



Daniel Jeremy Silver Collection Digitization Project

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Series III: The Temple Tifereth-Israel, 1946-1993, undated.

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Busing, 1976.

Busing
Daniel Jeremy Silver
March 7, 1976

In 1969 the NAACP brought a case, Swann vs. the Charlotte Mecklenberg Board of Education, in a Federal court in North Carolina. This school district sprawls over some 550 square miles and consists of some 100 schools with an enrollment of 85,000 students. About 25,000 of the students were black; 21,000 of these black students were in the city of Charlotte; and 14,000 of these were in virtually all black schools. The NAACP argued that the Board had conspired by administrative act to maintain a separate but equal school system and further that the Board had not bestirred itself to undo the results of a century of apartheid. Specifically, the NAACP alleged that the Board had built new schools in the heart of the black residential area on sites where the schools might have drawn students from a biracial community. The judge agreed with the NAACP contention:

The Constitutional guarantee of equal protection demands not only a negative duty, the refrain from active level discrimination, but a duty to act positively, to fashion affirmatively a school system as free as possible from the lasting effects of historical apartheid.

The judge further ordered the school system to bus children from various parts of the city of Charlotte to achieve a biracial community in all the schools of the area.

Two years later this case was heard by the U. S. Supreme Court. In a unanimous decision written by Chief Justice Burger, the court affirmed the trial judge's decision and the principle that the school district was obliged to design effective programs to eliminate racial segregation. This decision established a new doctrine for school desegregation cases. It was no longer possible for a school system to argue: 'We are administratively colorblind. Anyone who lives within a

district enrolls his child in his neighborhood school. We make no test to color; therefore, we cannot be accused of being segregationist. ' After the Swann Decision every program undertaken by a school system had to take into account the effect of the proposal on the integration of student body and teachers within the district. With this decision enforced school desegregation moved to the north. The Brown decision fifteen years before had struck down separate but equal districts, but in the north legally enforced apartheid was rare, though there was a common history of passive toleration of racial segregation by an unprotesting acceptance of the principle of the neighborhood school. According to northern Boards of Education the problem was housing, not school related practice. Since schools were commonly neighborhood based they could do little but reflect the racial mix of their communities. After Swann a string of cases were brought by the NAACP and others against such northern cities as Denver, Dayton, Louisville, Boston, Detroit and now Cleveland in which the argument was made that these systems had a positive duty to stimulate racial desegregation which they had not discharged. Generally, the Federal judges have agreed, and in most cases have proposed remedies involving busing.

There are similarities and significant differences in the various cases brought in the north. Some systems like Boston's have argued that the neighborhood school is sacrosanct, and adamantly refused to accept any responsibility to change the racial composition of the schools by busing students. Months before, the NAACP brought the School Board of Boston before the courts, the Massachusetts State Board of Education cut off funds to the system because the Board was not in compliance with the State Interracial Schooling Act. When this case came before the court, Board and NAACP were clearly in adversary condition.

In Detroit and Cleveland the confrontation was not as dramatic or clear cut. Here the school administration included people with a long history of racial concern and the school board included powerful members who had been officers of the NAACP and representative of its thinking. Here it was not a question of angels versus the defiant, but a sober question of limits: how far did a Board's responsibility for affirmative action extend? It was this existence of general agreement on the principle of an affirmative duty that led the court to attempt to get the NAACP and the School Board to agree on a pre-trial settlement.

Paul Briggs, the Cleveland Superintendent, has argued that in his system, short of a massive reassignment of pupils through busing to effect pupil desegregation, all has been done that can be done. He points to a long list of accomplishments: open hiring of teacher staff, the building of a number of magnet or special interest schools; carefully placed recreation and sports centers. The NAACP does not accept at face value Dr. Briggs's 'I have done all that I can.' They point to optional attendance programs which in practice allow white students to leave predominately black schools and to a number of instances where schools were not built on borders between biracial areas; but they do not charge Briggs with racism and in cases which involve school systems like Cleveland it is clear that serious and significant issues have been raised by both sides. We can go far, the school system says, but there are limits. The Board does not disagree with the existence of racially unbalanced schools. They do not argue that this is simply a matter of community housing patterns. They do accept a positive responsibility to desegregate, and they ask the courts to tell them just how far they must go. As administrators they

recognize that busing involves the political cost in terms of the passage of future school levies, an economic cost in terms of the dollars spent on buses rather than on tenders and an educational cost in lost school hours. The system cannot easily justify busing as a contribution to better education; and can easily foresee the unfortunate consequences of a major busing system; the anger of the racist, civil and political turmoil which often, as in Boston, sweeps moderate groups out of control of the school system and places it in the hands of the most virulent of the racists. They see the loss of public support which translates into defeat of school levies. They see money needed for salaries going to General Motors.

