

An Old Debate Continues Over Integrated Schools

Davison M. Douglas

IN JULY 1997, THE NAACP, the nation's oldest and largest civil rights organization, held its annual convention in Pittsburgh. Although the NAACP considered an array of civil rights issues at its annual gathering, the issue that dominated press reports leading up to and during the convention was the organization's position on school integration. Since its founding in 1909, the NAACP has been a consistent opponent of racial separation in the public schools. Yet at this year's convention, one of the central issues facing the delegates was whether the venerable organization should retain its unflinching commitment to integrated schools. Although the NAACP did reaffirm that commitment, many within the organization dissent from that view. Indeed, within the past year, the NAACP has replaced two branch presidents because of their refusal to fully embrace the organization's integrationist agenda.

This dissonance on school integration comes at a time when America's urban schools are becoming increasingly segregated. Since the late 1980s, segregation levels have increased such that urban schools are now more racially isolated than they were prior to the Supreme Court's 1971 *Swann v. Charlotte-Mecklenburg* decision that legitimated the use of busing to integrate city school districts. At the same time, the gap between black and white achievement levels, which narrowed from the early 1970s until the late 1980s, increased during the early 1990s. In their important 1996 book on school desegregation policy, Gary Orfield, Susan Eaton, and the Harvard Project on School Desegregation characterize this increase in urban segregation as a "quiet reversal of *Brown v. Board of Education*."¹

This increase in segregation levels is due in part to demographic trends, but also to the fact that during the past ten years dozens of

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1 Gary Orfield, Susan Eaton, and the Harvard Project on School Desegregation, *DISMANTLING DESEGREGATION: THE QUIET REVERSAL OF BROWN V. BOARD OF EDUCATION* (1996).

school districts have successfully persuaded courts, weary from decades of school supervision, to allow the abandonment of busing plans in favor of neighborhood schools – notwithstanding the resegregative effects of those decisions. Despite this trend towards greater racial segregation, preserving pupil mixing has receded in importance in public discourse about America's schools. Increasingly, discussion of school desegregation – among academicians, politicians, and judges – has been dominated by its critics. Although most Americans still say they favor desegregated schools, school desegregation – particularly busing – has increasingly been blamed for many of this country's education woes, and school choice has emerged as the new watchword in American education.

Even in the African-American community, where support for racially mixed schools has traditionally been strong, more and more leaders question the wisdom of pursuing racial balance at the expense of strong black schools. Indeed, much of the support for jettisoning busing plans has come from African Americans, including several big-city mayors. Many African Americans, both inside and outside the NAACP, argue that resources used to maintain school desegregation might better be allocated to improving black schools and that black children do not need to sit next to white children in order to receive a quality education.

This dissonance within the black community over school integration is not new. For over a century, the African-American community in this country has debated the importance of school integration, and even the NAACP, despite its long commitment to pupil mixing, has encountered considerable dissent

within its ranks on this issue since its founding. The reasons for this dissent are varied and complex. But a consistent thread from the late nineteenth century until the present has been the view that though the pursuit of school integration may be one method of securing equal educational opportunities for black children, it can also impose unintended burdens on the black community. Indeed, the debate in the late nineteenth and early twentieth centuries in the northern African-American community over the importance of school integration bears important and interesting parallels to today's debate.



Public schools in the South were almost uniformly racially segregated from their establishment until well after the Supreme Court's *Brown* decision in 1954. In northern states, the issue of school segregation has been far more complex.² Most northern states established public schools during the first half of the nineteenth century, but African-Americans were not uniformly welcome in these new schools. In some states, black children were excluded from the public schools altogether, while in others, black children were relegated to separate and inferior schools. Throughout the antebellum era, the overwhelming majority of those northern black school children who attended school did so on a segregated basis.

