

SUPPLEMENTAL RECORD OF APPELLEES.

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United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 15,675

CIVIL.  
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JOHN AARON, A MINOR, AND THELMA AARON, A  
MINOR BY THEIR MOTHER AND NEXT  
FRIEND, (MRS.) THELMA AARON, A FEME  
SOLE, ET AL., APPELLANTS,

vs.

WILLIAM G. COOPER, M.D., AS PRESIDENT OF  
BOARD OF TRUSTEES, LITTLE ROCK INDE-  
PENDENT SCHOOL DISTRICT, ET AL.,  
APPELLEES.

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APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS.  
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[fol. 1] (Supplemental Record of Appellees)

In the United States District Court, Eastern District of  
Arkansas, Western Division.

John Aaron, et al., Plaintiffs,

vs.

William G. Cooper, et al., Defendants.

Testimony of VIRGIL BLOSSOM.

Direct Examination.

As Superintendent I was instructed to prepare a plan to implement the decree of May 17, 1954, in the Brown case. There are fundamental principles involved in implementing with fairness to all. The principles followed were these:

1. To continue to accept the moral obligation of providing maximum educational opportunities to all children—that is to try to accept the responsibility which is inherent with all boards of education to go into an integrated program with as good or a better program than you had in a segregated system. By the plan it was sought to implement desegregation with the necessary safeguards to protect the quality and standards of our educational program.  
(18)

2. To provide the best quality and the greatest quantity of education which is economically feasible in this District.

3. To provide a program of public education in harmony with the Federal law.

[fol. 2] “4. To provide the best possible education for each child in the light of his individual ability and achievement.

“5. To provide a teachable group of children for each teacher employed by the District. In other words, the

schools are to be integrated so as not to create a situation wherein the teachers themselves have groups of pupils which create impossible jobs of adequate instruction.

“6. To foster sound promotion policies which we have had to do in order that the yearly responsibility of grouping children for instructional purposes will result in better rather than poorer educational outcome for all children.

“7. To provide the necessary flexibility in the school curriculum for each child and from one attendance area to another. In a school district with as large a geographic area as Little Rock the educational achievements and the socio-economic background vary from one area to another, and it requires a careful and analytical study to see that the school is carrying out the prime function of providing a quality program for each child in the light of his individual needs and in the light of the geographic needs of the newly created attendance areas.

“8. To select, procure and train an adequate school staff for the implementation of an integrated school program.

“9. To provide the necessary “in service” training for the school staff to prepare them for the implementation of this program of integration.

“10. To provide the necessary educational program and special education for the deviates or for exceptional children dealing with the mentally retarded, the physically handicapped, the speech correction cases, etc.

“11. To provide the opportunity for children of attending school in the attendance area where the residence of their parents or legal guardian is located.

[fol. 3] “12. To provide the information necessary for public understanding, acceptance and support.

“13. To foster sound administrative practices in the handling of all matters relating to any school problem which will guarantee the same opportunity and the same quality program to all children; and

“14. To maintain as a part of the total educational program of Little Rock School District the present extra-curricular and club program for the benefit of all children. (19-21)

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I have found a pretty strong feeling in this community that this is the best way to go about it. I have not found general acceptance, but I have found a feeling that there is no better way to do it, and that this is as good a plan as they know of.

Q. “The plan has met with general acceptance of the people in the Little Rock District?

A. “I would say yes, sir.” (21)

In Little Rock School District there are from 110,000 to 112,000 people. (22)

All of these fourteen points were included in our thinking when the plan was prepared. The schools in Little Rock have been on a segregated basis since they were created in 1870.

The maps which have been introduced in evidence were necessary in order to prepare attendance areas for the District. I know of no other way of doing it. You do not know where you are going without counting your children and locating them. The preparation of these attendance areas was necessary in order that the plan may be fully utilized. (37-38).