The issue in Cleveland is a pragmatic and practical one; just how far should a school Board be forced to go?

To be more precise, the practical issue is not the issue. The issue before the court is one of law: specifically, are the school system and the State of Ohio liable for having encouraged by actions or inaction racial segregation within the system? If the thirty-one days of testimony have shown that the school system, by action or inaction, has encouraged segregation then it stands liable. Then, and only then, the issue of remedy arises; and the issue of busing becomes relevant to the case. The issue of busing is then inescapable for there is no way of building enough magnet schools or of siting enough new schools on the boundaries between racial areas to achieve any significant measure of desegregation of the city's schools. Busing will become an issue when the court, the school system and NAACP confront the Cuyahoga River, Cleveland's black-white color moat. In Cleveland you cannot desegregate the black schools on the east side and the white schools on the west side without busing youngsters across town.

Many people have definite opinions on the issue of busing and most of these opinions I find quite innocent. I find it strange that so many people are now opposed to busing, although busing has been a common practice in the United States for half a century. Until the issue of race became involved with busing, no significant group was opposed to it. Every morning as I drive from home I pass numbers of orange buses taking youngsters here and there and everywhere. Thirty-five percent of all the children in the United States are bussed to school every day.

In Boston where organized groups adamantly oppose busing, significant busing has existed for fifty years. Boston was one of the first school systems to experiment with special ability schools like Boston Latin School to which scholars have been bussed for nearly half a century.

Busing is not an issue when parents want their children bussed to a particular school. Bussing becomes an issue when parents do not want their children to be bussed to that school. If my child is not bussed to a school I want him to go to, I pound on the doors of the Board of Education. If my child is ordered bussed to a school I do not want him to attend I vote for George Wallace. Such is the reality and the reason the black community perceives anti-busing groups to be racist. Such groups came into being only when the issue became busing to achieve racial integration, then and not before. It is proper to bus youngsters to a vocational high school; it is fine to bus youngsters for athletic competition; it is wonderful to bus the mentally retarded or the handicapped; but it is wrong to bus youngsters to achieve racial balance. That is the illogic of it and the reason that blacks and many others perceive the anti-busing crusade as a racist activity. Indeed, for many the

shrill anti-busing campaign is enough to establish the validity of busing as a means of improving the quality of our communities.

We all like to be on the side of the angels, but we owe it to ourselves and our community to look beyond the fact that the anti-busing groups are racist to the issues and to seek a realistic judgement of possibilities.

Those who argue that busing is a necessary tool to achieve racial balance in the schools offer two basic arguments. The first is that the equal protection amendment of the Constitution, Article 14, in effect establishes desegregated education as a right and busing is the only effective tool to establish that right. The second argument is to the effect that busing offers an opportunity to achieve quality education and that an integrated school is by definition a better school than a segregated school. Let us examine those arguments in turn.

Is it in fact a right, the law, that school districts must maintain an even distribution of black and white students in all schools? The answer is no. The courts have ruled that when a school is found liable of having encouraged racial segregation or of not having taken affirmative actions to eliminate racial desegregation then some remedy must be proposed. No decision requires an exact proportion of black and white students in all schools of all districts. The extreme program is manifestly impossible, but, obviously, much more can be done than is being done now.

What of the second argument, the argument that a desegregated school is inevitably a better school than a segregated school? Those who make this argument insist, often categorically, that any school which does not reflect the racial heterogeneity of the community by definition fails to educate children for life in that community. There is a measure, a good measure, of truth in this contention.

But those who take a more traditional position as to the purposes of education, who are concerned not only with skills in human relations but with reading and writing and the various learning skills are not quite so sure. Many say that there is no evidence as yet that busing children into another school in fact increases proficiency in the basic language or mathematical skills.

James Coleman, the sociologist at the University of Chicago, whose 1966 report to the United States Department of Education proposed busing as a solution to the problems of racial integration and as a contribution to quality education, has now reversed himself on his recommendation. He offers two reasons for his change of mind. His first reason is a pragmatic one. Because of white flight northern school systems in which busing has been ordered have become not less, but more segregated. Coleman now calls busing a self-defeating solution which results in increased proportions of black children in center city schools. The NAACP and others respond that white flight has been a fact of life in the northern cities for a quarter of a century and that there is no proof that school desegregation decisions have in any significant way increased the long term rate of white flight. White flight preceded school desegregation decisions and exists even in cities in which such decisions have not yet been rendered.