During the quarter century following the end of the Civil War, most northern state legislatures enacted legislation prohibiting school segregation. This legislation, however, did not reflect a broad reordering of northern white attitudes towards racial equality. Rather, it reflected a combination of Reconstruction-

² I have analyzed northern school segregation in the late nineteenth and early twentieth centuries in more detail in Davison M. Douglas, *The Limits of Law in Accomplishing Racial Change: School Segregation in the Pre-Brown North*, 44 *UCLA L. REV.* 677 (1997), from which portions of this article are drawn.

era idealism, the calculated desire of certain legislators to secure the electoral support of black voters, and the unwelcome expense of retaining a dual school system.

This lack of full support for school integration was reflected in the failure of many school districts to comply with the new antisegregation measures. Despite these statutory bans on school segregation, many northern school districts retained segregated schools, particularly in those parts of the North contiguous with southern states where segregationist sentiment was strongest and black enrollments were largest. This segregation took several forms. Some northern school segregation, later denominated "de facto segregation," was caused by residential segregation. But much northern school segregation during the late nineteenth and early twentieth centuries was far more deliberate. School administrators in dozens of northern school districts assigned black children to separate "colored schools" irrespective of where these children actually lived. For example, until 1955, the Ohio State Department of Education required local school districts to submit regular reports setting forth the number of children attending "separate schools for colored children." Other northern school administrators segregated children into racially separate classrooms or fenced schoolyard playgrounds to keep black and white children apart.

During the early twentieth century, in the wake of the migration of hundreds of thousands of southern blacks to northern cities during and after World War I, school segregation dramatically increased in many northern school districts as more and more school administrators insisted upon racial separation. Some northern school districts that had aban-

doned segregated schools in the late nineteenth century, such as Cleveland and Columbus, reestablished them in the 1920s. "Daily it becomes more apparent that the virus of southern race prejudice is bearing its malignant fruit in this cosmopolitan city of Cleveland," the *Cleveland Call & Post* complained in 1928. "With amazing rapidity, it is spreading through the very arteries of this city – once famous for its liberality to minority groups."³ Although some litigation was filed seeking to enforce the antisegregation legislation, most of which succeeded, these lawsuits were few in number and in many instances were circumvented by recalcitrant white school boards.

The African-American community sharply divided over the appropriate response to the continuation of school segregation in violation of the state antisegregation laws. Many African Americans accepted and even preferred segregated schools, unwilling to antagonize the white community and embracing segregation as beneficial both to their children and to black teachers for whom segregated schools provided jobs.

Throughout the North, few school districts permitted black teachers to teach in mixed schools; when schools were integrated, black teachers were often fired. In Ohio, the enactment of antisegregation legislation in 1887 prompted a mass exodus of black school teachers from the state, as hundreds of black teachers lost their jobs and moved South to pursue teaching opportunities in segregated southern school systems. As the white Cincinnati school superintendent explained: "Negroes gave up their teachers when they gave up separate schools."⁴ Not surprisingly, black teachers were among the strongest opponents of the nineteenth-century antisegregation leg-

3 Quoted in Kenneth L. Kusmer, *A GHETTO TAKES SHAPE: BLACK CLEVELAND, 1870-1930*, at 187 (1976).

4 Quoted in John Roy Squibb, *Roads to Plessy: Blacks and the Law in the Old Northwest: 1860-1896*, at 195 (1992) (unpublished Ph.D. dissertation, University of Wisconsin).

isolation and among the strongest proponents of the retention of segregated schools during the first half of the twentieth century.

Moreover, many African Americans favored the retention of segregated schools because of fears of mistreatment of their children in mixed schools at the hands of white teachers and classmates. Some feared – with good reason – that their children would be harassed by their classmates and teachers and indoctrinated with feelings of racial inferiority. As a result, in several communities in the North, black parents explicitly petitioned for the establishment of segregated schools.

In those communities that did operate mixed schools, reports of mistreatment of black students were common, as many white teachers and administrators harbored racist attitudes. A white principal in Atlantic City, New Jersey, explained his support for school segregation in the early 1940s: “I believe in segregation. ... [Black children] are like little animals. There is no civilization in their homes. They shouldn’t hold up white children who have had these things for centuries. They are not as clean. ... Why should we contaminate our race?”⁵ As a result of such hostility, in many northern communities black children attending integrated schools dropped out of school sooner and were less likely to pursue higher education than were their counterparts in segregated schools.

