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HENRY D. AKIN, JR.
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Oral History Collection

Henry D. Akin, Jr.

Interviewer: William Wilson Date: February 22, 1989

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Dr. Wilson: This is William Wilson and I am interviewing Mr. Henry D. Akin, Jr. in his office at 16475 Dallas Parkway on the subject of the desegregation of the Richardson Independent School District and the Hamilton Park School.

First of all, could you say a little bit about yourself--when and where you were born, how you got into the legal profession and something about your practice?

Mr. Akin: Yes, sir. As Bill said my name is Henry D. Akin, Jr. I am an attorney. I was licensed to practice in September, 1950. I was born in Amarillo, Texas, on April 30, 1927, and lived there until I was eleven years old. My dad being a lawyer, he had an opportunity to come to Dallas, and we moved to Dallas in June, 1938. He is now eighty-nine years of age and still practicing law. My grandfather was a lawyer in Texas, prior to my dad, up until he died in about 1947. And I have a fourth generation of lawyers, being

my daughter, Cathi Akin, who is my partner. I'm in the general practice of law. In the course of that general practice, I have had the opportunity to represent a number of school districts. I guess the largest of which have been the Richardson School District and the Plano District.

Wilson: When did you begin to represent them?

Akin: I represented Richardson from 1957 up through 1983 or 1984.

Wilson: So you were the attorney during, practically speaking, all of the integration and desegregation.

Akin: Yes, as far as I know.

Wilson: Certainly nothing as major as what you went through with the RISD.

Akin: That's correct.

Wilson: Was Richardson your first school district, or did you begin to specialize in that type of practice over there?

Akin: I never did really specialize in anything. I've always been a general practitioner, but I guess there're not a lot of folks or a lot of lawyers in Texas that practice school law. To that extent I guess I was maybe as expert as you get (chuckle), or specialized as you get in that field.

Wilson: Now during the time you were there, you were working mostly or, in some cases, entirely with J. J. Pearce, and Raymon Bynum, who was the assistant superintendent of

everything but instruction.

Akin: Correct. And John Roberts, assistant superintendent of instruction.

Wilson: If you care to, would you just in a thumb nail way suggest how you found working for those men.

Akin: My working relationship with those gentlemen, and with the board, was just excellent during that time period.

Wilson: I'm trying to get some kind of an idea of how you might have worked, not in particular matters which we'll get to in a moment, but in a general way. Was their relationship with you along the lines of, say, "You tell us what the law is, and we'll follow it"; or was it, "What can we do under the law?" What sort of approach did they have with you as their attorney?

Akin: I guess I could best answer that...that would come about maybe in two ways. Maybe it was something that they might anticipate doing, and they might want to know what their legal posture might be if they chose to pursue a certain course. There may have been a problem that had already arisen, and they might make inquiry of me as to what their legal rights or legal position might be in regard to that particular problem. So it would come up in a variety of ways, but that would be the primary ways, because there would be ongoing things. During the time I represented Richardson, it was a rapidly growing district. They were continuing to buy properties, build schools, let contracts

for the construction of the schools, so it was not just lawsuits but all sorts of business-type matters. Just like maybe representing a corporation.

Wilson: So you represented them across the spectrum of their legal concerns.

Akin: I represented them in all respects except two. One was in their tax collection matters--I did not handle that--and in their bonding. There are some firms in Dallas that specialize in municipal bond-type situations, and in my opinion it is better to use those specialists than myself. It was on my recommendation that they did do that.

Wilson: Turning to the Civil Rights Act of 1964, prior to which for all practical purposes Hamilton Park was an all-black school and the rest of the district consisted of white schools...

Akin: That's correct, sir.

Wilson: ...looking back over that time when the Civil Rights Act went through, there was a good deal of tracking of the act through Congress. The district collected a good deal of commentary about it during the passage of the act, and so obviously it was of great concern for them. What was, in general the district's response, perhaps not on a program level but perhaps on an emotional level, or its intellectual response to the act? What was your own?

Akin: Well, I'd say that the district's--and by that I mean the principal administrative folks, being J. J. Pearce, Raymon

Bynum, and John Roberts, and the board--basically wanted to comply with the law whatever it might be. We had differences of opinion with the Justice Department and other entities (chuckle), or we disagreed on what that law might mean; but if the court told us what to do, we wanted to do it.

Wilson: Was there any feeling, again, either on your part or within the district, that you recall of foreseeing problems or difficulties? Or was this looked at in terms of opportunities? Or was there simply not much reaction along those lines? Or was it simply "well, that's the law and we're going to follow it?"

Akin: I'd say that it was just "whatever the law is we're going to follow it, not to fight it just to be fighting it or any personal feelings about it. Just whatever the law is we'll follow it."

Wilson: I noticed that there's a reference, and--I'm going to try to mention your "pinks," your own files--I think it comes from that. I'm not certain in this case. I've got it down in every other case, but there is an example, and we should say mine come from "pinks."

Akin: By my "pinks" we might say, for the record, those are little sheets that I make notes on, whenever I have a telephone call or a conference or whatever. I keep my records on some pieces of paper that happened to be pink.

Wilson: They are a record of ideas and reactions to things, as

well as descriptions, but they are kept on these pads, along with relative correspondence or whatever. It may have come from one of those that you or perhaps one of your partners said, "Well, we will consider this as total integration." And this was back in 1964, before the guidelines had even come out. Yet there never was any publicity about this. I've already been back through the minutes of the board, and the board minutes do not reflect desegregating the district and going to attendance zone districts, in any formal or official way. Yet there seems to have been a consensus among some people somewhere that as soon as the law was passed, why, "we would follow the law."

Akin: Right. It was our belief at the time the act was passed that there were very few blacks who lived outside of the geographical boundary of Hamilton Park.

Wilson: By that you mean not just Hamilton Park, but the zone that was later developed. You did take in some children immediately to the west around Coit Road.

Akin: Yes, prior to the time that Hamilton Park was developed, there was an area where blacks lived to the west of Hamilton Park. Now, Central Expressway divides what is now Hamilton Park and where those black families lived which was basically north of Forest Lane and south of what is now LBJ or 635. I've forgotten how far west it went. Coit Road ran north and south at the time, and there were

families on each side of Coit, but how far west of Coit that went I don't recall, probably to about Hillcrest. But there were some in that area. It's later been developed, and there are probably a few black families still in there. I really don't know. But that Hamilton Park area, or Hamilton Park School, it's zone lines encompass the black area that was across to the west of Central Expressway. When Hamilton Park developed, and the school was built there, that school took care of all those kiddos.

Wilson: I wanted to insert that, but I interrupted you at the same time. So we're dealing with the 1964 act, and there's nothing official.

Akin: We had felt at that time...and by "we" I'm really saying the board, because it's ultimately the board's decision in school matters. They control it, not the superintendent or the attorney for the district or anything else. It's a decision-making body, and it's up to the administration and, to a degree, the attorney and so forth to abide by the decisions of the board. But at that time it was felt that that comprised a pretty natural zone. There wasn't another school in that direct area. There had been years ago a school or at least a school site on Coit. Frankly, I don't know whether there was ever a school there or not. I know that eventually we sold it to the city of Dallas. We--the school district--sold it to the city of Dallas for

a fire station.

Wilson: Would that be the old Anderson-Bonner?

Akin: It could have been.

Wilson: There was a grade school over there at one time.

Akin: That probably was it. That was prior to my time though.

Wilson: Hamilton Park replaced it for black students. It was set up for black students in the Richardson District, and then when they got out of grade school, they bused them into Booker D. Washington, and then all that changed.

Akin: That's correct. I think it was just high school students that were bused. Grade and Junior High School, I believe, went to...what did you call it?

Wilson: Anderson-Bonner.

Akin: Anderson-Bonner. I think that might have gone through junior high, and the high school students were bused to Booker T. Washington in Dallas. At that point it was not uncommon for districts to contract with other districts to take students, for whatever reason.

Wilson: Then in 1965, here came the first HEW guideline promulgated under the 1964 act. Do you recall your reaction to those?

Akin: Yes. Let me go back just a step if I may. In 1965, HEW put out a form, as I recall, designated Form 441 or 441-A maybe, that they wanted all the districts to sign, agreeing to comply not only with what HEW said at that time but also agreeing to comply with whatever HEW might

prescribe in the future.

Wilson: Well, we may be getting into 1966, when they came out with the second set of guidelines.

Akin: That was 441-B, I believe.

Wilson: Yes, form 441-B.

Akin: They first came out with 441.

Wilson: All right.

Akin: I advised the board that in my opinion they should not sign such a thing agreeing to something that might be propounded in the future, that they didn't even know what it might be. So I advised the Richardson District not to sign this 441 or 441-A, whichever it was--that first deal, anyway, from HEW. As I recall, it was in 1965 that there was a meeting called to be held at the Texas Education Agency in Austin by HEW. I'm trying to think of the name of the secretary of HEW at the time.

Wilson: I can't recall. Harold Howe became head of the Office of Education.

Akin: Well, this is the HEW. It just slips my mind. I could probably give it to you at some point. Pottinger.

Wilson: Stanley Pottinger was a part of that crew that came through in 1970, I know, when you had the meeting Austin.

