

*U. S. Commission on Civil Rights.*

# RACIAL ISOLATION in the Public Schools

Summary of a Report  
by the U.S. Commission

Civil Rights

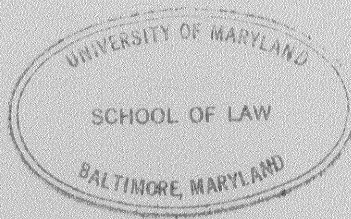
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## U.S. COMMISSION ON CIVIL RIGHTS

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The U.S. Commission on Civil Rights is a temporary, independent, bi-partisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and
- Submit reports, findings, and recommendations to the President and the Congress.

## ***Introduction***

In November 1965, President Johnson asked the U.S. Commission on Civil Rights to "turn its careful attention to the problems of race and education in all parts of the country . . . [and] . . . to develop a firm foundation of facts on which local and State Governments can build a school system that is color-blind."

In asking the Commission to "gather the facts" regarding racial isolation in the schools and "make them available to the Nation as rapidly as possible," President Johnson said:

*Although we have made substantial progress in ending formal segregation of the schools, racial isolation in the schools persists—both in the North and the South—because of housing patterns, school districting, economic stratification and population movements. It has become apparent that such isolation presents serious barriers to quality education. The problems are more subtle and complex than those presented by segregation imposed by law. The remedies may be difficult. But as a first and vital step, the Nation needs to know the facts.*

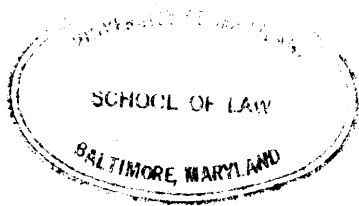
The Commission's study sought to:

- Determine the extent of racial isolation in the public schools;
- Identify the factors that cause and perpetuate the separation of Negroes and whites in the schools;
- Examine the impact of racial isolation upon the educational, economic, and social achievement of Negroes and determine the effects of such isolation upon whites and Negroes;
- Assess the effectiveness of programs designed to eliminate racial isolation in the schools and remedy existing educational disparities.

The Commission's report drew upon existing knowledge, extensive staff investigations, public hearings, and new research performed by contractors and consultants. In the hearings and special conferences, the Commission heard the views of school administrators, teachers, parents, and school children. The Commission also had the advice and assistance of an Advisory Committee of educators, economists, social scientists, and lawyers.

Four major findings of fact emerge from the report:

- Racial isolation in the public schools, whatever its origin, inflicts harm upon Negro students.
- Racial isolation in the public schools is intense and is growing worse.
- Compensatory efforts to improve education for children within racially and socially isolated schools have not been markedly successful.
- School desegregation remedies have been devised which will improve the quality of education for all children.



## **EXTENT AND GROWTH OF RACIAL ISOLATION**

The Supreme Court ruled in 1954 that governmentally enforced school segregation violated the 14th amendment and that separate educational facilities were inherently unequal.

The immediate impact of the Court's ruling was upon the Southern and border States that had compelled segregation in the public schools. The decision also heightened concern about the extent of school segregation throughout the Nation.

Now, 13 years after the Supreme Court's decision, the majority of American children continue to attend schools that are largely segregated. The U.S. Office of Education in its national survey, *Equality of Educational Opportunity*, found that when judged by the standard of segregation ". . . American public education remains largely unequal. . . ."

To define the extent of racial isolation in the public schools, the Commission collected data on the racial composition of schools in more than 100 city school systems throughout the Nation. The data revealed that racial isolation in the public schools is extensive and has increased since 1954. School segregation is most severe in the Nation's metropolitan areas where two-thirds of the country's Negro and white populations now live.

There are 1.6 million Negro children and 2.4 million white children enrolled in elementary schools in 75 representative cities studied by the Commission. Of the Negro children, 1.2 million (75 percent) attend schools where the student bodies are more than 90 percent Negro. Of the white children, 2 million (83 percent) are enrolled in schools where the student populations are more than 90 percent white. Nearly 9 of every 10 Negro children in these 75 cities attend elementary schools where the student bodies range from 50.5 to 100 percent Negro. The extent of student segregation was not necessarily dependent upon the size of the school system, the proportion of Negroes enrolled, or whether the cities were in the North or the South.

