not be unreasonably denied.
11 No denial of a request for transfer or
12 assignment shall be based on race or
13 color. However, in determining whether or
14 not a request for transfer or assignment
15 shall be granted, the School Board, in
16 considering the application for transfer
17 or assignment, may consider the following
18 factors as proper criteria to be applied
19 in granting or denying the request for
20 transfer or assignment.

21 (1) The desire or wishes of the
22 pupil and his parents or guardian.

23 (2) Availability of space and other
24 facilities in the school to which
25

the transfer or assignment is requested.

(3) The age of the pupil as compared with the ages of pupils already attending the school to which transfer is requested.

(4) The availability of requested or desired courses of study in the school to which the transfer is requested.

(5) In the event a transfer or assignment is requested to a particular school, but it develops that there is available space in another school, in all respects comparable to the one to which transfer or assignment is requested, closer to the applicant's residence, the School Board may, if it deems it advisable, make the transfer or assignment to the comparable school closest to the pupil's residence rather than to the school to which the transfer or assignment was requested.

(6) No pupil will be granted more than one transfer in any one school year, except under special circumstances

found justifiable by the School Board.

(7) No request for transfer or assignment may be denied solely on the grounds of technical errors or omissions made by the applicant or his parents or guardian in the preparation of the application for transfer or assignment.

(8) Any new students, entering the school system for the first time, regardless of grade, shall be entitled to assignment according to their choice to the former all white school or former all Negro school closest to their place of residence.

(f) All pupils requesting transfer or assignment in accordance herewith shall be notified in writing by the School Board of action taken on their requests for transfer or assignment not later than August 27, 1965. If such notification is to the effect that the requested transfer or assignment has been denied, specific reasons for such denial shall be clearly set forth in the notification of rejection.

1 2. Commencing with the school year 1966-67 all
2 initial assignments of pupils to the first,
3 second, eleventh and twelfth grades in all schools
4 under the supervision and control of the Bossier
5 Parish School Board shall be made purely and
6 simply on the basis of individual choice, reserv-
7 ing to all pupils, however, the right to apply
8 for transfer in accordance with the procedures
9 hereinabove established, and reserving to the
10 School Board through its authorized representa-
11 tives, the right to place a pupil in a compar-
12 able school other than the school of his choice
13 should there be a comparable school closer to
14 the pupil's residence than is the school of his
15 choice.)

16 3. In each succeeding school year this planned
17 desegregation shall progress so that all grades
18 shall be included by September 1968. Dual school
19 districts on racial lines shall be abolished
20 contemporaneously with the application of this
21 plan to the respective grades when and as reached
22 by the application of this plan.
23
24
25

1 4. [The method of initial assignment herein
2 provided for will, of course, be subject to all
3 reasonable procedural requirements that may be
4 adopted and promulgated by the Bossier Parish
5 School Board.]

6
7 5. Nothing contained in this order shall be
8 construed to prevent the separation of boys and
9 girls in any school or grade, or to prevent the
10 assignment of boys and girls to separate schools.

11 6. If any paragraph of these rules and pro-
12 cedures shall be held by any court of competent
13 jurisdiction to be invalid for any reason, the
14 remainder of such rules and procedures shall
15 continue in full force and effect.

16
17 IT IS FURTHER ORDERED that respondents herein, and
18 their successors in office, their agents, servants, repre-
19 sentatives, or employees, and all other persons whomsoever
20 acting in concert with any and all of such persons, are
21 hereby permanently enjoined from doing anything calculated
22 to obstruct or interfere with the orderly administration of
23 this plan for effecting the transition of the schools
24 hereinabove mentioned to a racially non-discriminatory basis.

25 Jurisdiction of this matter is retained for the

entry of any further orders hereafter deemed necessary in
the premises.

SIGNED this 28th day of July, 1965, at Shreveport,
Louisiana.

/s/ Ben C. Dawkins, Jr.
C H I E F J U D G E

Filed: July 28, 1965

---oOo---

(Title Omitted)
No. 10687

NOTICE OF APPEAL

Notice is hereby given that the United States of
America, plaintiff-intervenor above named, hereby appeals to
the United States Court of Appeals for the Fifth Circuit
from the Order on Plan for Desegregation entered in this
action on July 28, 1965.