Akin: Was that in 1970?

Wilson: You had the meeting in 1970. Let's see. Nineteen sixty-nine was the Alexander decision, and there was such a big brouhaha over that that the Nixon Administration sent that

HEW-DOJ team through.

Akin: Yes, correction--Stanley Pottinger is who I was thinking of. That meeting was in 1970--I believe that is correct--rather than 1965. But at any rate, the first notification we had from anybody was requesting at that instant, just the Richardson District, and we'll get to Pottinger here in a little while. At that meeting they, whoever was there...and I don't believe that meeting was held at the TEA (Texas Education Agency). It was at one of the other state offices or somewhere on the University of Texas campus. At any rate, we met with one or two representatives from HEW, presented a map of the district, and showed how the boundaries were and so forth. The representative said that it looked all right to them. Then we basically heard no more. We, the Richardson School District, heard no more until about 1970.

Wilson: Was there any feeling...this brings me back to the question I posed awhile ago. We kind of got sidetracked from that. There is the statement that, "We're going to consider this total integration." That put in my mind the idea that you or someone had that, as early as 1964 or 1965, if you have a desegregated district and yet an all-black school in it, there might be trouble in the future. I was wondering if anyone looked at that and said, "We may have difficulty with this later on."

Akin: We probably did. Certainly in the back of my mind I felt

like we might, at some time; but, also, at that time it was honestly thought that with the district attendance zones set up as they were that we were in compliance.

Wilson: Well, you got a letter from a man--I think it was in August of 1965--from HEW, saying that you complied with the act.

Akin: I had forgotten that letter. As I say we heard nothing further until basically we started getting these 441s, and I guess that did come in later 1965 or early 1970. Early 1970, I believe.

Wilson: Well, there was a lot of trouble beginning in 1966 because the...

Akin: Well, I've forgotten just when we got that first full 441.

Wilson: The new guidelines came, and they said a lot of things. But among the things they said was that, "It's no longer enough just to have a compact, regular, ungerrymandered zone," which the Hamilton Park zone certainly was. It was compact, it was the closest school for all the students it, and there was no problem. Then in 1976 the guidelines...well, I've got a little quote here: "You can't have attendance zones designed to perpetuate or promote segregation or to limit desegregation or maintain what is essentially a dual school structure." This was a very different thing from these compact zones of the previous year because a zone could be compact and yet consist entirely of black and white scholars and,

therefore, promoting segregation or desegregation depending, of course, on the way you look at it. Then HEW sent Form 441-B, which caused some difficulty, to put it mildly.

Akin: Right, and I think that everyone had either signed a 441 or a 441-B except, I believe, twenty-some-odd school districts in Texas.

Wilson: Eventually, according to the local man at HEW, Richardson was the only one. They finally got the signatures from everybody but Richardson. Other districts had these imbalances that they got after them for, but Richardson was the lone hold out.

Akin: As far as I recall, we never did sign one. I might have had them sign. I might have scratched up a 441-B. I may have.

Wilson: I want to ask you a question about that later on, because the archives run dry on that point, and it is an interesting question. You definitely recommended that the board not sign. That was your advice. You said, as you mentioned, that you would binding yourselves. Not only would you be binding future boards, but you would be binding to changes, new rules. It was a "very harsh contract." You used that expression. HEW attempted to answer that. In the fall of 1966, David S. Seeley was a big wheel in the HEW and the desegregation assistant commissioner essentially in charge of that activity. He

wrote the district in a personal letter, responding to the letter that the board sent to Harold Howe.

Akin: I don't recall. I probably drafted that letter for the board, but right now I don't...

Wilson: Well, essentially it follows your advice.

Akin: And as I say, I probably drafted it, but I just don't remember right now.

Wilson: They say that "we're not going to bind future boards. We're clouding our rights to appeal."

Akin: I think I drew that letter.

Wilson: "If there should be any future difficulty with us, this is a very harsh contract for which there is no authority." Well, Mr. Seeley replied to this, and he said, "Well, you're not binding yourselves to anything except for the use of materials that you get money for when the materials are exhausted; or if its for consumable items, then you're not bound past the life of the materials used. If it's used for a building you are not bound past the life of the building; but if the property is sold by your district, then you're not bound. If it's used for salaries, you're bound as long as you pay salaries out of that fund, but then you are not bound any longer. If we issue further guidelines and you don't like those guidelines, just write us a letter and tell us you don't like them. The reason we put that in there was our thinking that other school districts would have to write a letter of acceptance every

time we make any change in the guidelines."

Akin: Which I thought and still think, to put it in the vernacular, is B.S. (laughter) and to me, to a degree, rightfully so. I think that if the U. S. government is providing funds that they have the duty to see that those funds are spent in the way that they directed they be spent. But I felt the control of the Richardson District should remain in the control of the Richardson board.

Wilson: This seemed to be a major concern all the way through. In other words, the concern had shifted somewhat away from desegregation as desegregation--blacks and whites or whomever going to school together--to the issue of local control. That brings up something interesting. Did anyone at the time think, "Well, if we get into a contest with the federal government, we are in a sense playing David to Goliath." That is, if the federal government absolutely insists, then the handwriting's on the wall, and there's no way out of this. Or was there some hope that perhaps HEW could be contained or forced to back off?

Akin: I would say that there was probably some thought with possibly changing the administration, there could be some change of policies. I don't know whether that answers your question.

Wilson: You would hold off, hoping for some reassessment at the federal level about where all this might lead?

Akin: Right. To give you a little more history, as far as my

relationship to the rest of Richardson District is concerned, in addition to being the attorney, I was on the board for seven years. A fellow had resigned because he was moving away, and I was appointed to the board.

Wilson: What year was this?

Akin: It seems like it was 1958 to 1964 that I was on the board. But the first motion that I made at the first meeting that I attended was to do away with the federally assisted provision for a milk fund or milk for the school lunches and stuff. I was just scared to death, regardless of what the federal government said and whatever bureaucratic body controlled it, that they would, with those money strings attached, be trying to pull the district's strings because of the money. That was the only money that we were directly receiving. The matter had come up prior to my going on the board, but with my coming on the board the vote shifted from a 4-3 to retain those milk moneys to a 4-3 to turn them down. And so we stopped receiving any governmental funds at that time. It was not a black-white issue to me; it was the board not having control.

Wilson: There were some times, in fact in 1967, that the board returned the money to state of Texas to try to get away from the...

Akin: There were some funds sent. It seemed like it had to do with the science program.

Wilson: Vocational agriculture.

Akin: Vocational, yes, that's right. It was monies furnished for vocational "ag" teachers to go to seminars or something. I suggested we send the money back. I was doing it as a member of the board, not as an attorney for the board. We voted on it and determined that it should be done.

Wilson: When does it begin to get pretty hot?

Akin: Well, if you said 1967 that would be incorrect. I would have been advising the board.

Wilson: You would have been advising the board then.

Akin: I didn't vote. It was just my advice, and they followed it.

Wilson: In that connection, there is another agency that comes in here, and that's the Texas Education Agency.

Akin: Right.

Wilson: In one of your "pinks," Mr. Brennan recounts going down in January of 1967 to the Texas Education Agency and having discussions with them about this whole problem, which by then had become rather severe, on the returning funds and of the federal government forcing you to sign Form 441-B and so on. His expression was that, "They think we're rocking the boat." My assumption was that the TEA --there's no TEA material that survives; they've thrown most of it out--was essentially throwing up its hands and saying, "Well, it's whatever the federal government wants. So far as we're concerned, people need

to get on board that."

Akin: My recollection on that is that monies were flowing into the TEA from the U.S. government, and they didn't want to rock the boat and didn't want us to be rocking the boat on their receiving funds. I've forgotten why that would have been Jim Brennan. I didn't even remember him until you mentioned that, "Did Jim ever have anything to do with it?" I remember Jim Knox did, but I had forgotten that Jim Brennan...that I had ever sent him.

Wilson: Jim Knox was with you, and a time or two perhaps by himself, discussing matters with the district.

Akin: That's correct.

Wilson: That Jim Brennan had gone down to Austin to talk with them?

Akin: I had forgotten that he ever did anything. I mean, he did lots for the firm, but I had forgotten that. He was primarily involved in tax matters. I can't remember why I would have had him go down there.

Wilson: There's an interesting...once we get into this in 1966 with the HEW, all kinds of things surfaced here basically revolving around Hamilton Park and this rather exclusive situation in the district. In trying to reach a compromise, whether it was to sign or not sign 441-B, how to get out of this difficulty, it seemed to me--I'm not asking here for a denial or confirmation of the interpretation--it seemed to me that HEW really did not

hold all the cards in that. If you were completely out from under federal funding...

Akin: At that time it was pretty well agreed that if we did not receive any federal funding, they didn't have any strings on us. We did some meeting with them without ever really bringing that up. At one time--I've forgotten the year; it was somewhere between 1965 and 1970--we met with a group. I remember it was cold, and it was probably about this time of year in whatever year. We met with them for four or five days and finally had a breakfast meeting with them. It might have been one white amongst the group, but I believe they were all black. At that meeting I finally told them that we didn't receive any federal funds, and we were glad to have cooperated with them, but we really didn't think they had any say so because we weren't receiving federal funds. And that particular group said, "Well, we agree." We completed our breakfast, and they left, and we didn't see them anymore.