The growth of segregation has been rapid. A survey of 15 Northern school systems revealed that the Negro enrollment has increased by 154,000 pupils since 1950, and that 130,000 of these Negro pupils attend schools where the student bodies were more than 90 percent Negro.

In Southern and border cities the proportion of Negroes attending all-Negro elementary schools has decreased, yet the number of children attending racially isolated schools has increased.

## **CAUSES OF RACIAL ISOLATION**

The population increase in the Nation's metropolitan areas—40 million persons between 1940 and 1960—has been accompanied by an increase in the separation of the races. By 1960, four of every five Negro school-age children in metropolitan areas lived in the central cities while nearly three of every five white children lived in the suburbs. As a result, a substantial number of major cities have elementary school enrollments that are more than half Negro.

Racial isolation in city schools is caused by many factors. Isolation is rooted in racial discrimination that has been sanctioned and even encouraged by government at all levels. It is perpetuated by the effects of past segregation; reinforced by demographic, fiscal, and educational changes taking place in urban areas; and it is compounded by the policies and practices of urban school systems.

The racial contrasts between city and suburb are paralleled by contrasts in economic and social status. Suburban school districts are acquiring increasing numbers of children from well-educated and relatively affluent families. Almost all of them are white. Children—many of them Negro—from families of relatively low income and educational attainment are left behind in the city.

## **Housing**

The discriminatory practices of the housing industry have been key factors in confining the poor and nonwhite to the cities. The practices and policies of government at all levels have contributed to the separation of racial and economic groups in cities and suburbs. For years, the Federal Government's housing policy was openly discriminatory and largely attuned to the suburban housing needs of relatively affluent, white Americans. Even now, Federal housing policy is inadequate to reverse the trend toward racial isolation in metropolitan areas.

The authority of local governments to decide on building permits, inspection standards, and the location of sewer and water facilities has been used in some instances to discourage private builders from providing housing on a nondiscriminatory basis. The power of eminent domain and suburban zoning and land-use requirements have been devices used to keep Negroes from settling in all-white communities.

Racial zoning ordinances, although declared unconstitutional in 1917, were enforced in some communities as late as the 1950s. Although racially restrictive covenants have not been judicially enforceable since 1948, they still are used, and the housing patterns they helped create continue to exist.

## **Fiscal Disparities**

Increasing disparities in wealth have reinforced the separation between city and suburban populations. Because education is supported primarily by local property taxes, the adequacy of educational services has depended upon the ability of individual communities to raise tax money for education.

Cities are facing increasing financial burdens and demands for social services. Cities which formerly surpassed suburbs in educational expenditures are losing fiscal capacity. Suburban communities surrounding many central cities are spending more per pupil than the core cities. This widening gap between educational services in the suburbs and cities helps induce middle-class white families to settle in the suburbs.

State education aid often fails to equalize the disparity between suburban and central city public schools, and recently enacted Federal aid pro-

grams also are often insufficient to reverse the trend. The Elementary and Secondary Education Act of 1965 has helped close the gap but has not eliminated it.

## ***Racial Isolation in Central City Schools***

Because of the high degree of residential segregation, Negro and white children typically attend separate schools in the central cities.

Residential segregation in the central cities has resulted in part from past actions of State and local governments such as the enactment of racial zoning ordinances and the judicial enforcement of racially restrictive covenants and from past and present practices of the housing industry. Federal housing programs aimed at meeting the needs of lower income families have been confined to central cities and typically have intensified and perpetuated residential segregation.

Private and parochial school enrollments are an additional factor in the increasing racial isolation in city school systems. Far more children in the cities than in the suburbs attend private schools, and almost all of them are white. This situation intensifies the concentration of Negro children in city public schools.

## ***Educational Policies and Practices***

Although school segregation was sanctioned by law and official policy in Southern cities until 1954, there is a legacy of governmentally sanctioned school segregation in the North as well. State statutes authorizing racially separate public schools were on the books in New York until 1938, in Indiana until 1949, and in New Mexico and Wyoming until 1954. Although not sanctioned by law in other States, separate schools were maintained for Negroes in some communities in New Jersey, Illinois, and Ohio, as late as the 1940s and 1950s. In some cities such as New Rochelle, N.Y., and Hillsboro, Ohio, the courts found that school district lines have been gerrymandered for the purpose of racial segregation.