/s/ Edward L. Shaheen
EDWARD L. SHAHEEN
United States Attorney

/s/ Charles E. Welsh
CHARLES E. WELSH
Assistant United States Attorney

Filed: August 5, 1965

---oOo---

(Title Omitted)
No. 10687

DESIGNATION OF CONTENTS OF RECORD ON APPEAL

Pursuant to Rule 75(a) of the Federal Rules of Civil Procedure, plaintiff-intervenor hereby designates for inclusion in the Record on Appeal to the United States Court of Appeals for the Fifth Circuit, as per Notice of Appeal filed August 5, 1965, the complete Record of all proceedings and evidence in this action.

/s/ Edward L. Shaheen
EDWARD L. SHAHEEN
United States Attorney

/s/ Charles E. Welsh
CHARLES E. WELSH
Assistant United States
Attorney

Filed: August 5, 1965

---cOo---

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 22863

UNITED STATES OF AMERICA,

Appellant,

V.

BOSSIER PARISH SCHOOL BOARD, ET AL.,

Appellees

Appeal from the United States District Court for
the Western District of Louisiana

(August 17, 1965)

Before HUTCHESON, RIVES and JONES, Circuit Judges

BY THE COURT:

IT IS ORDERED that the judgment of the district court be and it is hereby vacated and the cause is remanded to the district court for further consideration in the light of Singleton v. Jackson Municipal Separate School District, et al., _____ Fed. 2d ___, No. 22527, decided by this Court on June 22, 1965, and Price v. Denison Independent School District Board of Education, et al., _____ Fed. 2d ___, No. 21632, decided by this Court on July 2, 1965.

The disposition made by this order renders un-

1 necessary the consideration of other matters submitted to
2 this Court by motions.

3
4 Filed August 17, 1965.

5
6 ---c0o---

7 (Title Omitted)
8 No. 10687

9 AMENDED ORDER ON PLAN FOR DESEGREGATION

10
11 This Court having been ordered, by the United
12 States Court of Appeals for the Fifth Circuit, on August
13 17th, 1965, to reconsider its original "Order on Plan for
14 Desegregation," entered herein on July 28th, 1965, in the
15 light of Singleton v. Jackson Municipal Separate School
16 District, et al, _____ F. 2d _____, No. 22527, decided by
17 that Court on June 22nd, 1965, and Price v. Denison Independ-
18 ent School District Board of Education, _____ F. 2d _____,
19 No. 21672, decided by that Court on July 2, 1965; and,

20 Having followed such order and having given full
21 reconsideration to this matter in its entirety:

22 It is now hereby ORDERED AND DECREED:

23 1. That the Bossier Parish School Board, be-
24 ginning Fall 1965, shall desegregate Grades Two and Eleven,
25 in addition to Grades One and Twelve, as heretofore ordered;

1 that beginning Fall 1966 said Board shall desegregate Grades
2 Three, Four, Nine and Ten; and beginning Fall 1967 said
3 School Board shall desegregate Grades Five, Six, Seven and
4 Eight, thus completing the entire desegregation process by
5 Fall 1967;

6 2. That, in keeping herewith, said School Board
7 shall advertise in The Shreveport Times on August 20, 21,
8 and 22, 1965, that beginning on August 23rd, and continuing
9 through 5:00 P.M. on August 25th, all students, regardless
10 of race or color, presently assigned for the school year
11 1965-66 to the Second and Eleventh Grades of any school
12 under its jurisdiction, may apply in person, at the School
13 Board Office, accompanied by parents or guardian, for trans-
14 fer and reassignment to the Second or Eleventh Grade of
15 another school of their choice;

16 3. That said School Board shall notify any such
17 applicants of its action of accepting or rejecting such
18 applications on August 27th, 1965;

19 4. That, otherwise, all of the terms and condi-
20 tions of the original order of July 28th, 1965, are hereby
21 reinstated and shall remain in full force and effect.

22 5. This Amended Order confirms the verbal order
23 entered on August 19th, 1965.

24 THUS DONE AND SIGNED, in Chambers, at Shreveport,
25

1 Louisiana, on this 20th day of August, 1965, nunc pro tunc to
2 August 19th, 1965.

3
4 /s/ Ben C. Dawkins, Jr.