White teachers and colored teachers are on the same salary scale. The scale is based on two factors: Academic training and the number of years of acceptable service. The same basic curriculum is taught all children. That does not mean that the curriculum from one attendance area to another is not different. It is different where the needs of the children call for a change in curriculum in order to improve the educational program of the child, but basically it is the same. (39)

[fol. 4] The percentage of white pupils to white teachers and colored pupils to colored teachers is almost identical. (41) The pupil-teacher ratio is approximately thirty per teacher, both colored and white. (43)

At present we have three high schools. Central High School accommodates between 2,500 and 2,600. Horace Mann High School accommodates 925. Technical High School accommodates 225 to 250. It provides a technical program, and the number of students varies with the program offered as to the number you can accommodate. A new high school is now being constructed. It will accommodate 925. (45) Attendance areas have been prepared for the Horace Mann High School, the Central High School and the new West End High School. They were determined by spot maps on which we located our children with reference to the facilities within the school buildings already constructed and the one contemplated so we could know whether we could provide seats and teachers for a school program to serve the children who lived within those designated areas. They were also constructed on the basis of giving consideration to the importance of transportation to and from school. In the way the attendance areas are planned, the schools will accommodate the students within those designated areas. Those areas were laid out following the May 20th statement of the Board. Six attendance areas have been prepared for the junior high schools. They are on a tentative basis because they have doubled and that makes the problem more complicated insofar as the selection, procurement and training of teachers, the offering of curricular programs and the caring for the individual needs of the children are concerned. We wanted to have the benefit of profiting by any mistake as we moved through it to provide the change that could result in a better program for a group of youngsters or an individual youngster, whichever it may be, and we wanted to keep the curriculum flexible. For example, in some areas most of the students [fol. 5] are college bound. Constant revision is made in view of the stated principle of providing a better educational program for the geographic area which the school serves and for the individual child within that area, and

with the administrative problems in the selection, procurement and training of teachers. The same principle is applicable to all levels. At present we have six junior high schools and we know there will be another not too far off. (50)

Horace Mann High School was not planned as a high school. It was planned as a junior high school when we were on a segregated basis. In order to comply and to take the necessary steps to integrate, Horace Mann High School was called back, redesigned to fit into this plan, and was made a high school in order to provide adequate attendance areas to serve the needs of the children under the stated principles of this program. In order to comply in good faith, we changed this to a high school and were able to occupy it in February, 1956. It accommodates 925 pupils. The West End High School is now under construction. In our opinion it is necessary to have this school completed in order to comply with the integration decision and at the same time maintain standards of quality in an educational program. It will accommodate 925 students. (55)

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[fol. 6] Testimony of VIRGIL BLOSSOM.

#### Cross-Examination.

I prepared a great part of the plan and the remainder was prepared under my jurisdiction. In preparing attendance area charts there is more of a problem when you face integration than there is on a segregated system. The problem arises because of the grouping of youngsters in an integrated system as against a segregated system. Race enters into it insofar as the inherent responsibility of the School Board is concerned. The second decision laid down the general principles under which schools should be desegregated but it did not relieve us of any responsibility we had in providing a quality education program. The taking of a separate census for white and colored is necessary to satisfy the need of a properly planned curriculum for a specific set of children. The race problem comes into it in that the socio-economic background of one is different from the other.

You do not have the same achievement record in the two races and that becomes important when you go to satisfying the needs of those youngsters, and that is an administrative problem.

Q. "Doctor, isn't that a problem that is true of all people—aren't we all different individually?"

A. "Yes, sir, but if you want us to do a good job for your race and integrate, then you have to give us the time to do that job."

The taking of a census is nothing, but when you interpret it into a school program for specific children, then your administrative and educational problems arise. (87-90)

I am not saying that we are going to undertake to provide a separate curriculum for white and colored children in an integrated school. Under our present system the attendance area is city-wide. All white children are embraced in that program and all colored children are embraced in another. When we restrict the geographical areas we restrict that to a certain group of youngsters. It is reasonable and sensible to take the time to plan the basic program for the individual group of youngsters in a specific area and try to attain the educational objective of providing a program that serves the specific needs of the individual children.