Wilson: Well, this was in probably 1966 or 1967?

Akin: Probably, yes.

Wilson: To get a bit a little ahead of my outline, there was never any conclusion, in part because of the impact of the first Jefferson case in which the Fifth Circuit said that from now on the guidelines are in with them.

Akin: Whether you sign it or not, yes, sir. They are it, whether or not you signed it, as I recall.

Wilson: So the HEW would have been in a position, then, of cracking down on a poor district that had to have federal funds in order to educate its kids, but it would have no influence at all over an affluent district such as Richardson.

Akin: Incidentally, that one motion I made probably cost the district, or the parents of children going to the district, probably hundreds of thousands of dollars. But I felt strongly enough about it personally to maintain our local control. I thought as their representative that I felt as they felt--that they'd rather be free of control and to have to spend a little bit more money to pay for milk.

Wilson: Eventually, in early 1967 you got to something of a compromise situation with HEW partly as a result of the courts in a sense getting ahead of HEW or at least drawing abreast of HEW. And then we get to this curious thing where they are going to have a non-compliance hearing. I know you spent a lot of time preparing for that, and then being given a number, and it was going to come up and so on. And then this fairly complex compromise was worked out in which it does say the district is going to sign the form and phase out Hamilton Park School and close it after the 1968-1969 school year.

Akin: That was in regard to the grade school.

Wilson: No, the high school, close the high school.

Akin: No, I'm sorry that...I believe, of course, I'm drawing on memory here, but as I recall the agreement shut down the grade school along about that time. But I'm thinking of the 1970 hearing.

Wilson: This is before the 1970 hearing.

Akin: Yes, before the 1970 hearing, I don't think they agreed to shut down the grade school. I think the 1970 hearing primarily revolved around the junior high school.

Wilson: Around the junior high school. The grade school was still open. I'm referring primarily to the discussions with Albert Hamlin, who was an attorney for the HEW.

Akin: Yes, right.

Wilson: He had proposed at one time...

Akin: Yes, he was a sharp guy, too.

Wilson: I gather that you got along pretty well with him.

Akin: Yes, and by sharp I don't mean that in any way adverse. He was a smart guy, I think is a better adjective.

Wilson: He was suggesting at one time that the way to deal with the problem of Hamilton Park's--as they later said--racial identifiability was to bring white students into it. He had been suggesting this back in December of 1966 and kicking various ideas around with you and through you and the board. Then because of the problems within the district, apparently there was some discussion of closing the high school anyway. Then in 1967 he backed away from this idea of sending white students in and said that if

you're going to close it to the black students and bus the blacks to, I think, to...or half to Richardson and half to Lake Highland at one time.

Akin: At that time, as I recall, they just had three high schools--one at Hamilton Park, one in Lake Highlands, and then Richardson High School.

Wilson: But eventually they went to, I think, three different schools, but first just went to the two.

Akin: Berkner was the third or the fourth, but originally it was split between Richardson High School and Lake Highlands.

Wilson: And as this developed, that became all right with HEW if you enclose the senior high and disperse those students. There's a lot of discussion about that and discussion of trying to desegregate the faculty a little as well.

Akin: Right.

Wilson: And then, at least so far as the record indicates, this sort of evaporated. There was a general agreement that they would postpone the hearing, and perhaps there would be a formal release at some future time. But that never did seem to have transpired, it just seems to have kind of tailed off.

Akin: I believe that's correct. Nothing happened until they filed suit in 1970, I believe.

Wilson: It seems to again...

Akin: I think it was a practical matter. I believe what happened is Hamlin got transferred (chuckle).

Wilson: And no one else picked up the ball.

Akin: Right. As best I recall that is what occurred. He just got moved out.

Wilson: And he was on top of it.

Akin: Yes, and nobody picked up the ball. And we weren't going to bring anything up (laughter). We weren't going to wake that sleeping dog, so I think after he got transferred it stayed quiet until we suddenly got served with a petition in 1970. I may be wrong in my recollection, but that's the best I recall.

Wilson: Well, you're supported by the absence of any conclusive documents.

Akin: I think it was quiet from the time that Hamlin left that particular spot until we got sued.

Wilson: So the compromise simply wasn't formally consummated. They did their part by backing away from the hearing, and you did your part by closing the high school, and that was it.

Akin: Well, we didn't...

Wilson: Or you had an agreement to close the high school which you then carried into effect at the time.

Akin: Nothing was really closed prior to the lawsuit, prior to our going to trial, as best I recall. Do you happen to have a copy of that 1970 judgment?

Wilson: I don't have a copy of the 1970 judgment with me. The notes that I took from it indicate the deal here is that

you closed the junior high, and Judge Taylor picked up...the HEW plan was to pair Stults Road and Hamilton Park. Your argument basically was, "We're not discriminatory. We have attendance zones, and things are to be left as they are." So the compromise that Judge Taylor fashioned from this was not to order any pairing or any other kind of cross-school transfer of pupils, but to give HEW half the loaf and say, "All right, we'll close the junior high."

Akin: Right. My recollection is that the board had already voted to close the junior high school, and the net difference at the 1970 hearing was whether to close the junior high in 1970 or 1971. The judgment was that it would be closed in 1970--the junior high.

Wilson: The junior high closed. It was almost the end of the year, so it was closed.

Akin: Yes, it was closed. That was in the summer of 1970 that we tried that.

Wilson: It was obvious that it was about ready to start. I don't know whether they opened....

Akin: So rather than waiting a year, they went ahead and did it effective when it started in late August or early September of 1970. I believe the grade school stayed open at that time.

Wilson: The indication that I have is that all we're dealing with in 1970 was the junior high and the grade school.

Akin: That's my recollection, too.

Wilson: I was wondering if you had any vote in the...I know that you had a role, but how involved you were in the instance before 1970 in which the Hamilton Park residents become concerned about the schooling. They don't want to close the high school, or many of them did not, but that's obviously going to happen anyway.

Akin: It was going to happen, but the majority of the blacks did not want it. At least they wanted to retain the Hamilton Park High School as an entity and all unto itself. Now I'd say a vast majority wanted that. A majority wanted to keep it all grade school and junior high, keep the whole Hamilton Park School as it was. It was other folks who wanted to change them. If they had gone with the majority of the folks going to Hamilton Park or the parents, it would have stayed as it was. But that wasn't to be.

Wilson: This got them concerned, and there was a petition late in 1968 submitted to the board to change the boundaries of the junior high school to basically beef up the junior high school. The feeling there in the community was that it was too small, the children couldn't have the opportunities of other junior high people because there were maybe 200, 225, or 250 students there.

Akin: Something like that.

Wilson: It's not a large school. There was an interest in expanding the boundaries so you could bring in white

students to the junior high. You can beef up the numbers, and then you can beef up the curriculum. There was some thinking that white parents would then put pressure on the board to upgrade the junior high because their children were attending there. Do you recall...I know what the result of it was, of course. They said, "We're not going to change the boundaries, and we are going to support a biracial committee to study the junior high." Of course, its recommendations were obviated by the result of the 1970 suit.

Akin: Well, the Biracial Committee was established by that suit.

Wilson: This is an earlier one, however.

Akin: That was kind of an ad hoc committee.

Wilson: This was just a committee to go and...

Akin: Not the Biracial Committee that was appointed by Judge Taylor.

Wilson: I used a confusing expression there. It was a committee to study the junior high rather than the Biracial Committee that Judge Taylor established in 1970. But at any rate, the Southern Association of Schools and Colleges appointed it. It came in and looked around and made some recommendations. It generally approved the quality of the instruction and the work of the board. Generally, it was quite favorable. I was more interested in what they denied the parents, which is, changing the boundaries to bring in the white students in the junior high to beef it

up. I was wondering if you recall any thinking of the board at that time and what their concerns were.

Akin: As best I recall, the main thinking of the board was to maintain the integrity of the various attendance zones. The board felt like, at least as far as that board was concerned, and as far back as memory of man runneth not to the contrary, that it was a naturally bounded area. There wasn't any need in, as far as they were concerned, busing across zone lines for any reason.

Wilson: Do you recall any feeling that if this change were made that there would be "white flight," not necessarily whites moving out of the redrawn district but refusing to send their children in, sending them to private schools or what not? Did that surface at all?

Akin: I don't recall in the Richardson district. I don't recall any mass thinking. I'm certain there were some individuals thinking about moving or something, but "white flight" as such was just not a matter of discussion. I don't recall that.

Wilson: So it might have been possible had the board made a decision to change the boundaries and expand Hamilton Park Junior High and bring in people in other districts, Stults Road or wherever, that they simply would have gone and accepted it.

Akin: My guess is that they probably would have complied. There might have been some that might have moved for that

reason, but probably somewhere else in Richardson. I don't remember any hysteria about that or anything (chuckle).

Wilson: Well, this gets us to the courts.

Akin: Let me back up. That meeting--I believe you said that Pottinger had in 1970--had been early 1970 because the suit was in August of 1970.

Wilson: Yes, it was in July of 1970.