5 C H I E F J U D G E

6 Filed: August 20, 1965

7
8 -----oOo-----

9 (Title Omitted)
10 No. 10687

11 NOTICE OF APPEAL

12
13 TO: Honorable Jack P.F. Gremillion, Attorney General
14 Louisiana State Capitol Building
Baton Rouge, Louisiana

15 Honorable William P. Schuler, Assistant Attorney
16 General
201 Trist Building
Arabi, Louisiana 70032

17 Honorable Louis H. Padgett, Jr., District Attorney
18 Bossier Bank Building
Bossier City, Louisiana

19 Honorable J. Bennett Johnston, Jr., Special Counsel
20 for Bossier Parish School Board, et al.
21 930 Giddens-Lane Building
Shreveport, Louisiana

22 AND TO ALL DEFENDANTS OF RECORD:

23 Notice is hereby given that the plaintiffs do here-
24 by appeal to the United States Court of Appeals for the
25 Fifth Circuit from the decree and order entered in chambers

1 by the United States District Court for the Western District
2 of Louisiana at Shreveport, Louisiana on the 23rd day of
3 August, 1965 and designate, for the purposes of appeal, the
4 entire record of this proceeding.

5 SHREVEPORT, LOUISIANA THIS 26th DAY OF AUGUST,
6 A.D. 1965.

7 NORMAN AMAKER
8 10 Columbus Circle
9 New York, New York &

10 JESSE N. STONE, JR.
11 854 1/2 Texas Avenue
12 Shreveport, Louisiana

13 By /s/ Jesse N. Stone, Jr.
14 JESSE N. STONE, JR.

15 ATTORNEYS FOR PLAINTIFFS

16 Filed: August 27, 1965

17 ---OOO---

18 (Title Omitted)
19 No. 10687

20 CERTIFICATE OF COMPLIANCE

21 Now comes The Bossier Parish School Board and
22 Emmett Cope, its Superintendent, who respectfully show:

23 1.

24 That in accordance with the Orders of this Court
25 rendered on July 28, 1965, adopting a plan for desegregation,

1 appearers have taken the following steps:

- 2 a. On August 2, 1965, the School Board mailed
3 notices to all colored students assigned
4 to the 12th grade in any school under its
5 jurisdiction, advising them of their right
6 to apply from August 9 through August 13,
7 1965 for transfer to previously all white
8 school; a copy of this notice is attached.
- 9 b. On Monday, August 2, Tuesday, August 3,
10 and Wednesday, August 4, 1965, appearers
11 ran an ad in The Shreveport Times advising
12 any Negro child entering the 1st grade or
13 any Negro child who had not been registered
14 previously in the Bossier Parish School
15 System, who desire to attend a formerly all
16 white school, of their right to attend such
17 formerly all white schools by making ap-
18 plication therefor between August 16,
19 through August 20, inclusive; a copy of
20 these advertisements are attached together
21 with the Affidavit of Mr. Brady D. Porter,
22 Retail Advertising Manager of The Shreve-
23 port Times attesting to the fact of this
24 advertisement.

2.

25 In accordance with the Amended Order on plan for
desegregation rendered by this Court on August 19, 1965,
your appearers advertised in The Shreveport Times on August
20, 21 and 22, advising all Negro children in grades 2 and
11 of their right to attend formerly all white schools by
making application therefor between August 23 and August 25,
inclusive; copies of these advertisements are attached to-
gether with the Affidavit of Mr. Brady D. Porter, Retail
Advertising Manager of The Shreveport Times, attesting to
the fact of said advertisement.

3.

In accordance with the desegregation plan as amended by Court Order of August 19, 1965, twenty-six Negro students made application to attend formerly all white schools; of these twenty-six applications, all were granted to the schools requested except the following two:

- a. Juan Roberto Salcedo, who resides at 705 Butler, Bossier City, Louisiana, made application to attend Waller Elementary; Butler Elementary School (a previously all Negro school) is the closest school to his place of residence, and Bossier Elementary (a previously all white school) is the closest formerly all white school to his place of residence; the child's mother was given the choice of having her child attend either Bossier Elementary or Butler Elementary whereupon she chose Bossier Elementary.
- b. Sherry Lenet Lemon, through her parents, made application to the first grade of Waller Elementary; her application was denied because the child would not have attained the age of six years on or before December 31, 1965, and accordingly, under the law she is too young to be admitted to the first grade.

The transfers that were granted were in the following grades:

- 8 - First grade
- 4 - Second Grade
- 1 - Third Grade
- 2 - Fourth Grade
- 1 - Fifth Grade
- 1 - Sixth Grade
- 1 - Seventh Grade
- 0 - Eighth Grade
- 1 - Ninth Grade

3 - Tenth Grade
1 - Eleventh Grade
2 - Twelfth Grade

4.

