

AFFIRMATIVE INTEGRATION

Studies of Efforts to Overcome De Facto Segregation in the Public Schools

EDITORS' INTRODUCTION TO THE STUDIES

The story of this issue begins with the Civil Rights Act of 1964 which, in section 402,¹ directed the Commissioner of the United States Office of Education to conduct a survey "concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States." James S. Coleman, a sociologist at Johns Hopkins University, was eventually commissioned to undertake this monumental task. His study, involving many thousands of workers and interviewees, entitled *Equality of Educational Opportunity*,² explored this question, surveying national samples of pupils, teachers, and school administrators.

One offshoot of the project was a group of case studies on the legal and political problems complicating the elimination of de facto school segregation in eight northern American cities. The studies were conducted by a team of lawyers and one political scientist directed by Professor G. W. Foster of the University of Wisconsin Law School. Although excerpts from these studies, which together total upward of a thousand

1. 42 U.S.C. §402 (Civil Rights Act of 1964).

2. Superintendent of Documents, Catalog No. FS-5.238-38001, U.S. Government Printing Office, Washington, D.C. 1966.

pages, appear in chapter 7 of the Coleman group's report, the greater portions have not been published nor have they received wide "private" distribution.

The *Law and Society Review*, which has an interest in studies of social phenomena conducted by lawyers, requested and received permission to look at these studies. We were not surprised to find them fascinating, and it occurred to us that we had a duty to publish them. The final decision to do so was not an easy one, however, for the studies with their rich content were too long for publication intact and were somewhat outdated by the time we received them. Tempering this latter consideration, however, was the recognition that much of the material in these case studies is of continuing interest and value. The unique virtue of the original studies is that they describe what action occurred and provide detailed analyses of the forces and problems involved in eliminating de facto segregation. Yet this benefit proved a frustrating burden to us, for a routine condensation of the studies would have eliminated the very detail necessary for preserving their value.

Although it was neither an easy nor a welcome task, we were forced to select certain elements and simply drop others. We thus chose to focus upon two characteristics which are found, to varying degrees, in each of the cities studied. First, we have attempted to retain the authors' descriptions of the school boards' quandaries when confronted with the problem of de facto segregation. Second, we have sought to include accounts of the ways the law and legal processes impinged upon this particular social issue—through court decisions and actual litigation, through the tactical use of instituting suits, through the undefined threat of legal action, etc. To this end we have attempted to preserve those portions of these studies which speak to the following questions:

1. What specific issues arose in the context of the particular city studied? Were they relatively comprehensive, affecting the entire school system or were they tied only to one school or one particular neighborhood, or to one level of the schools such as the junior high schools?

2. Since the school boards are typically the apparent major decision-making body, how did they handle the issues brought before them by pro- and anti-integrationist forces? What were the boards' relationships to the superintendents, the public, committees of experts, and blue-ribbon or citizens committees?

3. Where the board did elect to take action by adopting a plan or proposal, where did the proposal originate and how was it modified in the course of the board's activities? If no proposal was immediately adopted, thereby maintaining a commitment to the present policy, what factors seemed to have contributed to the failure of the integrationist forces to obtain their desired relief?

4. What role did the courts play?

5. Did the question of the legality and/or morality of distributing school children by race come up? If so, who raised it and how was it resolved?

6. Did the board succeed in (a) achieving significant statistical change in the racial imbalance in the schools, and (b) in resolving the conflict within the community over the issue of de facto segregation in the schools?

After these eight case studies we will present a comparative analysis regarding these questions. Although a sample of eight cases can hardly yield conclusive findings, these studies do present some interesting patterns and generate some provocative hypotheses. It is our hope that these studies will contribute to the growing literature on providing equal educational opportunity through the public schools.