Geographical zoning is the common method of determining school attendance and the neighborhood school is the predominant attendance unit. When these are imposed upon the existing pattern of residential segregation, racial isolation in the schools is the inevitable result. In addition, the day-to-day operating decisions and the policies of local school boards—in matters involving the location of new school facilities, transfer policies, methods of relieving overcrowded schools, and the determination of the boundary lines of attendance areas—often have reinforced racial separation. In many instances there were alternatives that would have reduced racial concentrations.

## **RESULTS OF RACIALLY ISOLATED EDUCATION**

The results of education for all students are influenced by a number of factors, including the students' home backgrounds, the quality of education provided in the schools they attend, and the social class background of

their classmates. For Negro students, the racial composition of the schools also is important. Racially isolated schools tend to lower Negro students' achievement and restrict their aspirations. By contrast, Negro children who attend predominantly white schools more often score higher on achievement tests, and develop higher aspirations.

The educational and economic circumstances of a child's family long have been recognized as factors which determine the benefits he derives from his education. Differences in childrens' social and economic backgrounds are strongly related to their achievement in school. The elementary student from a disadvantaged home typically has a lower verbal achievement level than that of a more advantaged student.

The social class level of a student's classmates is another factor that determines the benefits he derives from education. From the early grades through high school, a student is directly influenced by his schoolmates. A disadvantaged student in school with a majority of more advantaged students performs at a higher level than a disadvantaged student in school with a majority of disadvantaged students.

This has a special significance for Negro students. Since there are fewer middle-class Negroes, any remedy for social class isolation would entail substantial racial desegregation.

There also is a strong relationship between the attitudes and achievement of Negro students and the racial composition of the schools which they attend. Relatively disadvantaged Negro students perform better when they are in class with a majority of similarly disadvantaged white students than when they are in a class with a majority of equally disadvantaged Negroes. When more advantaged Negro students are in school with similarly advantaged whites they achieve better than those in school with similarly advantaged Negroes. When disadvantaged Negro students are in class with more advantaged whites, their average performance is improved by as much as two grade levels.

There are differences in the quality of education available to Negro and white students in the Nation's metropolitan areas. For example, schools attended by white children often have more library volumes per student, advanced courses, and fewer pupils per teacher than schools attended by Negro children.

Negro students are more likely than whites to have teachers with lower verbal achievement levels, to have substitute teachers, and to have teachers who are dissatisfied with their school assignment. Do these differences in school qualities account for the apparent effect of racial isolation?

The quality of teaching has an important influence on students' achievement. Yet, Negro students in majority-white schools with poorer teachers generally achieve better than similar Negro students in majority-Negro schools with better teachers.

Racially isolated schools are regarded by the community as inferior institutions. Teachers and students in racially isolated schools recognize the stigma of inferiority which is attached to their schools and this has a negative effect on their attitudes and achievement.



The time spent in a given kind of classroom setting has an impact on student attitudes and achievement. The longer Negro students are in racially isolated schools, the greater the negative impact. The longer Negro students are in desegregated schools, the higher their performance.

The cumulative effects of education extend to adult life and account in part for differences in income and occupation. Negro adults who attended desegregated schools are more likely to be holding white collar jobs and to be earning more than otherwise similarly situated Negroes who attended racially isolated schools.

Racial isolation in the schools also fosters attitudes and behavior that perpetuate isolation in other areas of American life. Negro adults who attended racially isolated schools are more likely to develop attitudes that further alienate them from whites. Negro adults who attended racially isolated schools are more likely to have lower self-esteem and to accept the assignment of inferior status.

Attendance by whites at racially isolated schools also tends to reinforce the very attitudes that assign inferior status to Negroes. White adults who attended all-white schools are more apt than other whites to regard Negro institutions as inferior and to resist measures designed to overcome discrimination against Negroes.

## **REMEDY**

There is no general agreement among educators and concerned citizens on the best way to remedy the academic disadvantage of Negro school-children. School systems generally have taken one of two basic approaches: the institution of compensatory education programs in majority-Negro schools, or school desegregation. There has been controversy and disagreement over both approaches.