The schools to which transfers were granted are as follows:

Kerr Elementary
Waller Elementary
Bossier Elementary
Greenacres Junior High
Airline High School
Plain Dealing High School

5.

Your appearers show that they have complied in all respects with the Orders of Court.

JACK P.F. GREMILLION, Attorney
General, State of Louisiana,
Baton Rouge, Louisiana

WILLIAM P. SCHULER, Assistant
Attorney General, State of
Louisiana, Trist Bldg.,
Arabi, Louisiana

LOUIS PADGETT, JR., District
Attorney, Bossier Parish,
Bossier City, Louisiana

JOHNSTON & JOHNSTON
Attorneys for Defendants
930 Giddens-Lane Building
Shreveport, Louisiana

/s/ J. Bennett Johnston, Jr.
J. BENNETT JOHNSTON, JR.

Filed: September 9, 1965

STATE OF LOUISIANA

PARISH OF BOSSIER

BEFORE ME, the undersigned Notary Public, duly
commissioned and sworn for the above parish and state,
this day personally came and appeared EMMETT COPE, Super-
intendent of Bossier Parish Schools, who being first duly
sworn, deposed and said:

That all the facts stated in the foregoing peti-
tion are true and correct to the best of his information,
knowledge and belief; that the Bossier Parish School Board
has, to the best of his knowledge and belief, complied
completely and in good faith with all Orders rendered by
this Court in these proceedings.

/s/ Emmett Cope
Emmett Cope

SWORN TO AND SUBSCRIBED before me, Notary, this
1st day of September, 1965.

/s/ Cecile K. Boggs
NOTARY PUBLIC

---oOo---

BOSSIER PARISH SCHOOL BOARD
P.O. BOX 218
BENTON, LOUISIANA

July 30, 1965

TO: PARENTS OR GUARDIANS AND TWELFTH GRADE STUDENTS:

Pursuant to the decree of the United States District Court, Western District of Louisiana, Shreveport Division, this letter is to advise that any child scheduled to enter the 12th grade on August 30 of this year may apply for a transfer to a school other than the school to which he or she has been assigned previously by following the procedures and within the time limit set forth.

1. The child must appear in person, accompanied by his or her parents or guardian at the School Board Office in Benton, Louisiana, from August 9 through August 13. Transfer application forms will be available at this time at the school Board Office. These application forms must be filled out and signed by the parents or guardian and returned to the School Board Office not later than 4:30 P.M., August 13, 1965.

2. The Bossier Parish School Board will notify you of its decision as to whether or not it will permit the requested transfer by August 27. If the application for transfer is granted, your child should report to the school to which the transfer is granted on registration day, August 30, 1965.

3. The decision as to whether or not to grant the requested transfer shall be based on the criteria set up in the court decree of July 28, 1965.

4. If the application for transfer is denied for any reason stipulated in the approved plan for desegregation, notice will be given to you not later than August 27, 1965, stating the reason for denial of the requested transfer.

5. If you object to the decision refusing to grant the requested transfer, you have the right to appeal through appropriate judicial proceedings.

We point out again your application for transfer must be completed and received at the School Board Office prior to 4:30 P.M., August 13, 1965.

/s/ Emmett Cope
EMMETT COPE, Superintendent of
Schools
Bossier Parish, Louisiana

---oOo---

NEWSPAPER PRODUCTION COMPANY
Agent for The Shreveport Times and The Shreveport Journal
408 Marshall Street
Shreveport 99, Louisiana

A F F I D A V I T
PROOF OF PUBLICATION

STATE OF LOUISIANA,)

PARISH OF CADDO.)

Before me, the undersigned authority, personally came and appeared Brady D. Porter personally known to me, who being duly sworn, deposes and says that he is Retail Adv. Mgr. of THE NEWSPAPER PRODUCTION COMPANY, and that the advertisement of the Emmett Cope, Sgt. of Schools Bossier Parish, La. captioned Public Notice was published in The Shreveport Times in its issues of (see below) on Page in space

(Signed) Brady D. Porter

311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA
SIDNEY YOUNG, COURT REPORTER.

Sworn to and subscribed before me this 24
day of August, 1965.