The primary organization fighting the spread of northern school segregation was the NAACP. Yet the NAACP confronted both white opposition and resistance from many African Americans. The effort to end segregation in the city of Dayton, Ohio, illustrates the problem. In 1924, the Dayton School Board established segregated classrooms at an integrated elementary school, triggering deep division in

the black community. Many African Americans favored these segregated classrooms and had in fact requested them. Those African Americans who opposed school segregation filed a lawsuit, with the support of the national office of the NAACP, that eventually succeeded. Despite this legal victory, school segregation continued virtually unabated as the Dayton School Board, supported by a large segment of the black community, simply ignored the court decision. Almost two decades later, when the NAACP again sought to challenge school segregation in Dayton, black opposition to racial mixing remained strong. Thurgood Marshall of the NAACP’s national legal department complained that:

The biggest problem in Dayton is not a legal problem but is a problem of educating the Negro community to be in a frame of mind to fight segregated schools. The majority of the Negroes in Dayton are in favor of segregated schools and if this were not so, it would have been impossible to establish them.⁶

Marshall tried to find a local black lawyer in Dayton to file a desegregation lawsuit, but with no success. Segregation would continue in Dayton until after the *Brown* decision.

Even within the NAACP, many African Americans opposed school integration efforts. For example, the national office of the NAACP had entered the Dayton school desegregation fight in the 1920s because the local branch had refused to take action. Similarly, in Illinois, many local NAACP branches refused to challenge school segregation in the state’s southernmost school districts. According to Marshall:

The segregated schools in South Illinois are not only illegal but they have been declared illegal by Illinois cases. They are a disgrace to the state and even more so a disgrace to the

5 Charles S. Johnson, *PATTERNS OF NEGRO SEGREGATION* 198 (1943).

6 Memorandum from Thurgood Marshall to Walter White (Nov. 6, 1945) (on file with NAACP Papers, Box II-B-146, Library of Congress, Washington, D.C.).

NAACP and especially the Illinois State Conference of Branches. The [national NAACP] Legal Department has repeatedly tried to get started on these cases and has never been able to move to first base because of the practically non-existent State Conference. Unless and until we can get the State Conference willing to cooperate, there is nothing the Legal Department can do.⁷

Because the NAACP national office relied on local plaintiffs and attorneys to file desegregation lawsuits, the lack of support for pupil mixing among local NAACP leaders was a major blow to the national office's litigation campaign. Marshall confessed to NAACP Executive Secretary Roy Wilkins in 1947: "I am beginning to doubt that our branch officers are fully indoctrinated on the policy of the NAACP in being opposed to segregation. It is therefore obvious that we need to educate our branch officers and in turn the membership, and finally, the people in the need for complete support in this all-out attack on segregation."⁸

Much of the opposition within the black community to pupil mixing came from recent southern migrants, who had grown accustomed to segregation while living in the South and who feared antagonizing whites on this issue. The *Cleveland Gazette*, a strong opponent of segregated schools, attacked southern blacks for petitioning the Cincinnati School Board for a segregated school in 1935: "What a pity they cannot be shipped back South where they belong and where they never should have left. ... For a 'Negro' teacher they would trade vitally essential rights and privileges of all our people of Cincinnati."⁹

Yet ambivalence about school integration encompassed more than just new southern

migrants. In 1934, W.E.B. DuBois, a co-founder of the NAACP and one of the most distinguished African-American intellectuals of the first half of the twentieth century, stunned his organization by questioning the pursuit of school integration in a series of editorials in the NAACP's monthly publication, *The Crisis*. DuBois argued that although segregation was morally wrong, white hostility to pupil mixing in many communities was so intense as to make continued efforts at integration harmful. For DuBois, it was fruitless to send a black child "into school where white children kick, cuff or abuse him, or where teachers openly and persistently neglect or hurt or dwarf [his] soul."¹⁰ DuBois urged instead the strengthening of black educational institutions. "[N]ot only shall we be compelled to submit to much segregation," DuBois argued, "but ... sometimes it will be necessary to our survival and a step toward the ultimate breaking down of barriers, to increase by voluntary action our separation from our fellowmen."¹¹ DuBois' editorials ignited a firestorm of controversy within the NAACP and prompted several reaffirmations of the importance of school integration. But DuBois' views legitimized for many the notion that the pursuit of school integration bore the potential of causing harm.