Q. "What I am trying to arrive at, Doctor—Professor—is how does the knowing of the name and address and date of birth and race of a child affect that problem that you are discussing?"

A. "The date of birth has nothing to do with it; the address has plenty to do with it in that it makes up the component group of children in a specific attendance area.

Q. What does race have to do with it?"

A. "Race has to do with nothing except the reflection of the individual needs as they may differ from one child to another, or the state of achievement of one child or one group of children, when it comes to group those children for instructional purposes, if we're going to continue to place an emphasis on the inherent responsibility of quality education.

Q. "But you group them after you get them in the school, don't you?"

A. "Yes, sir."

Q. "I still don't see then what this attendance area business on a racial—"

A. "Because it makes a different group of children, and entirely different, and if you had been a school administrator you would not ask me that question." (91-92)

There are different course offerings in one high school from another. When you restrict the program you change those offerings. There are some offerings that we offer purely on a racial basis one way or another at the present time. That may not be done, so those records have to be revised. The guidance records, the health records, the combining of all of it, which are important in child welfare. That cannot be done over night. It is an administrative problem. Records in the lives of school children today mean a great deal more than they did ten or fifteen or twenty years ago. Their records are required for college entrance, by various institutions within the country, and by the Federal Government. When children are taught on an integrated basis, it becomes a matter of having a record that is common to both races which will cover the aspects of the educational program to be offered in that area. In the past the records of colored children have differed from those of white children in course offerings. I am not necessarily saying that the course need of a negro child is different from that of a white. It is just the educational problem of providing a good educational program. By tolerance, I mean tolerance of the problems of administration, of finance, of selection of teachers, and all problems that relate to a school. (93-95.)

School finances are affected by shifting of population, the increase of school children, need of greater facilities and more teachers, and every problem in the school budget. It has nothing to do with integration, but it has to do with a quality program. We now have enough money to build the high school in question. At present we have two academic and one technical high school. We have six junior high



schools. We have enough junior high schools to put them physically in the seats, but not enough to educate them. (96-98)

There is a great difference in taking a child and putting him in a seat in the school and providing the required educational program. When you get him in the seat your problem has just started. Physically providing a seat is no assurance of an educational program. All of the attendant problems begin at that point when you try to hold to your standards of education.

Q. "Is it your suggestion to the Court that integration of the schools is going to lower the standards of your schools?"

A. "Integration of the court can, if it is unwisely done or hastily done.

Q. "In other words, if it's done too hastily, it will lower standards?"

A. "Yes, sir, that is my opinion.

Q. "Tell us how.

A. "All right, sir. At the present time, Mr. Tate, the range of I. Q. in the colored race in Little Rock School District is from 50 to 140. In the white race it's from 50 to 150. The average I. Q. is 90 in the colored race and 104 in the white. Now, the educational achievement of the white race, because of centuries of culture and opportunity and all of that behind them has given them an advantage. Now they have that advantage. Now the school must begin with the child where he is, not where we would like for him to be, and that's where the problem begins." (99-100)

We do have whites at 50 and 140 and we do have colored at 50 and 140, but when it comes to the practical side of doing the school program you would be affected because when [fol. 9] you do to grouping thirty children in a classroom and you have some of them in one extreme and some in the other, you can give the teacher an impossible task unless it is done right. Here we are dealing with 21,000 pupils and not one pupil. (99-101)

Seven days after the plan was adopted the Supreme Court gave the definition we were waiting for. It called for

“all deliberate speed,” and not “immediately”. Since May 31, 1955, we have done a great many things which have already been discussed. I have talked to groups who have diverse interests. I have talked to colored groups who asked for integration day before yesterday; I have had other groups asking that we never integrate, and then I have the middle-of-the-roaders.

