United States Department of the Interior National Park Service

National	Register	of Hist	toric P	laces
Continua	ation She	et		

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lational Register of Historic Places	County and State
Continuation Sheet	Name of multiple listing (if applicable)
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Section number Page _1_	
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Supplementary Listing Record

Supplementary Listing	g Record
NRIS Reference Number: SG100004742	Date Listed: 12/02/2019
Property Name: Harmony School	
County: Oklahoma	State: OK
This Property is listed in the National Register of Historic Planomination documentation subject to the following exception notwithstanding the National Park Service certification included Signature of the Keeper	ns, exclusions, or amendments,
Amended Items in Nomination:	:=====================================

Classification

The proper resource categorization for the playground equipment is object. [The narrative variously calls the resource both a structure and an object-pages 4, 5, 10. While either term may be applicable, consistent use of object, as seen in the Resource Count cover page, is recommended.]

Significance

Add Social History-Civil Rights as an area of significance under NR Criterion A [The role of the Harmony School in the legal battle over the Oklahoma City School Board's racially discriminatory education policies represents a significant local component of the long, twentieth century struggle for minority Civil Rights. The current nomination adequately justifies the additional area of significance.]

Bibliographic References

The box for Preliminary Determination of Individual Listing (36 CFR 67) should be checked. [Part 1 tax certification approved 6/11/2019; Case No. 40441]

The OKLAHOMA SHPO was notified of this an	mendmer	ni
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DISTRIBUTION:

National Register property file Nominating Authority (without nomination attachment) National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, How to Complete the National Register of Historic Places Registration Form. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions 1. Name of Property Historic name: Harmony School Other names/site number: Harmony Elementary School, Martin Luther King Jr Elementary School, Marcus Garvey Leadership Charter School Name of related multiple property listing: (Enter "N/A" if property is not part of a multiple property listing 2. Location Street & number: 1537 Northeast 24th Street County: Oklahoma City or town: Oklahoma City State: Oklahoma Not For Publication: Vicinity: 3. State/Federal Agency Certification As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this X nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property X meets does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance: national X local statewide Applicable National Register Criteria: XA Signature of certifying official/Title: Date State or Federal agency/bureau or Tribal Government In my opinion, the property ___ meets ___ does not meet the National Register criteria. Signature of commenting official: Date State or Federal agency/bureau Title:

or Tribal Government

OMB No. 1024-0018

Harmony School Name of Property	Oklahoma County, Oklahoma County and State
Traine of Fragerry	Sound and State
4. National Park Service Certific	ation
I hereby certify that this property is	:
🗶 entered in the National Register	
determined eligible for the Nation	onal Register
determined not eligible for the N	National Register
removed from the National Reg	ister
other (explain:)	
Anh	12/02/2019
Signature of the Keeper	Date of Action
5. Classification	
Ownership of Property	
(Check as many boxes as apply.)	
Private:	
Public – Local	
Public – State	
Public – Federal	
Category of Property (Check only one box.)	
(Check only one box.)	
Building(s)	
District	
Site	
Structure	
Object	

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		Oklahoma County, Oklahom
ne of Property		County and State
Number of Resources within Pa	roperty	
(Do not include previously listed		
Contributing	Noncontributing	
1	3	buildings
0	0	sites
0	0	structures
0	1	objects
1	4	Total
Number of contributing resource	e praviously listed in the Nation	onal Pagistar 0
6. Function or Use		
Historic Functions (Enter categories from instruction	ns.)	
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Principal exterior materials of the property: Brick

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OMB No. 1024-0018

7. Description
Architectural Classification
(Enter categories from instructions.)
Late 19 th /Early 20 th Century Revivals/Classical Revival
Materials: (enter categories from instructions.)

Narrative Description

Summary

Harmony School is a two-story brick building located at 1537 Northeast 24th Street, in Oklahoma City, Oklahoma. It occupies a very large lot in a modest residential neighborhood approximately two miles east of the Oklahoma State Capitol (NRHP #76001572). The building sits near the south end of its large lot, facing south to Northeast 24th Street. The open north part of the lot contains a small playground that was installed ca. 2001, and three small one-story outbuildings that are all just a few decades old. The school is a contributing building; each of the three outbuildings is a non-contributing building, and the playground is a non-contributing object. The school building has a flat roof, a concrete foundation and red brick walls. It was built in three phases. The original school is now the east end of the building. It was completed in 1928, with six classrooms, restrooms and offices. The second section, which was added in 1930, includes six classrooms and a cafeteria. The third section, which contains a large auditorium to the west, was built ca. 1949. (See Figure 5, Floor Plans.) All three sections have very similar restrained Classical Revival styling which includes simple massing and flat brick walls ornamented with patterned brickwork and cast stone accents. The wide façade is lined with large banks of windows. The large banks of windows used throughout are associated with classrooms. The window openings are all original; the window sashes and frames are a few decades old. The formal front entrance, which is centered in the oldest section of the building, opens to a wide stair hall which runs north-south. A longer east-west hallway located at the center of the building is lined with classrooms and support spaces. The second floor has a nearly identical floorplan. There have been very few changes to the overall form or finishes, and the school is notably intact, inside and out. It has been vacant for several years and has suffered from vandalism, and is in fair condition. Overall, the school appears very much as it did during the period of significance, which runs from 1928 to 1963.

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NPS Form 10-900

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Narrative Description

United States Department of the Interior

Setting and Site:

Harmony School occupies the northwest corner of the intersection of Northeast 24th Street and North Jordan Avenue. The property occupies the entire eastern half of an oversized city block. (See Figures 1-4.) It is located in a residential area; most surrounding homes are one to two stories tall, with limited levels of architectural detailing. The majority of the houses in the neighborhood were constructed in the early to mid-twentieth century. A one-story brick church building located just across North Jordan Avenue to the east was built in the mid to late twentieth century, and enlarged in the 1990s. Harmony School is by far the largest and most highly styled building in the surrounding twelve to twenty blocks.

The school building sits at the southern edge of its large level lot. There is a modest tree-filled lawn in front of the school, as well as a concrete sidewalk, which runs along Northeast 24th Street. (Photo 3.) A row of trees runs between the west wall of the school and a neighboring house. A paved parking lot stretches from the east wall of the school to the east property line adjacent to North Jordan Avenue, and a smaller parking area is located south of the auditorium addition. (Photos 1 and 4.) The north part of the lot contains a mix of open space and small support buildings. The very north end of the property has grass sports fields, and much of the center section has asphalt paving; the paving is in poor condition. (Photos 11-13.) Chain link fencing surrounds everything except the school building and the east parking lot. (Photos 9 and 13.)

Resource Count (See Figure 4.)

There are also three smaller non-contributing buildings located north of the school. All three appear to have served as supplemental classroom space as some point, and may have been moved to the site from other locations. There is also one playground, which is counted as a non-contributing structure. The 4 non-contributing resources are modest, and all are set to the rear of the school. They do not have a strong impact on the historic setting of the school.

Harmony School: 1928-ca. 1949, contributing building. (Photos 1-11, 14-22.)

Harmony School sits approximately fifty feet from the south property line, facing south towards Northeast 24th Street. The building has an irregular footprint which is approximately 210 feet wide and just over 80 feet deep. It was built in three distinct phases. The first two phases, which were built in 1928 and ca. 1930, form the two-story body of the school. That part of the building measures roughly 150 feet by 72 feet. The third phase is an auditorium wing that was added ca. 1949. The 40 foot by 80 foot auditorium links to the main school via a small two-story connector that contains a staircase and a separate front entrance. (Figure 5.) All parts of the school have the same type of architectural detailing, which includes flat variegated red brick walls with simple notched parapets and cast stone coping. The same type of cast stone is used for small square accent pieces within the masonry walls, and as casing around doors and windows.

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Façade (South Wall)

Harmony School

The façade of the school has five bays. (Photo 1.) The east three bays encompass the original section of the building, which was completed in 1928, and the two bays on the west are part of the ca. 1930 addition. (Photo 3.) The formal front entrance to the school is located in the second bay from the east. (Photo 2.) The entry bay is accented with bands of dark brick and a small stepped parapet wall that bears a stone nameplate which reads "HARMONY". A bank of five metal, 1/1 hung window units with fixed transom windows above spans the second floor of the entry bay. The window opening has a continuous cast stone lug subsill and it is topped with a row of dark soldier bricks. Matching dark bricks laid in stacked courses are used to form vertical panels along the edges of the entry bay. Each panel is bordered with dark soldier and stacked bricks and filled with a grid pattern of headers.

The first floor of the entry bay contains the front door and a double window. Both of those openings have shallow segmental-arched tops that are accented with dark soldier and sailor bricks. The front doorway is recessed into the west archway. The doorway is original; the doors are modern. The window opening in the other archway is covered with plywood. Like all windows in the school, the masonry window opening is fully intact, and filled with newer aluminum framed sashes. The wall between the arched openings is accented with dark stacked bricks and grids of header bricks that are similar to those on the outer edges of the bay.

The other two bays of the original part of the school facade, one on either side of the middle entry bay, have wide banks of windows that match those in the second floor of the entry bay. There is one such grouping on each floor. All four of those openings have continuous cast stone lug subsills, and those on the second floor are topped with a string course of soldier bricks which runs along the entire facade. Each window opening contains five newer metal windows, each of which consists of a metal, 1/1 hung window unit topped by a large fixed transom. Historic photos show that those openings had five windows each when the school was new; the historic windows varied in that they had wood, 9/9 hung window units instead. (Figure 6.)

The two westernmost bays of the school façade are part of the first addition of the building, which was completed ca. 1930. Those two bays are the same size and have the same patterns of fenestration as the end bays of the original building, and they also have the same kind of face brick and cast stone coping. Only minor details differentiate this addition from the original, and include an offset of just a few inches in the front wall which marks the junction between the two sections. The soldier brick string course above the second floor windows are accented with square cast stone blocks that align with the mullions of the windows. (Photo 3.)

East Elevation

The east elevation of the building, which overlooks the east parking lot, has an arched inset entryway centered in the first floor. (Photos 9 and 10.) That entryway is edged with the same type of dark brick used on the front entrance bay. It contains a recessed set of double doors with a multi-light transom. The transom and door frames appear to be early or original; the doors themselves may be newer. There is one wide bank of windows located south of the entryway, and a rectangular brickwork panel to the north of it. The north panel is the same size as the south bank

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of windows, and historic photos indicate that part of the wall originally had a bank of windows. (Figure 6.) The second floor of the east wall has just one window opening, which is centered above the doors, and contains a pair of typical windows. The upper east wall has a single soldier course band at window header height, and a notched parapet with cast stone coping. There are three concrete steps that lead up from the sidewalk that runs parallel to the parking lot, to the short sidewalk that that leads to the doors. The parking lot slopes down to the north and a there is a concrete retaining wall that runs the full length of the parking lot and sidewalk that varies in height and gets taller as it progresses north.

North Elevation

The north elevation of the original section is arranged much like the front façade of that section, but with an arched projecting entryway in the center bay and wider sets of windows in the outer bays. (Photos 8 and 9.) It differs in window size and configuration. There are several smaller sets of windows there, which reflect the location of restrooms and offices inside the building. All of the window openings are the same as those on the façade, with cast stone lug subsills and a band of solider bricks running across the wall at the header of the windows. The original building is slightly shallower than the 1930 addition, with an approximately 12-foot offset between the two.

The north (back) elevation of the 1930 addition is three bays wide. (Photo 7.) It has the same system of architectural detailing as the façade, with the same type of variegated brick and cast stone accent pieces. The notched parapet is topped with cast stone coping, and the banks of windows on the second floor have the same type of solider course headers accented with cast stone blocks as those on the front wall. There are two wide window openings and a single doorway on the first floor, plus a solid section of wall that has an ornamental brickwork panel like those used on the auditorium.

There are four sets of scuppers and downspouts on the back elevation. (Photo 9.) There are two on the original building, and two on the 1930 addition. One of the downspouts on the 1930 addition is badly damaged. The others are intact and in fair condition. All are early or original.

West Elevation

The west elevation of the 1930 addition is divided into two sections by the auditorium connector, which was added ca. 1949. It has the same architectural detailing as the façade, including a notched parapet topped with cast stone coping, and a continuation of the string course of soldier bricks on the second floor. The front portion of the wall has a panel of rectangular brickwork on each floor. (Figure 7) These panels feature soldier bricks with cast stone corner pieces. Most of the rear section of the west elevation is covered by a tree growing near the bottom of the wall. This section has a bank of four metal, 1/1 hung window units with fixed transom above on the first floor that are similar to those found on the rest of the main building. The second floor features a rectangular brickwork panel that is similar to the ones found on the front section of the wall.

Auditorium Wing

The auditorium is located west of the ca. 1930 addition. The façade of the auditorium is set back several feet from the façade of the main school, and the connector is recessed several more feet.

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Although the auditorium wing was added nearly twenty years after the first addition was completed, it utilizes very similar materials and detailing. The walls are constructed of the same type of variegated brick used on the main building, and the cast stone coping at the roofline also matches that on the older sections. (Photo 4.)

The south façade of the connector contains a large arched entryway that is edged by wide slabs of stone. The double doors in the opening are modern. The entryway is flanked by small single windows, in the same configuration as the other windows, and have cast stone lug subsills and lintels. The second floor of the connector has one original window opening that has a set of two modern metal hung windows that are centered on the entryway. The north wall of the connector contains a modest door, with a single metal, 1/1 hung window topped by a large transom on the second floor that is similar to those found on the rest of the building.

The south facing façade of the auditorium has a stepped parapet that is similar to the one over the original school entrance. Ornamental brickwork is used to enliven the monolithic surface of the wall, which has no doors or windows. One solider course runs a few feet below the top of the wall, and additional bands of soldier and stacked course bricks are combined with cast stone corner blocks to create rectangular brickwork panels lower on the wall.

The west side wall of the auditorium, which runs close to the west property line, has one doorway and eight single window openings, most of which are currently boarded over. (Photo 5.) The window openings all have simple cast stone lug subsills, and no lintels. A single soldier course band runs along the wall a few feet below the roofline. The north (back) and east walls of the auditorium have similar patterns of ornament. There are two entryways on the back wall. Each entryway is topped with a single-light transom and sheltered by a shallow, flat, concrete awning. One has a pair of modern flat painted doors, and the other is covered with plywood. Six metal, 1/1 hung window units with large transoms on the east elevation are similar to those found throughout the building. There is also one scupper and downspout on the east wall of the auditorium. The lower part of the downspout is missing and has been for some time as there is a significant level of staining of the brick and mortar under the downspout. (Photo 6.)

Roof

Harmony School has a flat roof edged with a short notched parapet and cast stone coping. The parapet is stepped near the school's main entrance, and along the south wall of the auditorium addition. The two original sections of the school building are divided by a firewall. The connector between the main school building and the auditorium addition also has a flat roof and notched parapet. A brick chimney is located roughly in the middle of the school, along the firewall in the original portion of the building. A comparison of historic and current photographs suggests that the chimney may have been shortened at some point, however no documentation of this change has been found. (Figure 8, Photo 1.) Several modern HVAC units are located on the roof of the school and auditorium. (Figure 3.)

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Interior Plans

The first floor of the original building contains two large classrooms, restrooms, and offices. (Figure 5.) A hallway runs from the front door to and past an open staircase that is centered along the north wall. (Photo 14.) There are two large classrooms east of the stair hall, and offices and restrooms to the west. A second, longer hallway runs east-west through the center of the building. (Photo 15.) The hallway continues through the 1930 addition, where it accesses two classrooms and a cafeteria. (Photo 16.) The corridor continues west to the small auditorium connector, which contains another staircase to the second floor, as well as outside entrances and a doorway into the auditorium. (Photo 18.)

The auditorium is a large open room that measures 40 feet by 60 feet, with a large raised stage at the south end of the room. (Photo 17.) A shallow basement area below the stage provides storage for tables and chairs. There is also a very small basement level boiler room near the center of the original building. It is reached via a small enclosed staircase located off of the east-west hallway.

The second floor plans for both sections of the main building are very much like those on the first floor. (Figure 5, photos 19-22.) The original section has three classrooms, a library, restrooms, and a small office. The 1930 addition has four classrooms. A wide east-west hallway runs from the main staircase in the original section to the stairs in the auditorium connector. The auditorium is a two story space; there is no access to it from the second floor.

Interior Finishes

Interior finishes are largely intact. Most rooms retain at least some original finishes, including painted plaster walls, and stained or painted millwork. Surviving early or original millwork includes door casing, bulletin board frames, and built-in cabinets. (Photo 19.) The walls of the auditorium addition also have tall structural glazed tile (SGT) wainscoting which is early or original and in good condition. (Photos 17, 18.) Several rooms also have early tile flooring; the early tile has been removed from others areas, and several of the classrooms have newer carpeting. Although many of the rooms now have suspended tile ceilings with inset fluorescent light fixtures, those new systems are not excessively low and they have had a negligible impact. The stairways and the second floor hallway all have exposed early or original plaster ceilings, and surface mounted fluorescent light fixtures. (Photos 14 and 19.)

Modifications and Integrity

The school today looks very much as it did in the 1950s. There have been no exterior additions or changes to the form or footprint of the building since the auditorium was completed ca. 1949. Original exterior architectural detailing such as masonry walls and cast stone accents are unchanged and in fair condition. Although all or most doors and windows in the building have been replaced in recent decades, the original patterns of fenestration are unchanged, and the original masonry openings and associated interior millwork are all intact.

The interior plan and finishes are equally intact. There have been no notable changes to floorplans, circulation spaces, or individual patterns of room use. The original classrooms are little changed, and most retain early plaster walls, complete with chalk- and bulletin boards and early millwork.

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Although ceilings in many of the rooms have new suspended tile systems, those systems represent an arguably reversible change that has not had a major impact upon the original volume of the rooms.

The school retains all aspects of integrity. It is in its original location and a large majority of the surrounding buildings have been in place as long as the school has, preserving the historic setting. Design, materials, and workmanship are particularly intact; there have been few changes to either the form or the finishes of the building since the auditorium was completed ca. 1949. Feeling and association are also intact; the building continues to be one of the largest and most highly styled buildings in the neighborhood, and it is immediately recognizable as an early twentieth century school.

Non-contributing Resources

Playground: ca. 1970s to 2001, non-contributing structure, in fair condition. (Photo 13.) Playground equipment located north of the school building includes several swings and climbing structures as well as a large metal and plastic playground structure. Aerial photos indicate that the larger structure was installed between 1995 and 2002; the swing sets and climbing structures may be 10 to 20 years older.¹

Support Building 1: ca. 1980s, non-contributing building in fair condition. (Photo 12.) The largest of the three outbuildings, Building 1 is about than 40 years old. It appears to have been used as a temporary classroom building. It measures roughly 40 by 90 feet, and has a rectangular footprint, vertical ribbed metal siding and a flat roof. Each of the long, north-south elevations has two widely spaced entrances that are flanked with windows.

Support Building 2: ca. 2003, non-contributing building in fair to poor condition. (Photo 11.) Support Building 2 appears to have been used as a temporary classroom building. This building was either altered or added to the site around 2004; early aerial maps show a much larger building in the same location from 1990 to 2002.² It is a modest building with a shallow hipped roof and flat metal clad walls. It is approximately 39 feet long and 25 feet wide, with deep front roof overhang which forms an open porch. There are two doors and two window openings under the porch, all of which are boarded over.

Support Building 3: ca. 2003, non-contributing building in fair to poor condition. (Photo 11.) Like Building 2, this building was either altered or added to the site around 2004; early aerial maps show a much larger building in the same location from 1990 to 2002.³ It appears to have been used as a temporary classroom building. It is a long rectangular building with a shallow gable roof with standing seam roofing, and flat metal walls. It measures approximately 30 feet by 70 feet. The gable roof overhangs on one side to shelter four entrances, all of which are boarded over.

¹ Google Earth photos dated 1990-2019. Accessed March 20, 2019.

² Google Earth photos dated 1990-2019. Accessed March 20, 2019.

³ Google Earth photos dated 1990-2019. Accessed March 20, 2019.