### **Compensatory Education**

Compensatory education programs which seek to improve the quality of education for disadvantaged children are often predicated on the assumption that deficiencies in a child's background are the main deterrent to learning. Many educators believe that the environment of poverty, the lack of cultural stimulation in the home, and the lack of motivation to learn, account for a child's failure to achieve in school.

There are four basic types of programs which have been designed to correct these deficiencies. Remedial instruction provides extra work in academic skills; cultural enrichment programs provide children with experiences normally beyond their reach, such as trips to museums; some programs seek to raise the expectations of teachers and students to overcome negative attitudes which impede learning; and preschool programs seek to provide training in verbal skills and cultural enrichment so that disadvantaged children may enter school more nearly able to compete with advantaged children.

Compensatory programs most often are found in predominantly Negro schools. In 12 city school systems surveyed by the Commission, more than

two-thirds of the elementary schools with compensatory programs were majority-Negro. Allocations to city schools under Title I of the 1965 Elementary and Secondary Education Act, the largest single source of funds for compensatory education programs, tend to reinforce this pattern.

The Commission reviewed some of the better known compensatory education programs in majority-Negro schools that have served as prototypes for many others. Without evaluating the intrinsic merits or effectiveness of compensatory education, the Commission weighed only the measurable results of such programs upon the academic performance of Negro children. Some major programs, particularly the preschool programs, could not be evaluated because they have been instituted too recently.

Compensatory education programs such as Higher Horizons in New York City, and others, sometimes showed initial improvement in the test scores during the first years. But the gains were not sustained, and when children in the programs were compared with similarly disadvantaged children who had received no compensatory education, the two groups showed no significant or consistent difference in academic achievement.

The performance of Negro students who participated in compensatory education programs in majority-Negro schools was compared with that of similarly situated Negro students attending majority-white schools not offering such programs. Programs were compared in Syracuse, N.Y., Berkeley, Calif., Seattle, Wash., and Philadelphia, Pa. The results of test scores showed that the Negro children attending majority-white schools made better progress than those who attended majority-Negro schools with the compensatory programs.

The Commission's analysis does not suggest that compensatory education is incapable of remedying the effects of poverty on the academic achievement of individual children. There is little question that school programs involving expenditures for cultural enrichment, better teaching, and other needed educational services can be helpful to disadvantaged children. However, the compensatory programs reviewed by the Commission appeared to suffer from the defect inherent in attempting to solve problems stemming in part from racial and social class isolation in schools which themselves were isolated by race and social class.

## **School Desegregation**

In reviewing efforts to remedy educational disadvantage through desegregation, the Commission found that the effectiveness of any school desegregation technique depends in part upon (1) the Negro proportion of the school population, and (2) the size of the city. The greater the Negro proportion of the school population, the more extensive will be the changes necessary to accomplish desegregation. Cities with relatively small areas of high-density Negro populations may find it easier to desegregate by such devices as strategic site selection, redistricting, or the enlargement of attendance areas.

Using a variety of techniques, with the common element being the enlargement of attendance zones, a number of small communities have desegregated their schools.

Systems in Princeton, N.J., Greenburgh, N.Y., and Coatesville, Pa. have completely desegregated their elementary schools by pairing, a device which involves merging the attendance areas of two or more schools serving the same grades. Once paired, each school serves different grade levels.

The central school technique has been employed by the school systems in Englewood, N.J., Teaneck, N.J., and Berkeley, Calif. Under this plan, certain schools are used to serve all children of a single grade in the city and the school's student body becomes representative of the population of the entire city. Other cities have desegregated their schools by enlarging attendance zones through the closing of a racially imbalanced school and assigning its students to other school districts.

Even though much remains to be done to completely abolish racial isolation in some of these smaller cities, educators there reported that the desegregation plans generally have been successful. In cases where there was initial opposition, the desegregation plans in most instances appear to have won acceptance by parents and civic groups. No evidence was found in the cities studied that white parents had withdrawn their children from the schools in any significant numbers.