Akin: Okay, a few months before. And I believe at that point it may have ended up that Richardson was the only one that had not signed the 441 or 441-B. But at any rate, I think there were twenty-some-odd districts at that point that had not complied by signing one or the other forms.

Wilson: Well, they may have signed the forms, but the problem was that in 1970, if you signed the form or not, their statistics were wrong. They simply had too many minority students bunched in certain schools.

Akin: Well, the ones that were invited to that meeting were folks with the districts that had not signed the form.

Wilson: Well, there is a statement, and I wish I could find it, and don't you know....

Akin: You can tell me I'm wrong or show me that I'm wrong on that, but that's my recollection.

Wilson: Wouldn't you know that when I'm looking for this I can't find it, but there was a "Cap" Landeau who was here in Dallas at the time at the local HEW office.

Akin: OEO, is that right? Office of Equal Opportunity, OEO. It seems like he was with that office. I'm not sure. At any rate the invitation we got was from HEW.

Wilson: Yes, but he went out a time or two to talk to Superintendent Pearce. I've seen Superintendent Pearce's memos on that.

Akin: Yes, I believe he was with the Office of Equal Opportunity, whatever.

Wilson: One of those. I'll look this up, and I'll make a copy of it, and I'll get it in the mail to you (chuckle). But he makes a statement in one of those meetings that I believe at one time they were down to Richardson and perhaps three or four others in Texas who had signed the 441. There seemed to be a lot of concern on the part of HEW: "Look, just sign it. We don't care if you really intend to comply at this point. Just sign it." And apparently they wanted 100 percent as a kind of demonstration that people were getting on board. Then in a later conference, I believe he said that Richardson was the only one that had not signed. The situation was a little different in 1970 because of Alexander. Nixon said, "No, we're not going to make these Mississippi districts desegregate." And the courts said, "Oh, yes, you are!" There was a lot of fussing about that: "What is going on here? What are we supposed to do?" A lot of outrage in the HEW-DOJ bureaucracy in the Nixon Administration. Then they said,

"All right, everybody is going to get on board." By then there had been so many other court decisions decreed, Fifth Circuit decisions. They were gearing up for Swann.

Akin: Yes, Swann brought on our 1975 hearing.

Wilson: But those others had said that the test of your intentions is not your purity of soul, but are blacks and whites in classrooms together? So that the sweep through the South in the summer of 1970 was to pull those districts around, to get those districts signed. It was to get those districts out there and say, "Look, you're still imbalanced. Your statistics are wrong."

Akin: You're still segregated.

Wilson: You're still segregated no matter what you say you're going to do or have done to your school.

Akin: Let's, for present purposes, assume that my recollection is correct on that Austin meeting that Pottinger called. And as I recall, it was twenty plus.

Wilson: Yes, there were twenty plus districts there. There's no doubt about that.

Akin: I think none of those districts had signed the 441. I think those were the only districts in Texas at the point the meeting was called--the only ones invited to the meeting. They put it on there, using that word "invite" or "invitation." That was the connotation. It was not an order that "you be there." That was the net effect of it, but they put it in that we were being invited.

Wilson: That you were invited.

Akin: Correct. And each district was invited to bring the superintendent, the president of the board, and the attorney representing the district. They would have three people from HEW to meet with the three representatives of the districts. Pottinger made a speech before all the districts, with all the press there and the TV cameras grinding, and all about he was only there to help, not to tell anybody what to do, nothing. They were just there to lend their helping hand. That's what he put out for public consumption. But then he set up meeting times for each district to go into private session with the representatives from HEW. But instead of having three people from HEW--this was at the TEA, and they had various rooms there in the TEA building available--it varied between ten and seventeen representatives sitting across the table from the three representatives of the district.

Wilson: Confronting the three of you.

Akin: Two things particularly come to mind out of that meeting, and I probably told you about them when we were visiting before. I had gone in just to kind of see what was happening. I had gone into the Lubbock hearing and at that time...

Wilson: Just for the record, this was before your hearing.

Akin: It was before our hearing. I kind of wanted to see how it was going to be going. I went in and nobody told me to

get out, so I just (laughter) stayed in to see what was going on. In Lubbock, just a few months before they'd had a tornado go through there.

Wilson: That's right.

Akin: There was a considerable Mexican population in Lubbock, and it primarily just wiped out that Mexican district. The main discussion with the Lubbock folks was about where the Mexicans were and where they were going to school. There were some blacks in Lubbock but not many. The big deal was the Mexicans. And, gosh, the Lubbock folks really couldn't answer the question where they would be going to school because at that point it was just a short time after this tornado, and they didn't even know where they were. They were just scattered (chuckle) to wherever they could find a place to hang their hat and lie down at night. They had no idea where they were and where they would be going to school a month or two later. But they hashed that out, and, as I recall, the superintendent's name was Irons, and there was a short New York lawyer--short in stature--working for HEW sitting at the end of the table. They had been talking for about an hour-and-a-half. These meetings were supposed to last thirty minutes, but this one went on for about (chuckle) an hour-and-a-half with these seventeen. There were seventeen in that particular meeting. And this one guy said, "Well, Superintendent Irons, we talked about the Spanish-American

population of your district and what's going on with them, and we talked about the blacks in your district." I think they called them coloreds then rather than black. I have forgotten, but at any rate, the blacks. He said, "What I wanted to know is what you're doing for the Indians?" Irons stood up and he was about...he looked like he was eight feet tall (chuckle), but I think he was actually about six feet five inches, with jet black hair. He stood up, and as I recall the guy's name was Schwartz. He said, "Mr. Schwartz, I can't tell you what we're doing for all the Indians in the Lubbock district, but they made a superintendent out of one of them." (chuckle) This was a full-blooded Apache Indian. That stopped that hearing. And when they got to ours... Wilson: No one asked you about Indians.

Akin: Didn't ask me about Indians. But just before ending ours --and I guess what ended ours--is we were talking about various combinations and blacks living next door to whites and moving them around in various and sundry combinations. I think, as I recall, it was this same guy that asked me, "Mr. Akin, what would you do if a black family moved in next door to you?" And I said, "Well, sir, I'm not sure but I assume I'd just stay living there because I've had a black man and black woman living in my house for seventeen years, and it hasn't bothered me a bit." (laughter) I had a maid and her husband, not living in servants quarters

but in a room in our house for seventeen years, and we'd just gotten along fine.

I'd been water-skiing the Sunday before we went down there for that Monday meeting, and a kid was driving the boat. He didn't know much about pulling the skier, particularly on the slalom ski, and he started the boat off real slowly, and I was being just dragged through the water. Finally, the pressure got so great it popped the handle out of my hand and just tore that nail off and broke the end off my finger when the thing popped out. I found a doctor there in Richardson (chuckle) who put it in a splint, so I had that middle finger splinted up straight. After the meeting and before I had that middle finger stuck up like that (gesture), I very carefully carried my brief case with the TV cameras (chuckle) going, with that finger prominently displayed at all the times. It probably doesn't have anything to do with this tape, but it appeared that I was giving them "the finger" at all times (laughter). There were some very serious or some amusing moments that went with it.

Wilson: I would like to get back to that hearing and then to what happened subsequently. More or less for the sake of continuity, if we could just go back through the court decision.

Akin: Well, that actually was the next step.

Wilson: Yes, that was the next step.

Akin: There was just a month or two in there, then the next we heard from them we were getting the citation.

Wilson: But I'm speaking of what was going on really beginning in 1965 when the Fifth Circuit gets cranked up and John Minor Wisdom and the others hand down their decisions. and Singleton I says that you have to accept the 1965 guidelines. Jefferson I really says the Civil Rights Act of 1964 means some thing else than everybody thought it did, which is that Brown means compensatory justice and desegregation, at least in the South, which is going to be done, roughly, in some proportion to the whites and blacks in the whole district. Then in 1968 the Supreme Court said basically the same thing in Green. The famous quotation was that the board comes forth with something that promises realistically to work and realistically to work now. Again, it was to get the statistical validation.

Akin: The key word then, "now."

Wilson: Yes, but the proof of the pudding was in your having a rough proportion of blacks to whites in each school according to the total population of the district, not precisely, but approximately.

Akin: As I recall, at that time it was about 3 percent black.

Wilson: Yes, Richardson was, yes. So that had to be a unitary system. There couldn't be a sore thumb school that was way out of line with the others, which gets us to the

sweep. I have down here there were thirty-eight districts. I think they had a smaller number originally.

Akin: I think there were thirty-eight invitations sent out, and I think eleven of them or so signed before the meeting date. There were approximately twenty-seven that appeared.

Wilson: Then we get to the 1970 suit. This is going to be settled once and for all as you and Mr. Stanley McCaleb, and Mr. Pearce agreed, "It's so complex, and there are so many involved that we need to get this into the district court and arrive at some kind of conclusion." Judge Taylor got the case in late August.

Akin: The suit was actually...the initial suit was Richardson, and it seems like it was Fairfield and three or four others. Maybe it was all the ones that maybe had not signed. I'm not sure.

Wilson: Richardson got cut out of that.