(Illegible)

Notary Public

18" - Monday, August 2, 1965 on Pg. 4-C
18" - Tuesday, Aug. 3, 1965 on Pg. 6-C
18" - Wednesday, Aug. 4, 1965 on Pg. 6-C

oOo

PUBLIC NOTICE

Any Negro child entering the first grade, or any Negro child who has not been registered previously in the Bossier Parish School System, who desires to attend a formerly all-white school, will report August 16, through August 20, inclusive, in person, accompanied by his or her parents or guardian, to the School Board Office at Benton, Louisiana, where application forms will be made available upon request.

Any such application for assignment by a Negro child to a formerly all-white school must be completed and received in the School Board Office at Benton, Louisiana, prior to 4:30 P.M., August 20, 1965.

EMMETT COPE

Superintendent of Schools
Bossier Parish, Louisiana

---oOo---

PROOF OF PUBLICATION

18" - Friday, Aug. 20, 1965 on Pg. 6-C
18" - Saturday, Aug. 21, 1965 on Pg. 5-C
18" - Sunday, Aug. 22, 1965 on Pg. 7-B

PUBLIC NOTICE

Any Negro child assigned to the 2nd or the 11th grade of any Public School in Bossier Parish who desires to attend a formerly all-white school, will report August 23rd through August 25th, exclusive, in person, accompanied by his or her parents or guardian, to the School Board Office at Benton, Louisiana, where transfer application forms will be made available upon request.

Any such application for transfer by a Negro child to a formerly all-white school must be completed and received in the School Board Office at Benton, Louisiana, prior to 5:00 P.M., August 25th, 1965.

EMMETT COPE
Superintendent of Schools
Bossier Parish, Louisiana

---oOo---

(Title Omitted)
No. 10687

NOTICE OF APPEAL

Notice is hereby given that the United States of America, Plaintiff-Intervenor above-named, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Amended Order on Plan for Desegregation entered in this action on the 20th day of August, 1965.

/s/ Edward L. Shaheen
EDWARD L. SHAHEEN
United States Attorney

/s/ Charles E. Welsh
CHARLES E. WELSH
Assistant United States Attorney

Filed October 19, 1965

---oOo---

UNITED STATES DEPARTMENT OF JUSTICE

Washington, D.C.

JD:ACR:loj
DJ 169-33-1
17-015-4

OCT 26 1965

Mr. Alton L. Curtis, Clerk
United States District Court
Western District of Louisiana
Shreveport, Louisiana

Re: Lemon v. Bossier Parish School Board,
C.A. No. 10687

Dear Mr. Curtis:

Under separate cover are copies of the following exhibits introduced by the Plaintiff-Intervenor in the above-styled case:

P.I. 1. Average Daily Membership. Bossier Parish, from 1922 to present.

P.I. 2. Annual School Report (one report for each of the schools in the Parish).

P.I. 3. School Rating Sheets.

P.I. 4. Lists of Transfer Drivers.

P.I. 5. Map of white elementary school bus routes, Bossier City (one of six maps introduced in a group as P.I. 5).

I have sent these copies in order that they may be substituted in the record for original documents belonging to the Bossier Parish School Board, the substitutes having been agreed upon by the parties on July 28, 1965.

Of the six maps introduced at the hearing, only the copy of the one map belonging to the School Board has been sent. No substitutes will be made for the other five maps.

Sincerely,

JOHN DOAR
Assistant Attorney General
Civil Rights Division

By: /s/ Alexander C. Ross
ALEXANDER C. ROSS
Attorney
Southwestern Section

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MOTION AND ORDER FOR EXTENSION OF TIME WITHIN
WHICH TO DOCKET CASE IN COURT OF APPEALS

On motion of Edward L. Shaheen, United States Attorney, and Charles E. Welsh, Assistant United States Attorney, Western District of Louisiana, counsel for Plaintiff-Intervenor, pursuant to Rule 73(g), Federal Rules of Civil Procedure, and upon showing to the Court that the time for docketing the appeal in the United States Court of Appeals for the Fifth Circuit will expire on November 26, 1965, your movants, due to the heavy workload of their office, have been unable to review the complete record, and furthermore, have been unable to adequately prepare a designation of contents, and, therefore, the Clerk of the United States District Court, Western District of Louisiana, will be unable to timely complete the record for docketing in the Appellate Court prior to the aforesaid deadline for doing so, your movants requesting a delay of fifty (50) days within which to docket the said record.

It is hereby ORDERED that movants be allowed fifty (50) days additional time for docketing the record in

the Appellate Court, dating from November 26, 1965.