During the early 1940s, the national office of the NAACP launched a spirited litigation and political campaign challenging northern school segregation, as well as a concentrated effort to win support for integration within the black community. Although most of the national legal staff's energies had previously been devoted to southern school segregation, Thurgood Marshall argued that "it is just as

7 Memorandum from Thurgood Marshall to Roy Wilkins (Dec. 14, 1948) (on file with NAACP Papers, Box II-B-138, Library of Congress, Washington, D.C.).

8 Memorandum from Thurgood Marshall to Roy Wilkins (Oct. 28, 1947) (on file with NAACP Papers, Box II-B-137, Library of Congress, Washington, D.C.).

9 CLEVELAND GAZETTE, May 18, 1935, at 2.

10 W.E.B. DuBois, *Postscript*, 41 THE CRISIS 85, 85 (1934).

11 W.E.B. DuBois, *Postscript*, 41 THE CRISIS 115, 117 (1934).

important to fight the segregated school system in the North and West as it is to fight for equal schools in the South.”¹² As Marshall explained: “In spite of state statutes designed to prevent discrimination or segregation of the races in its school systems, these vicious practices are put into effect in far too many Northern states, and the NAACP shall concentrate within the next few years on breaking down such practices.”¹³

The NAACP campaign eventually enjoyed considerable success. By the early 1950s, although many northern schools remained segregated due to residential segregation, most explicit school segregation in the North had been eliminated. In some states, such as New Jersey and Illinois, threatened enforcement of newly enacted fund-withholding legislation against recalcitrant school districts played a particularly important role.



After the *Brown* decision of 1954, dissent from the NAACP’s integrationist agenda continued. During the 1960s, a time when most southern school districts began to integrate their schools for the first time, many African Americans, even within the NAACP, questioned the organization’s single-minded pursuit of greater racial mixing in public schools. In Atlanta, for example, the local NAACP branch diverged from the national office and favored the retention of majority-black neighborhood schools in lieu of widespread school busing.

The Congress of Racial Equality (CORE) also favored neighborhood schools, and filed an anti-busing amicus brief with the U.S. Supreme Court in the 1971 *Swann v. Charlotte-Mecklenburg* busing case. In 1976, Derrick Bell, a former NAACP school desegregation litigator, challenged the NAACP’s unwavering pursuit of the maximization of racial mixing in public schools in a *Yale Law Journal* essay that captured wide attention.¹⁴

Whereas much of the African-American opposition to pupil integration in the late nineteenth and early twentieth centuries centered on the adverse effect on black teachers and the hostile environment for black children, skeptics in the post-*Brown* era complain that the burden of pupil integration has fallen disproportionately on black children and has stigmatized them with the notion that they need contact with white children in order to learn. “What the integrationists, in my opinion, are saying, when they say that whites and blacks must go to school together,” Malcolm X wrote in the early 1960s, “is that the whites are so much superior that just their presence in a black classroom balances it out. I can’t go along with that.”¹⁵ CORE, in 1970, attacked the notion that pupil integration would bring educational benefits: “Blacks who subscribe to this theory are suffering from self-hatred, the legacy of generations of brainwashing. They have been told – and they believe – that it is exposure to Whites *in and by itself* that makes Blacks equal citizens.”¹⁶ Similarly, Daryl Michael Scott, in his recent book

12 Memorandum to the Members of the National Legal Committee from Thurgood Marshall (July 17, 1940) (on file with NAACP Papers, Box I-D-99, Library of Congress, Washington, D.C.).

