



## Desegregation/Busing

©2009 eNotes.com, Inc. or its Licensors. Please see [copyright information](#) at the end of this document.

- [Background](#)
- [Before Desegregation](#)
- [Desegregation in Theory and Practice](#)
- [Innovative Approaches](#)
- [Additional Resources](#)
- [Organizations](#)

### Background

One of the most important rights Americans have is the right to a free public education. No child in the United States, whether native- or foreign-born, can be denied access to a public school for elementary and secondary education. While in theory this means that everyone is entitled to the *same* educational experience, in fact that is not necessarily the case. Public schools can vary dramatically from community to community simply because some districts have more money to spend on education than others.

For years, [SEGREGATION](#) of black and white students was quite common. In some places, it was common because local and state laws mandated segregation in one form or another. In other places it was common because neighborhoods were segregated (often by choice) and students went to the closest schools. From the late nineteenth century to the mid-twentieth century, segregated schools were protected by the concept of "separate but equal," upheld by the U.S. Supreme Court in 1896. SEPARATE BUT EQUAL was overturned in 1954 in the famous *Brown v. Board of Education* decision, but segregation in the schools continued. In the 1960s and 1970s, efforts were made to desegregate schools across the country. Many of these efforts succeeded, but many failed. A number of desegregation efforts, begun with the best of intentions, turned out to be more divisive than inclusive.

Desegregation is one of the most complex issues educators and parents face. In the 1950s, desegregation was about blacks and whites. When people used the word "minority," they meant blacks. As of 2002, the entire concept of minorities and diversity has shifted. Minorities can include blacks, Central and South Americans, Southeast Asians (Vietnamese, Cambodian, Laotian), Arabs, and a host of others. This sort of multiple ethnicity existed in large cities for decades, but in the 21st century people are more mobile and even small communities can have a dozen or more ethnic minorities. Consequently, communities cannot merely take a "one size fits all" approach. Finding the right approach to desegregation, or rather, to encouraging diversity in the schools, is an ongoing challenge to school districts across the country.

### Before Desegregation

Education was not always the universally accepted right that it is today in the United States. Although some communities did make education a priority, the United States was primarily an agricultural society until the twentieth century. Children might learn to work the land or be apprenticed to a tradesman after having only a few years of formal schooling. Many children had no formal education. Slave children had only as much education as their masters allowed or tolerated; most slave owners did not encourage their slaves even to learn

to learn to read or write.

### ***The Fourteenth Amendment***

The Thirteenth Amendment to the U.S. Constitution, ratified shortly after the end of the Civil War prohibited slavery and involuntary servitude. But it did not specifically grant citizenship to freed slaves, and Southern states took advantage of this omission. Congress redressed the balance with the Fourteenth Amendment, which was ratified in 1868. The amendment stated that all citizens, whether by birth or by naturalization, were guaranteed [EQUAL PROTECTION](#) under the law, and called for Federal intervention if states failed to comply. Former Confederate states that wished to rejoin the United States were required to sign the Fourteenth Amendment before being readmitted.

What the Fourteenth Amendment did not do was guarantee equal rights. Southern states used the "separate but equal" argument, which allowed them to keep blacks and whites separate as long as they did not deprive them of basic legal rights. Eventually, this arrangement led to a series of discouraging developments that relegated blacks in the South to inferior status.

### ***Plessy v. Ferguson***

One of the factors affected by while Southern unwillingness to recognize blacks as equals was public transportation. In 1890 the General Assembly of Louisiana passed a law requiring railroads to provide separate cars for whites and blacks, with the stipulation that the separate cars be of equal quality and comfort. The law was immediately attacked by [CIVIL RIGHTS](#) groups, and to force the question of whether it was constitutional, a black man, Adolph Plessy, deliberately broke it by taking a seat in a whites-only car. The law was found constitutional by regional and state courts and went to the U.S. Supreme Court in 1896. The Court ruled seven to one against Plessy and thus established as constitutional the concept of "separate but equal." This concept was a springboard for what was called the "Jim Crow" system. Named for a character in a black minstrel show, the Jim Crow laws made segregation not merely acceptable but mandatory. Over the next several decades, "separate but equal" became pervasive, particularly in the South. Although there were some civil rights gains for blacks in the ensuing years, a definitive victory against Jim Crow did not come until 1954.

### ***Brown v. Board of Education***

"Separate but equal" may have seemed unconscionable to many, but it was the law in many states. In the 1950s 17 states and the District of Columbia had laws prohibiting [SCHOOL DESEGREGATION](#). It was clear to most educators, parents, and children that there could be no such thing as a separate but equal education. Several cases appeared before the U.S. Supreme Court to challenge the constitutionality of segregated schools, and the Court's unanimous ruling on *Oliver Brown et al. v. Board of Education of Topeka, Kansas* on May 17, 1954 turned the doctrine of school segregation on its head. "Separate educational facilities," said the Court, "are inherently unequal."