Coleman's second argument is conceptual. The data he submitted in 1966 seemed to show that if small numbers of black children were put into white schools, there was a measurable increase in their learning achievements. Further refinement of this data and further data suggests to him that the perceived result did not turn on the issue of race but on the issue of class. If children from poorer neighborhoods,

be they black or white, are bussed into areas which have more affluent school populations with a smaller teacher pupil ratio and and better facilities, there is a slight but perceptible improvement in their achievement levels; but when those bussed were poor white children to poor black schools or poor black children and bussed to poor white schools there is no measurable improvement. According to Coleman busing within a class does not improve the quality of education for the children of that class. For any chance of educational advantage class lines must be crossed, an argument which has led the NAACP and others to seek legal ways to impose multiple district rather than single district remedies.

Existing social science data is difficult to come by and to interpret and is variously interpreted. One unfortunate consequence of years of passionate argument has been the development of academic party lines. Far too often, scholars do research to prove an apriori case not to find out what the data is and let the data fall where it may.

We must do the best we can so let me quote from a summary prepared by the Ad Hoc Coordinating Council of Greater Cleveland Interchurch Council, a group of Cleveland blacks and whites, all of whom as far as I know are committed to desegregation and to the possibility of busing as a means of improving the racial mix and quality education. In December this group published a bulletin on the outcomes of desegregations. Their paper began with a quote from Professor Nancy St. John:

During the past 20 years considerable racial mixing has taken place in schools, but research has produced little evidence of dramatic gains for children and some evidence of genuine stress for them. The probable reason for such

outcomes is that desegregation is rarely true integration; in other words, it is rarely implemented in ways that give minority children equal status and full protection against victimization and cultural marginality.

But although desegregation is not to date a demonstrated success, it is not yet a demonstrated failure. There is as little evidence of consistent loss as there is of consistent gain. Further, in spite of the large number of studies, various limitations in design weaken the best of them. Thus, in a sense the evidence is not all in.

Eleven conclusions were listed as following from existing social science studies:

1. White achievement scores have been unaffected generally.
2. The gap in black-white achievement has not closed very much.
3. Black achievement has sometimes risen and almost never fallen.
4. Improvement for black children has most often occurred in the early grades, in arithmetic and in schools over 50% white.
5. Biracial schooling seems to have some negative effect on both academic self-concept and general self-concept of black children.
6. Desegregation apparently lowers educational and vocational aspirations of black children, although some suggest that this is a reduction of unrealistically large aspirations.
7. Some evidence suggests that in the long run, desegregation may encourage the aspiration, self-esteem and sense of control for black children.
8. White racism is frequently aggravated by mixing schooling.
9. Inter-racial friendships are more likely among younger children and among those who have been desegregated for a long while.
10. Great variation exists between communities on the interaction of secondary school students.
11. Inter-racial behavior is affected by social class. Middle-class whites and blacks seem more likely to form inter-racial friendships.

The list suggests how much we do not know and that for every potential educational advantage through integrated schooling there is a possibility of hurt to a child's self-esteem or sense of security. In practice, too, as our local experience suggests, integrated high schools may be a divided community in which the two races coexist, but do not meet. The conclusion forces itself, that in some specific situations busing can make an educational contribution, but across the board busing does not necessarily make a contribution to better education, which is to suggest, I would submit, that the best argument to be made for busing is the legal and constitutional one, that busing is appropriate under the Constitution.

Busing is an issue sensitive folk face with heartache. Obviously, there are no clear and irrefutable positions. In Cleveland the one thing that seems self-evident is that if busing is mandated by the court for the Cleveland school district only, busing programs will have to manage considerable distances and largely an exchange of poorer whites with poorer blacks.

Interestingly, the Cleveland School Board was not the sole defendant in the NAACP case. The State of Ohio was also named in that suit. An attempt was made to establish the state's responsibility for drawing school district lines and, consequently, the possibility of a state-wide or region-wide remedy. If the courts were to draw up a county school district a sizeable number of new possibilities would be created for short distance busing and site selection. On the east side there would be new opportunities to pair schools without time consuming across town busing. A metropolitan school district would be less than 22 percent black. The city district is well over twice that.

It is not clear that such a decision would stand up under appeal. The Federal judge who heard the Detroit case, Judge Roth, attempted to impose a busing remedy involving city and suburbs and his decision was struck down by the Supreme Court on the technical ground that the suburban systems had not had their day in court since they had not been stipulated as parties to the original case.