Q. “That is just a matter of desire, but as far as your program is concerned to educate the public, do you look with interest toward a colored child any different than you do toward a white child as far as education is concerned?”

A. “I hope not. Because I do not, that is why I am pressing for this plan.” (102-104)

In my opinion it is ill-advised to begin the program with inadequate facilities. The inadequacy of the West End High School was one which was first apparent. We have inadequacies also now in the elementary level as pointed out by the auditorium rooms, basement rooms, all of which reflect over-crowding. Over-crowding is a spasmodic thing which varies from one time to another. We should [not] add the problem of over-crowding to the problems of a poorly planned curriculum and changed situation and changed attendance areas. The teachers have enough to cope with as it is.

Q. “I see. So that you are saying that the mere putting of a negro child in a certain school with a white child creates an administrative problem, is that right?”

A. “Not one, but the group that we deal with, the total population. I cannot look at one child. I have got to look at 21,000.

Q. “All right, then if you say that putting 9,000 colored kids in a mixture of—if you say putting 5,484 negro children with 16,242 white children that would create an administrative problem?”

A. “Yes, sir, I do.

Q. “You say that would be true today?”

A. “Yes, sir, tomorrow or the next day.

[fol. 10] Q. "So that no matter how long you wait you are going to have the same problem?"

A. "Yes, sir."

Q. "So that the waiting doesn't help you?"

A. "Oh, no, I would not agree to that. The waiting gives time for understanding, for program planning, for the specific needs, for curriculum, the provision of the facilities, the training of the teachers, the meeting of the myriad problems of administration. (102-106)

Q. "So that your primary interest is in maintaining the standard rather than obeying the court, is that right?"

A. "No, it is not. My primary interest is to obey the law and to protect those standards in the interest of all children. (107)

Q. "So how is the completion of West End High School going to affect the attendance of the negro children in the public schools?"

A. "It is going to affect it in that the whites will be pulled out. The programs will be planned for the different areas. You are assuming in each instance that we are just going to offer the same program, and you are assuming that we are going to integrate for the sake of integration and completely ignore the responsibility of a School Board for a quality program. You want to integrate for integration's sake. (110)

Q. "Now you said that one of the theories that you worked on is the selection and procurement and training of an adequate staff to implement this program. Have you selected your staff so far?"

A. "Yes, sir, not for complete integration. We are working at the job."

Q. "I see. May I ask you, sir, what different situations arise in selecting a staff for an integrated system that wouldn't arise in selecting for a segregated system?"

A. "Well, white teachers have never in the history of our State taught colored children. That is a completely new problem—"Are you willing to teach colored children?" That is a problem that has arisen because of integration. It has to be handled. It has to be handled in their training, and integration brought that problem and nothing else."

Q. "Have you faced that problem?"

A. "Yes, we are trying to face it."

Q. "Have you solved it?"

A. "No. (117)"

Q. "Have you integrated your teachers?"

A. "As far as classroom assignments, no; as far as working on this problem in preparation for it, yes. (119)"

Q. "Now, Item 9, you say you find it necessary to provide "in-service" training programs for your staff. Have you started your in-service program yet?"

A. "Yes, we have. (120)"

[fol. 11] Q. "Yes, sir, but Dr. Blossom, I still am not clear on whether you are saying it is harder to teach a stupid colored child than it is to teach a stupid white child?"

A. "No, I am not, but I am saying that when the stupid ones or the bright ones come in numbers because of integration, your problem is entirely different."

Q. "Then are you saying that integration is going to increase the number of stupid children?"

A. "No."

Q. "Well, what are you saying, sir?"

A. "I am saying that there is a displacement of children. That in creating teachable groups, integration itself changes the very structure of your school system when you put them together, and the problem is much greater in creating a group of youngsters that could be taught by a teacher." (122)

It is the job of the teacher in the classroom to group these children and our policies are to have no more than three groups of youngsters from grade 1 to 6 that a teacher has to deal with in a classroom. When you go up in the junior high school, our school program begins to be departmentalized, and the problems are entirely different. We commence to approach them on a single teacher basis.