13 NAACP Press Release (Sept. 18, 1947) (on file with NAACP Papers, Box II-B-146, Library of Congress, Washington, D.C.).

14 Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 *YALE L.J.* 470 (1976).

15 Malcolm X, *BY ANY MEANS NECESSARY: SPEECHES, INTERVIEWS AND A LETTER* 17 (George Breitman ed., 1970).

16 Congress of Racial Equality, *A True Alternative to Segregation: A Proposal for Community School Districts*, in Brief for CORE as Amicus Curiae, *Swann v. Charlotte-Mecklenburg Board of Education* (1970), in *THE*

Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996, claims that integrationists during the 1950s and 1960s who argued that racial isolation caused psychological damage unwittingly “reinforced America’s age-old belief in black inferiority.”¹⁷

In addition, many African Americans argue that the quest for greater racial mixing diverts energies from efforts to capture more resources for African-American schools. As Derrick Bell’s fictional character Geneva Crenshaw argues: “Rather than beat our heads against the wall seeking pupil-desegregation orders the courts were unwilling to enter or enforce, we could have organized parents and communities to ensure effective implementation for the equal-funding and equal representation mandates.”¹⁸ More and more black political leaders agree, arguing that racially isolated schools are acceptable so long as they are equally funded.



In some ways, the contemporary critics of busing plans echo DuBois’ skepticism of integration efforts during the 1930s. Neither is hostile to integration per se, but both recognize that the pursuit of integration may bring certain unwanted costs. DuBois worried about the effect of school integration on the well-being of black school children. Contemporary busing opponents worry that the pursuit of pupil mixing may needlessly divert energies from improving black schools and may reinforce the notion that black children need exposure to white children to prosper.

But as DuBois recognized that integration

should remain the ultimate goal, so contemporary critics should keep in mind that an increase in racial isolation may in the long run harm black education. African-American schools have historically been underfunded in this country, and urban areas – where minority schools are concentrated – will undoubtedly be further stretched financially as social welfare burdens are transferred from the federal government to the states. Moreover, schools that take on an identity as minority schools often are at risk of losing community support. For example, after the Kansas City school district became majority minority in the early 1970s, the voters of Kansas City turned down a long series of school bond referenda aimed at improving the financial status of the city’s schools. In addition, minority schools tend to have a higher percentage of disadvantaged children and hence require greater resources, resources that are not likely to be forthcoming.

Although critics of busing plans emphasize that black children do not need white children to learn, the retention of racially identifiable schools may unwittingly reinforce negative racial stereotypes. As Orfield, Eaton, and the Harvard Project on School Desegregation explain:

When discrimination is officially declared to have fully been rectified and the policies for re-segregation are accepted by courts and community leaders as educationally sound, the blame for the pervasive inequalities that remain tends to be shifted to minority families and communities, the teachers, and the educational leaders. When the discrimination is declared cured, the system can no longer be blamed. ... The predictable failure of inner-

DEVELOPMENT OF SCHOOL BUSING AS A DESEGREGATION REMEDY 259 (Davison M. Douglas, ed., 1994) (emphasis in the original).

17 Daryl Michael Scott, *CONTEMPT AND PITY: SOCIAL POLICY AND THE IMAGE OF THE DAMAGED BLACK PSYCHE, 1880-1996* at 185 (1997).

18 Derrick A. Bell, Jr., *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* 112-113 (1987).

city segregated schools ... often reinforces white stereotypes about what critics describe as the inferior culture of minority families, reinforcing growing suburban resistance to providing state resources to heavily minority urban school systems.¹⁹

Those who desire a return to racially separate, but “equal” schools, would do well to reflect upon DuBois’ counsel: “Let us not affront our own self-respect by accepting a proffered equality which is not equality.”²⁰ ¶

¹⁹ Orfield, et. al., *supra* note 1, at 332, 333.

²⁰ DuBois, *supra* note 10, at 85.