Open enrollment plans sometimes have been used in an effort to relieve racial imbalance. Experience in some cities has shown, however, that while some Negro families take advantage of such a plan, others do not. Also, open enrollment often does not result in significant desegregation because it often is limited by the number of seats available in underutilized white schools. Racial isolation fosters negative attitudes toward desegregation for Negroes as well as whites. Also, some Negro parents do not participate in open enrollment because they are reluctant to have their children assume the role of pioneers and also because they may resent being asked to assume the entire burden of school desegregation themselves. Open enrollment places the responsibility for desegregation on individual parents rather than on the coordinated efforts of school officials. Also, it does not improve racial balance at majority-Negro schools.

The strategic use of site selection as a device to relieve racial imbalance also has limitations. The construction of a school on the periphery of a Negro ghetto, for example, may not guarantee stable desegregation because it is these very areas which experience rapid racial turnover.

The Nation's larger cities have not been as successful in desegregating their schools. The obstacles to desegregation are greater, and some educators have pointed out that workable solutions can best be achieved on a metropolitan basis. Programs which place Negro youngsters from majority-Negro city schools in neighboring suburban schools have potential for relieving racial imbalance in the central city schools. Even though they presently involve only small numbers of Negro children, such programs are operating successfully in Rochester, N.Y., Boston, Mass., and Hartford, Conn.

## ***Factors in Successful School Desegregation***

The Commission found that when local and State school officials exerted vigorous leadership, desegregation was more successful. In addition, school

officials reported that the maintenance and improvement of educational standards and the provision of remedial assistance were critical factors in effective school desegregation. School authorities also found that it was often important to take steps to avoid or reduce racial tensions in schools.

White parents often fear that their children will suffer educational harm as a result of desegregation. But the Commission found that the performance of white students in desegregated classes was no different from the performance of similar white students in all-white classes. Indeed, many school administrators in communities such as White Plains, N.Y., Teaneck, N.J., and Berkeley, Calif., reported that desegregation was desirable for both white and Negro students.

## ***Plans and Proposals for School Desegregation and Quality Education***

The Commission examined many promising plans for desegregating schools and improving the quality of education in the Nation's larger cities and metropolitan areas. The plans contemplate giving more attention to the individual needs of all students in schools which would serve broad segments of the community. All of the proposals incorporate the view that only a combination of school desegregation and improved educational quality can provide equality of educational opportunity in urban areas. The proposals studied by the Commission were based upon the view that the schools can be desegregated and the quality of education improved best if attendance zones are expanded and school resources are consolidated.

Proposals for supplementary centers or magnet schools would establish specialized educational programs either in existing schools or in new facilities. Such special schools would serve children from broad attendance areas. The students still would attend their neighborhood schools but would spend part of their time at the special schools. Plans of this type are being developed in Mt. Vernon, N.Y., Cleveland, Ohio, Philadelphia, Pa., and Los Angeles, Calif.

The education complex involves the grouping of existing schools, and consolidating their attendance zones, to serve a heterogeneous student population. Schools in the group would be close enough together to allow the sharing of more specialized personnel and facilities than is now possible. This type of plan has been developed for New York City.

The education park is similar to the education complex. An education park, however, would be a new facility, consolidating a range of grade levels on a single campus site. One education park plan, appropriate for smaller cities, would assemble on one campus all school facilities for all students in the city. Another, appropriate for larger cities, would assemble on a single campus all school facilities for a particular level, such as all middle schools or all secondary schools. Other plans for larger cities contemplate several parks of comparable size, each serving a segment of the city or metropolitan area. Cities which are developing plans for education parks include Syracuse, N.Y., East Orange, N.J., Berkeley, Calif., New York, N.Y., Pittsburgh, Pa., Albuquerque, N.M., and St. Paul, Minn.

Proposals to build such large schools have understandably raised questions about the impact of size upon educational quality.

Many educators say, however, that education parks will enable teachers to devote more time to the individual needs of children. They suggest, for example, there will be numerous possibilities for individualized instruction through nongraded classes and team teaching. The larger teaching staffs of education parks will provide more specialists and teachers with more diverse training and skills to meet the particular needs of a greater number of children. Education parks also will permit technological innovations such as computer aids which are not economical in smaller schools. Educators who have examined the quality of education as it concerns education parks agree that the parks may make possible new approaches to teaching and learning, thereby resulting in new, superior educational programs and methods of instruction that are not available now.