Q. "All right, but now will the mixing of the races alone affect that?"

A. "Yes, sir, it will, my friend; yes, sir, it will."

Q. "Then how will delaying integration alleviate it?"

A. "It will give us time to know where we are going. The size of this problem is just big enough to take that much time. (123)"

Q. "So that what you are saying is that you don't know when you are going to get around to integrating, do you?"

A. "No, I am not saying that at all. I am saying that we in these phases are going to do this job and I am saying that by this program it is faster than a grade at a time program, and I am saying that it is about as expeditious a way as this can be done in this community and safeguard the principles of integrating the schools and protecting the quality and standards of our educational program." (129)

I cannot see any reason for making a distinction as to Technical High School. Our problem is that of education in all three. They should be considered in the same light and should be started at the same time. (132)

I was given the assignment to prepare a plan of integration and you cannot prepare any plan unless you know all [fol. 12] the facts of life, and I could not know the facts without locating all the children. It is just basic common sense to know all there is about a problem. Race does not have anything to do with it, but the school program has everything to do with it; your school budget, your facilities and everything concerned. Our school is organized on a six-three-three program of education. Six year elementary, three year junior high, and three year senior high. Now, we not only have to know where the children live but what grade level they are in so that we could determine the teachers needed, the classrooms needed, etc. It is just like getting all the facts you need to make a decision. Our problem is in creating teachable groups. (135-137)

Q. "Then, are you saying that it is not harmful—the Court said that segregated schools are inherently unequal?"

A. "That's right."

Q. "Then, are you saying that continuing segregation is not a continuation of inequality?"

A. "I am saying that those children in this particular area, with the same program of text books, instructional material, superior facilities, equally prepared teachers, are not actually harmed in a program of delay that is based on a phase program of integration that is developed in the

public interest and in the welfare of all children, it does not harm them actually." (138)

Horace Mann School was established as a negro high school in 1956 because we feel that it is essential in the public interest and the welfare of the whole program to begin a phase program of integration in which we have a curricular program that is unique for an individual attendance area. The attendance area of Horace Mann is city-wide right now. If we integrate, it would be drawn down to a geographic area that would call for a different program and cause it to be premature to this plan and the welfare of everybody. (139)

Q. "All right, sir, you said that integrating the public schools in the South is one of the most difficult problems that education had ever faced?

A. "That's right.

Q. "Do you think that the problem is difficult is one of the reasons why you want a little time?

A. "No, sir, I do not. We have tried to spell it out for you. We made the statement very clear that the delay is not for delay; the delay is for a good job in the interest of all children.

[fol.13] Q. "When you say "in the interest of all children," are you thinking of all children, white and colored, as a composite?

A. "Yes.

Q. "I see. And you say that a delay is to the best interest of the colored children?

A. "I would say that the delay is to the best interest of all children." (140)

Q. "At that point we were talking about the economic spread in the negro and white groups. Is it your contention that the economic spread in white and colored groups is so vastly different as to handicap you in your program of integration?

A. "In many areas, yes." (146)

The socio-economic background in any person, whether he be colored or white, affects his achievement. It is a foregone conclusion that there is a difference in the two races. When you have a concentration in either race it

affects the program as reflected in the achievement that comes in the lives of the youngsters in school, and that in itself presents problems for us in planning, in curriculum changes, etc. We have the very poor among the whites and also among the colored. It is a matter of percentage that makes the difference.

We have not solicited the advice of any groups in this area. We have had requests from extremists and from middle-of-the-roaders. We have told all of them that we would like for them to accept their responsibilities as citizens to help on this job and that we would accept the responsibility which was ours. That has been our policy. (146-148)

Q. "Will one of your tests of success be the community acceptance of this program?"

A. "No. No, that is not a part." (149)

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