Where do I stand on busing? We have always had busing. The issue is not usefully raised on a theoretical basis. Everyone is in favor of busing and always has been. The question is where do we stand on busing as a remedy to achieve racial desegregation. My first response is this: if the courts mandate such busing I am in favor of it. A court mandated remedy becomes the law of the land. No great harm has been done to the rural school populations which have been bused long distances. My children spend forty-five minutes to an hour every morning and every night on a school bus and I have not noticed that their education experience or their educational opportunities have been damaged.

If the courts mandate busing I will support that decision, but I hope and pray that the courts will not be overly consistent in the matter. There is such a thing as a foolish consistency. I believe that it would be a foolish consistency to insist that all children be put on buses and moved about here and there and everywhere to achieve an arbitrary racial balance. If there is a metropolitan solution, and I hope that such a solution will come, new possibilities are opened. In short, I believe in busing where busing makes sense. Magnet school and special interest school busing as a symbolic gesture towards an integrated America make sense. A fully integrated teacher placement makes sense. But, given the evidence that we have at hand, everyone should remember that busing is not the best, though it may

be the simplest solution to the desegregation of our national life. Busing can be an important lever against persistent de facto segregation, but by itself, unless we are willing to force open occupancy in racially exclusive neighborhoods, busing will not solve the problem.

I do not know how Judge Battisti will rule. If he rules that the school system is liable, and I presume that he will, I would hope that the remedies mandated will include, beside busing, a variety of requirements to achieve desegregation and will be written in the sober recognition that total effective desegregation is not possible at this moment in time.

If this seems to be an answer which is no answer I do not mean it to sound equivocal, but it seems to me that there are always limits of effectiveness in any program. It is easier, obviously, to deal with a school system in which there is a clear legal responsibility rather than with housing where you must confront each individual's attitudes and prerogatives. Further, it is not wise to forget that within this racial issue there are hard decisions of class and hard economic realities. Children conditioned on city streets are not conditioned in the same way as children on suburban streets. One can insist that children, regardless of background, mingle, but one cannot force these children to like each other and work easily with each other.

These are complex issues and they will not be solved overnight by ordering the massive busing of children, though busing may be and probably is a contribution, a necessary first step. Clearly, no school system ought to be allowed to wallow in a symbiotic relationship with a racist community whose housing patterns

separate white from black. If the courts can force certain kinds of progress on the schools, the creation of special ability schools, the pairing of closely located schools, the siting of schools between neighborhoods, selective busing, a modest but useful contribution will be made. And in a world which is not yet utopia a modest movement forward is often a successful movement while a lurching motion forward is often counterproductive.

If the courts do order that the city of Cleveland shall have massive busing as a remedy I know that all of us will be law-abiding and I trust that we will do all that we can to effect the decision - which means, dear friends, that we should exert ourselves and lend our support towards the unifying of the 31 school districts which now exist in Cuyahoga County.

The problem does not now touch this congregation. There are almost no Jewish children in the city school system, but we as citizens and as Jews, we cannot sit back and tut-tut over the anguish of Hough and the west side. We must do our share towards the solution of this problem and that share requires that the whole county be involved in providing a truly desegregated school experience.

a document

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WRHS



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THE CONSTITUTIONAL GUARANTEE OF EQUAL PROTECTION

DEMANDS NOT SIMPLY A NEGATIVE DUTY TO REFRAIN
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THE LASTING EFFECTS OF HISTORICAL APARTHEID



JAMES Coleman

"...There is no indication, however, that we need to revise the basic hypothesis that in the long run integration benefits children. It is the implementation rather than the goal which now needs attention—how can "mere desegregation" be translated into "true integration"?"

The research from these 120 studies agrees generally on the following points:

1. White achievement scores have been unaffected generally.
2. The gap in black-white achievement has not closed very much.
3. Black achievement has sometimes risen and almost never fallen.
4. Improvement for black children has most often occurred in the early grades, in arithmetic and in schools over 50% white.
5. Biracial schooling seems to have some negative effect on both academic self-concept and general self-concept of black children in the short run.
6. Desegregation apparently lowers educational and vocational aspirations of black children although some suggest that this is a reduction of unrealistically large aspirations.
7. Some evidence suggests that in the long run, desegregation may encourage the aspiration, self-esteem, and sense of control for black children.
8. White racism is frequently aggravated by mixed schooling.
9. Inter-racial friendships are more likely among younger children and among those who have been desegregated for a long while.
10. Great variation exists between communities on the interaction of secondary school students.
11. Inter-racial behavior is affected by social class. Middle class whites and blacks seem more likely to form inter-racial friendships.