Akin: The judge asked us...he was the presiding judge, so he could do anything he wanted to with the suit, so he put us in Judge Taylor's court. I think all the others capitulated before going to trial. I don't know what they worked out, but I don't think any of the others went to trial. I think we were the only ones that actually went to trial. As an aside, we'd been anticipating that the suit would be filed two or three weeks before it was actually filed, so I had been preparing for trial during

that period of time. We were ordered to appear before the judge, we were assigned to Judge Taylor, and he had ordered us to appear, as I recall, at ten or eleven o'clock one morning. I had prepared a motion for continuance to really get ready for trial and argued it that way. The judge said, "Well, Mr. Akin, I think you're right. You deserve a continuance, so I'll continue it and expect you back in court at 1:30 today." So we went to trial (chuckle), and I'd been primarily working with Raymon Bynum, and Raymon and I had all kinds of charts and graphs and pictures and things. We had a bunch of stuff, but we went ahead and tried it, at the conclusion of which Judge Taylor said, "Well, Mr. Akin, you've introduced quite a bit of evidence here, and I just wonder what you would have come up with had you had time to get ready." (laughter) We were really as ready as we could be at that time, I guess. I don't know what else I could have gotten ready.

Wilson: I guess that he was happy he didn't give you any more time than he did.

Akin: Then we got together. More or less, I knew what the board was willing to do and what they would accept. The judgment that was signed was something that I knew that the board would and could comply with. I wish we had a copy of it here, and I'm sure I do, somewhere in there. Without digging into it, that judgment was acceptable to

the district, and it did comply. We thought that we had done what we were supposed to do.

Wilson: That is, closing the junior high and...

Akin: As I recall, it closed the junior high that September...

Wilson: Yes.

Akin: ...as opposed to a year from that September.

Wilson: Okay.

Akin: Which the board had already decided it was going to do. I don't know that it was in the minutes, but in discussion at least their intent was to close it effective September 1971. It was just a matter of closing it a year earlier.

Wilson: But there was, as a result of that--that was basically it--was a large part of the order that had to do with the majority to minority transfer and the Biracial Committee was established.

Akin: Oh, yes.

Wilson: There were all sorts of other things.

Akin: There was a whole bunch. It seemed like there was about twenty fairly standard things that they wanted.

Wilson: They were pretty standard by 1970.

Akin: Yes.

Wilson: They were practically a part of every court order by then.

Akin: Right.

Wilson: And it's not really very surprising.

Akin: Yes, there weren't any big surprises. Between myself and the Justice Department lawyer, we worked many hours in

working out the judgment. It was substantially the same thing that had been entered in a number of other cases. I can't think of his name. Do you remember?

Wilson: Bill Fenton was one of them.

Akin: No, it wasn't Fenton.

Wilson: I have the name of the other man here somewhere. Fenton, I believe, was in on the beginning of the suit, and then he dropped from view.

Akin: That's right. He turned it over to somebody.

Wilson: He dropped from view, and the other man carried most of the hearing.

Akin: Yes, he actually tried it. That was there at the very beginning.

Wilson: John Conroy.

Akin: Yes, Conroy. And then in the 1975 suit I can't think of his name either.

Wilson: Stephen Gurwin.

Akin: Steve Gurwin, yes. The last I heard of him, he was in the Attorney General's office in Colorado.

Wilson: Oh, is that right?

Akin: The last I heard from Steve.

Wilson: How did you get along with Conroy? Did you find these people generally congenial and willing to work with you?

Akin: Pretty well, yes.

Wilson: Is that the same for Gurwin?

Akin: Steve, too, yes.

Wilson: You pick up from the transcript that there is this terrible clash (chuckle).

Akin: Oh, yes, we'd had lunch together and stuff. They were very professional. I mean, we'd have our differences in court, but just personally, no, I had nothing but admiration for them. And they personally didn't always agree with the views that they had to espouse in court.

Wilson: Well, that brings us, then, to the next time you got back in court, which was 1974.

Akin: Well, on into 1975, yes. There were lots of meetings with Gurwin in 1974, before we ever got into court in 1975, I believe it was.

Wilson: One thing you mentioned in your brief that struck me. You raised a question which the government chose to ignore, so it never really came to the fore as an issue in the trial itself. But it's interesting, and that is, "If this is such a dreadful thing that's going on in the RISD, why did they wait for four years?" Do you have any idea why they did this?

Akin: The only reason that I know of that they did is that ours was not as bad. Assuming for the purpose of argument that it was bad or wrong, it wasn't nearly as gross a case as many others, and they just had limited manpower and limited funds. It just took them that long to get around to it, probably.

Wilson: Did you draw any conclusions from the fact that they

didn't appeal in 1970?

Akin: Well, I think they were satisfied with it. Both sides, I think were happy with the judgment. The judgment that was presented was Judge Taylor's judgment, but the government's attorney and I worked the judgment out.

Wilson: So this was a compromise.

Akin: It was more of a compromise.

Wilson: You had agreed, and since you were agreeable, then so was the judge.

Akin: Yes.

Wilson: Of course, he takes responsibility for that.

Akin: That's right. But we won it and the board felt that it had to have a court order under which it would have to operate. Conceivably we could have worked without a trial, but it was much better for all concerned to have a judgment certain. We had to abide with it, and the government had to abide.

Wilson: So that the feeling was that if you didn't have a court order, you would always be in jeopardy whatever you did.

Akin: That's right.

Wilson: There would be nothing fixed at all or certain at all.

Akin: Correct.

Wilson: Well, despite that you go back in 1974.

Akin: Yes.

Wilson: This time with Swann, busing confirmed as the...

Akin: Yes, Swann had come along, and there was a different ball

game. What we did in 1970, according to Swann, wasn't enough.

Wilson: In Green there's a lot of concern with statistics, but then in Swann they really get after the business of racial balancing, if you want to call it that. Racial balancing isn't racial balancing so long as the numbers aren't precise. With 85 percent of whites in the district, you can have 83 percent in a school and that's okay, or 87 percent in another and that's all right to bring it close. If you bring it close, it isn't racial balancing according to the 1964 act. So the Richardson District is out of balance according to the Swann formula because of the presence of the Hamilton Park grade school. It interested me as a layman that both you and Steve Gurwin appealed to Swann.

Akin: Yes, we both took some solace out of Swann. We each picked the parts of it (chuckle) that backed our respective positions.

Wilson: It's a ramshackle decision, and many things can be taken from it.

Akin: And we just picked the parts that were backing what our respective positions were.

Wilson: Your argument that you made...there was a lot in there about you having a hand in creating the situation near the Hamilton Park subdivisions and so on. But other than those arguments you said that...

Akin: Which incidentally the district had absolutely nothing to do with. It was some developers that...it was an insurance company. It was Carr Collins's dad that actually was president of Fidelity Union life, I believe it was, that did the financing. Another group did the developing, and it was a partnership between them--a joint venture that set that whole thing up.

Wilson: The Hoblitzelle Foundation loaned the money to buy the land.

Akin: That's right. The Hoblitzelle Foundation and Hoblitzelle himself had a good hand in it personally. They really did do a good job to develop that neighborhood.

Wilson: But it struck me as far fetched, the argument that the RISD was somehow in on that.

Akin: Yes, it was.

Wilson: In Texas in the middle fifties, if you put a grade school down there in a black neighborhood, that somehow you signaled that it was a black school. I couldn't understand that argument closing the black school. Of course, it's a black school.

Akin: Yes, because there was just blacks in the area. In 1955, whites wouldn't have been moved into the neighborhood anyway. It wasn't for them. They had other places to live. I couldn't ever quite understand that as being realistically presented (chuckle). I remember Judge Taylor saying when Gurwin said that those were all kinds

of things they could have done other than build the school there, he said, "But what would you expect them to do?" "Well, they could have put a white school nearby. But apparently there were very few whites there at the time.

Akin: There weren't.

Wilson: The school would have been out in the middle of nowhere.

Akin: At that point everything south of Forest Lane was all industrial. It was blocked off by the railroad, and I think there are some apartments now, east of the railroad. Texas Instruments owned everything to the north and where the...what do they call those buildings on the corner of Coit, at the southwest corner of Coit and 635 and Central? Not Central. Central is on over a long block, but Coit and 635. Do they call it the Central Towers? That series of white buildings. That was the Highland Park Airport, is what was there.

Wilson: There wasn't anything.

Akin: And now it's all office buildings. Other than down there where that little pocket of blacks are on down toward Forest, there's no residences in that area.

Wilson: I'd like to talk with you about this argument that you made. First of all, Swann did allow one-race schools. It did not prohibit that.

Akin: It did not prohibit one-race schools.

Wilson: And you also mentioned the barriers that they would have to cross in order to get out, and, of course, Gurwin's

response to you was, "Well, the senior high kids go out every day, and junior high kids go out every day. Why can't the grade school kids go out?" Was your concern for them as younger pupils?

Akin: Yes, that was a concern of the parents down there, too. Again, if we'd have a vote in Hamilton Park at that time as opposed to a judicial decision, they would have kept the grade school as it was. I have no doubt in my mind about that.

Wilson: Well, when I interviewed Mrs. Robertson, she was concerned about that.

Akin: There was a core group there that was very much wanting more to have the whites brought in to Hamilton Park rather than having the Hamilton Park kids go out. But there was one group that wanted to shut Hamilton Park down entirely, and another core group that wanted to bring in kids, from Stults and from...