Harmony School Oklahoma County, Oklahoma Name of Property County and State 8. Statement of Significance **Applicable National Register Criteria** (Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.) A. Property is associated with events that have made a significant contribution to the Χ broad patterns of our history. B. Property is associated with the lives of persons significant in our past. C. Property embodies the distinctive characteristics of a type, period, or method of Х construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction. D. Property has yielded, or is likely to yield, information important in prehistory or history. **Criteria Considerations** (Mark "x" in all the boxes that apply.) A. Owned by a religious institution or used for religious purposes B. Removed from its original location C. A birthplace or grave D. A cemetery E. A reconstructed building, object, or structure F. A commemorative property G. Less than 50 years old or achieving significance within the past 50 years

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	rchitecture
P	eriod of Significance
ca	. 1928-1963
S	gnificant Dates
ca	. 1928
ca	. 1930
	. 1949
	gnificant Person
((Complete only if Criterion B is marked above.)
N	/A
C	ultural Affiliation
N	/A
A	rchitect/Builder
	yton, Hicks and Forsyth (Architects)
<u>H</u>	ughes, S. P. (Builder)
	ailey & Bozalis (Architects)

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Statement of Significance

Summary Paragraph

Harmony School, located at 1537 Northeast 24th Street, in Oklahoma City, was built in three phases; it was first placed in service in 1928, and it reached its current form ca. 1949. The school is locally significant under National Register Criteria A and C in the areas of Education, Ethnic Heritage: Black, and Architecture. The school is significant under Criterion A in the areas of Education and Ethnic Heritage: Black, for its association with education and the integration of Oklahoma City's public schools in the late 1950s and early 1960s. Harmony Elementary School originally served white students only. Located in a transitional neighborhood, it was one of the first elementary schools in Oklahoma City to be the subject of a challenge to the Oklahoma City Board of Education's discriminatory transfer policies. The transfer policy benefited white students by allowing them to transfer to a predominately white school outside of their district, but denied African American students the same transfer options. Although that initial challenge proved to be unsuccessful, it helped set the stage for future legal actions which led to the desegregation of the entire public school system in Oklahoma City. As integration of the school system progressed and neighborhood demographics changed, the enrollment of Harmony School transitioned from all-white to almost exclusively African American. The school was renamed Martin Luther King Jr. Elementary School in 1974, and continued to serve as a public school until around 2002. At the time of its closing, nearly all of the students there were African American. It is also eligible in the area of Architecture as a good example of a 1920s public school in Oklahoma City which was designed by two prominent Oklahoma architectural firms. The first two sections of the school were designed by Layton, Hicks and Forsyth, a prominent local architectural firm. Solomon Layton, one of the firm's partners, is credited with designing several important buildings in Oklahoma City including the Oklahoma State Capitol (NRHP #76001572), as well as scores of school buildings. The auditorium wing of the school, which was added ca. 1949, was designed by Bailey and Bozalis. The period of significance for Harmony School begins in 1928, when construction of the first portion of the school was completed, and ends in 1963, when the Oklahoma City Board of Education was first ordered to desegregate the public school system.

Narrative Statement of Significance

Oklahoma City, Oklahoma

Oklahoma City, the state capitol of Oklahoma, and the county seat of Oklahoma County, was settled on April 22, 1889, as part of the land run of 1889. It was formally incorporated on July 15, 1890.⁴ The city is located roughly in the center of the state, and is a major hub for several interstates, as well as rail traffic. The city's early economy revolved around agriculture and transportation. A number of railroads constructed lines through Oklahoma City, including the Southern Kansas Railway; the Choctaw, Oklahoma and Gulf Railroad; and the Missouri, Kansas, and Texas Railroad. Oklahoma City was also home to numerous manufacturing operations,

⁴ City of Oklahoma City, "Founding of Oklahoma City," https://www.okc.gov/government/archives-records/oklahoma-city-history/founding-of-oklahoma-city (accessed March 2019).

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mills, cotton gins, and the Oklahoma National Stockyards.⁵ Most of Oklahoma City's industrial activity and rail traffic was located along the Oklahoma River, south of Second Street. The area south of Second Street, near the Choctaw, Oklahoma and Gulf Railroad tracks was also home to a large concentration of the city's African American population.⁶ On June 11, 1910, Oklahoma City received a significant economic boost when it was chosen to replace Guthrie as the capitol of Oklahoma.⁷ Two landowners, W. F. Harn and J. J. Culbertson offered a 10-acre parcel located three miles north of downtown Oklahoma City as the site of the new capitol building. The land surrounding the capitol quickly developed into several wealthy neighborhoods with large houses, and streetcar lines.⁸

Educational opportunities in Oklahoma City before statehood were limited. Some of the first classes to be held in the community took place outside, or in tents. The first four schools in the city were built in 1894 and 1903, and are no longer extant. ⁹ By statehood, about 4,000 students were attending classes in 23 schools throughout Oklahoma City. ¹⁰ By the mid-1920s, the city's school enrollment had ballooned to 20,380, a 400% jump over a single decade. ¹¹ That increase placed considerable strain on the school district's buildings, and necessitated a dramatic increase in the construction of new school buildings in the 1920s. Between 1919 and 1931, the city constructed around 23 new school buildings, including the Harmony School on Northeast 24th Street. ¹²

Harmony School

The present Harmony School building is the second Oklahoma City public school to go by that name. The original Harmony School was located a few blocks southeast, at 1933 East 23rd Street near the present-day corner of 23rd Street, and North Martin Luther King Ave.¹³ In April 1927, the Oklahoma City Board of Education announced plans to construct a new Harmony School building on a new site.¹⁴ The decision to change sites reflected the school district's desire to achieve an even distribution of elementary schools as part of the building campaign of the 1920s. As one article about the building program noted, "School officials hope eventually to have city grade schools at points a mile apart. This would eliminate long walks and schools would not be too close together, as some of them near the city center now are." ¹⁵

⁵ Linda D. Wilson, "Oklahoma City," *The Encyclopedia of Oklahoma History and Culture*, https://www.okhistory.org/publications/enc/entry.php?entry=OK025, (accessed March 2019).

⁶ Edward Jackson Pugh, "Spatial Consequences of Public Policy on the Evolution of the Black Community: A Case Study of Oklahoma City, 1889-1974" (PhD Diss., University of Oklahoma, 1977), 100.

⁷ Linda D. Wilson, "Oklahoma City."

⁸ Planning Department, City of Oklahoma City, *Reconnaissance Survey of Portions of Oklahoma City* (Oklahoma City, OK: State Historic Preservation Office, 1994), 9.

⁹ Jo Meacham Associates, *Architectural/Historical Survey of Oklahoma City's Historic School Buildings* (Oklahoma City, OK: The Criterion Group, Inc., 2001), 4.

¹⁰ Jo Meacham Associates, 12.

¹¹ Jo Meacham Associates, 14.

¹² Jo Meacham Associates, 29-31.

¹³ 1926 Directory, 314.

¹⁴ "Harmony to Move," *The Daily Oklahoman*, April 27, 1927.

¹⁵ "Expansion of City Carries Need for Greater Educational Facilities," *The Daily Oklahoman*, September 29, 1929, 3.

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In May, the Special Committee on Needs for New Buildings and Additions recommended that the district construct "the first unit of a building in the Harmony school district." Following the recommendation of the committee, the board of education instructed the architectural firm of Layton, Hicks and Forsyth to prepare plans for the new Harmony building. ¹⁶ Architectural work was largely completed by July 1927, when the board awarded the general construction contract to S. P. Hughes. ¹⁷

Like many elementary schools that were built in Oklahoma City during the 1920s, Harmony School was designed so that it could easily be expanded in the future. That was common practice; one survey of school buildings in Oklahoma City found that many of the city's early elementary schools were expanded to two or three times their original size over the years. The expansions include the addition of classrooms and support spaces such as auditoriums, gymnasiums, and cafeterias. The district's used a modular approach to school design, which they referred to as the "Unit Plan." Under the plan, most elementary schools were constructed with eight original rooms, with floor plans that allowed four- or six-room additions to be easily added later. 19

The first section of Harmony School was completed sometime in late 1927 or 1928, and was placed in service for the 1928 school year.²⁰ The first floor included support spaces and bathrooms on the western half, and two large classrooms on the eastern half. The second floor included one bathroom, an office, and several additional classrooms. (Figure 6: Photograph of original school.) The first unit did not include a cafeteria; school board records show that residents in the Harmony school district had asked the board in 1927 to address that lack by setting up a temporary building on the site of the new school for use as a cafeteria.²¹

Enrollment exceeded capacity of the new school within a year. In 1929, the Oklahoma City Board of Education announced a new construction program, aimed at easing a district-wide overcrowding issue that was being caused by rapid population growth in the city. The district's plan included the construction of four new school buildings, plus the expansion of seven others, including Harmony. The district stated that "additions would give needed room at Bath and Harmony schools to take care of expansion of the city to the northeast..."²²

The second section of Harmony school was designed by the same architectural firm as the original section. In March 1930, Layton, Hicks and Forsyth reported to the school board that they had completed drawings for the additions to ten school buildings, including Harmony School.²³

Jo Meachail Associates, 20.

¹⁶ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," Oklahoma City Public Library, Vertical Files, May 2, 1927.

¹⁷ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," July 16, 1927.

¹⁸ Jo Meacham Associates, 26.

^{19 &}quot;Expansion of City Carries Need for Greater Educational Facilities."
20 "Proposed Plan Could Close 9 City Schools." The Daily Oklahaman. N

²⁰ "Proposed Plan Could Close 9 City Schools," *The Daily Oklahoman*, November 6, 1981, 49; 1928 City Directory, 350.

²¹ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," December 27, 1927.

²² "Expansion of City Carries Need for Greater Educational Facilities."

²³ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," March 11, 1930.

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On May 19, 1930, the Committee on Bids and New Additions awarded three separate contracts totaling \$41,647.50, for plaster ceilings, heating, plumbing and electrical work at Harmony School.²⁴ Construction on the second section of Harmony School proceeded quickly, and was completed around 1930. The school's second included six classrooms and a cafeteria. (Figure 5: Floor Plans. Figure 8: Photograph of school showing second unit, ca 1936.) Once Unit 2 was placed in service, the temporary cafeteria building was removed from the school grounds, for use at another school.²⁵

The school served the needs of the district into the late 1940s, when the district engaged the local architectural firm of Bailey & Bozalis to design a large new auditorium for the school. Design work was completed by September 1948, when the board of education solicited bids for "constructing a new auditorium and remodeling the existing building known as Harmony School." Construction of the auditorium addition was the last significant addition made to Harmony School. (Figure 9: Photograph of auditorium addition, ca. 1949; Figure 10: Sanborn Map showing Harmony School.)²⁷

African American Communities in Oklahoma City

While Harmony School was located in a predominately white neighborhood in the 1930s, the demographics of the neighborhood had changed by the 1960s. Settlement patterns in Oklahoma City were shaped by city ordinances that restricted people of color to specific neighborhoods. In 1916, the city passed the first of many racial housing ordinances. Under that ordinance, it was illegal for a person to move to a block where 75% or more residents were of another race.²⁸ That ordinance was declared unconstitutional one year later, but was followed by similar legislation in 1918. The new ordinance established Northeast Fourth Street as the boundary between white and black neighborhoods. The second ordinance held until 1919, when it was declared unconstitutional in United States District Court for the Western District of Oklahoma.²⁹

Although both of these early ordinances were quickly declared unconstitutional, Northeast Fourth Street stood as the divining line between white and black neighborhoods until the 1930s. In 1933, the Oklahoma City Planning Commission recommended new boundaries to separate white and black neighborhoods. Under the commission's recommendations, the northern limit of exclusively black development was to be Northeast Eighth Street, while the southern limit of exclusively white development was Northeast 10th Street. In the area between the two streets, no one was allowed to move to a block that was occupied by 51% or more members of another race. Although that ordinance was also declared unconstitutional, Northeast Eighth Street continued to be the unofficial northern boundary of African American communities in Oklahoma

²⁴ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," May 19, 1930.

²⁵ "New City School Will Face Delay," *The Daily Oklahoman*, September 13, 1931, 22.

²⁶ "Notice for Bids," *The Daily Oklahoman*, September 9, 1948, 67.

²⁷ The date associated with the photograph of the auditorium under construction is 1943. Given the 1949 notice for bids for the auditorium, and information from a 1950 Sanborn map, it seems likely that this photograph was taken ca. 1949.

²⁸ Pugh, 123.

²⁹ Pugh, 125.

³⁰ Planning Department, City of Oklahoma City, 11.

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City through the 1950s. As the black population in Oklahoma City increased, that boundary moved north, and by 1960, it had reached Northeast 23rd Street. (Figure 12: "Black Population Location and Distribution, Oklahoma City; 1930; Figure 13: "Black Population Location and Distribution, Oklahoma City, 1960.)

Restrictive housing ordinances in Oklahoma City neighborhoods established clearly-defined racial segregation that had long-lasting impacts. Boundaries between white and black neighborhoods were unofficially maintained for decades, and they impacted countless activities within the city, especially when it came to the education system.

Public Education Before 1954

Oklahoma's founding constitution laid the groundwork for a system of segregated educational facilities that would last well into the 1970s. The Oklahoma Organic Act established a territorial government for the Oklahoma Territory on May 2, 1890. Less than two weeks later, on May 14, 1890, an addition to the act provided funds to establish segregated schools in the Oklahoma Territory. According to one study, the public school system in Oklahoma City was "the first institution [in the state] to be officially segregated..." Originally, the Organic Act allowed counties to choose whether their schools would be separate or combined. That practice changed in 1897, when a law mandating separate schools was passed.

Oklahoma entered the Union on November 16, 1907 with a constitution that included a long section about education. In keeping with many of the state's territorial laws, the new constitution stipulated that schools were to be completely segregated, and made it illegal for any teacher to teach in a school where both black and white children were enrolled.³⁴ Doing so was considered a misdemeanor, and was punishable with fines up to \$500 per day.³⁵

Statistics show a clear disparity between black and white schools during Oklahoma's first decades of statehood. In the 1920s, the average teacher in a black school was responsible for seven more students than the average teacher in a white school, and earned around \$600-\$1,000 less than white teachers at the same grade level.³⁶ In Oklahoma City, the board of education paid teachers in the white-only schools approximately \$5.77 per child taught in 1928. Teachers in "separate schools" were paid \$4.14 for each child.³⁷ The difference in pay between teachers was not equalized until 1948.³⁸

³² Planning Department, City of Oklahoma City, 10

³¹ Pugh, 98.

³³ Leonard B. Cayton, "A History of Black Public Education in Oklahoma" (PhD Diss., University of Oklahoma, 1977), 24.

³⁴ Cayton, 2.

³⁵ Cayton, 43.

³⁶ Cayton, 103.

³⁷ Calculated from payroll statistics in Oklahoma City Board of Education minutes, March 5, 1928. According to the minutes, there were 29,372 white students, and 2,680 black students attending schools in the district. Total payroll for employees in white-only schools was \$194,556.13 in the month of February 1928. The payroll for employees in "separate schools" was \$13,960.16.

³⁸ Cayton, 108

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Equal educational opportunities for black students first came at the higher education level. In 1946, an African American woman named Ada Lois Sipuel was denied admission to the School of Law at the University of Oklahoma, the only law school in the state. After the United States Supreme Court ruled that Sipuel was entitled to a "separate but equal" education, the state of Oklahoma created the Langston University School of Law, a separate law school for African American Students. Sipuel, along with many prominent legal and educational professionals, pushed back at that decision. They argued that Langston University School of Law, which was nicknamed the "one-man law school," was not equal to the law school at the University of Oklahoma. In 1949, after a lengthy legal challenge, the state of Oklahoma closed the school and admitted Sipuel into the University of Oklahoma.³⁹

In the 1950s, spurred on by the success of cases like the one involving Sipuel, community activists began planning legal challenges to Oklahoma City's segregated public school system. Many believed that defeating the city's segregation policies in court would lead to a larger, statewide repeal of segregation laws. ⁴⁰ Their efforts received a major boost on May 17, 1954, when the United States Supreme Court ruled in *Brown v. Board of Education* that the practice of "separate but equal" for schools and other services was unconstitutional. Following the *Brown* decision, civil rights advocates throughout Oklahoma called for a swift end to legal segregation. Johnston Murray, the Governor of Oklahoma, announced that the state would uphold the Supreme Court's decision without conflict. ⁴¹

Public Education After 1954

Local advocates redoubled calls for the integration of the city school system following the *Brown v Board* decision. In October 1954, the Oklahoma City chapter of the NAACP filed a petition, asking the Oklahoma City Board of Education to speed up the process of integrating the city's public schools.⁴² In July 1955, Jimmy Stewart, president of the Oklahoma City chapter of the NAACP, presented a petition to the school board on behalf of several African American families who requested that their children be permitted to attend white schools immediately.⁴³ School board minutes note only that the petition was presented; no information was found to indicate that the board later took any action on that particular petition.

The board of education did respond to calls for school integration, however. On June 2, 1955, they took a major step in the integration process by asking the Superintendent's Office to prepare a study of school boundaries, and school building capacities, to provide data that could be used for future efforts.⁴⁴ In August 1955, the board announced a plan for revised school enrollment

³⁹ Allen A. Saxe, "Protest and Reform: The Desegregation of Oklahoma City" (PhD Diss., University of Oklahoma, 1969), 85-88.

⁴⁰ Saxe, 120.

⁴¹ Saxe, 126.

⁴² "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," October 21, 1954.

⁴³ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," June 17, 1955. The board's minutes do not name the schools that were mentioned in the petition.

⁴⁴ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," June 2, 1955.

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areas in a part of the city that was described as "racially mixed." The area being targeted was just south of the Harmony School attendance area, between Northeast 23rd Street and Northeast 15th Street. It contained approximately 18 of the city's 77 elementary schools at the time. The new plan was described as being geographically based. According to the plan, schools would be open for all students living within that school's geographic area. An article about the project also noted that some attendance boundaries remained the same, but "doors of the previously all-white schools are simply thrown open to Negro pupils presently living in the district."

The plan allowed students living within those boundaries to either continue attending their previous school for one year, or enroll at the school within their new district's enrollment areas regardless of their race. The first five schools to be desegregated began enrolling students of both races just a few weeks after the plan was announced. At the beginning of the 1955 school year, just under 200 black students were enrolled in elementary schools that had previously been available to white students only. Of those five newly integrated schools, only one enrolled more black children than white children the year the change was made.⁴⁷

The new integration program was of limited scope, however, and was further hampered by a restrictive transfer policy, which did not take geographic boundaries in to consideration. Instead, the school board allowed students to transfer to a school outside of their assigned attendance area only in cases where they would be in the majority race of the new school.⁴⁸ The transfer policy was seen by the local NAACP and other civil rights activists as counter to the goals of a fully integrated school system, and in 1957, it became the target of a legal challenge by the Oklahoma City NAACP.

Harmony School Transfer Challenge

In late 1957, the Oklahoma City chapter of the NAACP announced their plans to file a suit in federal court challenging the school district's transfer policy, "which we believe to be discriminatory." ⁴⁹ That action had been precipitated by a request for a transfers to the Harmony School. Earlier that fall, seven African American students requested a transfer from Culbertson Elementary, the integrated school they had been enrolled in, to Harmony Elementary, which was an all-white school at the time. (Figure 14: Excerpt from article about Harmony transfer case.) The Oklahoma City Board of Education denied the student's request. That prompted John Green, an attorney for the Oklahoma City chapter of the NAACP, to challenge the board's decision in the October 1957 board of education meeting. ⁵⁰ Green was well-qualified to handle that challenge. The second black student to graduate from the University of Oklahoma's law program, he spent a large part of his career fighting segregation issues, and he became a prominent figure in the national and statewide civil rights movements. ⁵¹

⁴⁵ "End of Segregation Changes 13 School District Boundaries," *The Daily Oklahoman*, August 2, 1955, 5.

⁴⁶ "End of Segregation Changes 13 School District Boundaries."

⁴⁷ Imogene Patrick, "5 Gradeschools in City Mixed by Integration," *The Daily Oklahoman*, August 31, 1955, 53.

⁴⁸ Loy Ferguson, "Court Action Asked in School Dispute," *The Daily Oklahoman*, October 9, 1957, 23.

⁴⁹ Loy Ferguson, "Court Action Asked in School Dispute."

⁵⁰ "Minutes of the Board of Education of the City of Oklahoma City, Oklahoma," October 7, 1957.

⁵¹ "Oklahoma Life Fellow John Green," *American Bar Foundation*, February 15, 2012, http://www.americanbarfoundation.org/news/312 (accessed March 2019).

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At the October 1957 meeting of the school board, Green questioned the Oklahoma City Board of Education's reasoning in denying transfers to the black students who wished to attend to Harmony School. He pointed out that one of the students lived about 2 blocks from Harmony, but 16 blocks from Culbertson Elementary, and noted that forty white students had been granted the same transfer from Culbertson to Harmony. The board insisted that their decision in denying the request was legal under the Supreme Court's *Brown* decision, and that African American students in the Culbertson Elementary enrollment area were given the option of attending either Culbertson Elementary, which was integrated, or Edwards Elementary, which was not.⁵² In one newspaper article, the transfer policy was described as an "escape valve for those who cannot take integration" and that the policy "has helped integration proceed smoothly here" by reducing conflicts.⁵³

Shortly after that meeting, the national NAACP Executive Committee announced that they would allow the Oklahoma City branch of the NAACP to seek legal action in the Harmony School transfer case.⁵⁴ Dr. Melvin Barnes, the superintendent of the Oklahoma City public school system, defended the district's transfer policy, pointing out that there were around 3,000 students in the system who were attending a school outside of their district. Dr. Barnes further stated that the largest obstacle towards full integration in Oklahoma City was racism among some adults, noting that "I have not found any expressions of prejudice on the part of the children."⁵⁵

Although it does not appear that the Harmony School transfer issue was ever brought to federal court, it did lay the ground work for future actions. In 1963, John Green and the local NAACP chapter were able to initiate legal action, with the lawsuit of *Dowell v. School Board of Oklahoma City Public Schools* in the United States District Court for the Western District of Oklahoma. According to the American Bar Foundation, the *Dowell* suit forced the Oklahoma City school system to integrate all public schools and make education in Oklahoma equal for all races."

