

Because of the differing racial concentrations in different neighborhoods, the racial enrollment in most schools differed from the overall ratio in the County. But at the time the word "desegregation" was not understood to mean that black and white students must be balanced proportionately in each school and classroom. Blacks and whites mixed together in various proportions in most of the County's schools, and the County was generally considered a model of desegregation that the rest of the nation might emulate.

The variation in racial ratios from school to school caused no legal problem because the federal district court held, in 1962, that there was no affirmative constitutional duty to provide racially balanced schools. "Discrimination is forbidden but integration is not compelled," Judge Caleb M. Wright held. According to Wright, Brown,

held only that a State may not deny any person on account of race the right to attend a public school. Chief Justice Warren, speaking for the court, said, 'To separate them [Negroes] from others . . . solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.' The clear implication of this statement is that if races are separated because of geographic or transportation considerations or other similar criteria, it is no concern of the Federal Constitution.

What happened to turn things around? What caused the federal courts, twelve years later, to hold that Delaware must have forced busing to achieve racial balance throughout northern New Castle County? Some parts of the answer to this question are too complicated for full discussion here. One relates to an evolution in the jurisprudence of the Supreme Court. By the 1970s there were additional Supreme Court opinions that suggested that "desegregation" required school districts to go beyond the prohibition of racial discrimination and to take affirmative steps to achieve balanced racial mixing. This was only a suggestion, however, for the High Court did not use the words 'racial balance' or "integration" and continued to insist that it was requiring only that all racial discrimination be eliminated.

Judge Wright, however, came under the influence of another judge who devoutly believed that racial balance was a good social policy. That judge was John Gibbons, a circuit court judge from Newark, New Jersey. After being assigned as one of three judges to hear the Delaware busing case, Judge Gibbons persuaded Judge Wright to join with him in interpreting the rulings of the Supreme Court to require busing for racial balance throughout northern New Castle County.