Wilson: Spring Valley was mentioned.

Akin: Kind of peripherally but there was another one just to the north closest--O. Henry, I believe.

Wilson: Was Northridge a junior high? It was North-something. Northwood--is that a possibility?

Akin: There was Northwood Junior High. That's one of the junior highs that we utilized.

Wilson: Was there a Northridge?

Akin: I don't remember Northridge. But there's another grade

school in there, and I think actually O. Henry is over at Garland, but the school, Mark Twain, maybe, or an author, anyway, is the name of it.

Wilson: Oh, Dobie.

Akin: Dobie Elementary. They were wanting to split that Dobie attendance zone, and those white families were very concerned. What they would have done I don't know because it never came to that, but they were the most concerned. They didn't have too much out of the Stults group, but the Dobie parents were pretty concerned. I'd say 75 to 80 percent of the black parents of grade school age kids would have voted to keep it as a black grade school. The vociferous ones were in those two core groups. They did so much talking, but when it got down to actual numbers, I feel strongly that they were going to keep it as a neighborhood school.

Wilson: Well, the newspapers mentioned at the time that there was considerable comment from the black parents that, "Look, we didn't ask for this suit. Nobody consulted us, we didn't appeal to the federal government to come in here, and we just as soon they did not. Now that the high school and junior high are gone, at least leave the primary school alone."

Akin: Leave our little ones to go to their neighborhood school. That's right.

Wilson: I know later on there were some plans presented by groups

including the Civic League to do this and that.

Akin: Yes, I don't know how many different plans there were.

Wilson: There were at least ten because they kept talking about the Modified Plan Ten later down the road. What was your reaction to where things had gotten in the law by then, for instance, Gurwin's argument was essentially, "If the district has never been unitary then, of course, there is discrimination, and you're not complying with the Constitution. And we can demonstrate that Hamilton Park has never been unitary because there has always been this school here. Therefore, you're out of compliance." What did you think of that as an attorney or legal scholar?

Akin: Well, I did rely primarily on that Swann decision, that part of it that said that a black school was not per se a segregated situation; that there could conceivably be a situation where an isolated black school would be. They didn't use this language, of course, but there could be a unitary system even though a wholly black or wholly one-race school existed.

Wilson: The burden was on you to demonstrate that it did not mean that you weren't a unitary system.

Akin: And that was what I was trying to prove in presenting my proof. In presenting the natural boundaries, the weak link in my argument, of course, was that group of families over on the west side of Central that was included within Hamilton Park.

Wilson: But wasn't that at the time the closest school? Historically they had gone there, and it was the closest school to them?

Akin: Historically they had gone there, and it was the closest...Anderson-Bonner School was shut down. I'm glad you said that name. If I ever knew it, I'd forgotten it.

Wilson: Well, you paid me back by remembering the author (chuckle).

Akin: They had naturally been going in that area, and they started going to Hamilton Park when it was open. And they were the only kids in the area. I'm not saying that if there had been white kids living there that they wouldn't have sent them up to Spring Valley, which was the closest school on the west side of Central, too.

Wilson: Spring Valley wasn't there. Spring Valley was built later. Hamilton Park by far was the earliest one in that area.

Akin: Oh, yes, it was much earlier than...that's right.

Wilson: Stults wasn't built until 1961 or thereabouts. I don't recall...

Akin: Hamilton Park was early 1950s. I've forgotten.

Wilson: They started building it in 1954, and they opened it in 1955.

Akin: Spring Valley...let's see...Cathi was born in 1952, my daughter Cathi. I'm trying to count up to see when Spring Valley might have been opened. She went to Richardson

Heights the first year, and Terrace the second, and Dover the third, so she would have been nine years old. It would have been 1961, I believe, when Spring Valley opened. We lived just a few blocks north of Spring Valley. Meandering runs in front of or alongside of Spring Valley Elementary to the north, and our home was just two houses west of Meandering. My oldest son went his first two years at, I guess, Terrace and Dover. They were bused.

Wilson: Because of the distance?

Akin: Yes, because there weren't any schools there (chuckle). They had to be bused, for Cathi three years and Dave for two. We had all kinds of busing because of everybody switching and running all sorts of directions during that heavy growth period.

Wilson: Trying to balance...

Akin: To provide for schools for the kids it had to be. We ran lots of buses.

Wilson: Obviously, there was no objection to busing as busing, so long as it was done for an education.

Akin: Right. All during junior high and high school, Cathi and Dave being the oldest two, they were bused to junior high and high school. Richardson High School was the closest, still, from where we lived. It was before Northwood Junior High was built, so they were bused over to Richardson Junior High School. I don't know whether they

still have classes there. I don't know. At any rate, they were bused to junior high and high school. But Cathi, half the time that she was in the Richardson system, six of the twelve years she was bused. Mary, the youngest, I don't recall her actually riding the bus. I've forgotten how she got there, but she chose to go to Hamilton Park in 1975 when we had the deal when we were trying to get white kids to go to Hamilton Park.

Wilson: To go to Hamilton Park.

Akin: She had gone to Acapulco with some of our neighbors, and she knew this suit was going on, even though she was just in the sixth grade, and she called me. I guess I had talked with the folks that had taken her down there, and I told them what was going on; and they told her, and she called me and told me she wanted to go to Hamilton Park. So she did. She started the sixth grade that year, and she went that last year of elementary school at Hamilton Park out of choice.

Wilson: How was her experience there?

Akin: Excellent. She wished she had been there all the time (chuckle).

Wilson: Except they didn't have it then.

Akin: They said it wasn't available.

Wilson: They said it wasn't available, right.

Akin: She very much enjoyed it, and she still has good friends that are black.

Wilson: That she met there.

Akin: That she sees from time to time. She is an American Airlines attendant now, and there are two or three black kids that she went to school with at Hamilton Park that are American Airlines attendants that she is still associated with.

Wilson: Well, that's similar to the experience that Mrs. Robertson's daughter had. I don't recall her name now, but it was just before...

Akin: I can't remember her either. She was a fine person.

Wilson: Doris Robertson.

Akin: Yes, Doris Robertson.

Wilson: Head of the PTA and I think still is.

Akin: As far as I know.

Wilson: President.

Akin: She's the chief honcho over there.

Wilson: Yes, she's not in charge. Unfortunately she turned a lot of PTA materials over to someone who didn't take very good care of them, and the woman she thought had them never got them from the people.

Akin: I don't know what she thinks of me, but I certainly think highly of her.

Wilson: Well, I'm going to interview her again. I'll ask her (chuckle).

Akin: Okay, I'd be interested. I always thought just very highly of her.

Wilson: Yes, she's a fine person. She was very helpful to me and very responsive in the interview. Her daughter was getting ready for an outing or party, and she just came out to say hello, and asked what we were up to. Her mother said we were interviewing about the Pacesetter Program, and she said, "Well, I remember the day it opened, and I went out to the bus, and that so-and-so got off the bus and I took her into the school and all of that. We still keep up." So from the side of Hamilton Park residents, it worked also.

Akin: I think so, yes.

Wilson: At least in that early group.

Akin: I don't know how it is now. I've been disassociated with it for four and five years now. I don't know.

Wilson: It seems to work.

Akin: It seems to be.

Wilson: It gets awards right along.

Akin: Yes.

Wilson: There's no problem. Apparently the problem the parents have is getting kids on the list and getting them in there.

Akin: Yes. That's the tough part because not all the kids that live in Hamilton Park can go there because we've got to keep it at least 51 percent or more than 50 percent white. And not just the school but for each class, which was the tough part. There wasn't much problem in keeping it more

than 51 percent overall but to make every class...

Wilson: By class. To return for a moment to the 1970 decision, you emphasized to the judge that, in fact, he had anticipated Swann in his 1970 ruling. Not only did he anticipate Swann, but he was allowing a desegregated district to maintain a one-race school.

Akin: Right.

Wilson: But that it was in compliance with Swann. His ruling in 1974 accepted that. Were you confident, listening to his decision, that there was not going to be an appeal, or did you anticipate an appeal?

Akin: I did not anticipate an appeal. He entered the initial order, and we only had, I think, two weeks--it could have been ten days but not less than ten days nor more than two weeks--within which, as I recall, we had to get 250...

Wilson: I'm speaking of 1974, when he made his ruling that "I will leave this alone." This was before the 1975 one. I'm speaking of the time before it went to Fifth Circuit and the Fifth Circuit overturned his decision.

Akin: Okay. I was just trying to remember in my mind what you meant by the 1974 decision, and I had forgotten entirely about that 1974 deal. I'd say, yes, we expected that to be appealed, if that was your question.

Wilson: Yes.

Akin: Now in retrospect, yes. And with the history of the Fifth Circuit, I kind of felt that personally we would not be

successful at this early level.

Wilson: I recall a statement from you, that once you asked the Fifth Circuit for a stay and that was denied, that you were really not too surprised by that.

Akin: Right.

Wilson: The board did meet and it directed you to pursue an appeal to the Supreme Court. The purpose of the stay was to hold off any action within the district to desegregate it further in the meantime. Did you have any hope that the Supreme Court would grant cert and hear the case?

Akin: I certainly had hopes that they would, but in view of prior decisions I felt the odds were bad. I wasn't surprised when they denied cert. But it enabled us to have some time to get some planning done before we eventually had to try it again in 1975.