The suit began when Robert Dowell, then a student at Douglass High School, was denied a transfer from Douglass to Northeast High School, an all-white high school. According to the suit, African American students in the school district who sought transfers faced "conditions and limitations that are not met and faced by white pupils within the school district who seek transfers to the same school or schools from the attendance area in which they live." ⁵⁸

⁵² Imogene Patrick, "Negroes Ask Entry to Harmony School," *The Daily Oklahoman*, October 8, 1957, 23.

⁵³ Imogene Patrick, "Negroes Ask Entry to Harmony School."

⁵⁴ Imogene Patrick, "NAACP Turns School Matter to Committee."

⁵⁵ "Publicity Listed as Big Obstacle to Integration," *The Daily Oklahoman*, December 5, 1957, 19.

⁵⁶ Dowell v. School Board of Oklahoma City Public Schools, 219 F. Supp. 427 (W. D. Okla., 1963).

⁵⁷ "Oklahoma Life Fellow John Green," American Bar Foundation.

⁵⁸ Dowell v. School Board of Oklahoma City Public Schools, 219 F. Supp. 427 (W. D. Okla., 1963).

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In order to establish a history of racial discrimination within the district, Green highlighted the board's uneven enforcement of the "minority to majority" transfer policy. One of the examples that was presented involved the case of Edwina Hilton. Hilton was one of the students who had sought a transfer from Culbertson Elementary School to Harmony Elementary School in 1957. Her mother had said that Edwina had asthma, and lived less than a half-mile from Harmony, comparted to one mile from Culbertson. In the process of questioning the board's decision of denying Edwina admission to Harmony, the prosecution presented evidence which showed that Harmony's population at the time of the *Dowell* case included 139 African American students, and 179 white students. That ratio was far closer than many of the other integrated schools in the district at that time. The prosecution also stated that two of Edwina's close neighbors received transfers to Harmony "without trouble or difficulty on the basis that they were transferring out of a predominantly Negro school to a predominantly white school." 59

District Court Judge Luther L. Bohanon found that "the Oklahoma City School District was operating a dual school system in violation of the Equal Protection Clause of the Fourteenth Amendment of the U. S. Constitution," adding that the board "followed a course of integration as slowly as possible." As a result, Judge Bohanon ordered the district to take steps to fully desegregate by the end of 1963. In 1965, Judge Bohanon appointed a commission to study the actions of the Oklahoma City school district, to see if it had complied with integration as established by the Supreme Court's decision in *Brown v. Board of Education*. After the commission found that the district had not fully complied, Judge Bohanon ordered the full desegregation of Oklahoma City schools by 1966. 61

After a series of subsequent appeals by the Oklahoma City Board of Education, the court ordered the school district to adopt the "Finger Plan" in 1972.⁶² The plan, developed by Dr. John A. Finger, had been implemented in several other school districts across the country, and was designed to use mandatory bussing of students as a way to effectively integrate Oklahoma City schools.⁶³ In 1985, the Oklahoma City Board of Education voted to end the practice of mandatory bussing, and established voluntary bussing policies.

The fight over desegregation in Oklahoma City's public school system continued until 1990, when the Supreme Court agreed with the decision of the District Court to dissolve the 1963 federal desegregation ruling, on the grounds that the board had acted in good faith in implementing desegregation policies, and had achieved "unitary status." According to one article written about the case, the term "unitary status" generally describes "a dual school system that has been brought into compliance with the equal protection clause of the fourteenth amendment

⁵⁹ Dowell v. School Board of Oklahoma City Public Schools, 219 F. Supp. 427 (W. D. Okla., 1963).

⁶⁰ Jerry E. Stephens, "Busing," *The Encyclopedia of Oklahoma History and Culture*, https://www.okhistory.org/publications/enc/entry.php?entry=BU017 (accessed March 2019.); *Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W. D. Okla. 1963).

⁶¹ Tim Reid, "Here's School Integration in Nutshell," *The Daily Oklahoman*, July 23, 1967, 15.

⁶² Chris Casteel, "Schools Case Expected to Have Wide Impact," *The Daily Oklahoman*, September 30, 1990, 1, 17.

⁶³ Gretchen M. Widdig, "Board of Education of Oklahoma City v. Dowell: A Solution to Perpetual Judicial Supervision," *Tulsa Law Review 27*, no. 1 (1991), 93.

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of the Constitution."⁶⁴ Because the Oklahoma City public school district was found to have achieved "unitary status," the court ruled that federally-imposed desegregation policies were no longer applicable to the district.

Harmony School remained in use as a public elementary school throughout that process. Around 1974, Harmony School was renamed Martin Luther King Jr. Elementary School, and the building continued to serve as a public school until it was decommissioned, around 2003. Soon after it was closed, the board of education leased the building to the Marcus Garvey Leadership Charter School, which served students in kindergarten through 6th grade. Marcus Garvey Leadership Charter School held classes in the building until 2013, when the Oklahoma City Board of Education pulled the school's charter due to financial concerns and poor academic performance. The time the Marcus Garvey Leadership Charter School closed in 2013, about 95% of the school's 180 students were black. The building has been vacant since the Marcus Garvey Leadership Charter School closed.

Architecture

In a 1994 reconnaissance survey of northeast Oklahoma City, Harmony School was identified as individually eligible for listing on the National Register of Historic Places under Criterion C, for Architecture.⁶⁹ That determination of eligibility was reaffirmed in 2001, when an architectural survey of school buildings in Oklahoma City also found the school to be eligible.⁷⁰

Harmony School is a good example of an Oklahoma City public school building that was designed and built during a time of major growth and expansion for the Oklahoma City public school system. It gains additional significance for its association with two of Oklahoma City's leading architectural firms. The first two sections of the school were designed by the architectural firm of Layton, Hicks and Forsyth. Solomon Layton, the firm's founder, was born in 1864. Layton began his career in Denver, and moved to El Reno, Oklahoma in 1902. He established several architectural firms over the course of his career, and he is credited with the design of over 100 buildings across the state. Those projects include some of Oklahoma's most important buildings, such as the Oklahoma State Capitol (NRHP #76001572), the Governor's Mansion (NRHP #76001569), the Oklahoma County Courthouse (NRHP #925000126), the Skirvin Hotel (NRHP #79002010), and several buildings on the campus of the University of Oklahoma.⁷¹

⁶⁵ Jo Meacham Associates, 34.

⁶⁴ Widdig, 86.

⁶⁶ Michael Bratcher, "Vacated School Buildings Being Put to Good Use," *The Daily Oklahoman*, September 20, 2003, 4.

⁶⁷ "Decision to Close is a Win for Charter Schools," *The Daily Oklahoman*, June 7, 2013, 6.

⁶⁸ Carrie Coppernoll, "A Look at Marcus Garvey Leadership Charter School in Oklahoma City," *The Oklahoman*, April 16, 2013.

⁶⁹ Planning Department, City of Oklahoma City, 13.

⁷⁰ Jo Meacham Associates, 32.

⁷¹ Mary Jo Nelson, "Layton, Solomon Andrew," *The Encyclopedia of Oklahoma History and Culture*, https://www.okhistory.org/publications/enc/entry.php?entry=LA036 (accessed March 2019).

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Solomon Layton is also widely recognized as a leading designer of public schools in the state. He designed at least 46 school buildings in Oklahoma City alone. Only a handful of those schools are listed in the National Register of Historic Places. They include Central High School (NRHP #760001570, listed 1976), (Old) Douglass High School (NRHP #07000259, listed 2007), Harding Junior High School (NRHP #2000172, listed 2002), Taft Junior High School (NRHP #07000515, listed 2007), and Dunbar Elementary School (NRHP SG100002217, listed 2018).

Dunbar Elementary School, the only elementary school in Oklahoma designed by Layton that is listed in the National Register, shares many aspects of form and design with Harmony School. Both schools are rectangular, two-story "Unit System" buildings that were expanded as the need for space increased. Architectural styling of Dunbar is also similar to that of Harmony. Both buildings feature decorative brick patterns accented with square stone blocks, and wide banks of windows grouped around formal entrances. (Figure 11: Photograph of Dunbar Elementary School, 2017.)

The ca. 1949 auditorium addition to Harmony School is also the work of one of the state's more notable architectural firms. The plans for the auditorium represents an early commission for the architectural firm of Bailey & Bozalis, which was formed in 1946 by Leonard Bailey and John Bozalis. The partners went on to design several Naval Reserve Training Centers in Oklahoma, as well as the Petroleum Engineering Building at the University of Oklahoma. Although Leonard Bailey retired in the mid-1950s, the firm remained active into the late twentieth century, and they have been credited with the design of some of the most iconic Modernist buildings in Oklahoma City, such as the Citizens State Bank (NRHP #03000875), the Citizens Bank Tower (NRHP #9000978), and the BancFirst Tower (Chase Tower), at 100 North Broadway.⁷³

Conclusion

For much of its history, Harmony School was a white-only institution. By December 1957, eight of the city's elementary schools had been integrated. Around 1959, Harmony School became the 10th school in the Oklahoma City public school system to be integrated, out of a total of 91 public elementary or secondary schools in the city. The first five integrated schools in the city were located in areas that were already racially mixed, or which had a large majority of African American residents. Harmony School, by contrast, was in an area that had a large concentration of white residents, and it had served white students only up to that time. In the 1950s, the northern boundary of the black population in Oklahoma City reached Northeast 23rd Street. Given its proximity to the expanding African American community in northeast Oklahoma City, Harmony School was an ideal location for a challenge to the Oklahoma City Board of Education's discriminatory transfer policies. Although the initial challenge to the board's policy was unsuccessful, the experience gained during the Harmony School case proved to be instrumental for attorney John Green and other local activists. Green went on to take a lead role in the 1963 case of *Dowell v. School Board of Oklahoma City Public Schools*, which led to the

⁷² Mary Jo Nelson, "Layton, Solomon Andrew."

⁷³ "Architecture Firm Celebrates 77-Year Alliance in State," *The Daily Okahoman*, September 2, 1982.

⁷⁴ Jo Meacham Associates, 19.

⁷⁵ Imogene Patrick, "5 Gradeschools in City Mixed by Integration."

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desegregation of the Oklahoma City public school system. Harmony School has seen few alterations since the auditorium addition was completed ca. 1949, and it appears today much as it did when it was used as an elementary school.

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Previous documentation on file (NPS):	
preliminary determination of individual listing (36 CFR 67) has be previously listed in the National Register previously determined eligible by the National Register designated a National Historic Landmark recorded by Historic American Buildings Survey # recorded by Historic American Engineering Record # recorded by Historic American Landscape Survey #	
Primary location of additional data:	
X State Historic Preservation Office	
Other State agency	
Federal agency	
Local government	
University	
Other	
Name of repository:	
Historic Resources Survey Number (if assigned): N/A	
10. Geographical Data	
Acreage of Property 4.09 Acres	
Use either the UTM system or latitude/longitude coordinates	
Latitude/Longitude Coordinates	
Datum if other than WGS84:	
(enter coordinates to 6 decimal places)	
1. Latitude: 35.495281 Longitude: -97.484028	
Verbal Boundary Description (Describe the boundaries of the proper Lot Fifteen (15) of Raney's Addition to the City of Oklahoma City, Ok	- /

Boundary Justification (Explain why the boundaries were selected.)
The boundary encompasses all land currently and historically associated with Harmony School.

NPS Form 10-900 OMB No. 1024-0018

Harmony School
Name of Property
Oklahoma County, Oklahoma
County and State

11. Form Prepared By

name/title: Debbie Sheals and Mason Martel

organization: <u>Building Preservation, LLC</u> street & number: 29 South 9th St. Suite 210

city or town: Columbia state: Missouri zip code: 65201

e-mail: debsheals@gmail.com

telephone: 573-874-3779

date: October 2018; March 2019

Additional Documentation

Submit the following items with the completed form:

- Maps: A USGS map or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- Additional items: (Check with the SHPO, TPO, or FPO for any additional items.)

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property: <u>Harmony School</u>
City or Vicinity: <u>Oklahoma City</u>

County: Oklahoma State: Oklahoma

Photographer: Debbie Sheals

Date Photographed: October 2018, March 2019

OMB No. 1024-0018

Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Description of Photograph(s) and number, include description of view indicating direction of camera:

Photo No.	Description of Photo	Camera Direction
Photo 1 of 22	Southeast corner	Northwest
Photo 2 of 22	Front entrance detail	North
Photo 3 of 22	South wall	Northeast
Photo 4 of 22	South wall of auditorium addition	North
Photo 5 of 22	Northwest corner of auditorium	Southeast
Photo 6 of 22	Northeast corner of auditorium	Southwest
Photo 7 of 22	North wall	South
Photo 8 of 22	North wall	South
Photo 9 of 22	Northeast corner	Southwest
Photo 10 of 22	East wall	West
Photo 11 of 22	Site and two noncontributing buildings	Southeast
Photo 12 of 22	Noncontributing building	West
Photo 13 of 22	Playground and site	Northeast
Photo 14 of 22	First floor staircase	North
Photo 15 of 22	First floor corridor	West
Photo 16 of 22	First floor classroom	Northeast
Photo 17 of 22	Auditorium	South
Photo 18 of 22	First floor staircase	Northwest
Photo 19 of 22	Second floor corridor	West
Photo 20 of 22	Second floor classroom	Southeast
Photo 21 of 22	Second floor classroom	Northeast
Photo 22 of 22	Second floor classroom	Northwest

Figure Log	
Figure 1:	Site Map. Google Maps 2019.

1 15 410 1.	site map. Google maps 2015.
Figure 2:	Contextual Map. Google Maps 2019.
Figure 3.	Aerial photo of entire site. Google Earth 2019.
Figure 4:	Site Plan and Key to Exterior Photos.
Figure 5:	Floor Plans and Key to Interior Photos.
Figure 6:	Photograph of original school.
Figure 7:	Photograph showing portion of west elevation of Harmony School.
Figure 8:	Photograph of school showing second unit, ca. 1936
Figure 9:	Photograph of auditorium construction, ca. 1949
Figure 10:	Sanborn Map showing Harmony School, 1950.
Figure 11:	Photograph of Dunbar Elementary School.
Figure 12:	"Black Population Location and Distribution, Oklahoma City, 1930."
Figure 13:	"Black Population Location and Distribution, Oklahoma City, 1960."
Figure 14:	Excerpt from October 1957 article about Harmony transfer case.

OMB No. 1024-0018

Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Figure 1: Site Map. Google Maps 2019. (See Figure 3 for detailed view of site.)



Figure 2: Contextual Map. Google Maps 2019.



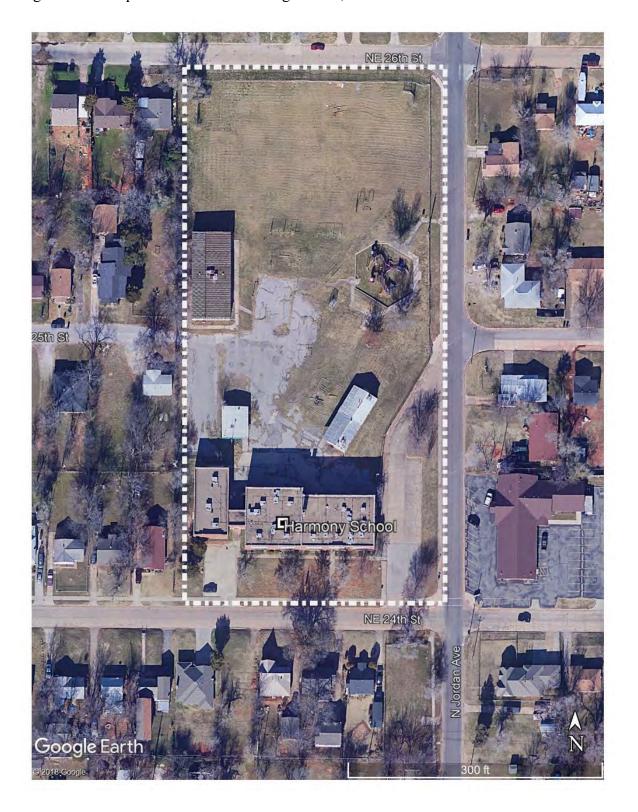


Imagery ©2019 Google, Map data ©2019 Google 1000 f

Oklahoma County, Oklahoma County and State

Harmony School
Name of Property

Figure 3: Aerial photo of entire site. Google Earth, 2019.

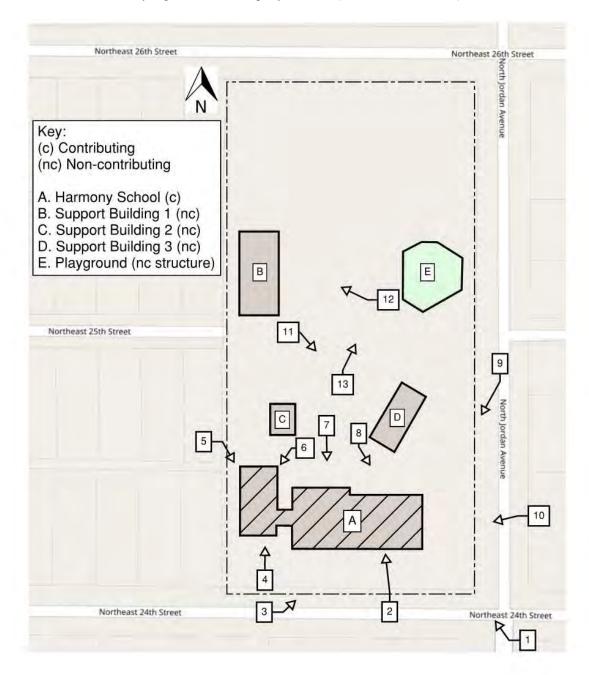


OMB No. 1024-0018

Harmony School
Name of Property

Oklahoma County, Oklahoma County and State

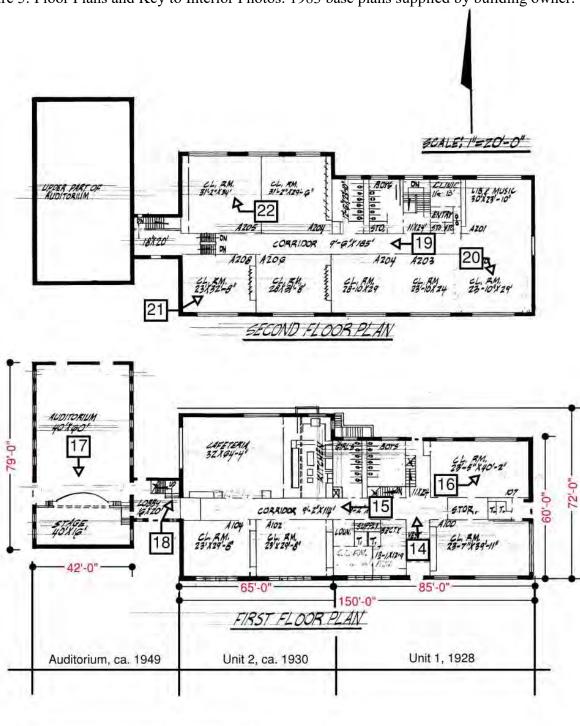
Figure 4: Site Plan and Exterior Photo Key. Image from: Oklahoma County Assessor online property map, https://assessor.oklahomacounty.org/203/Search-Property-Records (accessed March 2019.)



Harmony School
Name of Property

Oklahoma County, Oklahoma County and State

Figure 5: Floor Plans and Key to Interior Photos. 1983 base plans supplied by building owner.



Note: Measurements are approximate. Taken from plan scale.

OMB No. 1024-0018

Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Figure 6: Photograph of the original school, ca. 1928. "Harmony School --- Building," February 20, 1923, Oklahoma Historical Society, Photograph 2012.201.B0249.0732, https://gateway.okhistory.org/ark:/67531/metadc349519/ (accessed March 2019).

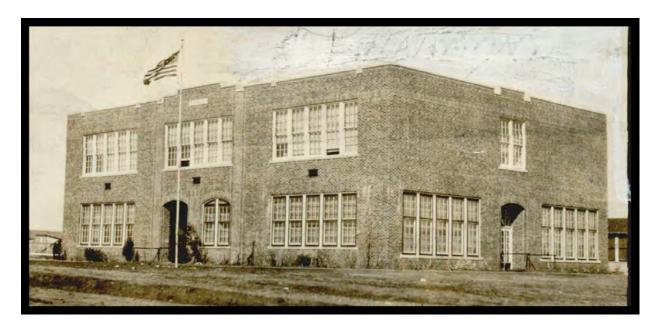


Figure 7: Photograph showing portion of west elevation of Harmony School. Photo by Deb Sheals, 2018.



OMB No. 1024-0018

Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Figure 8: Photograph of school showing second unit, ca. 1936. Kaho, C. J., "Harmony School," February 28, 1936, Oklahoma Historical Society, Photograph 2012.201.B0249.0735], https://gateway.okhistory.org/ark:/67531/metadc360311/m1/1/?q=Harmony%20School (accessed March 2019).



Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Figure 9: Photograph of auditorium construction, ca. 1949.

