

Collection #
M 0749

**INDIANAPOLIS PUBLIC SCHOOLS DESEGREGATION CASE
COLLECTION, 1971–1999**

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COLLECTION INFORMATION

VOLUME OF COLLECTION: One manuscript box

COLLECTION DATES: 1971–1999

PROVENANCE:

RESTRICTIONS: None

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ALTERNATE FORMATS:

RELATED HOLDINGS: “The Indianapolis Story,” (by Emma Lou Thornbrough), BV 2631; S. Hugh Dillin Papers, 1962–2001, M 0874.

ACCESSION NUMBER: 2000.0706

NOTES:

HISTORICAL SKETCH

In May 1968, the United States Justice Department filed suit against the Indianapolis Public Schools (IPS) to force the desegregation of its schools. In 1970 with the anticipation and threat of a federal court desegregation order, IPS began a minimal busing program within the district. The case was tried in July 1971. IPS was found guilty of de jure segregation. Finding for the plaintiff, the court charged IPS with "operating a segregated school system wherein segregation was imposed and enforced by operation of laws."

The court also charged the IPS School board with the responsibility of taking necessary steps to eliminate racial discrimination in the district. The 1971 decision concluded that the District Court had jurisdiction to decide all issues that pertained to alleged racial discrimination in IPS including policies that related to student, staff, and teacher assignments; transportation of students; and the location and construction of schools. The oversight continued for three decades. The order of the court listed seven specific steps IPS take to achieve a "nondiscriminatory" school system. The steps, to be taken immediately, included integration of school staffs; desegregation of Crispus Attucks High School (only segregated high school in the district); negotiation with outside school corporations for possible transfer of minority race students; and resurveying the probable racial make-up of all schools for the 1971-1972 school year.

During the summer of 1973 United States District Court judge for the Southern District of Indiana, S. Hugh Dillin, ordered the one-way busing of black IPS students to the surrounding township schools. (Dillin provided oversight for the school desegregation case from its inception through a 1998 decision.) The one-way busing began in the fall 1973. Students were eventually bused to six (namely Decatur, Franklin, Lawrence; Perry, Warren, and Wayne) of the eight township school districts in Marion County, Indiana. Due to their large African American enrollments, the court excluded the Pike and Washington township school districts from the order.

From the inception of busing through the following twenty-five years, there was protest and a call for an end to the practice. When the desegregation case went to court in 1971, IPS was a growing school system with 11 high schools, 104 elementary schools, and 6 junior high schools. In an *Indianapolis Star* article dated June 23, 1998, the reporters stated that IPS student enrollment had plummeted by nearly 64,000 students from the inception of the desegregation case.

In January 1997, IPS requested that the court lift the busing order. Dillin ruled that the order would be "continuing and permanent." IPS appealed Dillin's decision and later that year the 7th United States Circuit Court ruled that the busing order was never meant to be permanent and that IPS should be permitted to show why its African American students should return to IPS. In June 1998 a settlement was reached between IPS, suburban

township schools, and government agencies when Dillin approved an agreement that would phase out busing of inner city black students to township schools by 2017. The plaintiff in the case was the United States of America. Intervening plaintiffs were Donny Brurell Buckley and Alycia Marquese Buckley (by their parent, Ruby L. Buckley, on behalf of themselves and all Negro school age children residing in the area served by the original defendants herein) and the Indiana State Teachers Association. The defendant in the case was the Board of School Commissioners of the city of Indianapolis. The added defendants were the State of Indiana administrators (governor, attorney general, Superintendent of Public Instruction, auditor, and treasurer); six township school districts in Marion County (Decatur, Franklin, Lawrence, Perry, Warren, and Wayne); and the Indiana State Board of Education. Acknowledging that “all parties to this action, with the exception of the Buckley plaintiffs, have agreed that the mandatory transfers of IPS resident students to certain townships will be phased out over a 13-year period,” the court found in a Judgment (IP 68-C-225) dated June 25, 1998:

- (1) Within the school systems in townships with an African American population of 20% or more, the phase-out would begin in the fall 1999. School systems in townships less than 20% African American would begin phase-out in the school year, 2004–05.
- (2) During the transition period, the state of Indiana would provide funding to both IPS and the townships for the educational support of the students involved. The state’s financial obligation for desegregation in Marion County would decline as the transfers were ended.
- (3) In a related agreement that supported the overall settlement, the United States, the State of Indiana and the Indianapolis Housing Agency would address issues that assisted in promoting racial diversity in housing choices throughout Marion County. These efforts were to ensure progress toward racial diversity in education and housing in the county.

Sources: Materials in the collection.

M 0874, S. Hugh Dillin Papers, 1962–2001

SCOPE AND CONTENT NOTE

This collection is contained in one manuscript box. James Divita, who served as an expert witness during the 1998 Indianapolis school desegregation court case, gathered the collection materials. The case, which was settled out of court, involved the United States government, Indianapolis Public Schools and six Marion County, Indiana township school districts (namely, Decatur, Franklin, Lawrence, Perry, Warren, and Wayne school corporations), and Indiana state officials. The core of the collection includes the court-sanctioned agreement (No. IP68-C-225) and the supporting documentation: agreement between the United States District Court, State of Indiana, and the Indianapolis Housing Authority; depositions of expert witnesses; and correspondence and news clippings pertaining to the 1998 case. These materials are in folders 1-15. The remainder of the collection includes copies of the seven earlier Indianapolis school desegregation court opinions (1971-1997); related articles from academic journals; and supplemental materials pertaining to two other school districts: Wayne Township, Marion County, Indiana public schools and the Montgomery County (Maryland) Public Schools.

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Newsletters—*Taking Pride* (Wayne Township), 1998

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Eisenberg v. Montgomery Public Schools (Fourth
Circuit Decision), 1999

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