Wilson: In 1975...

Akin: We weren't just trying to take up the time of the courts, we were serious in our positions, but it also bought us some time to get ready for what we expected the eventuality to become.

Wilson: Then on April 22, 1975, the circuit did say that the district court's reversed, and you have sixty days to come in with a plan to desegregate.

Akin: Excuse me. Backing back up to the 1970 trial, at that point both the government and the Justice Department and we were initially ordered to submit a plan. It was a

short time, not more than two days, to come back with a plan. Both of us did, knowing neither of us was going to be agreeable to the other's plan (chuckle), and so we knew that. That occurred in 1975.

Wilson: In 1975, you're told to come up with a plan that is acceptable, that will achieve the result of desegregation. It seemed to me...and this injects an interpretation into it, but if you would give response to this, I would appreciate it. It seems that in the first place you were not going to be able to close the school, that is, there would be no solution to close the Hamilton Park primary school.

Akin: That was our opinion, yes. I'd say that was the board's opinion, but I certainly concurred with it.

Wilson: You argued with them, or you supported it?

Akin: Yes, that is correct.

Wilson: That you could not close the schools.

Akin: It was too fine a facility.

Wilson: Well, another situation that existed there. Obviously somebody was going to be bused someway. There was no way to achieve the level of integration that the courts insisted upon in 1975 without putting somebody on a bus for some distance, whether you were going to pair with Stults Road or whether you would cluster with Stults Road and Spring Valley or cluster with Spring Valley and Dobie or whatever you were going to do. Somebody was going to

ride the bus.

Akin: Well, according to what the government was pushing for, that would be true. There would have to be some forced busing.

Wilson: There would be busing to achieve racial balance.

Akin: Well, to this good day, as far as I know, there is no forced busing, and has not been, in Richardson.

Wilson: Yes, but if you were to accept the idea of pairing and clustering as the government wanted to do...

Akin: Oh, yes, it would have been forced busing, which we were not willing to do, and I think we were successful in avoiding that.

Wilson: But you did confront two situations in which, one way or another, somebody was going to be bused, and it was going to be some kind of busing into Hamilton Park, transportation into there.

Akin: It would be made available but...for the whites coming in.

Wilson: Yes, as Pacesetter worked out.

Akin: Yes.

Wilson: Granted, certainly.

Akin: But otherwise, yes, there would have been forced busing.

Wilson: When I talked to John Roberts about the development of the Pacesetter, I gathered you were very much in on the planning of that as they discussed aspects of it.

Akin: Right. Yes, in that hot, ten-day or two-week period, John and I were together just almost constantly.

Wilson: Was it your idea to try to persuade Judge Taylor to allow you two years to meet the requirement. That is, initially, when the Pacesetter was presented as an option, the district's said, "Well, we can do this in two years. We can get the half-black, half-white.

Akin: Yes, I'd say that was behind it. But it's like trying to settle a damage suit. You don't usually make your best offer first (chuckle).

Wilson: So this was a bargaining chip.

Akin: Yes, I might as well start way out there. I thought we'd end up with more time than we were given.

Wilson: You still got two weeks instead of two years.

Akin: Yes, there was quite a bit of difference. I thought we might get maybe six months, and I started out with two years, and I never expected to end up with two weeks. But as I said, we'd had some planning time, too, in the appeal to the Fifth Circuit.

Wilson: You were hard at work during the appeal process.

Akin: That's right. We'd been working hard on trying to figure various and sundry plans with it finally coming down to this general concept of the Pacesetter school.

Wilson: Did you consider alternatives including clustering and pairing?

Akin: Yes.

Wilson: It came up that Stults Road was already by 1975 18 percent, or something like that, black.

Akin: Something like that, yes. Just by kids moving.

Wilson: Families moving into the area.

Akin: Right, and they went to Stults.

Wilson: Also, Dobie by then had some black enrollment. Did you feel at the time that you might be down to trading black students, that is, busing black students to a black school or busing black students out of the school into some other school that already had black students? Was there a feeling that you just after while you'd be swapping black students for black students?

Akin: Yes. I'd say that would be basically correct. At least that would be a strong possibility which we eventually were able to avoid.

Wilson: So the Pacesetter appeared to be the best, among these other possibilities, all of which required forced busing. But you did consider these other ways.

Akin: Oh, yes! I have no idea how many, but I'd say there were at least twenty and probably twenty to fifty alternatives that we considered. There were many, many.

Wilson: Actually you presented to the court four plans.

Akin: Yes.

Wilson: The Pacesetter was your first, and then there were three others. All of them involving some busing.

Akin: Some busing. I believe that's correct. I think all of the others did.

Wilson: Yes, and in Plan A and B some of the students would stay

at their own schools, and others would be bused. It would depend on the grades whether they would stay or go. And then you had plan C which would leave students at the home school a portion of the day, and then they would be bused to some other school for the remainder of the day. I'd like your reaction to an interpretation that I made of those other three plans, which was: they were intended to draw Gurwin's fire, leaving the Pacesetter the only acceptable one of the four and leaving it somewhat out of the line of his fire.

Akin: That's correct. It was my feeling from a legal standpoint and negotiation or whatever that we ought to present some other things. As I said, it was at least twenty and maybe up to fifty that I alone went to the board with and the administration had considered.

Wilson: You had a number. I noticed you held many meetings in June and July.

Akin: Yes, there were a bunch, and it finally boiled down to...I've forgotten. There were some, I'm sure, tactical considerations on my part on just how those four or five, however many we did finally get in.

Wilson: You had the Pacesetter, A, B, and C.

Akin: Pacesetter, A, B, and C. I put them in that order for a reason, and the reason escapes me just right now (chuckle). I knew there'd be objections from various folks on the other three. I didn't really feel that too

many people could make valid objections to the Pacesetter. The biggest problem with the Pacesetter ended up being with Judge Taylor just giving us two weeks to meet all the things we had to meet for him to order that...to go ahead and that be the deal. Steve Gurwin and his various Justice Department folks thought we had no chance to meet all the requirements that we had within that two-week period. They pretty well agreed that they'd go along with it, and there'd be no appeal if we were able to meet it. Very frankly, I had a great deal of confidence in Jones Pearce, John Roberts, and Raymon Bynum, and I'd have been surprised if we hadn't made it. There'd been a lot of work going before that, and it was still tough, though, getting, as I recall, 250-some-odd white students signed up.

Wilson: You made the deadline of the last class on the last day.

Akin: Yes. And the tough part was getting that to be more than 50 percent in each class. If we could have made it just 51 percent overall, it wouldn't have been much problem but getting above the 51 percent in each class, in each grade, was the tough part.

Oral History Collection

Henry D. Akin, Jr.

Interviewer: William Wilson

Date: March 30, 1989

Place of Interview: Dallas, Texas

Dr. Wilson: This is William Wilson for the University of North Texas Oral History Collection. I'm continuing the interview with Mr. Henry D. Akin, Jr. in his office at 16475 Dallas Parkway.

Last time we were talking about Pacesetter. You mentioned that John Roberts, in working out Pacesetter, had come in to you with particular aspects of it, or sections of it, and you would discuss these with him, and also that you had made suggestions to him.

Mr. Akin: That is correct.

Dr. Wilson: Could you give some examples of the kind of things that you did in these conferences?

Mr. Akin: I'd say that we would just brainstorm the ideas. I might have an idea on a particular subject, for example, what subjects or particularly what extra curricular-type subjects or activities might be provided as lagniappe or something extra for the students going down there. I quizzed John on whether

it would be feasible or not, and he could respond to me on that. I had five kids going through the system, and, of course, I had been on the board and served as the attorney for some years at that point. I was fairly familiar--more familiar than the normal parent would have been--with the Richardson system. Even at that, I wouldn't have known the internal workings of it day to day, whether we had the personnel, the facilities, and so forth to provide a particular item.

Wilson: You're speaking of something like basketball or whatever.

Akin: Band or the choir or plays or something like that.

Wilson: You mentioned also that you named the program. How did that come about?

Akin: We just began with trying to determine what to call it. I think I thought about it, and I believe I submitted about five or six different names. We finally just boiled it down to the Pacesetter being one of them that I had suggested.

Wilson: That's a very apt, succinct, catchy name for it. Do you have any recollection of how it came to you? Why you picked it as a possible name?

Akin: Generally, I think I thought it was a very progressive, new-type idea, and it might well set the pace, not only for the kids, but for other districts. I kept thinking in terms of "pace" and "setting" and finally came down to the Pacesetter. It did catch and pretty well stick.

Wilson: Another question. Over your years of association with him, how would you characterize Judge Taylor?

Akin: Well, I started appearing before him in 1950 when he was a state district court judge. I think he was on the state bench around six years. Of course, I was appearing before him as a judge. He resigned or didn't run--I've forgotten whether he resigned or whether he just didn't run that year--but at any rate he went with the Strausberger, Price firm as a private attorney. In that firm it was primarily trial work, and he was primarily involved in the insurance defense practice, as was I. He would be representing one defendant, and I might be representing another, and we had occasion to work together in those matters. Sometimes we'd be on opposite sides. It would vary.