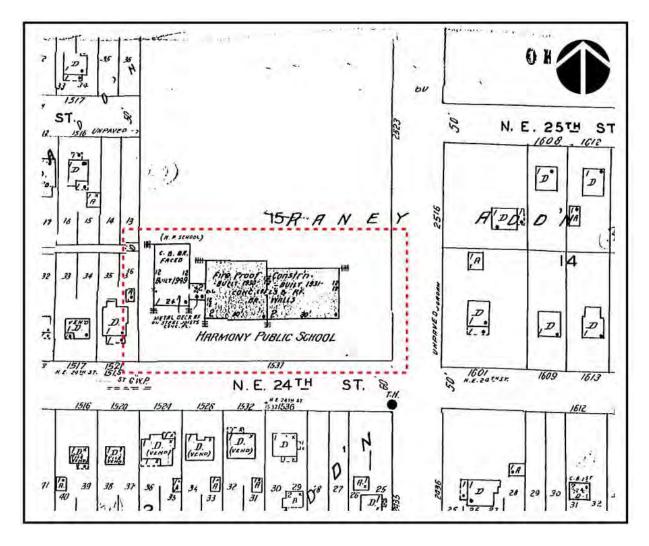
Joe Miller, "Children at Harmony School, 1537 NE 24, have an added attraction on pretty days, that of watching bricklayers at work on the new auditorium," February 24, 1943, Oklahoma Historical Society, Photograph 2012.201.B0249.0736, https://gateway.okhistory.org/ark:/67531/metadc362588/ (accessed March 2019).



Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Figure 10: Sanborn Fire Insurance Map showing "Harmony Public School." Sanborn Fire Insurance Company, "Oklahoma City, Oklahoma, 1950," Volume 3, page 326.



¹ This Sanborn map shows the two school sections, and the auditorium addition, with approximate construction dates for all three. Although available Sanborn maps of the school do not show the entire site, which extends north to Northeast 26th Street, the key for this volume depicts the site as a single undivided lot. This suggests that the school district could have owned the entire lot.

Oklahoma County, Oklahoma
County and State

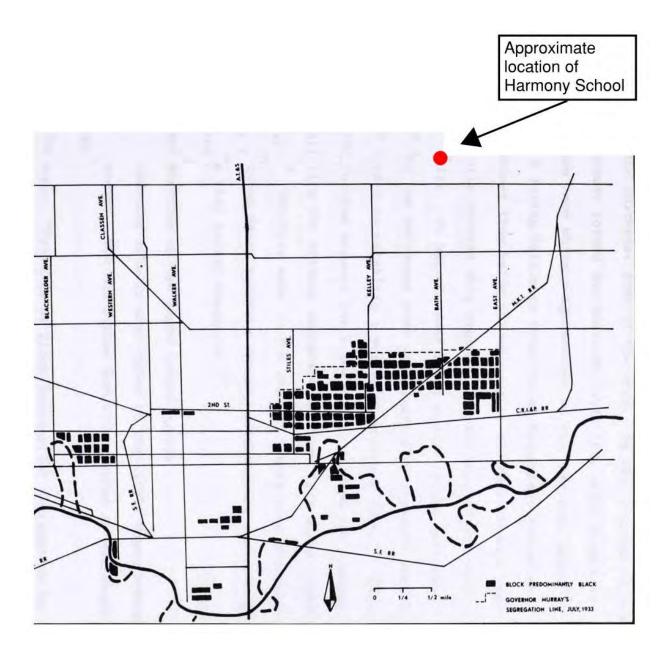
Figure 11: Photograph of Dunbar Elementary School, NRHP #SG100002217 Oklahoma Historical Society. "Dunbar Elementary School." Oklahoma State Historic Preservation Office, Online National Register of Historic Places Database. http://nr2_shpo.okstate.edu/images/SG100002217/SG100002217.jpg (accessed March 2019).



Harmony School
Name of Property

Oklahoma County, Oklahoma County and State

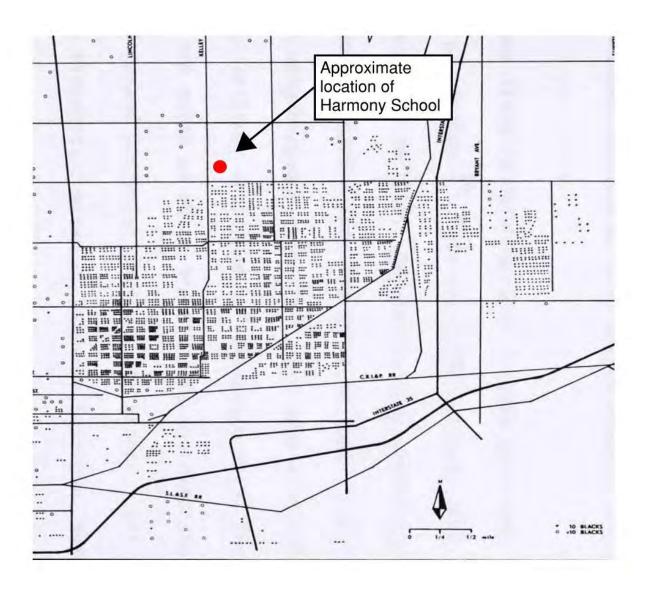
Figure 12: "Black Population Location and Distribution, Oklahoma City, 1930." Edward Jackson Pugh, "Spatial Consequences of Public Policy on the Evolution of the Black Community: A Case Study of Oklahoma City, 1889-1974" (PhD Diss., University of Oklahoma, 1977), 148.



Harmony School
Name of Property

Oklahoma County, Oklahoma
County and State

Figure 13: "Black Population Location and Distribution, Oklahoma City, 1960." Edward Jackson Pugh, "Spatial Consequences of Public Policy on the Evolution of the Black Community: A Case Study of Oklahoma City, 1889-1974" (PhD Diss., University of Oklahoma, 1977), 203.



Harmony School

Name of Property

Oklahoma County, Oklahoma County and State

Figure 14: Excerpt from October 1957 article about Harmony transfer case. Imogene Patrick, "Negroes Ask Entry to Harmony School," *The Daily Oklahoman*, October 8, 1975, 23.

Negroes Ask Entry To Harmony School

By IMOGENE PATRICK

A National Association for the Advancement of Colored People committee Monday protested the refusal of Oklahoma City school officials to transfer seven Negro pupils from an integrated to an all-white elementary school.

The group went before the school board in monthly session Monday afternoon to ask a clarification of the board policy on special transfers.

John Green, attorney for the Oklahoma City NAACP, told the board the children are residents of the Culbertson elementary dis-

trict but live closer to Harmony elementary than to Culbertson.

He complained that a number of white children in the Culbertson district have been granted special transfers to Harmony, although they live a greater distance from Harmony than the Negro pupils requesting transfers.

Oklahoma County, Oklahoma County and State

Photo 1. Southeast corner, facing northwest.



Oklahoma County, Oklahoma County and State

Photo 2. Front entrance detail, facing north.



Oklahoma County, Oklahoma County and State

Photo 3. South wall, facing northeast.



Oklahoma County, Oklahoma County and State

Photo 4. South wall of auditorium addition, facing north.



Oklahoma County, Oklahoma County and State

Photo 5. Northwest corner of auditorium, facing southeast.



Oklahoma County, Oklahoma County and State

Photo 6. Northeast corner of auditorium, facing southwest.



Oklahoma County, Oklahoma County and State

Photo 7. North wall, facing south.



Oklahoma County, Oklahoma County and State

Harmony School Name of Property

Photo 8. North wall, facing south.



Oklahoma County, Oklahoma County and State

Photo 9. Northeast corner, facing southwest.



Oklahoma County, Oklahoma County and State

Harmony School Name of Property

Photo 10. East wall, facing west.



Oklahoma County, Oklahoma County and State

Photo 11. Site and two noncontributing buildings, facing southeast.



Oklahoma County, Oklahoma County and State

Photo 12. Noncontributing building, facing west.



Oklahoma County, Oklahoma County and State

Photo 13. Playground and site, facing northeast.



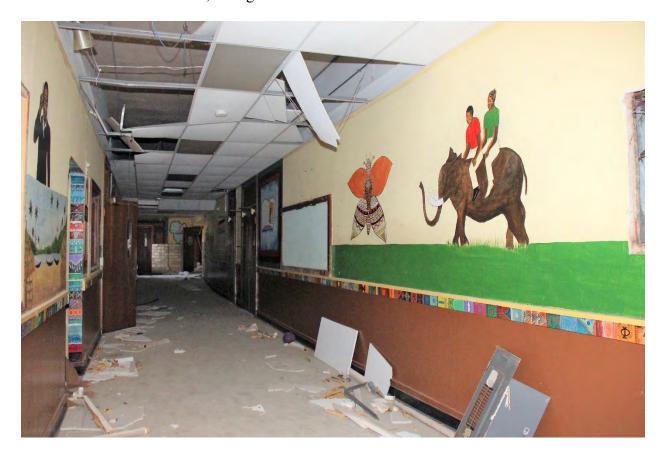
Oklahoma County, Oklahoma
County and State

Photo 14. First floor staircase, facing north.



Oklahoma County, Oklahoma County and State

Photo 15. First floor corridor, facing west.



Oklahoma County, Oklahoma County and State

Photo 16. First floor classroom, facing northeast.



Oklahoma County, Oklahoma County and State

Photo 17. Auditorium, facing south.



Oklahoma County, Oklahoma County and State

Photo 18. First floor staircase, facing northwest.



Oklahoma County, Oklahoma County and State

Photo 19. Second floor corridor, facing west.



Oklahoma County, Oklahoma County and State

Photo 20. Second floor classroom, facing southeast.



Harmony School
Name of Property

Oklahoma County, Oklahoma County and State

Photo 21. Second floor classroom, facing northeast.



Oklahoma County, Oklahoma County and State

Photo 22. Second floor classroom, facing northwest.















































National Register of Historic Places Memo to File

Correspondence

The Correspondence consists of communications from (and possibly to) the nominating authority, notes from the staff of the National Register of Historic Places, and/or other material the National Register of Historic Places received associated with the property.

Correspondence may also include information from other sources, drafts of the nomination, letters of support or objection, memorandums, and ephemera which document the efforts to recognize the property.

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES EVALUATION/RETURN SHEET

Requested Action:	Nomination			
Property Name:	Harmony School			
Multiple Name:				
State & County:	OKLAHOMA, Oklahoma			
Date Rece 10/24/20				: Date of Weekly List:
Reference number:	SG100004742			
Nominator:	Other Agency, SHPO	<u></u>		,
Reason For Review	· · · · · · · · · · · · · · · · · · ·		the second section of the second section of the second section of the second section of the second section sec	
Appea	d :	X PDIL	Text/Da	ta Issue
SHPO	Request	Landscape	Photo	
Waive	r ¦	National	Map/Bo	undary
Resub	omission	Mobile Resource	Period	
Other		TCP	Less tha	an 50 years
		CLG		
X Accept	Return	Reject	12/2/2019 Date	
Abstract/Summary Comments:	Education, Ethnic Heritage sympathetic additions in 1 local example of early twe architects Layton, Hicks & trim and patterned brickwoneighborhood for over 70 local demographics chang the Board of Education's the deasily transfer out of ceinvolving the Harmony Sch	e-Black, Social History-Civil 930 and 1949 (auditorium), ntieth century, modular (un Forsyth, the school feature ork and served as the prima years. The building origina ed, school enrollment was nen discriminatory policies, rtain schools while limiting to nool were among the city's	anal Register Criteria A and C Rights and Architecture. Co the two-story, brick masonry it system) public school designs as retrained Classical Revival ary elementary school for the ally served white students, but challenged by community act specifically the city's transfer the options for African Americal first important civil rights chal fication approved 6/11/2019;	Impleted in 1928, with a building is an excellent gn. The work of styling with cast stone surrounding the 1950s as tivists advocating against a policies allowing whites can students. The cases llenges related to
Recommendation/ Criteria	Accept NR Criteria A an	nd C		
Reviewer Paul L	usignan	Discip	oline Historian	····
Telephone (202)3	54-2229	Date	12/02/2019	V €samentilly annual t

DOCUMENTATION: see attached comments: No see attached SLR: Yes

CERTIFIED LOCAL GOVERNMENT NATIONAL REGISTER NOMINATION REPORT

Note: This report shall be completed for each nomination to the National Register of Historic Places submitted to the State Historic Preservation Office. Each item must be completed. The report form shall be attached to the complete National Register nomination. All comments received from the owner and others must also accompany the report.

1.	Name of	Nominated Property:	Harmony School	I
	Location (Street Address): City: State:		1537 NE 24th	Street
			Oklahoma City	7
			Oklahoma	
	County:		Oklahoma	
2.	CLG Reporting: Contact Person: Title: Address:		Oklahoma City	V
			Katie McLaugh	hlin Friddle
			Preservation O	fficer
			Planning Depa	rtment
			420 W. Main S	Street, Suite 930 OKC, OK 73102
	Telephon	ne:	405-297-3084	
3.	a. Date CLG received the nomination(s):		July 31, 2019	
	b. I	Date Property Owner(s)	notified:	July 31, 2019
	c. I	Date of Public Hearing (if appropriate):	September 4, 2019

4. Recommendations of the CLG (check appropriate item):

Date nomination submitted to SHPO:

Date nomination considered by local review commission:

d.

e.

XXX The chief elected local official and the local review commission agree that the property is eligible for nomination to the National Register of Historic Places.

The chief elected local official and the local review commission agree that the property is <u>not</u> eligible for nomination to the National Register of Historic Places.

September 4, 2019

The chief elected local official considers the property eligible for nomination to the National Register of Historic Places, but the local review commission disagrees.

The local review commission considers the property eligible for nomination to the National Register of Historic Places, but the chief elected local official disagrees.



- 5. Owner(s) Response (check appropriate item):
 - XXX The owner (majority of owners) consent to listing of the nominated property in the National Register of Historic Places.

The owner (majority of owners) object to listing of the nominated property in the National Register of Historic Places.

(Additional comments should appear in this area)

6. Local Review Commission's Statement of Opinion:

The Local Review Commission considers the property

XXX Eligible

Not Eligible

For nomination to the National Register of Historic Places for the following reasons:

The Historic Preservation Commission considered a resolution that was prepared to aid them in their consideration of the National Register nomination at their September 4, 2019 meeting. The resolution was adopted, and the Historic Preservation Commission voted unanimously to recommend Harmony School as eligible for the National Register of Historic Places.

The executed resolution is attached for your reference.

Allan Donner.	
MMMMM.	Signature of Chairman
Allen Brown	Deint d N
September 4, 2019	Printed Name
., 2019	Date

^{*}Add additional pages if necessary

6. Chief Elected Local Official's Statement of Opinion:
The Chief Elected Local Official considers the property
XXX Eligible
Not Eligible
For nomination to the National Register of Historic Places for the following reasons:
The City Council considered a resolution that was prepared to aid them in their consideration of the National Register nomination at their 10/8/2019 meeting. The resolution was adopted, and the City Council and Mayor recommended Harmony School as eligible for the National Register of Historic Places.
The executed resolution is attached for your reference.
Signature of Chief Elected Local Official
Signature of Cities Elected Local Official

David Holt, Mayor

Printed Name

October 8,2019

*Add additional pages if necessary

EXHIBIT "A"

PROPERTY OWNER FORM

Name of Property: Harmony School

Location of Property (Street/City/County): 1537 NE 24th Street

Oklahoma City, Oklahoma County

I, Debbie Sheals , hereby certify that the following constitutes the complete list of owners of record for the property named above. This information was obtained from the Oklahoma County Assessor's Office

Name: Oklahoma City Urban Renewal Authority

Address: 105 N. Hudson, Ste. 101

City: Oklahoma City

State: Oklahoma

Zip Code: 73102

(Signature of Nomination Preparer)

Typed Name and Title: Debbie Sheals

Date: March 28, 2019

Note: If nomination affects multiple property owners, please contact the SHPO's Architectural Historian at 405/522-4478 for details on how to document all property owners.

EXHIBIT "B"

ELECTED OFFICIALS FORM

Name of Property: Harmony School

Location of Property (Street/City/County): 1537 NE 24th Street Oklahoma City, Oklahoma Count

1. For the above referenced property, provide both:

Mayor's Name (if within a city or town): David Holt

Address: 200 N Walker Ave.

City/State/Zip Code: Oklahoma City, OK 73102

AND

Name of Chairman, Board of County Commissioners: Brian Maughan

Address: 320 Robert S. Kerr Ave.

City/State/Zip Code: Oklahoma City, OK 73102

2. The above named property is located in Oklahoma Senate District(s): 48

The State Senator(s)' name(s) and address(es) is (are):

Senator Gorge E. Young 2300 Lincoln Blvd., Rm. 518 Oklahoma City, OK 73105

 The above named property is located within Oklahoma State House of Representatives District(s): 97

The State Representative(s)' name(s) and address(es) is (are):

Representative Jason Lowe 2300 N. Lincoln Blvd., Room 507 Oklahoma City, OK 73105

Note: The above information is used for satisfying federal requirements for notification that properties are being considered for nomination to the National Register of Historic Places and for courtesy notices of listing in the National Register.

OKLAHOMA CITY

URBAN RENEWAL AUTHORITY

Statement of Owner Support

The Oklahoma City Urban Renewal Authority (OCURA), (print or type owner name)

Harmony School (AKA Harmony Elementary School, Marcus Garvey School)
1537 Northeast 24th Street
Oklahoma City, OK 73111

I am aware that One Red Oak, LLC
(applicant name)

will be filing an application for National Register of Historic Places designation and historic tax credits for the above property in 2019. I have no objection to the application.

x Millian Collins (owner signature and date)

Print owner name, mailing address, and phone number below:

Oklahoma City Urban Renewal Authority (OCURA)

Catherine O'Connor, Executive Director.

105 N. Hudson, Suite 101. Oklahoma City, Oklahoma 730102

Phone: 405-235-3771

Email: Cassi.poor@theallianceokc.org



Oklahoma Historical Society State Historic Preservation Office

Founded May 27, 1893

Oklahoma History Center • 800 Nazih Zuhdi Drive • Oklahoma City, OK 73105-7917 (405) 521-6249 • Fax (405) 522-0816 • www.okhistory.org/shpo/shpom.htm

October 22, 2019

Joy Beasley Keeper and Chief National Register and National Historic Landmark Programs National Park Service 1849 C Street NW, Mail Stop 7228 Washington D.C. 20240



Dear Ms. Beasley:

We are pleased to transmit three National Register of Historic Places nominations for Oklahoma properties. The nominations are for the following properties:

Oklahoma National Guard Armory, 200 Northeast 23rd Street, Oklahoma City, Oklahoma County

State Highway Department Testing Laboratory, 2311 North Central Avenue, Oklahoma City, Oklahoma County

Iroquois Apartments, 900 NW 13th Street, Oklahoma City, Oklahoma County

Harmony School, 1537 NE 24th Street, Oklahoma City, Oklahoma County

Three of the five members of the Historic Preservation Review Committee (state review board) were present for the public meeting at which each of these nominations was considered and the recommendation to the State Historic Preservation Officer was formulated. Therefore, the member possessing the requisite professional qualifications for evaluation of each nominated property participated in the recommendation's formulation.

We look forward to the results of your review. If there any further questions regarding the nominations, please do not hesitate to contact me.

Sincerely.

Lynda Ozan

Deputy State Historic Preservation Officer

*Enclosures

Dowell v. School Board of Oklahoma City Public Schools, 219 F. Supp. 427 (W.D. Okla. 1963)

U.S. District Court for the Western District of Oklahoma - 219 F. Supp. 427 (W.D. Okla. 1963) July 11, 1963

219 F. Supp. 427 (1963)

Robert L. DOWELL, an infant, who sues by A. L. Dowell, his father and next of friend, Plaintiff,

 \mathbf{V}_{\bullet}

The SCHOOL BOARD OF the OKLAHOMA CITY PUBLIC SCHOOLS, et al., Defendants.

Civ. No. 9452.

United States District Court W. D. Oklahoma.

July 11, 1963.

U. Simpson Tate, Wewoka, Okl., and E. Melvin Porter, Oklahoma City, Okl., *428 for plaintiff. John Green, Oklahoma City, Okl. (now Asst. U. S. Atty.), was originally one of attorneys for plaintiff.

Walter A. Lybrand and Max G. Morgan, Oklahoma City, Okl., for defendants.

BOHANON, District Judge.

The plaintiff, Robert L. Dowell, a Negro minor, brings this action through his father and next of friend, Dr. A. L. Dowell, alleging that they, and the members of the class of persons whom they represent who are similarly situated because of their race and color, are members of the Negro race as defined by Article XIII, Section 3, Constitution of Oklahoma, and Title 70, Oklahoma Statutes, Section 5-2, Oklahoma School Code. That the Board of Education is a body corporate, made so by the laws of Oklahoma, Title 70, O.S. Section 4-5. The jurisdiction of the Court is invoked pursuant to the provisions of Title 28 United States Code Section 1343(3), being a suit in equity authorized by law, Title 42 United States Code Section 1983, and is being brought to redress the deprivation under color of law, statutes, regulations, customs and usages of a state of rights, privileges and immunities secured by the Constitution and the laws of the United States. Further jurisdiction of the Court is invoked by Title 28 United States Code Sections 2281 and 2284, being a civil action for a permanent injunction

to enjoin and restrain the enforcement, operation and execution of state statutes by restraining and permanently enjoining the defendants respectively as Superintendent and Assistant Superintendent, Members of the School Board of Oklahoma City, and agents of the State of Oklahoma, from enforcing such statutes and from promulgating or enforcing any order made by them, or any of them, pursuant thereto. The rights sought to be secured by this action are the rights guaranteed by due process and equal protection clause of the 14th Amendment, Section 1, of the United States Constitution and rights protected by the provisions of Title 42 of the United States Code Sections 1981 and 1983, and the plaintiffs have been and are now and are threatened to be denied rights by the state as are enjoyed by white citizens similarly situated. That a statutory three-Judge Court be assembled and that upon the trial hereof the Court issue an order, judgment and decree that will declare the provisions of Section 5, Article I, Constitution of Oklahoma, and statutes requiring segregation, unconstitutional and void. That the defendants, and each of them, be permanently enjoined and restrained from operating and maintaining a dual, biracial system of racially segregated schools, and from promulgating, issuing and enforcing against this minor plaintiff and any member of the class of persons he represents who are similarly situated because of race or color, any rule or regulation that will deny him or them the right to admission to public schools within the defendant school district on the same basis as if they were members of the white race.