Thus DONE and SIGNED at Shreveport, Louisiana, on
this the 26th day of November, 1965.

/s/ Ben C. Dawkins, Jr.
UNITED STATES DISTRICT JUDGE

Filed: November 26, 1965

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CLERK'S CERTIFICATE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

I, ALTON L. CURTIS, Clerk of the United States
District Court for the Western District of Louisiana, do
hereby certify that the foregoing 305 numbered pages are
the entire original District Court Record, minus that
portion included in record sent on 5-28-65, which is more
clearly described by the paginated notations made in the
margin of the certified copy of the Clerk's Docket Sheet,
and included therein are the original papers designated
by UNITED STATES OF AMERICA, PLAINTIFF-INTVR. and required
by Rule 75(g) FRCP;
in a cause entitled:
URA BERNARD LEMON, SANDRA LEMON, BRENDA LEMON, WILLIAM H.

1 LEMON, JR., TONY LEMON, infants by their parents and next
2 friends, WILLIAM H. LEMON & MRS. NETTIE J. LEMON; ET AL

3 VS.

4 THE BOSSIER PARISH SCHOOL BOARD AND EMMETT COPE, Supt. of
5 Schools - UNITED STATES OF AMERICA, INTERVENOR

6 No. 10,687 on the Civil Docket of said Court.

7 WITNESS my hand and seal of
8 office at the City of Shreve-
9 port, Louisiana, on this the
10 6th of January A.D., 1966.

11 ALTON L. CURTIS,
12 Clerk, U.S. District
13 Court, Western District
14 of Louisiana

15 By /s/ Bernadine L. Scorsone
16 Deputy Clerk

17 ---c0o---

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SIDNEY YOUNG, COURT REPORTER, 311 FEDERAL BUILDING, SHREVEPORT, LOUISIANA

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 23,365

UNITED STATES, APPELLANT

v.

BOSSIER PARISH SCHOOL BOARD, ET AL., APPELLEES

APPELLANT'S DESIGNATION OF PORTIONS
OF RECORD TO BE PRINTED ON APPEAL

Pursuant to Rule 23(a) of the Rules of this Court,
the following portions of the record in this case are here-
by designated by appellant for printing:

1. Defendants' Proposed Plan for the Desegrega-
tion of the Public Schools of Bossier Parish, Louisiana,
filed June 25, 1965.

2. Objections of the United States to Desegrega-
tion Plan Submitted by Defendants', filed July 12, 1965.

3. Private Plaintiffs' Objections to Desegrega-
tion Plan Submitted by Defendants, filed July 28, 1965.

4. Memorandum of Defendants in Support of their
Proposed Plan of Desegregation, filed July 28, 1965.

1 5. Transcript of Proceedings before Honorable
2 Ben C. Dawkins, Jr., U.S. District Judge, at Shreveport,
3 Louisiana, on July 28, 1965, filed August 24, 1965.

4 6. Order on Plan for Desegregation, filed July
5 28, 1965.
6

7 7. Notice of Appeal by the United States filed
8 August 5, 1965.

9 8. Order by Court of Appeals Vacating the Judg-
10 ment of the District Court and Remanding, Filed August 17,
11 1965.
12

13 9. Amended Order on Plan for Desegregation, filed
14 August 20, 1965.

15 10. Certificate of Compliance with Accompanying
16 Notice from Superintendent Cope to Parents and Twelfth
17 Grade Students, dated July 30, 1965; Affidavits of Brady D.
18 Porter, dated August 23 and 24, 1965; and two Public Notices
19 Concerning Desegregation in Bossier Parish, filed September
20 9, 1965. (With respect to the public notices, print only
21 the notices themselves, disregarding the remainder of the
22 newspapers (including the public notice concerning deseg-
23regation in Caddo Parish). Have each printed notice follow
24 the affidavit to which it relates.)
25

1 11. Notice of Appeal by the United States from
2 Order of August 20, 1965, filed October 19, 1965.

3 12. Letter to the Clerk of the District Court
4 from John Doar, Assistant Attorney General, Civil Rights
5 Division, dated October 26, 1965, Concerning the Six Ex-
6 hibits Introduced into Evidence by the United States at the
7 Proceedings of July 28, 1965.

8 13. Appellant's Motion and Order for Extension
9 of Time Within Which to Docket Case in Court of Appeals,
10 filed November 26, 1965.

11 14. Clerk's Certification of Record, dated
12 January 6, 1966.

13 15. This Designation.
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