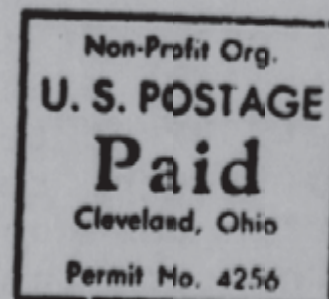
Much confusion exists about whether racial or social class integration is the important factor in raising achievement scores. The Coleman Report of 1966 (Equality of Educational Opportunity), and many re-analyses of the data collected by Coleman generally

agree that lower class (poor) children of any race are likely to have higher achievement scores in a school where middle and upper class children (rich) are in the majority than they are in a school where poor children of any race are in the majority. One conclusion from that information is that if the goal is to raise achievement scores, putting poor kids in school with rich kids seems more likely to do it than putting black kids in schools with majority white attendance.

Three other points, however, are important to make about this conclusion: Black children are more likely to be poor than white children so racial desegregation can in many cases achieve social class integration as well. Many outcomes of schooling other than just achievement are important to parents and to society; for example, creativity, curiosity, civic responsibility, moral judgement, artistic taste, leadership skill, or human sensitivity. Almost no research of quality has been done on differences between desegregated and segregated schools on those outcomes. The success or failure of all public education including desegregated schooling probably ought to be decided on broader factors than achievement test scores. Finally, even if research indicated clearly that social class integration improved all outcomes for all children, there are no laws that require social class integration. Courts can and have taken into account the importance of social class when racial desegregation plans have been drawn up, but they have no legal basis by which to order social class integration.

People on many different sides of the desegregation process will quote educational research results to prove one point or another. As this article indicates, the appropriate response to all research in this area is skepticism.

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"The BULLETIN"

Outcomes of Desegregation

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This issue of the Bulletin will discuss some educational outcomes for students from desegregation. Do students learn more in desegregated settings? Do attitudes toward other races change? Is the education in desegregated settings of higher quality? Before attempting to summarize research on these questions, there are three general points to make.

First, the answers to these questions are irrelevant to court decisions. Those decisions are not based on whether white people leave or stay in the city; or whether anyone's attitudes change. The U.S. Civil Rights Commission summed it up:

"All such considerations avoid the basic issue: the 14th amendment to the Constitution, not scientific findings, governs both desegregation of the public schools and the transportation, if required, to achieve it. Decisions affecting desegregation rest on legal and moral grounds rather than on scientific research, regardless of its results."

Second, research in education never provides completely clear answers. That happens in part because of the way in which research is done. If a researcher wants to find out whether black children learn more in desegregated schools, he would probably test black children in desegregated settings and compare their scores with black children of the same age, grade, and ability in segregated schools. If he finds that children in a desegregated setting gained more points in a year than similar children in a segregated setting, should he conclude that desegregation causes an improvement in test scores? Probably not. At least that is not clearly so.

Desegregation is not a single simple event. It is made up of many parts. Any one of those parts--new schools, different teacher, more materials, different teaching style, another curriculum--could influence test scores. Children respond to desegregation in different ways--excitement, anxiety, confidence, fear. Those affect test scores. All the researcher could say with certainty about the study is that black children in both schools continued to learn and that these particular black children in this particular desegregated setting did better than those particular black children in that particular segregated setting. A great number of studies

that showed the same results would begin to indicate that something about desegregated schools seemed to improve scores that black children make on achievement tests. We still would not know what factors in a desegregated school caused the achievement increase.

Third, even if social science research gave clear answers to all questions, it might not be very helpful in deciding what we should do. For example, research may well indicate that over time, children score higher on achievement tests in desegregated schools than similar children in segregated settings. Opinion research may also show that most white parents and many black parents prefer not to have their children transported to achieve desegregated schools. What is the best policy in this case--desegregate or not? It is a moral, legal and political question and cannot be answered by research results.

None of these three points means that educational research should never be done or that it is never very useful. It is important for educators to learn about how different children react in different school settings. Teachers can then respond to particular needs of children and structure learning in a way that is most productive.

A recent book by Professor Nancy St. John, School Desegregation: Outcomes for Children, reviews the evidence from 120 separate studies of student achievement, racial attitudes, and self-confidence in desegregated settings. Her conclusions are worth reporting in some detail.

"During the past 20 years considerable racial mixing has taken place in schools, but research has produced little evidence of dramatic gains for children and some evidence of genuine stress for them. The probable reason for such outcomes is that desegregation is rarely true integration; in other words, it is rarely implemented in ways that give minority children equal status and full protection against victimization and cultural marginality."

"But although desegregation is not to date a demonstrated success, it is not yet a demonstrated failure. There is as little evidence of consistent loss as there is of consistent gain. Further, in spite of the large number of studies, various limitations in design weaken the best of them. Thus in a sense the evidence is not all in."

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