To this charge the defendants specifically deny that any act of any defendant toward or in connection with the minor plaintiff or any other pupil has been done on a discriminatory basis of race or color, contrary to the provisions of the Constitution or the laws of the United States, or that the defendants, or either of them, have acted under any unlawful policy, practice, custom or usage of making assignments to schools within defendants' school district or any thing to or in regard to any pupil for the purpose of resorting, instituting or perpetuating the unlawful practice of racial segregation in the schools under the control of the defendants or unlawfully deny any pupil any right because of said pupil's race or color. That the defendants agree that the Oklahoma Constitutional provisions and statutory provisions complained of by the plaintiff are unconstitutional and void and that the defendants have not operated under the provisions thereof, and deny that under the facts and the law the convening of a three-Judge Court as prayed for by the plaintiffs is proper.

Judge A. P. Murrah, Chief Judge of the United States Court of Appeals, Tenth Circuit, on the 11th day of October, *429 1961, did constitute a three-Judge Court composed of Chief Judge A. P. Murrah, of the Tenth Circuit Court of Appeals, the Honorable Luther Bohanon, and the Honorable Fred Daugherty, Judges of the Eastern, Western and Northern Districts of the State of Oklahoma.

On the 3rd day of April, 1962, the three-Judge Court, duly assembled, did hear testimony and evidence concerning this action. Thereafter, and on the 10th day of July, 1962, the Court entered its Order Dissolving the three-Judge Court, saying:

"The real question posed by the pleadings is the application by the defendant of Section 4-22 of Title 70, Oklahoma Statutes. The plaintiff admits that this section is constitutional on its face but contends that it is unconstitutionally applied. To which the defendant states that all actions taken by them are under the authority of this statute only and that it is not being and has not been unconstitutionally applied. The evidence shows that the plaintiff comes from a dependent school district where there is no high school, into the defendants' school district, and made his election to attend Douglass High School. After attending Douglass High School for one year, he then made application to be

transferred from Douglass High School to Northeast High School because a course of study offered at Northeast High School was not available at Douglass High School, and this transfer was permitted on the condition that the plaintiff enroll in the course of study and diligently pursue the same. The evidence failed to show that the above mentioned statute is or was unconstitutionally applied by the defendants."

Saying further:

"It is always the duty of any Court to inquire into its jurisdiction * * and in view of what has been set forth this Court holds that it is without jurisdiction, and is of the opinion that the subject matter of this lawsuit is properly one for determination by one Judge. The case having been originally assigned to Honorable Luther Bohanon, District Judge, it is hereby re-assigned to him for further proceedings, and this three-Judge statutory Court is hereby dissolved."

The records disclose that numerous motions were filed by the parties, hearings and pretrial conferences conducted, and the Court granted other persons the right to intervene, namely, Edwina Houston and Gary Russell, and on the 6th day of March, 1963, a final Pretrial Order was made, wherein the issues to be tried were defined generally as follows:

1. PLAINTIFFS' ISSUES AND CONTENTIONS shall be:

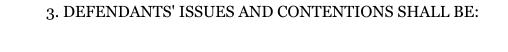
I. That defendants have adopted and are enforcing a student transfer policy that discriminates against plaintiffs and the class of persons that they represent on the basis of their race.

II. That Negro pupils who seek transfers from the Douglass High School to other high schools within the Oklahoma City School District meet and are faced with conditions and limitations that are not met and faced by white pupils within the school district who seek transfers to the same school or schools from the attendance area in which they live.

III. That the plaintiffs Robert L. Dowell and Vivian Dowell, his sister, and Edwina Houston and Gary Russell, were discriminated against unlawfully by having had to meet and *430 face these conditions and limitations, when they sought to transfer from one school to another.

IV. That Negro pupils meet and are faced with a different set of conditions and limitations when they seek to transfer from a school in which their race is in the minority to one where their race is in the

majority than they meet and face when they seek to transfer from a school in which their race is in the majority to one where their race is in the minority.
V. That principals, teachers, clerical, administrative, supervisory, custodial and maintenance employees are assigned to buildings and class rooms on the basis of their race and the race of the students that constitute the majority of the student body of the school or schools to which assignments are made.
VI. That the Douglass High School attendance area has been gerrymandered so as to include a disproportionate number of Negro high school pupils, and to include a "feeder" Junior High School and all or most of the elementary schools at which Negro children constitute a racial majority in the attendance area.
2. PATTERNS OF RACIAL DISCRIMINATION as evidence of the practice:
I. Inequities in transfer policy as applied;
II. The number of segregated school buildings with completely racially segregated faculty, staff and student bodies;
III. The number of Negro children attending schools with integrated faculties, staffs and student bodies;
IV. The extent of racial segregation in curricular and extra-curricular activities;
V. The practice of operating racially segregated school busses over the same or substantially the same routes.
VI. That the defendant board of education has no plan for the furtherance of integration or desegregation.



I. STIPULATION: On Policy

"It is stipulated and agreed by and between the parties hereto by their respective counsel that it is the policy of the Board of Education of the Oklahoma City Public Schools, Independent School District No. 89, Oklahoma County, Oklahoma, that it is the policy of the said school board to consider, pass upon and to practically always grant the applications of parents for the transfer of their children from schools where the children's race is in the minority to a school or schools solely of the child's race or in which the child's race is in the majority."

II. They will contend that this is not racial segregation and that it does not infringe the constitutional rights of any child.

*431 III. That by their Resolution of 1955, the Board attained complete desegregation and that having done this it is neither necessary nor proper for the Board to have or now present a plan for desegregation.

IV. They will deny that there has been any gerrymandering in the laying out of, or defining, limiting or delimiting of school attendance areas.

V. They will contend that they have not granted transfers on the basis of race and they will contend that race must be taken into consideration in making transfers because race is always there.

VI. They will contend that the evidence introduced shows that the defendants have complied with the Brown desegregation decision by abolishing segregation in the defendant schools in 1955, and therefore they are denying no one any constitutional right and the burden is now on plaintiffs to overcome this showing and further to prove facts showing defendants now, at this time, are committing acts intended to or which do restore the defendants' schools to the status of segregated schools, or are intended to, or do, deprive some person wrongfully of a constitutional right.

I. All testimony, exhibits and stipulations previously heard and entered herein may be used as part of the record, in whole or in part and the parties may call such additional witnesses as may give relevant and material evidence in support of the issues here involved.

II. Any document, paper, letter, report, or directive made by the defendant Board of Education is admissible herein upon proper verification or by photographic copy.

On the 10th day of May, 1963, the Court began the hearing of testimony and evidence, which will be hereinafter treated at length. However, at this point, the Court should take some time to explain the factual circumstances surrounding segregation. It should be remembered that Oklahoma was admitted into the Union in 1907 as what is commonly known and called a "Jim Crow State," being an expression having to do with the law that was common among southern states requiring the separation of white and Negro people in public vehicles and places of resort, and at all times since Statehood the Oklahoma School District was completely and fully segregated. The Constitution of Oklahoma, Article XIII, Section 3, reads:

"Separate schools for white and colored children. Separate schools for white and colored children with like accommodation shall be provided by the Legislature and impartially maintained. The term `colored children,' as used in this section, shall be construed to mean children of African descent. The term `white children' shall include all other children."

The Legislature implemented the above provision of the Constitution with the following legislative provisions:

TITLE 70, O.S.

"§ 5-1. Separation of races Impartial facilities. The public schools of the State of Oklahoma shall be organized and maintained upon a complete plan of separation *432 between the white and colored races with impartial facilities for both races."

"§ 5-2. Definitions. The term `colored,' as used in the preceding section, shall be construed to mean all persons of African descent who possess any quantum of negro blood, and the term `white' shall include all other persons. The term `public school' within the meaning of this Article shall include all schools provided for or maintained, in whole or in part, at public expense."

"§ 5-3. Separate school defined Designation Membership of district board. The separate school in each district is hereby declared to be that school in said school district of the race having the fewest

number of children in said district. Provided, that the county superintendent of schools shall have authority to designate what school or schools in the school district shall be the separate school or schools and which class of children, either white or colored, shall have the privilege of attending such separate school or schools in said school district. Members of the district school board shall be of the same race as the children who are entitled to attend the school of the district, not the separate school."

"§ 5-4. Teacher permitting child to attend school of other race. Any teacher in this State who shall willfully and knowingly allow any child of the colored race to attend the school maintained for the white race or allow any white child to attend the school maintained for the colored race shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and his certificate shall be cancelled and he shall not have another issued to him for a term of one (1) year."

"§ 5-5. Maintaining or operating institution for both races. It shall be unlawful for any person, corporation or association of persons to maintain or operate any college, school or institution of this State where persons of both white and colored races are received as pupils for instruction, and any person or corporation who shall operate or maintain any such college, school, or institution in violation hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and each day such school, college or institution shall be open and maintained shall be deemed a separate offense."

"§ 5-6. Teaching an institution receiving both races. Any instructor who shall teach in any school, college or institution where members of the white and colored race are received and enrolled as pupils for instruction shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense, and each day any instructor shall continue to teach in any such college, school or institution shall be considered a separate offense."

"§ 5-7. White person attending institution receiving colored pupils. It shall be unlawful for any white person to attend any school, college, or institution where colored persons are received as pupils for instruction, and anyone so offending shall be fined not less than five dollars (\$5.00) nor more than twenty (\$20.00) for each offense, and each day such person so offends as herein provided shall be deemed a distinct and separate offense: Provided nothing in this Article shall be construed as to prevent any private school, college or institution of learning from maintaining a separate or distinct branch thereof in a different locality."

*433 "§ 5-8. Support and maintenance of separate schools. The annual budget of each school district maintaining separate schools for white and colored children shall provide for the support and maintenance of both the school or schools for the white children and the school or schools for the colored children."

"§ 5-11. Transfer of pupils. When any school district having both white and colored children of school age does not maintain schools for both races, the county superintendent of schools shall transfer the children of the race for which a school is not maintained to a school of their own color in another district when the same can be done with the consent of their parents, guardians, or custodians, or without such consent when such children can be transferred without compelling them to walk more than one and one-half (1½) miles to attend such school; provided, that such children may be required to travel more than one and one-half (1½) miles when proper provision is made for the transportation of such children, and the consent of the parents, guardian, or custodian of any child being required to travel more than one and one-half (1½) miles shall not be required when such transportation is furnished."

The foregoing Oklahoma Constitutional provision and statutory provisions are unconstitutional, null and void, and are unenforceable. Brown v. Board of Education of Topeka, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (May 17, 1954). And such laws shall not be used in the future in any degree to form the basis of any school policy or operation, nor shall the custom and tradition created out of the use of these unconstitutional laws form the basis of any policy or the operations of the defendant school system.

In addition to the quoted laws demanding and providing for segregation, when new additions were added to the cities and towns of Oklahoma, it was generally the practice of the developers to provide in the plats restrictive covenants on lands used for new homes or dwelling places, prohibiting the sale of lands or lots or the ownership by persons of the Negro race. These restrictive covenants also generally provided some penalty for an attempt to violate them. In the case where lands or lots were sold at a tax sale in Oklahoma, these restrictive covenants survive the sale. 68 O.S.A. Section 456 in part provides:

"Whenever in any incorporated city or town, or addition or subdivision thereto or thereof a deed in the chain of title shall contain restrictions and covenants running with the land * * * said restrictions and covenants shall survive and be enforceable after the issuance of a resale or certificate tax deed * * *."

Since Shelley et ux v. Kraemer, et ux, 334 U.S. 1, 68 S. Ct. 836, 92 L. Ed. 1161, and Hurd v. Hodge, 334 U.S. 24, 68 S. Ct. 847, 92 L. Ed. 1187, these restrictive covenants have been unenforceable in the Courts. These cases in effect hold that such restrictive covenants based on race or color standing alone do not violate the 14th Amendment so long as the purposes of the covenants are effectuated by voluntary adherence thereto, but that it is a violation of the equal protection clause of the 14th Amendment for State Courts to enforce the same. Oklahoma now, of course, follows this rule; Correll v. Earley, 205 Okl. 366, 237 P.2d 1017.

Thus one of the barriers to Negroes owning property anywhere in the city has been eliminated.

The residential pattern of the white and Negro people in the Oklahoma City school district has been set by law for a period in excess of fifty years, and residential pattern has much to do with the segregation of the races. To understand the situation more clearly, it must be pointed out that the east and southeast portion of the original City of Oklahoma City was Negro, and all other sections and districts of the original city of Oklahoma City were occupied by the white race. Thus the schools for Negroes have *434 been centrally located in the Negro section of Oklahoma City, comprising generally the central east section of the City. Following the United States Supreme Court decision of Brown v. Board of Education of Topeka, Kansas, May 17, 1954, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873, and Brown v. Board of Education of Topeka, Opinion and Judgment announced May 31, 1955, 349 U.S. 294, 75 S. Ct. 753, 99 L. Ed. 1083, the Oklahoma School Board for the first time was confronted with the duty of desegregating the segregated policy of law, of custom and tradition for a period of fifty years.

The problem confronting the Oklahoma City School Board was one of long standing, requiring a complete disregard of the old, unjust and unreasonable laws relating to the rights of the Negro citizens. The patrons of the School District had lived under a dual school system and the children's residential areas were fixed by custom, tradition, restrictive covenants and laws. The Negro people had been segregated so completely in their residential pattern that it was difficult to determine what way, method and plan would be first adopted and carried out and what progressive plans should be adopted and carried out in the future. The Negroes of the Oklahoma City School District had before them a new day new rights which had for years been denied them new hopes and new expectations. The Negroes lived in great anticipation of mixed schools of Negroes and whites, to the extent that the Negro race will be considered equal in all things and in all manners to the white race with reference to the education of children.

The first tangible evidence was the Resolution passed by the Oklahoma City School Board on August 1, 1955, which reads as follows:

"It was moved by Mr. McCoy and seconded by Mr. Thompson to approve the adoption of the following policy concerning integration and make it a matter of record. Motion carried on roll call, and all members voted Yea."

"Statement Concerning Integration "Oklahoma Public Schools "1955-1956

"August 1, 1955

"All will recognize the difficulties the Board of Education has met in complying with the recent pronouncement of the United States Supreme Court in regard to discontinuing separate schools for white and Negro children. The Board of Education asks the cooperation and patience of our citizens in its compliance with the law and making the changes that are necessary and advisable. This action requires the Oklahoma Board of Education to change a system which has been in effect for centuries and which is desired for many of our citizens.

"Boundaries have been established for all schools. These boundaries are shown on a map at the City Administration Building and maps are being distributed to each school principal. These new boundaries conform to the policies always followed in establishing school boundaries. They consider natural geographical boundaries, such as major traffic streets, railroads, the river, etc. They consider the capacity of the school. Any child may continue in the school where he has been attending until graduation from that school. Requests for transfers may be made and each one shall be considered on its merits and within the respective capacity of the buildings."

Otherwise the record is void of any tangible evidence of any other action, in writing or oral, the School Board has taken to integrate the public schools of Oklahoma City. At the time of the foregoing resolution, certain new school boundaries were established. Many white families moved out of the east central area and many Negro families moved in to the area. The white families who remained in the area were permitted to transfer their children from their school attendance areas because of the Negro race to areas where the white *435 race was predominant. The Court has searched the record carefully and finds no tangible evidence to show the defendants have made a good faith effort to integrate the public schools of Oklahoma City beyond the August 1, 1955 resolution, notwithstanding eight years have now passed, which is more time than necessary within which to begin to adjust the inequities which have existed unnecessarily so long, and the record is void of any evidence to indicate that the defendant School Board will make any improvement in the future. The Court recognizes that about the year 1955 there was permitted inter-school athletic activities without regard to race.

The testimony shows that Dr. Dowell, the father of Robert Dowell, prior to 1959, lived in the Oklahoma City School District. Thereafter he moved to 2700 North Bryant, which is across the street from the Oklahoma City School District, otherwise known as Independent School District No. 89. At his new address he was in a Dependent School District, known as D-45, and by reason of his change in residence his elementary school became the Pleasant Hill School District, which was an integrated school. Robert Dowell became eligible for high school studies, filed his application with the Oklahoma County Superintendent of Schools for a transfer to high school in the Oklahoma City School District Independent No. 89. Under Oklahoma Statutes a parent living in a dependent school district need only file an application with the County Superintendent setting forth that in his district there are no high schools. The County Superintendent then certifies the child of the parent to an independent school district, and in this case it was the Oklahoma City School District No. I-89, and by law the child is entitled to go to a high school in the independent school district. In this case the transfer was made and Robert Dowell enrolled for the year 1960-61 in Douglass High School, which is a totally segregated high school having an attendance of approximately 1800 students, located in east central Oklahoma City. Dr. A. L. Dowell testified that he made no election for his son to go to Douglass High School but that he was sent to Douglass by the Oklahoma City School Board. The Oklahoma City School Board authorities testified that Robert Dowell made a choice and election to go to Douglass High School for the year 1960-61. In May 1961 Dr. A. L. Dowell made application to the County Superintendent that his son be transferred to the Oklahoma City School District for the year 1961-62, which application was granted by the Oklahoma County Superintendent, and thereafter called upon the Assistant Superintendent of Schools, M. J. Burr, requesting permission for his son, Robert Dowell, to attend Northeast High School, stating that it was a better school than Douglass High School and that other Negro children from Pleasant Hill School District and white children from Pleasant Hill School District had been permitted to go to Northeast High School during the year 1960-61, and that his son should have the same privilege. The Assistant Superintendent, M. J. Burr, declined the application, saying the request was without merit. Thereafter Dr. Dowell and his attorney appeared before the Superintendent of Schools, Dr. Jack Parker,

and explained and urged his request for his son to attend Northeast High School during the year 1961-62, and after a considerable discussion Dr. Jack Parker suggested that if Robert Dowell would take an electronics course of study offered at Northeast and not offered at Douglass, this could form a basis upon which a transfer could rightfully be made, and Dr. Dowell was invited to appear before the School Board and present his request, which on September 5, 1961, Dr. Dowell and his attorney did appear before the School Board and explained the desire to have the son enrolled in Northeast High School. After a considerable discussion the Oklahoma City School Board went on record concerning the special transfer of Robert Dowell and on that day passed the following motion:

"Mr. John Green, attorney, and Dr. Alfonzo L. Dowell, a resident of *436 Pleasant Hill School District, appeared before the Board and discussed the transfer situation of Dr. Dowell's two children. The Board indicated that the transfer situation of the 7th grade girl was settled by precedent and by statute.

"It was moved by Mr. Thompson and seconded by Mrs. Welch that if the boy enrolled in the electronics course and continued to pursue it diligently, he can go to Northeast High School. Upon roll call, all members present voted Yea."

In due time young Robert Dowell appeared before Lederle J. Scott, principal of Northeast High School, and was prepared to enroll. Mr. Scott painted a very dark and doubtful picture to young Dowell with reference to enrolling in an electronics course and pointed out many hazards that might befall him should he undertake the course. Generally the discussion was such as to put fear into Robert Dowell as to the wisdom of taking the course and so enrolling. The evidence indicates that the young boy had the feeling of regardless of how hard he worked he would be met with reprisals to the extent that he should not undertake to enroll in Northeast High School, and after his conference with Mr. Scott he temporarily abandoned his desire to go to Northeast High School but instead enrolled in Bishop McGuiness High School, a Catholic High School in north central Oklahoma City. The boy did want to enroll at Northeast and be excused from taking the course in electronics, but was not permitted to do so. Thereafter this lawsuit was instituted on the 9th day of October, 1961.

Mr. Scott testified that M. J. Burr, Assistant Superintendent of Schools, was in Charge of Research and Statistics under the direction of the Board of Education and that students coming from outside the district, such as Pleasant Hill School District, the determination as to what school the boy should attend is made by Mr. Burr, and it is he who determines who will attend Northeast High School or any other school. That it is Mr. Burr who makes up a list of children from dependent school districts and assigns the students to the schools he deems most appropriate for the student. Mr. Scott testified that there were at that time 45 Negroes at Northeast High School. There was a total enrollment of 1,215 in Northeast High School. That John Mike Jones and James Robert Trotter were enrolled in Northeast High School and that they were both from Pleasant Hill Dependent School District, and that they attended Northeast High School without being required to take electronics. That there were at that time 260 legally transferred students attending Northeast High School from other dependent school districts, such as Pleasant Hill District, who were not required to take electronics or other special courses.