Although the Brown decision marked the beginning of the end for sanctioned segregation in the schools, segregation's end did not come immediately. In fact, in the late 1950s and early 1960s, several Southern governors, notably Orval Faubus of Arkansas, Ross Barnett of Mississippi, and George Wallace of Alabama, vigorously defended segregation. Not until President Lyndon B. Johnson signed the Civil Rights Act of 1964 was desegregation dealt a definitive blow throughout the United States.

## Desegregation in Theory and Practice

Throughout the 1960s it became evident that desegregation was not a clear-cut issue by any means. As communities struggled with finding the best ways to desegregate, the racial divide seemed to grow rather than diminish.

Southern states, which had borne the brunt of the negative publicity about segregation, began to point out that the Northern states were equally culpable, albeit in a different way. For years the South had *de jure* segregation—in other words, segregation mandated by law. In the North, while there were no segregation laws on the books, most blacks and whites lived in separate enclaves; often the groups did not mix, and their children attended local schools. Thus, in the North there was *de facto* segregation in the schools because neighborhoods were segregated.

### ***Busing and "White Flight"***

Among the methods communities tried to desegregate the schools was the busing of black students to predominantly white schools. Since the black schools tended to be in poorer neighborhoods and had fewer resources, it seemed to make sense to bus black students to white schools until a balance of black and white students was attained. The case in the U.S. Supreme Court that set the ground rules for all future busing decisions in the courts was *Swann v. Charlotte-Mecklenburg Board of Education*, which was decided in 1970. Two years earlier, the Court had ruled in *Green v. County School Board* that the school board had the responsibility to integrate the schools and to do so promptly. The Charlotte-Mecklenburg (Virginia) school board was found to be out of compliance and was assigned a plan known as the Finger Plan (named for the man who devised it). Under the Finger Plan, schools throughout the district were to work to attain more racial balance in the schools by busing children into the schools.

Busing is one illustration of how difficult it is to achieve true desegregation. In the decades after *Swann*, other communities implemented busing. Invariably, busing is not well-received by blacks or whites. Legislating action is one thing, but legislating attitude is quite another. In many large urban cities, whites who could afford to move to the suburbs, where the population (and consequently the schools) were predominantly white, left inner-city schools with dwindling white student populations. In Denver, the school district was found to be practicing "subtle racism" by the U.S. Supreme Court in *Keyes v. School District No. 1*. A busing program was implemented, but the way the system was initially set up many elementary school students spent half a day in a de facto segregated school and half a day in an integrated school.

The 1974 case of *Milliken v. Bradley* addressed the issue of "white flight" to the suburbs by suggesting that one remedy would be to bus suburban children into the inner city schools in which whites were the minority. The U.S. Supreme Court ruled that suburban students could not be used to desegregate inner city schools. White flight continued. Because most of the people left behind were poor or working-class, cities lost a tax base. As cities became poorer, less money was spent on education. Blacks and other minorities who could afford to move did so, and the inner city populations became statistically poorer. By the end of the twentieth century, many of the largest cities in the United States had public schools that were racially imbalanced and sadly in need of funding for maintenance, basic supplies, and more teachers.

### ***The Needs of the Children***

Lost in many of these contentious proceedings was the simple question of what was best for the child. Children are not born with a predisposition to racial prejudice, but they are forced to live with the decisions of adults. In the inner cities, public education has not improved, and in affluent communities, de facto segregation is still common. While some see desegregation efforts such as busing as a positive move, others

argue that the money spent on busing programs would be better spent in revitalizing poor neighborhoods and schools so that children could get a good education in their own neighborhood. But that brings back the question of segregated neighborhoods. Many people from all ethnic and racial backgrounds look at desegregation with a mix of cynicism and resignation.

## **Innovative Approaches**

Educators, government officials, and parents have all sought approaches to desegregation that are not merely superficial. Thinking up these approaches and implementing them is a challenge, but the fact that people are willing to seek alternatives to court-order remedies that may have inherent weaknesses is a start.

### ***Magnet Schools***

Many communities have created "magnet schools" in which students from across a community attend. These schools often emphasize particular courses of study—science or the arts, for example. Magnet schools, properly funded, can provide educational and social opportunities for children across a wide spectrum of racial and ethnic lines. Magnet schools do not keep people from moving out of the cities, however. In some places school districts have attempted to lure suburban students into inner city magnet schools. In Connecticut, cities such as Hartford and New Haven have created magnet schools that have been well received. One of the goals of these schools is to draw students from the predominantly white suburbs. As part of the state's desegregation efforts, suburban students can take part in a program called Open Choice that allows them to transfer to the inner city schools at no additional cost. Under normal circumstances, a student who goes to a district other than his or her own would have to pay tuition and transportation costs. In Connecticut, those costs are underwritten by the state.