Far from imposing uniformity, properly planned education parks will afford special opportunities for teachers because there will be greater opportunities for interaction among teachers now isolated in small schools with colleagues with the same skills. Bringing together teachers with similar training might allow them more freedom in developing specialized subject matter skills. The education park also could provide a laboratory for student teachers where they would have the opportunity to observe a greater variety of teaching styles and ties with universities would facilitate inservice training for professional teachers.

A major capital investment obviously would be necessary for the construction of large new schools. Estimates vary, but a review of existing proposals suggests that the capital costs would range from an amount roughly equal to the cost of regular classrooms to about twice that amount.

The transportation of students to education parks and other new facilities is another matter of concern to educators and others. Yet it should be noted that more than 40 percent of the Nation's public school children ride buses to school. It is estimated that 15 to 30 percent of the public school enrollment in the Nation's largest cities already rides public transportation to school.

Thus, although many would argue that a wrong which we as a Nation have inflicted upon Negro children must be righted even if it required real sacrifice, it is not necessary to face this dilemma. The goals of providing equal educational opportunity for Negro Americans and quality education for all children are consistent and the measures which will produce both in many respects are identical. The only sacrifice required is that of our resources and energies in securing these goals.

## **ROLE OF THE LAW**

The courts have indicated that purposeful school segregation is unconstitutional even where it is less than complete and even when it is accomplished by inaction rather than by action. The Supreme Court has not ruled on the issue of whether school segregation not resulting from purposeful discrimination by school authorities is unconstitutional. The lower Federal

courts and the State courts are divided on the issue. The courts, however, have upheld State and local remedial measures against the contention of white parents that it is unconstitutional to take race into account in assigning students to schools.

Thus, the result of most judicial decisions to date has been to leave the question of remedying racial imbalance to the legislative and executive branches of the Federal and State Governments. Only a small number of States—Massachusetts, New York, New Jersey, and California—have taken steps to require school authorities to take corrective action.

Federal action therefore is necessary. Since appropriate remedies may require expenditures of substantial sums of money, particularly where school construction may be involved, Congress, with its power to appropriate funds and to provide Federal financial assistance, is far better equipped than the courts to provide effective relief.

There is no clear Federal statutory authority dictating the imposition of sanctions if the States or local school authorities fail to take corrective action. The Constitution, however, confers upon Congress the power to require the elimination of racial isolation in the public schools.

Section 1 of the 14th amendment prohibits any State from denying to any person within its jurisdiction equal protection of the laws. Section 5 gives Congress the power to enforce the amendment by "appropriate legislation." Recent Supreme Court decisions make it clear that section 5 is an affirmative grant which authorizes Congress to determine what legislation is needed to further the aims of the amendment. The decisions also establish that Congress may legislate not only to correct denials of equal protection but also to forestall conditions which may pose a danger of such denial.

Whether or not racial isolation itself constitutes a denial of equal protection, Congress may secure equal educational opportunity by eliminating the conditions which render the education received by most Negroes inferior to that afforded most white children. Such conditions involve, in part, the harmful effects upon attitudes and achievement which racial and social class isolation have on Negro students. Corrective congressional action also may be seen as a means of enabling Negroes, who generally are poorer than whites, attend schools of lower quality and exercise less influence on school boards, to obtain educational facilities equal to those obtained by white persons.

There are ample grounds, moreover, for congressional determination that racial imbalance contravenes the equal protection clause. "State action" to which the 14th amendment speaks, is clearly involved since public officials select school sites, define attendance areas, and assign Negroes to schools in which they are racially isolated. The resulting harm to Negro children involves a denial of equal protection of the laws.

Although the holding in *Brown v. Board of Education* was confined to school segregation compelled or expressly permitted by law, the rationale of the *Brown* opinion was that "public education . . . where the State has undertaken to provide it, is a right which must be made available to all on equal terms," and that segregated education is unequal education. Just as segregation imposed by law was held in *Brown v. Board of Education* to

create feelings of inferiority among Negro students affecting their motivation and ability to learn, so there is evidence that adventitious segregation is accompanied by a stigma which has comparable effects.

Congress may require the States to provide solutions which will involve the joint education of suburban and central city children—either through reorganization of school districts or cooperative arrangements among school districts—where racial isolation cannot be corrected within the limits of the central city. The equal protection clause speaks to the State, and school districts are creatures of the State. A State cannot avoid its constitutional obligation to afford its school children equal protection of the laws by pointing to the distribution of power between itself and its subdivisions—a distribution which the State itself has created. As a court once said in another contest: "If the rule were otherwise, the great guarantee of the equal protection clause would be meaningless."