The record is clear that young Robert Dowell attended Douglass High School during the school year 1960-61, and the Court finds that such attendance was from an assignment made by M. J. Burr, assigning young Robert Dowell to Douglass High School as the school he most probably would attend. That no oral or written information was ever given to Robert Dowell or his parents that if Robert Dowell enrolled in Douglass High School that would become his permanent high school home, and that he could not transfer therefrom without a scholastic transfer reason. The transfer problem confronting Robert Dowell is not a written policy of the School Board, and is one based upon special usage by the School Board.

Mr. M. J. Burr, Assistant Superintendent of Oklahoma City Schools, testified:

"Q How many special transfers does your office handle in your district each year, approximately?

"A I'd have to guess at it, sir. I imagine around four to five thousand.

"It probably started back years ago. I don't know when. But these students normally enroll *437 at a school adjoining them or nearest them, or their choice, so to speak, and we do not assign these children to a school. We merely notify the school that this child has been legally transferred by the County Superintendent and therefore is eligible to attend the Oklahoma City Public Schools, and is eligible to attend this particular school.

* * * * * *

"Now normally the students that live out west will present themselves to Northwest. Those at Millwood would present themselves to Harding or Northeast; those from Harrison always present themselves to Douglass.

"So we send a list of legal transfers that has been approved by the County Superintendent's office to the schools that we think they will probably appear.

"Now not knowing where they are going to be, it is not unusual at all for us to have a call from a principal and say that a certain student has appeared, stating that they are out of the district and wanting to know if they have been legally transferred. We look at our list from the County Superintendent's office and report `Yes, they have been transferred. It's okay to enroll them.' And it is not an assignment. It's merely a permissive statement from our office that they are eligible to enroll in the Oklahoma City Public Schools. * * *"

Plaintiff submitted interrogatories to Dr. Jack F. Parker, Superintendent of the Oklahoma City School Board, which gave the following pertinent data:

The number of school buildings in the Oklahoma City School District that had all-Negro enrollments for the school years:

	1954-55	and	1961-62
Elementary	9		11
Junior High	1		1
Senior High	1		1

The number of school buildings in the Oklahoma City School District that had all-White enrollments for the school years:

	1954-55	and	1961-62
Elementary	68		65
Junior High	7		5
Senior High	7		7

The number of Negro students that attended public schools under Dr. Parker's supervision and control that had racially integrated student bodies for the school years:

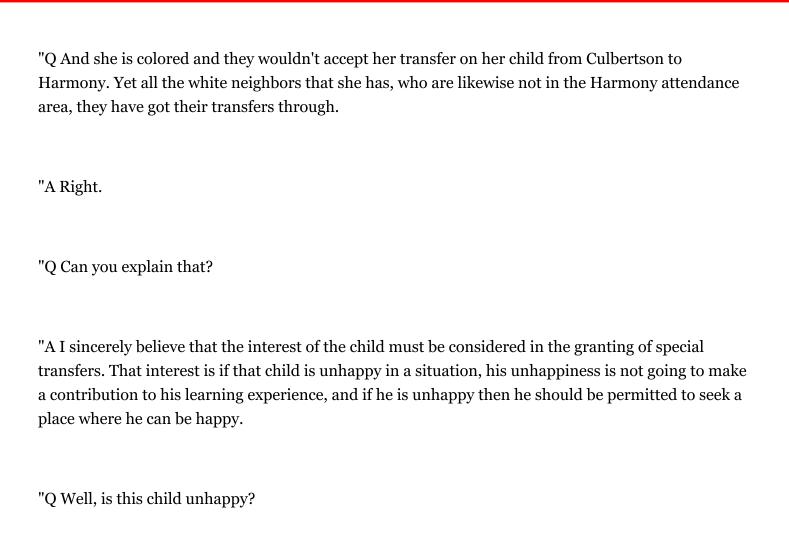
	1954-55	and	1961-62
Elementary			733
Junior High			
	> 0		470
Senior High			

That the number of white high school transfer students out of the Douglass High School area for the school year 1962-63 were 98 and the Negro transfers out of other high school areas to the Douglass High School was 11, or a total of 109. The transfer of white children from elementary schools living in the Douglass area to white schools was 168. There were no white students of high school age and grade who lived in the Douglass High School area that attended Douglass High School for the years 1954-55 through and including the year 1962-63.

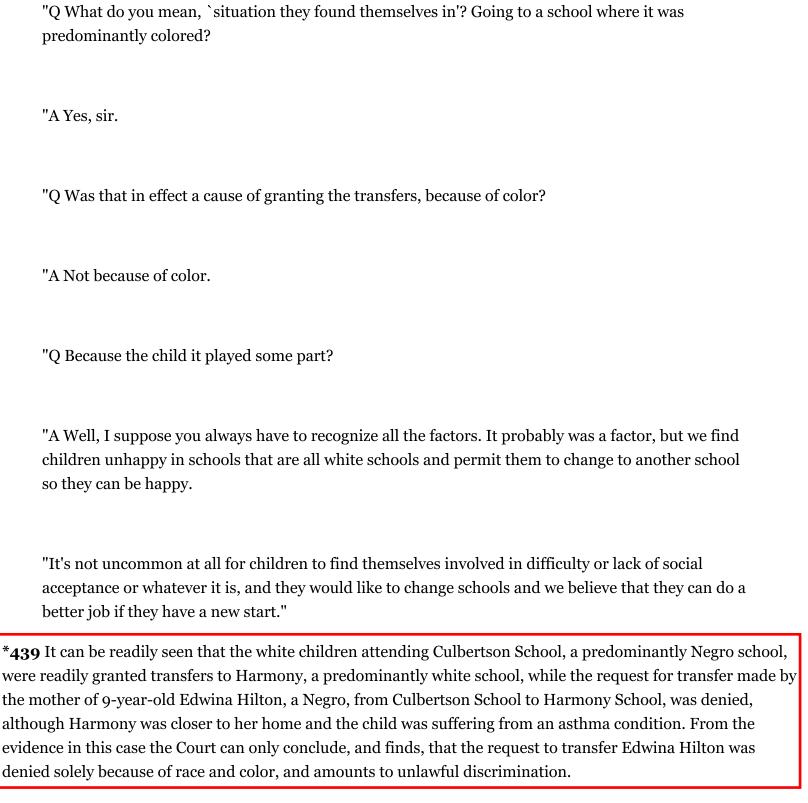
In the school year 1954-55 there were 5,477 Negroes attending only Negro schools and 45,778 white students attending only white schools, and in the school year 1961-62 there were 8,939 Negro students attending only Negro schools and the same year there were 54,299 white students attending only white schools. During the school year 1954-55 there were no Negro teachers assigned to teach white students in the white schools or white and Negro schools *438 where the white students were predominant and the same was true for the year 1961-62 and all years in between. In the year 1955-56 no white teachers were assigned to teach in schools where a majority of the students were Negroes. However, as an example, Lincoln Elementary School, after the Resolution

of August 1, 1955, and the re-districting of that school area, became a predominantly Negro school body with white principal and white teachers, and for a period of eight years this school has been supervised by white faculties to the exclusion of any Negro faculty members. This school is perhaps the outstanding example of non-integration of faculty members.

In the case of Mrs. Gloria Bruse, who lives at 2133 North Kelham, and in the Culbertson Elementary School District, whose 9-year-old daughter, Edwina Hilton, wanted to go to Harmony Elementary School, which was only three blocks away, because of asthma condition, two of her neighbor children, who were white children, transferred from Culbertson Elementary School to Harmony without trouble or difficulty on the basis that they were transferring out of a predominantly Negro school to a predominantly white school, and the Gloria Bruse request to transfer her little Negro girl from Culbertson to Harmony was rejected and denied, and of this situation Mr. Scott was questioned:



"A They evidently were or they wouldn't have gone and I don't mean this sarcastic, but it is proof enough for me that when the parents go to the trouble of going to two different schools perhaps, and coming to my office and saying, `We would like to change schools,' that I think that is sufficient grounds to feel that they are not happy and are unsatisfied, not satisfied with the atmosphere in which they find themselves; and I feel that they shouldn't be forced to remain in a situation where they are not happy and can't do their best learning.



The Court finds and concludes that Robert Dowell's request for transfer from Douglass High School to Northeast High School was denied and refused because of his race and color. The testimony is clear that if he had presented himself originally to Northeast High School he may or may not have been admitted (testimony of Mr. M. J. Burr). The School Board takes the position in answer to the complaint that Robert Dowell had elected Douglass High School as his home school and that he could not transfer from that school without the willingness to take a course in electronics at Northeast High School. That such a requirement is unfair, is unjust and is not in keeping with the policy of the School Board in transfers of white students. Robert Dowell's application to attend Northeast High School for the year 1961-62 should have been granted, and the Court finds that inasmuch as it was not granted, that the Court should now enter an order to the effect that should young Robert Dowell present himself to Northeast High School for school attendance during the year 1963-64 that his presentation and

application shall be accepted and that he then and there be enrolled in such courses as he may elect to take as any other student and without any requirements other than the usual requirements placed upon other students in the same class and grade from the school district. It is unescapable from this evidence that the School Board and the school officials, particularly M. J. Burr, did not act in good faith but with a desire to perpetuate a dual school system in requiring this negro boy, and no doubt others similarly situated, to continue his course of study at Douglass, notwithstanding 98 white students in the Douglass area had been transferred to Northeast without any scholastic course requirements whatsoever. In addition, the record is clear that Douglass High School is one of the largest high schools from the standpoint of student attendance in the entire Oklahoma City school system, having an enrollment of 1820, with numerous temporary or portable or classroom facilities as against Northeast High School with a high school enrollment of 1215 students, and there is no evidence of any temporary or portable school facilities at Northeast. It appears that because of the pressure which was placed upon the Superintendent of Schools and the School Board they elected to qualifiedly approve the transfer conditioned upon Robert Dowell's enrolling and taking a course in electronics and pursuing that course diligently, and when he presented himself to Mr. Scott, the principal of Northeast High School, he was denied enrollment, as the Court views it, on the basis that he was wholly unqualified to take the course. If this had been a fact, then it is the belief that Dr. Jack Parker, the Superintendent of Schools, knew this fact even before the Board passed upon the application. Dr. Parker and the Board, having approved the enrollment, it appears to the Court that it then became the duty of Mr. Scott, principal of Northeast High School, to accept the enrollment in good faith and in the spirit of co-operation and to extend to Robert Dowell every assistance possible to encourage and not discourage the student in his new endeavor. But this is not the case. Young Robert Dowell was discouraged to the point of distraction. He is bound to have left Northeast High School with a complete conviction that because of his race he was completely rejected, and the Court is of the belief and opinion that he was rejected solely because of his race.

*440 With reference to Vivian C. Dowell, Plaintiff's Exhibit 14 clearly shows that her patron application for transfer from District No. D-45 to District I-89 was never approved by the County Superintendent of Schools and therefore her request for admission is denied as a matter of law. It is noteworthy that Dependent School District 45 did provide a common school for the class and grade below high school for Vivian C. Dowell.

The evidence with respect to Gary Russell's request for transfer to Central High School does not indicate the reason for the denial of his request. Furthermore, the Russell boy did not live in the Central High School attendance area, and there is no good cause shown why his request for transfer should have been granted. His request for relief is therefore denied.

The next phase of this case is concerned with the special transfer policy of the School Board. The plaintiffs complain that the School Board has followed a practice of nonintegration by permitting and allowing students of elementary, junior high and senior high school to transfer when such students may be attending school wherein their race is in the minority to a school where their race will be in the majority, based solely upon the ground that the student is unhappy in attending the school under such circumstances and transfers will be made when the parents and the School Board believe it would be in the best interest of the student to make such transfer. From the record this is and has been the policy of the School Board at all times since the opinion in the Brown cases, supra, and it is claimed to be based upon the premise that it is for the best interest of the student and the best interest of the school system.

Title 70, O.S.A. Section 4-22 in part provides:

"The board of education of each school district shall have the power to elect its own officers; to make rules and regulations, not inconsistent with the law or rules and regulations of the State Board of Education, * * * to maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district; to designate the schools to be attended by the children of the district; * * *."

Acting, no doubt, under the provisions of the above statute, the defendant School Board at a meeting on April 10, 1963 formally adopted a policy with reference to Special Transfers of students. This policy, Defendant's Exhibit 1, is set forth verbatim, as follows:

"The attorney for the District advises that it being necessary, he made the following statement of part of the Board's policy on transfers as follows and asks that this be confirmed or corrected:

"`It is the policy of the school board to consider, pass upon and to practically always grant the applications of parents for the transfer of their children from schools where the children's race is in the minority to a school or schools solely of the child's race or in which the child's race is in the majority providing that transfers under policy last above described be granted only when it is the opinion of the parents of the child and the district that such transfer is necessary for the best interest of the child as a pupil.'

"The Board finds that this is a fair statement of this portion of the Board's past and present policy, and the Board is advised and believes that this portion of its policy has been so administrated by the personnel but in some cases no clear written record was kept and therefore it is ordered that in the future no special transfer shall be granted unless the reason for the transfer is stated on the application therefore and further that no such transfer shall be granted unless in the opinion of the parent and the proper representative of the district such transfer is necessary *441 for the forwarding of the best interest of the child as a pupil."

The policy set forth in this resolution is the same policy the School Board had followed at all times since 1955. There can be no argument but that such a policy is designed to perpetuate and encourage segregation, and not a good faith effort to integrate the public schools as required by the United States Supreme Court. The Court made it clear that in the field of public education, separate but equal are inherently unequal and hence violates the Constitution. Those school authorities throughout the country who had operated separate schools were instructed to implement desegregation in good faith, with all deliberate speed. The unanimous Court, speaking through Chief Justice Warren, declared that segregation of Negro children, especially in their formative years, "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." 347 U.S. 494, 74 S. Ct. 691, 98 L. Ed. 873.

The Court further emphasized the necessity of giving those minority group children the opportunity for extensive contact with other children at an early stage in their educational experience, finding such contact to be indispensable if children of all ages of all races and creeds were to become inculcated with a meaningful understanding of the essentials of our democratic way of life. The benefits inherent in an education in integrated schools are essential to the proper development of all children. The Constitution imposes upon the Board of Education the duty to end segregation in good faith and with deliberate speed. It is patently clear that this obligation has not been fulfilled by the Oklahoma City Board of Education. Since the first Brown case, nine years have passed, and segregation has continued, and on April 10 of this year the policy was reduced to writing, evidencing the plan to continue such segregation of the school children as in the past. This policy is called minority-majority policy.

In Goss v. Board of Education of the City of Knoxville, Tennessee, 373 U.S. _____, 83 S. Ct. 1405, Opinion by Justice Clark, the "minority-majority policy" was unmistakably put at rest. The Court said:

"The claim is that the transfer programs are invalid because they are based solely upon race and tend to perpetuate the pre-existing racial segregation school system. * * * It is readily apparent that the transfer system proposed lends itself to perpetuation of segregation. Indeed the provisions can work only toward that end. While transfers are available to those who choose to attend school where their race is in majority, there is no provision whereby a student might transfer upon request to a school in which his race is in the minority, unless he qualifies for a `good cause' transfer. * * *

"Classifications based on race for purposes of transfers between public schools, as here, violate the Equal Protection Clause of the Fourteenth Amendment. * * * The recognition of race as an absolute criteria for granting transfers which operate only in the direction of schools in which the transferee's race is in the majority is no less unconstitutional than its use for original admissions or subsequent assignments to the public schools."

See Boson v. Rippey, 285 F.2d 43 (5 Cir.).

The Court further said:

"The alleged equality which we view as only superficial of enabling each race to transfer from a desegregated to a segregated school does not save the plans. Like arguments were made without success in Brown, supra, in support of the separate but equal educational program. Not only is race the factor upon which the transfer plan operates, but also the plans lack a provision whereby a student might with equal facilities transfer from a segregated to a desegregated school. The obvious *442 one-way operation of these two factors in combination underscores the purely racial character and purpose of the transfer provision. We hold that the transfer plans promotes discrimination and are therefore invalid."

The assignment or transfer of public school children based in whole or in part upon consideration of their race is unconstitutional, being offensive to the "equal protection" clause of the Fourteenth Amendment. Green v. School Board of City of Roanoke, Virginia (4 Cir.) 304 F.2d 118; Jeffers v. Whittey (4 Cir.) 309 F.2d 621; Wheeler v. Durham City Board of Education (4 Cir.) 309 F.2d 630.

It is abundantly clear from the evidence that the Oklahoma law (70 O.S. 1961, Section 4-22) has been applied by the defendant school board in an unconstitutional manner, so as to perpetuate and maintain, as nearly as possible, racial segregation in the public schools of the defendant school district.

It is therefore the order of this Court that the Oklahoma City Board of Education is ordered to cease and desist its policy of minority to majority, or transfer of students from one school to another school as pronounced in the Board's Resolution of April 10, 1963.

This case was tried further upon the question of integration of principals, teachers, clerical, administrative, supervisory, custodial and maintenance employees, and on the charge that they are assigned to buildings and classrooms on the basis of their race and the race of the students that constitute the majority of the student body of the school or schools to which assignments are made, and in this connection the evidence shows that in the Oklahoma City School District there are 101 separate school plants or units. That of this number there are a total of 11 integrated elementary schools and 3 integrated secondary schools. Defendant's Exhibit 2 lists the integrated elementary schools, being 11 in number, showing the number of Negro students and white students, and also names the secondary schools, namely, Central High School, Northeast High School, Star Spencer High School, and lists the number of Negro and white students in each school as shown below:

			TEACHERS
	MEMBI	ERSHIP	(CERTIFIED
NAME OF SCHOOL	NEGRO	WHITE	PERSONNEL)
Bryan	10	67	17
Creston Hills	685-2	7	20
Culbertson	1018	8	25
Edison	182	4	5.5
Harmony	139	179	10
Lincoln	456	136	16.5
Longfellow	1	359	12
Orchard Park	67	96	8
Polk	12	233	9
Riverside	48	140	10
Walnut Grove	138	3	5.5
Central	272	981	62.5
Northeast	62	1177	49
Star-Spencer	145	1052	49

The records show that of the integrated schools, the School Board has employed no Negro principals or Negro teachers during the past nine years except in schools where the student attendance is overwhelmingly Negro students, such as Creston Hills Elementary School, where there are 685 Negro students and *443 7 white

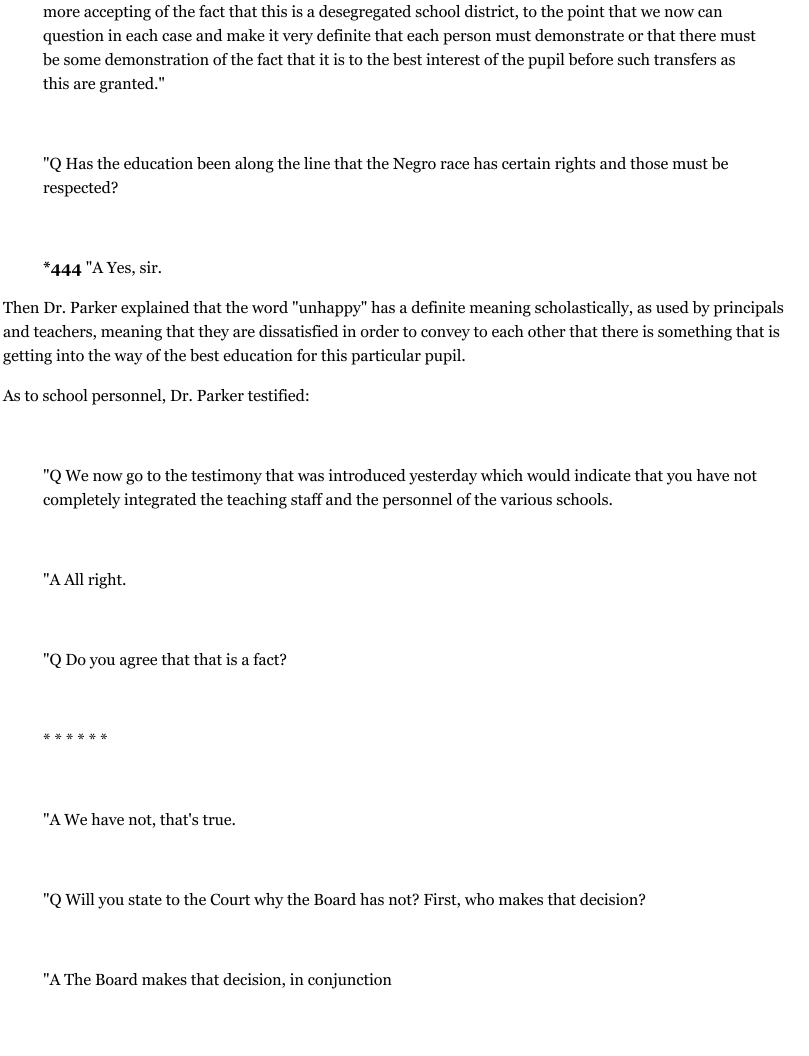
students, and Culbertson Elementary School, where there are 1018 Negro students and 8 white students; Edison Elementary School, where there are 182 Negro students and 4 white students; Orchard Park Elementary School, where there are 139 Negro students and 1 white student and 2 Indian students. On the other hand, the School Board has employed white principals and teachers in schools where there are predominantly Negro students, such as Lincoln Elementary School, where there are 456 Negro students and 136 white students, and not a single Negro has ever been employed as a teacher in this school or Negro personnel of any kind. In Harmony Elementary School, where there are 179 white students and 139 Negro students, the principal and all teachers are white. Not a single Negro teacher or personnel has ever been employed to work in this school. At Central High School, there are 981 white students and 272 Negro students. The principal and all teachers are of the white race. Not a single Negro teacher or school personnel has been employed at this school. The same facts apply at Northeast High School, where there are 1177 white students and 62 Negro students.