Magnet schools are seen by many as a better way to achieve integration than charter schools, which are often created specifically to serve the needs of local neighborhoods and may not have racial or ethnic diversity as their prevailing goal (although as public entities they are subject to anti-discrimination laws).

### ***Using Criteria Other than Race***

One intriguing idea that some school districts have begun to implement is integrating schools on the basis of *income* rather than race. The idea was first explored in the early 1990s, and as of 2002 several high-profile districts use it, including Wake County, North Carolina (which includes the capital city of Raleigh) and Cambridge, Massachusetts. The idea behind income-based desegregation is that income may play a more critical role in a child's educational experience than race. If parents have enough money to make educational choices for their children, then it matters little what color they are; they can take their children out of the public school system or move to a more affluent community with better public schools. Wealthier schools and school districts will have more and better resources than inner-city schools, and all the students who attend will benefit. In contrast, no student benefits from attending an inner-city school with limited funds and overflowing classrooms.

Cambridge is best known as the home of Harvard University and the Massachusetts Institute of Technology (MIT). Like many college communities, its population is racially and economically mixed. There is no one ethnic majority group. As an article in *Education Week* noted in January 2002, "in a city with enclaves of working-class whites and upper-class African Americans, the lack of diversity in some schools had little to do with skin color or national origin. Instead, students from wealthier families tended to attend the same schools, and needier children were clumped together in other schools who tended to struggle academically." Approximately 40 percent of the 7,300 students qualify for free or reduced-priced school lunches. As of

January 2002, the percentages of these students in various schools ranged from 21 percent to 72 percent.

Innovative approaches such as this one may provide a different frame of reference that meets the needs of students and communities better. They will also keep current in the minds of parents and school administrators the need to improve educational facilities across the board. As racial and ethnic groups become less clearly defined, it may become harder to justify any kind of desegregation plan. That said, it will also become harder to justify helping certain schools or school districts thrive at the expense of others.

## **Additional Resources**

*Beyond Desegregation: The Politics of Quality in African-American Schooling.* Mwalimu J. Shujaa, editor, Corwin Press, 1996.

*Politics, Race, and Schools: Racial Integration 1954-1994.* Watras, Joseph, Garland Publishing, 1997.

*The Schools We Deserve: Reflections on the Educational Crises of Our Times.* Ravitch, Diane, Basic Books, 1985.

*Separate but Not Equal: The Dream and the Struggle.* Hasking, James, Scholastic, 1998.

*The Strange Career of Jim Crow.* Woodward, C. Vann, Oxford University Press, 1974.

*The Struggle for Equal Education.* Lusane, Clarence, Franklin Watts, 1992.

*Swann's Way: The School Busing Case and the Supreme Court.* Schwartz, Bernard, Oxford University Press, 1986.

## **Organizations**

### ***Center for Education Reform***

1001 Connecticut Avenue NW, Suite 204

Washington, DC 20036 USA

Phone: (202) 822-9000

Fax: (202) 822-5077

URL: <http://www.edreform.com>

Primary Contact: Jeanne Allen, President

### ***National Association for the Advancement of Colored People (NAACP)***

4805 Mt. Hope Drive

Baltimore, MD 21215 USA

Phone: (877) 622-2728

URL: <http://www.naACP.org>

Primary Contact: Kwesi Mfume, President

### ***National Center for Education Statistics (NCES)***

1990 K Street NW

Washington, DC 20006 USA

Phone: (202) 502-7300

## Encyclopedia of Everyday Law: Desegregation/Busing

URL: <http://www.nces.ed.gov>

Primary Contact: Gary W. Phillips, Acting Commissioner

### ***National Education Association (NEA)***

1201 16th Street NW

Washington, DC 20036 USA

Phone: (202) 833-4000

URL: <http://www.nea.org>

Primary Contact: Bob Chase, President

### ***U. S. Department of Education***

400 Maryland Avenue SW

Washington, DC 20202 USA

Phone: (800) 872-5327

URL: <http://www.ed.gov>

Primary Contact: Rod Paige, Secretary of Education

### ***U. S. Department of Justice, Educational Opportunities Section, Civil Rights Division***

950 Pennsylvania Avenue NW, PHB

Washington, DC 20530 USA

Phone: (202) 514-4092

Fax: (202) 514-8337

URL: <http://www.usdoj.gov>

Primary Contact: Jeremiah Glassman, Chief

## **Copyright Notice**

©2009 eNotes.com, Inc.

ALL RIGHTS RESERVED.

No part of this work covered by the copyright hereon may be reproduced or used in any form or by any means graphic, electronic, or mechanical, including photocopying, recording, taping, Web distribution or information storage retrieval systems without the written permission of the publisher.

For complete copyright information, please see the online version of this work:

<http://www.enotes.com/everyday-law-encyclopedia>