Wilson: But you knew him as a state judge and as an attorney.

Akin: Right. And then I believe he was appointed to fill a new bench, as best I recall. Maybe you know, Bill.

Wilson: No, I don't. I know that he was a Johnson appointee. Beyond that, what was involved in that appointment, I don't know.

Akin: I believe that it was a new court that had been formed for the Northern District of Texas, and he was appointed as the first judge of that particular spot. But there might have been somebody retired, I really don't recall at this time. When I first started practicing, we only had two federal judges in Dallas, Judge Atwell and Judge Davidson.

Then later Judge Estes, Mack Taylor, and Sarah Hughes were added, and we've got more now. As I recall, kind of one at a time was the way they were added on. I believe Estes made three, Taylor made four, and Sarah Hughes made five, as best I recall. We had five courts in Dallas in this division, the Northern District of Texas, Dallas Division.

Wilson: What did you think of Judge Taylor as a judge? In terms of his grasp of the issues and his fairness?

Akin: Well, I've known him personally. I don't mean that we had occasion to go to one another's house or anything like that, but I had a number of occasions where we'd be at bar meetings or something socially together, as well as him being on the bench or my working with him as another attorney. I felt that I knew Mack Taylor pretty well. I felt that he was very fair. He didn't always rule with me but I always felt I had a fair trial when I was in his court. I thought he had a good grasp of the issues. He was trying not only to follow the law, but to do that in conjunction with trying to do the practical thing, also.

Wilson: What you say dovetails with the impression I got from Robert Cook, who is a Hamilton Park resident and was on the first Biracial Committee that Judge Taylor appointed.

Akin: I believe that's correct, yes.

Wilson: He said he was extremely impressed with Judge Taylor. The problem that Judge Taylor had with figuring out new boundaries was just how they were going to work. He came

out, and he walked around the area. He was trying to figure out how to get people through the underpasses and overpasses and narrow streets and across the tracks, and all of this, and doing it in an equitable way that would follow the law. He just didn't understand how he could do it with the street patterns and the obstacles and the transportation that existed. But he made quite an effort that impressed Robert Cook very much.

Akin: Yes, I think he did. I was not with him on any of those visits, but he did go out on his own, I was told, to look at it himself, just as Mr. Cook described it.

Wilson: Going back to Pacesetter for a moment, did you have any occasion to meet with anybody else on Pacesetter, or was that strictly John Roberts's responsibility?

Akin: The main focus was with John, but I also met with Jones Pearce, Raymon Bynum, the board, particularly the officers or the executive committee of the board. We did a lot of talking.

Wilson: Were you in any of the meetings with Hamilton Park residents?

Akin: Yes, I was down there more than once, more than one meeting. I think all the meetings with them were at the Hamilton Park School, as best I recall.

Wilson: When I was interviewing Charles Smith, who is the head of the Civic League, he said that he was doubtful about the Pacesetter. I asked, "Well, how? Do you mean that you

doubted if they could carry it off? Did you doubt that they could get the people to implement the program, or did you doubt that the program could be effectively implemented even if they had the people?" His response to that was, "Both. I doubted if they could get the people, and I doubted if they could pull it off even if they could get the people." Did you have an impression of skepticism among the Hamilton Park people about Pacesetter?

Akin: I felt that the majority of them favored it as conceptualized, but, of course, it was a relatively short period of time. I think it was ten days or two weeks that we had to get put it together.

Wilson: You had two weeks.

Akin: Then get the necessary number of white bodies down there and get the teaching staff lined up and all the things that went into it. It was some job in two weeks, but I felt that the Hamilton Park residents, I'd say the vast majority of them, favored the plan and felt that if it could be put into operation it would be a good thing.

Wilson: Well, Mr. Akin, those are my questions. Do you have anything that you would like to add on the subject?

Akin: Let me ask you a question or two to see if we've...why don't you turn off the machine just so we won't adding?

Wilson: What about the operation of the Biracial Committee?

Akin: As I recall, Bill, the Biracial Committee functioned very well. They met regularly and had good attendance at their

meetings. Once every few months or so they would invite Dr. Pearce, Judge Taylor, myself, and possibly a few other guests to attend a dinner meeting. My feeling in attending those meetings--and I think it's true of Judge Taylor; and, of course, Jones was more in touch anyway, and he probably already knew--but I had the feeling that the Pacesetter program was going along very well, and that the Biracial Committee had been doing its job in functioning as the court had instructed it to do, and that it was a group that had divergent interests and points of view, but that they were working together and not against one another. In trying to resolve some difficulties, they really performed a valuable function in the entire process.

Wilson: My recollection of the interview with Mr. Cook was when I asked, "Did you have any issues involving the Pacesetter?" His reply was, "No." There were issues but they involved other schools and often involved certain instances that were not really racial, that were often disagreements, say, between students or students not treating one another well. But that had no racial content. It was just simply one student snooting another.

Akin: Kids being kids.

Wilson: Yes. People being very particular about this or that thing. In that case, there were white kids who were being snooty, were just as snooty to other white kids...

Akin: I think that's true.

Wilson: ...as they were to blacks. It seemed to be a lot of, as you say, kids being kids.

Akin: Of course, when I attended the meetings and Judge Taylor did, it was more talking about directly the Pacesetter. That's something we were more involved in. Of course, it affected the entire district. But to make the overall plan work, the Pacesetter had to work, and so we were more interested, I think. I don't mean to speak for Judge Taylor now that he is dead, but I think we were interested in being sure that was going the way that it had--a very progressive and practical way--and that it was serving the purpose for which it was intended.

Wilson: Was there anything else you'd like to add?

Akin: Not that I recall at this time, Bill.

Wilson: All right. Thank you. [Editor's Note: Mr. Akin considers the issues further.] You were telling me about the circumstances under which you decided not to get out from under the order that Judge Taylor had issued respecting the Pacesetter.

Akin: Yes. As part of the court order, the district was required to make periodic reports to the court as to the black/white ratios in each class, various other information; that was the main part of it. As I recall, at first maybe it was every six weeks, then every semester, and then finally it boiled down to once a year.

It may still be, for all I know, every semester or half-year or something. But that always was a little bit of a problem although it's probably computerized now.

Wilson: I've seen those reports. They were extensive then. They're thick.

Akin: They were thick, but the original ones, as I recall, seemed like they were about an inch-and-a-half or two inches thick. They finally boiled down until it was much less information that we had to give. It kept decreasing. But under the order, the district was still under Judge Taylor's jurisdiction, and there had been some complaints from the middle range administrators about the time that it was taking them to get these reports together and that sort of thing. They'd ask me about getting out from under the court order, and I kind of had to repeat myself each time that I thought we were better off staying under Judge Taylor's jurisdiction for the reason that at some point... and I've forgotten which case it was, or the name of it, where Judge Justice from Tyler in the Eastern District of Texas had said that he had jurisdiction not only of the districts in the Eastern District but all the state of Texas. I felt that we were in a much better strategic--if not strategic at least tactical--position to stay in Judge Taylor's court. If we got out from under it, then if anything were filed in Judge Justice's court, I felt that he would take jurisdiction over it even though we weren't

in his district. We had talked about that internally for some time, but at some point--and I can't recall whether it was while Steve Gurwin was still handling the case, or whether it had passed to a successor of Steve's--the Justice Department suggested that we file a motion to get out from under the court order. And after discussing it with John Roberts, Dr. Pearce and the board, we determined that we would not take advantage of that offer, but we'd prefer to stay under Judge Taylor's jurisdiction for the reason that I've outlined. I don't know about what the situation is today. I stopped representing them or they stopped me from representing them, I believe it was, in 1984, and since that time I...

Wilson: I used the court records, and if my memory serves me, in 1986. The reason that they were still at the Federal Building rather than at the Record Center in Fort Worth was that the case had just been closed. It had been held open, apparently, for no particular reason, just administratively. They hadn't gotten around to closing it. It was closed, and then they would keep it there two years and ship it to Fort Worth. It was apparently an administrative oversight that the case had not been closed.

Akin: As long as I represented them, they stayed under the order, but after that...I'm not glad at this point in not representing them, but I still think they should have

stayed under local jurisdiction. However, the court might have on its own motion done it.

Wilson: As I remember that's what occurred. I'm not certain now because I'm really not interested in that aspect of it, but I believe Judge Sanders...

Akin: Yes, the case did pass on to Judge Sanders.

Wilson: I believe that Judge Sanders did close it out, or suggested whatever was necessary to do that.

Akin: As I say, after I stopped representing them...I still live in the Richardson school district, but I obviously am not as well acquainted with it now as I was five to four years ago.

Wilson: Could you say, so long as you brought this up about Judge Justice, did you have any particular or specific concerns about letting the case fall under his jurisdiction?

Akin: I'd better reserve my ideas on that (chuckle).

Wilson: All right.

Akin: I might have to meet him at some other point. In the hereafter I wouldn't worry about it, but in the here and now I'd be a little bit concerned. Suffice it to say, I do not agree with all of Judge Justice's rulings.

Wilson: Is there anything further that you'd like to say?

Akin: Well, I may think of something after you leave (chuckle), but I think you pretty well covered it.

Wilson: All right. Thank you.

Akin: Thank you.