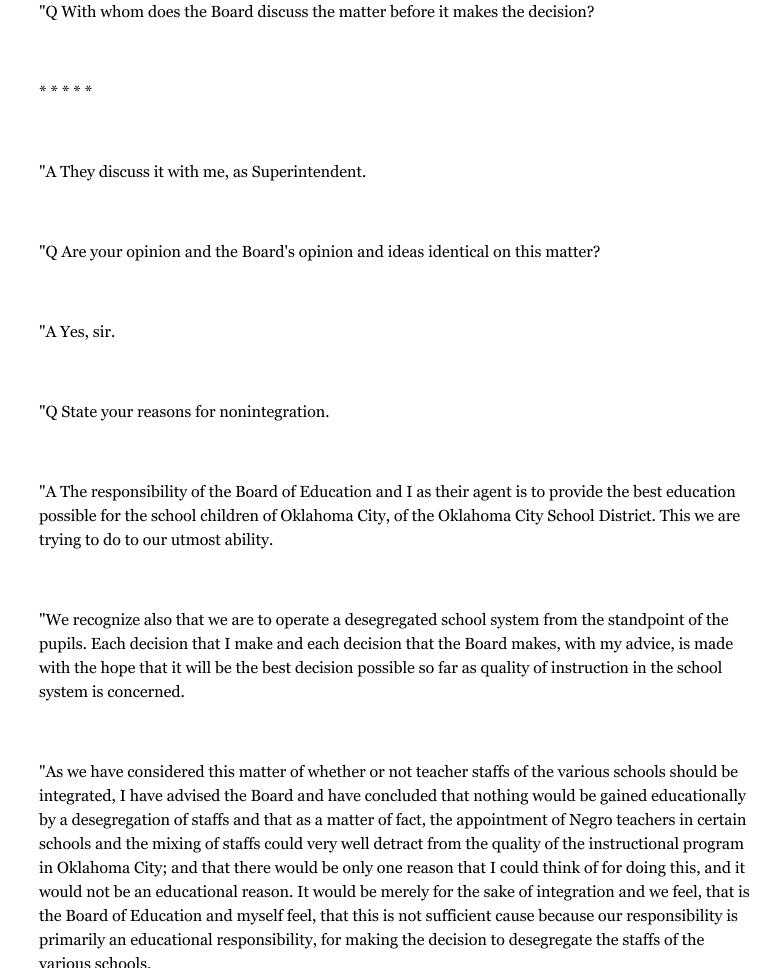
Dr. Jack Parker testified that there were approximately 140 temporary or otherwise portable structures used by the School Board in the Oklahoma City school system. That though these are temporary buildings, they are portable so that they may be moved from place to place to satisfy the classroom facilities from time to time and place to place throughout the school system. Douglass, for instance, is a fair example, where there are a number of portable structures maintained by reason of the congested classroom attendance at this school, where there are 1820 students, the largest high school attendance in the Oklahoma City system, as shown by the record. There are four basic principles upon which transfers are granted. Generally speaking, they are:

- 1. Availability of student classroom space.
- 2. Where brother and sister may attend the same school.
- 3. Where the family moves out of one district into another district, the rule is to permit the child or children to continue in the school where they started. Otherwise, the school permits transfers by reason of change of school district.
- 4. The minority to majority rule or policy.
- Dr. Parker testified in regard to integration:

"I think that the reason for this is that any time that something has been in existence since statehood and attitudes have developed over a long period of time, that there must be a transitional period or that there is a transitional period, and that in the beginning for the first two or three years or whatever length of time it might have been, that there was a reason to make it possible for people to become accustomed to the fact that the school district was now a desegregated school district rather than a segregated separate school district, that is with really two separate school systems, so consequently there was given this opportunity to follow the dictates, of the beliefs of the individual person to the degree possible.

"Now in between times there has been a great deal of effort made educationally and otherwise, so that the community and the school district, the patrons of the school district, have become much





"Q Is this decision made in any degree upon the fact that you feel that Negro teachers are not equal to white teachers?

"A No, sir, not at all."

The Court finds and concludes from the evidence that the School Board has not acted in good faith in its efforts to integrate the Oklahoma City Public Schools, as defined and required in the Brown cases, as to pupils and personnel. Nine years now have passed since the segregation laws of Oklahoma were declared unconstitutional and void; eight years since the School Board passed its Resolution to integrate. Following the integration resolution of August 1, 1955, certain formerly all-white schools have been converted over to all-Negro schools, and some white and Negro schools. The *445 old Negro schools before the Brown case have grown in student enrollment until now the old Negro schools are so crowded and congested that there is not adequate room to properly operate the schools. The school children and personnel have in the main from all of the evidence been completely segregated as much as possible under the circumstances, rather than integrated as much as possible. Inasmuch as the Superintendent of Schools has established the proof necessary that Negro teachers are equal in quality to the white teachers, it seems only reasonable and fair that in all schools, mixed or otherwise, the School Board would and should make a good faith effort to integrate the faculty, in order that both white and Negro students would feel that their color was represented upon an equal level and that their people were sharing the responsibility of high-level teaching. That the feeling of a Negro student predominant in the school in his own race being denied as his principal and/or teacher brings this Court to the conclusion that the statement made by the Honorable Earl Warren is here most appropriate, wherein he declared that segregation of Negro children, especially in their formative years, "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." To me, to send Negro children, as in the case of Lincoln School, to a white principal and all-white teachers would be a deterrent to the Negro students not having before them Negro teachers who are as well qualified as whites to set an example to them of integration. The Court concludes from all of the evidence that the time has come for the Oklahoma City School Board to begin the integration of its teaching staff, and it will be so ordered.

The Court, in considering the complaint that the Oklahoma City Board of Education is guilty of gerrymandering insofar as Douglass High School and its feeder junior high school and elementary school areas are concerned, and other schools, finds that evidence of gerrymandering or otherwise of maintaining separate and distinct schools for Negroes and schools for whites can be seen in a review of the testimony. The Court will only recite such portion as reflects the almost total segregation of its schools.

Arthur Boyd, Negro, principal of Creston Hills Elementary School, testified that he has under his supervision 20 Negro teachers and no white teachers, and 695 Negro students and 2 white students.

Delbert Burnett, Negro, principal of Culbertson Elementary School, testified that he has under his supervision 25 Negro teachers and no white teachers, and that his school has an enrollment of 1067, of which 1064 are Negro students and 3 are white students.

Floyd Alexander, Negro, principal of Moon Junior High School, testified that he has under his supervision 46 Negro teachers and no white teachers, and that there are 1444 Negro students enrolled and no white students.

- Bert Watkins, Negro, principal of Dunbar Elementary School, testified that he has under his supervision 25 Negro teachers and no white teachers, and 925 Negro students and no white students.
- Anderson J. Lonian, Negro, principal of Edwards Elementary School, testified that he has under his supervision 14 Negro teachers and no white teachers, and 462 Negro students enrolled and no white students.
- Mrs. Hazel Horn, Negro, Superintendent of Carver Elementary School, testified that she has under her supervision 17½ Negro teachers and no white teachers, and 665 Negro students and no white students.
- R. D. Hall, Negro, principal of Page Elementary School, testified that he has under his supervision 19 Negro teachers and no white teachers, and that he has 651 Negro students enrolled and no white students.
- Mrs. Mary Moulder, Negro, principal of Harry S. Truman Elementary School, testified that she has under her supervision *446 21 Negro teachers and no white teachers, and 675 Negro students enrolled, and no white students.
- Miss Ruby Dabney, Negro, principal of Orchard Park Elementary School, testified that she has under her supervision 5 Negro teachers and no white teachers, and 139 Negro students and one white student and 2 Indian students.
- Mrs. Ruby Fleming, Negro, principal of Woodson Elementary School, testified that she has under her supervision 22 Negro teachers, and no white teachers, and 755 Negro students enrolled and no white students.
- O. M. McDaniels, Negro, principal of Douglass High School, testified that he has under his supervision 71 Negro teachers and no white teachers. That he had 42 teaching stations on the campus, 29 in the main building and 9 in the vocational building, 3 in the physical education building and one under the stadium. That he had 15 portable or temporary buildings, or a total of 57 teaching stations. That he had enrolled 1821 Negro students and no white students.

The foregoing data establishes the fact that there is no integration but practically complete segregation in the aforementioned schools. Mr. Burr testified that the Oklahoma City School System had special transfers numbering from four to five thousand each year, and it is fair to assume that a good portion of the four or five thousand special transfer students each year have been transferred out of and from the aforementioned elementary, junior and high school areas, thus making these areas for all practical purposes totally segregated. What part, if any, gerrymandering may have played in the operation of practically totally seggregated schools referred to is problematical. It is believed that once the Oklahoma City School Board establishes in good faith a policy of transfer based upon scholastic reasons alone and eliminates entirely transfers based in whole or in part upon race that the Oklahoma City Schools will begin the desegregation policy demanded by the Supreme Court in the Brown cases. There is insufficient evidence before the Court to find there has been gerrymandering of the Negro school districts as of this date, and the matter of gerrymandering of necessity is a matter of which proof will be heard at some early date. Since August 1, 1955, the only integration has been in the fringe areas as between minority Negro residential pattern and the majority white residential pattern. For instance, there are 14 elementary and secondary schools that have some degree of integration, out of 101 school plants. However, the redistricting of schools has meant little or nothing in view of the policy "minority to majority," and as long as this policy is continued there will never be a good faith desegration and integration of the public schools of the Oklahoma City district. It is interesting indeed to note some of the things the Oklahoma City School Board has

not done to bring about a good faith, orderly and timely integration. For instance, the evidence is void of any effort on the part of the Oklahoma City School Board to engage an expert who is familiar with the problem of integration, as was done in the Rochelle case, Taylor v. Board of Education, New Rochelle, New York, D.C., 191 F. Supp. 181, where the School Board employed experts in the field of segregation to analyze and advise on the matter of integration. It will be noted that the Mayor and the Oklahoma City Council do, from time to time, employ traffic experts to advise in the field of traffic controls and regulations, which is a far less important task than the one confronting the Oklahoma City School Board of integration for the good and benefit of all children. There is no evidence showing that the Oklahoma City School Board has ever at any time appointed a group of outstanding Negro citizens to consult and advise with concerning the problem of integration as has recently been done by Mayor Jack Wilkes, in appointing a committee to consult and advise with reference to integration in the local business establishments, which thus far as *447 of this date has proved to be of great peaceful advantages.

From a study of the evidence in this case, the Court concludes that the Oklahoma City School Board has followed a course of integration as slowly as possible. Our Negro people, business, religious and educational leaders have so far as this record is concerned been completely ignored, and it is their rights that are at long last before this Court.

One of the basic foundations of America's strength, and one of the keys to its greatness, is the right to have equal public schools for all our children. The right of each American child to enjoy free, equal schools. If any white child were denied such right all would be indignant; why not let it be so with our Negro children.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Court enters the following

ORDER AND DECREE

- 1. That should Robert Dowell present himself as a student at Northeast High School for the school term beginning September, 1963, he shall be enrolled in classes and study courses commensurate with his grade and standing as a student, without being required to enroll in any course of study other than that required for other students in said Northeast High School.
- 2. The complaint and requested relief of Vivian C. Dowell is denied.
- 3. The complaint and requested relief of Gary Russell is denied.
- 4. The defendant School Board of Oklahoma City, Oklahoma, Independent District No. 89, and the individual defendants named, are hereby permanently restrained and enjoined from continuing or pursuing the policy commonly referred to as "minority to majority," said policy being hereby held to be unconstitutional, void and unenforceable, and such practice and policy shall no longer be pursued by the defendants, or any of them.
- 5. It is further decreed that there shall be no special transfers from one school to another, except in cases based solely upon scholastic study requirements or other valid good-faith reasons, but in no case based in whole or in part on race or color.

6. The School Board of the City of Oklahoma City, Independent District No. 89, and all of its officers and agents, are ordered to establish a policy of integrating supervisory and teaching staffs, in good faith, and with deliberate speed, commencing with the school year beginning in September 1963. In this connection, the Court would normally call upon the School Board to show cause why there should not be faculty integration, as well as pupil integration. However, from the testimony of the School Superintendent, Dr. Jack Parker, it is evident that the defendants do not intend to integrate the supervisory or teaching faculty. Dr. Parker testified: "There would be only one reason that I think of for doing this, and this would not be an educational reason. It would merely be for the sake of integration, and we feel, that is the Board of Education and myself feel, that it is not sufficient cause because our responsibility is primarily an educational responsibility. * * * *" He further testified:

"Q Is this decision made in any degree upon the fact that you feel that Negro teachers are not equal to white teachers?

"A No, sir, not at all."

- 7. Hereafter the defendants are ordered to keep and maintain full and complete records of all transfers made from dependent school districts into the defendant school district, and full and complete records of all special transfers from school to school within the district, specifically showing the race or color of each student and the specific reason or reasons for each transfer, until further order of this Court.
- 8. The defendant School Board is ordered to file with the Clerk of this Court, within a period of ninety (90) days from this date, a complete and comprehensive plan for the integration of the Oklahoma *448 City school system, both as to the student body and teaching and supervisory personnel. Additional time may be allowed on application and proper showing.
- 9. It is further the decree of this Court that the defendant school district shall, within ninety (90) days from this date, file with the Clerk of this Court the basis, and all pertinent information, used or adopted in the formation of the respective school attendance areas, elementary, junior and senior high school areas, insofar only, however, as this information pertains to the Douglass High School attendance area, Central High School area and Northeast High School area, to the end that the Court may determine whether such attendance areas are set up and created in good faith or whether gerrymandering has been practiced in the formation of such attendance areas.

The Court shall retain full and complete jurisdiction over this cause to assure full and complete compliance with this Decree, and to make such further orders and decrees as justice and equity may require.





Harmony School 1537 NE 24th St. Oklahoma City, OK 73111-3212 Latitude: 35.495281° Longitude: -97.484028°

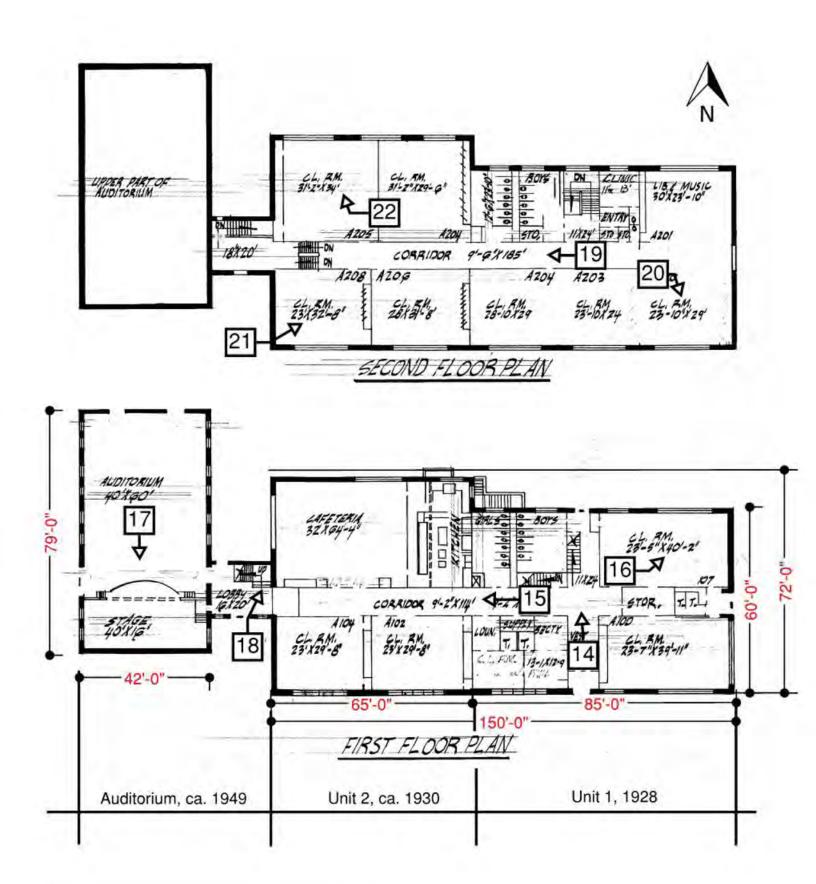
Google Maps



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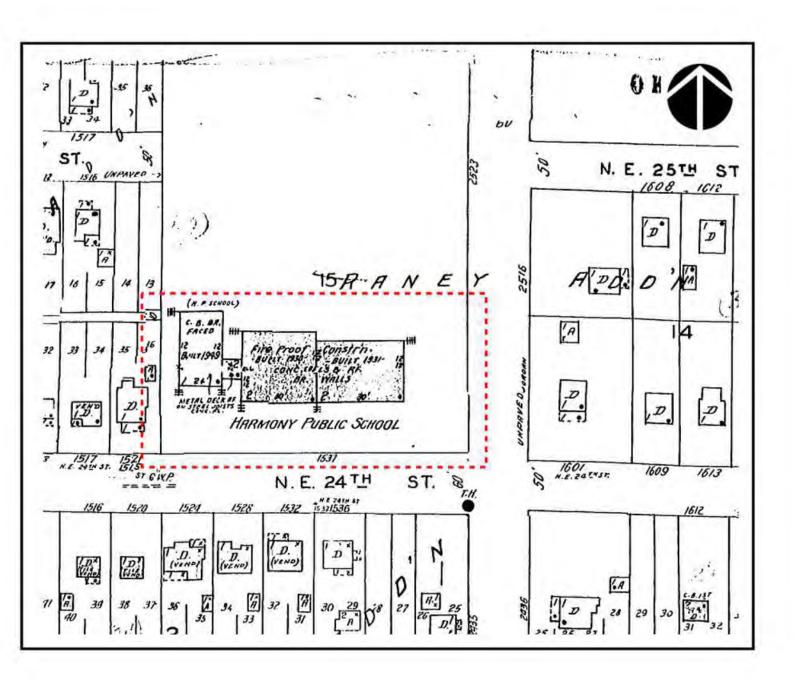
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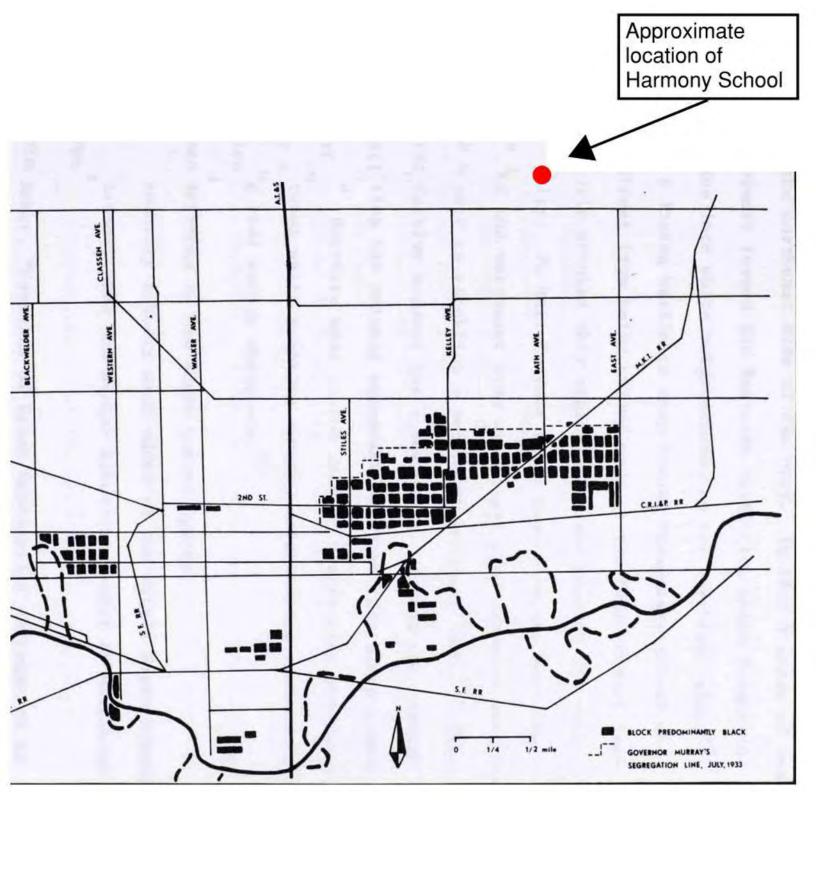


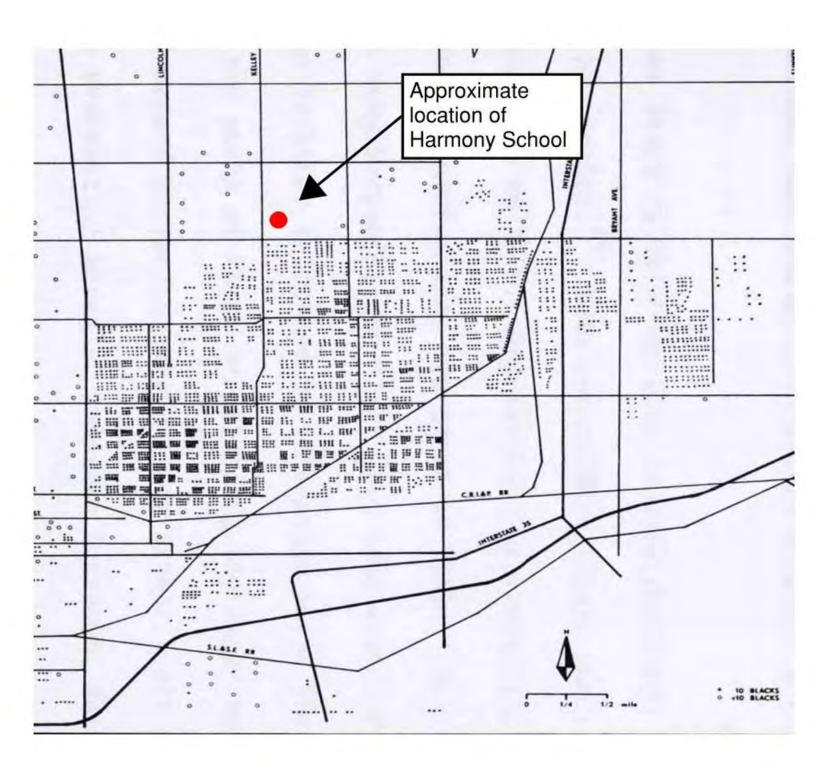












Negroes Ask Entry To Harmony School

By IMOGENE PATRICK

A National Association for the Advancement of Colored People committee Monday protested the refusal of Oklahoma City school officials to transfer seven Negro pupils from an integrated to an all-white elementary school.

The group went before the school board in monthly session Monday afternoon to ask a clarification of the board policy on special

transfers.

John Green, attorney for the Oklahoma City NAACP, told the board the children are residents of the Culbertson elementary district but live closer to Harmony elementary than to Culbertson.

He complained that a number of white children in the Culbertson district have been granted special transfers to Harmony, although they live a greater distance from Harmony than the Negro pupils requesting transfers.

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STEARLEY HAS PROGRAM FOR NEW SCHOOLS

Buildings Crowded Beyond Capacities by Heavy Enrolment. —

Construction of four new school buildings and erection of additions to seven other schools in Oklahoma City would relieve crowded conditions in the grade schools, J. C. Stearley, cleris-business manager of the board of education, said Saturday.

School officials hope eventually to have city grade schools at points a mile apart. This would eliminate long walks and schools would not be too close together as some of them near the center of the city now are, Stearley said.

Expansion of the city also has brought about consideration of constructing two additional junior high-school buildings—one in Industrial addition and another in the north-western part of the city.

Four Buildings Needed

To place schools at advantageous places to care for pupils of present districts regardless of the city's growth, four new buildings are needed, Stearley said.

Block 88 of Industrial addition, in the southwest part of the city, is sought as a grade school location. It is the proper distance from Columbus and Rockwood schools, officials say.

Another probable grade school location is a mile south of Shields. A school at this point would be a mile from Lafayette, a new school used for the first time last year, according to Stearley.

Under the plan as outlined, a new school would be placed in Putnam Heights, a mile west of Putnam Heights school and a mile north of Grover Cleveland school.

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Shidler Needs Unit

First unit of a new school is said to be needed at Shidler school where a four-room frame building is used. An eight-room unit here would relieve the crowded situation at Wheeler, a mile south.

Additions would give needed room at Bath and Harmony schools to take care of expansion of the city to the northeast, it was pointed out.

Gatewood, at Twenty-second street and Florida avenue is reported to be crowded and in need of additional rooms.

Other schools which officials say are crowded are Horace Mann, at Forty-fifth street and Northwestern avenue and University Heights, at Sixty-third street and Northwestern avenue. Hawthorne and Linwood schools also are reported crowded.

Unit Plan Employed

New grade schools are constructed on the unit plan with eight rooms and 4-room or 6-room additions can be made at a minimum of expense.

With Roosevelt and Capitol Hill junior highschools accommodating 1,-200 students each, 400 more than their capacities, the need of new schools is evident, according to Stearley. The proper location of these would be in the southwestern and northwestern parts of the city and each would serve a wide area, he said. Students of the northwest now go to Roosevelt, and

those in Industrial addition attend at Capitol Hill.

Despite shortage of rooms in other buildings, there are eight vacant classrooms at McKinley school.

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"Expansion of City Carries Need for Greater Educational Facilities." Sept. 29, 1929

	SCHOOL POSTS
	TO BE FILLED
Section of the section of	Board to Name New Teach- ers at Friday Parley.
1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Thirty-five vacancies in the city school system, including the naming of two junior highschool principals and six supervisors, will be filled at a meeting of the board of education Friday and the city of the country of the city of the position of the city of
STATE OF THE STATE	day night, J. G. Stearley, clerk-business manager, said Wednesday. C. K. Reiff, superintendent, said Wednesday he was prepared to make recommendations to the board. A committee meeting may be held Friday afternoon.
とうかいこうとなっ あずむ	All tenchers recommended will be for junior and senior highschools, no vacancies occurring at this time in the elementary schools. Reiff refused to discuss his recommendations until they have been considered by the teachers' committee.
とないれた ないのである	If the meeting is held Friday night, several committees are expected to report, including the gas committee which will make a recommendation on conversion of 33 school buildings
A CONTRACTOR OF STATE OF STATE OF	to gas for the heating plants. The board also is expected to authorize removal of a two-room frame annex from Harmony school to Nineteenth street and Eastern avenue, where a new elementary school will be located this winter to care for the children in that area.

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https://www.newspapers.com/image/444466712

NEW CITY SCHOOL WILL FACE DELAY

Truck Breakdown Hinders Moving of Building.

Opening of school in the new temporary schoolhouse for about 60 northeastern Oklahoma City children in the Creston Hills district will be delayed a few days because of interruption in moving of the building from the Harmony school grounds, caused by a temporary breakdown in trucks, according to school officials.

The foundation is in place, water connections have been completed, and workmen will be on the job soon getting the building ready for use in its new location on East Nineteenth street facing the new city park in the Creston Hills addition developed by John J. Harden, Inc., according to W. K. Griffin, representative.

In Creston Hills H. C. Greer has started construction of a new house in the 2300 block, East Nineteenth street. Mr. and Mrs. Jacob Amberg jr., have purchased a lot in the first unit of the addition and plan to build a sixroom house. Griffin said.

Negroes Ask Entry To Harmony School

By IMOGENE PATRICK
A National Association for the Advancement of Colored People committee Monday protested the refusal of Oklahoma City and officials to transfer seven Negro pupils from an integrated to an all-white elementary school.

The group went before the school board in monthly session Monday afternoon to ask a clarification of the board policy on special

Barnes Defends Policy
Culbertson, 1201 NE 12, is the
integrated school. Harmony, at 1537
NE 24, has no Negro pupils.

mony.

Green was spokesman for a dozen NAACP representatives including Jimmy Stewart, president, and Meredith Mathews, education committee chairmen.

Stewart and Mathews met with Dr. Barnes and Merle Burr, assistant superintendent, at the beginning of the school year to ask for the transfers.

At the meeting Monday, Green said one of the children lives only (Continued an Page 2, Column 6)

day afternoon to ask a clarification of the busined points of a stransfers. John Green, attorney for the Oklahoma City NAACP, told the board the children are residents of the Culbertson elementary district but live closer to Harmony elementary than to Culbertson. He complained that a number of white children in the Culbertson will be considered that a number of white children in the Culbertson that the complained that a number of white children in the Culbertson white children in the Culb

Project's Estimate Set at \$170,000

NE 24, has no Negro pupils.

"Is it the policy of the board to permit students of the majority race to transfer freely, but to put restrictions on the minority race." Green asked.

Dr. Melvin Barnes, superintendent, said the policy set at the time city schools desegregated was to allow a student to transfer to a school where his race predominates in cases where the move appeared to be "in the best interest of the pupils" and where space and facilities permitted.

"This policy was established to Cost of adding NW 23, NW 24 and Park avenue to Oklahoma City's one-way street system will run slightly in excess of \$170,000, James H. Robinson, director of traffic control, said Monday in a report to the city traffic commis-

sion.

Robinson said the estimate was based on surveys made by the city engineering department and his office to determine cost of street widening and resurfacing, and installation of signals and traffic

mountson said the estumate was beared to be "in the best interest dengineering department and his of fice to determine cost of street videning and resurfacing, and installation of signals and traffic signs.

The traffic control director recently was instructed by the city planning commission to make surveys to determine the possible cost of converting the streets to one-way traffic under the second phase of the Barton traffic plan.

Under the Barton plan, NW 23 and NW 24 are to become a one-way street between M Broadway and N Hudson.
The survey placed the cost of widening, resurfacing and channelization which would be required on NW 23 and NW 24 at \$123,66.
Rebinson said counts of traffic volume just completed on NW 23 the street does not have sufficient lanes available to handle the traffic suring it, and a minimum of two lanes should be added to provide some additional roadway for figure and additional roadway for figure and additional roadway for figure and channel-wide some additional roadway for figure and channel-wide some additional roadway for figure and additional road

Gas Bottle Explodes At French A-Center

PARIS. Oct. 7 (INS)-A bottle

day at the Saclay nuclear center.

A spokesman for the French
ools atomic energy commission said
all there were no casualties and no
nic. darnage resulted.

Negroes Seek To Lift Pupil Transfer Ban

CONTINUED FROM PAGE ONE two blocks from Harmony "and yet his parents have to send him several blocks away to school." Culbertson is 16 blocks from the child's home. Stewart said.

Burr said the boundary between the two schools was not changed. at the time schools integrated. NE 23 is the dividing line, and Harmony is just over the line.

"We have this situation in many areas of the city," Mrs. L. D. Melton, board member, stated. She said there are a number of districts where pupils live nearer the school of the adjacent district than their home school.

Declaring "We don't think this is within the spirit or the letter of the supreme court decision" Green said the NAACP would not like "to see any discrimination against those children based on

Matthews later said he had called a meeting of the education committee for 2 p.m. Tuesday at the YMCA to "decide what the next step will be".

Scooter Accident

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Court Action Asked In School Dispute

By LOY FERGUSON

Federal court action seeking a ruling against present pupil transfer policies of the Oklahoma City schools was recommended Tuesday afternoon by a committee of the National Association for the Advancement of Colored People.

At the monthly meeting of the school board Monday, NAACP officials protested the refusal of city school officials to transfer seven Negro pupils from an integrated school to an all-white elementary

school.

Spy Gets Term

NEW YORK. Oct. 8 th Jack Soble, who for a decade headed one of Russia's biggest, spy rings in this country, was sentenced Tuesday to seven years in prison.

He could have gotten 10 years. But Soble, after his arrest last January 26, underwent an appar-ently complete change of heart. He said he deeply regretted be-traying his adopted country and helped federal authorities trace the far-flung web of the espionage

Soble's wife. Myra, 53, and Jacob Albam, 64, another conspira-tor, had previously been sentenced to five and a half years in prison.

Federal Judge Richard Levet Tuesday reduced Mrs. Soble's sentence to four years, and Albam's to five.

The Sobles, seated close together in court, glanced nervously at each other. Albam seemed stunned.

Levet said "there is, I believe, strong indication of remorse on the part of these defendants in the recommendation of the educarne part of these defendants intervarying degrees. . . . Renabilitation is not a factor here. . . . In this instance we must aim at protection (of society) and deterrence."

"I have weighed these factors, studied pre-sentence reports, con-ferred with counsel and considered refred with counsel and considered security. I have examined a medical report regarding Jacob Albam, sent from Lewisburg prison, and (Continued on Page 2, Column 6)

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The education committee of the Oklahoma City NAACP met in a closed session at the NE 4 street YMCA Tuesday and later issued a statement recommending "that the Of Seven Years statement recommending "that the branch seek proper relief in the federal courts should these discriminatory practices continue to exist."

Statement Explained
The statement said the recommendation was made because of the unfavorable attitude resulting from the conference with the board of education concerning the trans-fer of pupils from the various school zones in Oklahoma City districts, which we believe to be dis-criminatory."

John Green, attorney for the Oklahoma City NAACP, complain-ed that Negro students living in the Culbertson elementary school district had been refused transfers to Harmony school, 1537 NE 24, even though they live closer to Harmony school.

Some white children, who live a longer distance from Harmony school than do the Negro pupils, have been granted transfers out of the Culbertson district, Green said. Culbertson school, 1201 NE 12, is an integrated school and Harmony has no Negro pupils.

Vote Is Necess

to the executive committee of the city NAACP and that the matter would have to be voted on at a meeting of the whole city NAACP branch before action could be taken. taken.

Policy of the schools now is to

Court Action Asked In School Dispute

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continued from PAGE ONE he does have physical difficulties, but they can be capably treated while he is confined."

while he is confined."

A week ago. Soble made an emotional appeal for mercy before the same judge. He said then, "I cannot forgive myself. I had plenty of opportunity to straighten out my life since I came to this country and I didn't do it.

It is very hard for me but I know what I did to this country which never did any harm to me and which gave us refuge which could have made us happy and respectable citizens."

Lesser Charge Allowed

Lesser Charge Allowed

Lesser Charge Allowed
Under the original indictment,
the Sobles could have been sentenced to death.
This was the first major espionage case since Julius and
Ethel Rosenberg were arrested in
1950 for stealing atom bomb
secrets for Russia. They were
later executed and the law was
changed at that time to permit
death sentences for peacetime espionage:

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meeting is on the second Sunday of the month.

Members Named

The school transfer issue may be brought up for discussion by any member at the Sunday meeting though, without prior executive committee study, Stewart said. The recommendation to take the issue to the federal courts must be approved by a majority of NAACP members present at the meeting.

Members of the education committee, which formulated the recommendation Tuesday, are Green; Merdidth Mathews, committee chairman and executive director of the NE 4 street YMCA; Rev. J. S. Sykes, presiding elder of the Oklahoma City district of the Christian Methodist church; Dr. E. C. Moon, jr., city dentist, and C. Moon, jr., city dentist, and

E. C. Moon, ir., city dentist, and Stewart.
All are also members of the NAACP executive committee, which has a total of 35 members. Stewart said there are about 1,500 members of the Oklahoma City branch of NAACP.

NAACP Turns School Matter To Committee

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By IMOGENE PATRICK

A recommendation that the National Association for the Advancement of Colored People take the Oklahoma City school transfer issue to federal court Sunday was referred to the group's executive committee for final action.

E. McMurray, chairman, said the executive committee will consider the proposal at its regular meeting October 29.

Members of the Oklahoma City of branch NAACP in session Sunday afternoon voted to give the execth utive committee the authority to ar proceed "if they choose to recsit ommend seeking legal action".

Red Tape Cleared

to This means the executive body could ask the NAACP legal reta dress committee to begin proceedings without bringing the matter back to the membership for further consideration at its No-SC vember meeting, branch president Jimmy Stewart explained.

An NAACP delegation last Mon

oning blewart explained.

An NAACP delegation last Monday complained to the Oklahoma City school board that seven Negro pupils living in the integrated Culbertson elementary school district had been denied special transfers to Harmony elementary which has an all-white enrolment.

Attorney John Green said they were protesting because while pupils living a greater distance from Harmony than the Negro pupils had received transfers.

Policy Outlined

They were told the school board had adopted a policy of permitting children to transfer to a school where their race predominates and that the board considers this a "safety value" necessary to make integration work.

Meeting the following day, the NAACP education committee recommended the Oklahoma City branch seek "proper relief in the federal courts should these discriminatory practices continue to

exist".

Normally, such a recommendation goes to the NAACP executive committee first and then to the membership for a final decision.

Rev. J. S. Sykes, representing the education committee, Sunday made the motion giving the executive board power to determine the next step.

Publicity Listed As Big Obstacle To Integration

Publicity has been a major obstacle to integration efforts in the Oklahoma City schools, Dr. Melvin Barnes, superintendent of

schools, said Wednesday night. Barnes spoke at a public meeting of the Frederick Eliot forum at the First Unitarian church in a discussion of the present status of school integration here.

Newspaper stories last sum-mer were the reason why city school faculties were not inte-

grated this year, Barnes stated. "Otherwise we would have integrated the faculties," Barnes said. Plans were under discussion during the summer to place two Negro teachers on all-white faculties. Agitation following news stories of these plans caused the city school board of educa-tion to postpone such a move, Barnes added.

Eight Schools Integrate
"As a matter of fact, I think there have been several instances where integration has received a backward push because of publicity in Oklahoma City," school chief continued.

Eight of the 91 elementary and secondary schools in Oklahoma City now have integrated enrolment, Barnes told the forum audience of about 75 persons.

These eight schools have a total enrolment of about 3,500 and about 1,100 of those enrolled are Negroes, Barnes said.

The superintendent said there had been no incidents during the integration procedure pupil action opposing children of minority groups enrolling in the schools which have integrated attendance.



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No Incidents Here

"I haven't founr any expres-I haven't fount any expressions of prejudice on the part of the children," he explained, and specified there had been no incidents of name calling or physical attacks on Negro pupils.

Barnes also explained that when the integration policy was instituted here gity tempers.

when the integration policy was instituted here, city teachers were given the option of transfering to other schools if they objected to teaching in a school with integrated enrolment. He said, however, that no teachers requested transfers on that ba-

Following a short outline of the city schools' integration pro-gram by Barnes, the meeting was opened to a question and answer discussion period. Major part of the discussion concerned the schools' present policy con-cerning pupil transfers.

Policy May Change
"I'm sure that before the year is out we will have to rethink that policy." Barnes commented and added that school pupil transfer policies are generally changed only during summer

months.

Policy now is to allow a student to transfer to a school where his race predominates if such a move is requested by parents. White children and Newscass have both taken administration. groes have both taken advantage

groes have both taken advantage of the policy, Barnes said.
Earlier this year the National Association for the Advancement of Colored People protested this policy and appeared at a school board meeting. The city NAACP later indicated it was considering legal action on the issue.

Issue Complicated

Barnes pointed out that the issue is complicated because Oklahoma City schools have had a standing policy of leniency on transfers and that between 2,000 and 3,000 pupils are now attending schools outside their normal

ing schools outside their normal area for various reasons.

Barnes stated that the major problem in this issue, which adds complications, has been the wholesale moving of families from integrated school districts into all-white residential areas. This "real estate influence" has created many more difficulties created many more difficulties than the practice of allowing students to transfer out of their normal school when it was inte-



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Proposed Plan Could Close 9 City Schools

By Jim Killackey

Their names are etched in mortar for generations of Oklahoma City youngsters to remember. They stand as memorials to educational pioneers, a president, a civil rights leader, city neighborhoods and America's founder.

But for nine old Oklahoma City public school buildings, passage of a proposed \$30 million building bond issue next year most likely would bring an end to their existence as educational enclaves.

Under a plan drawn up by Superintendent Tom Payzant, four large new schools would be built to replace most of the buildings targeted for closure.

Seven of the schools — Willard, Riverside, Columbus, Eugene Fields, Westwood, Truman and Martin Luther King —

were built prior to the Great Depression.

Willard, 1400 NW 3, is the oldest school in Oklahoma City, built in 1902.

Riverside, 421 SW 11, was built in 1907. Columbus, 2402 S Pennsylvania, and Fields, 1515 N Klein, were constructed in

Westwood, 1701 Exchange, opened in 1919. Truman (originally Bath School), 1324 N Kelham, was built in 1923, and King (formerly Harmony School), 1537 NE 24, had its first students in 1927.

Of the other two schools targeted for closing, the Carver Center, 2801 SW 3, was opened in 1943, and Parker, 12700 NE 41, was built in 1955.

Recommendations to replace the old buildings are being made primarily because they are energy inefficient and can no longer serve the needs of their students.

For several of the older buildings, the cost of renovation "would be so high that replacement is the only reasonable alternative," school officials said.

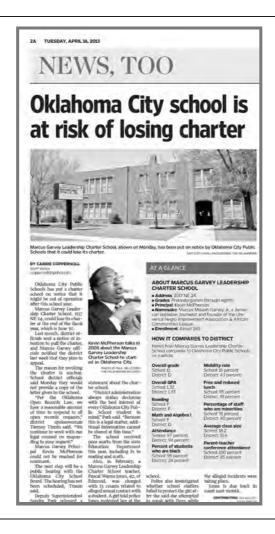
Local educators also believe new schools in Oklahoma City would go a long way toward sprucing up the urban district's "image" and eventually help entice families with children into the central city area.

Earlier this year, the Board of Education placed a four-year moratorium on closing schools because of low enrollment, but left open the option of closing a school because of its physical condition.

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