In legislating to implement the 14th amendment, Congress need not limit itself to suspending offensive State legislation but, like the courts, may require States to take affirmative steps to secure equal rights. Inconsistent State statutes or constitutional provisions, of course, must yield to the lawful acts of Congress under the supremacy clause of the Constitution.

There is ample basis to conclude, therefore, that Congress can enact the laws necessary to eliminate racial isolation and to secure to Negroes equality of opportunity in the public schools.

## CONCLUSION

The central truth which emerges from this report and from all of the Commission's investigations is simply this: Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be.

Negro children who attend predominantly Negro schools do not achieve as well as other children, Negro and white. Their aspirations are more restricted than those of other children and they do not have as much confidence that they can influence their own futures. When they become adults, they are less likely to participate in the mainstream of American society, and more likely to fear, dislike, and avoid white Americans. The conclusion drawn by the U.S. Supreme Court about the impact upon children of segregation compelled by law—that it "affects their hearts and minds in ways unlikely ever to be undone"—applies to segregation not compelled by law.

The major source of the harm which racial isolation inflicts upon Negro children is not difficult to discover. It lies in the attitudes which such segregation generates in children and the effect these attitudes have upon motivation to learn and achievement. Negro children believe that their schools are stigmatized and regarded as inferior by the community as a whole. Their belief is shared by their parents and by their teachers. And their belief is founded in fact.

Isolation of Negroes in the schools has a significance different from the meaning that religious or ethnic separation may have had for other minority

groups because the history of Negroes in the United States has been different from the history of all other minority groups. Negroes in this country were first enslaved, later segregated by law, and now are segregated and discriminated against by a combination of governmental and private action. They do not reside today in ghettos as the result of an exercise of free choice and the attendance of their children in racially isolated schools is not an accident of fate wholly unconnected with deliberate segregation and other forms of discrimination. In the light of this history, the feelings of stigma generated in Negro children by attendance at racially isolated schools are realistic and cannot easily be overcome.

### **Barriers To Understanding**

Many Americans have sensed the grave injustice that racial isolation inflicts upon Negro children. But the need for a remedy sufficient to meet the injustice perceived has been obscured by the existence of other factors that contribute to educational disadvantage.

Thus, it is said with truth that Negro children often are handicapped in school because they come from poor and ill-educated families. But the conclusion drawn by a few pessimistic educators that the school cannot be expected to deal with these deficits does injustice both to the children involved and to American education. For the very purpose of American public education from Jefferson's time to the present has been to help youngsters surmount the barriers of poverty and limited backgrounds to enable them to develop their talents and to participate fully in society. The tributes accorded to public education stem largely from the fact that it has served this role so successfully for so many Americans—Negroes as well as whites. This record affords ample grounds for hope that education can meet today's challenge of preparing Negro children to participate in American society. Counsels of despair will be in order only if, after having done everything to create the conditions for success, we have failed.

It also is said with truth that disadvantaged Negro youngsters are in need of special attention, smaller classes, a better quality of instruction, and teachers better prepared to understand and set high standards for them. But the suggestion that this is all that is needed finds little support in our experience to date with efforts to provide compensatory education. The weakest link in these efforts appears to be those programs which attempt to instill in a child feelings of personal worth and dignity in an environment in which he is surrounded by visible evidence which seems to deny his value as a person. This does not appear to be a problem which will yield easily to additional infusions of money. More funds clearly are required and investments in programs that will improve teaching and permit more attention to the individual needs of students undoubtedly will benefit many children. The evidence suggests, however, that the better services additional funds will provide will not be fully effective in a racially isolated environment, but only in a setting which supports the teacher's effort to help each child to understand that he is a valuable person who can succeed.

Finally, it is held often that the problem of educational disadvantage is one of class, not race. And it is true that an important key to providing



good education for disadvantaged youngsters lies in affording them the opportunity to attend school with children who, by reason of their parents' education and income, have a genuine headstart. Children benefit from association in schools with others more advantaged than they and from a classroom environment which permits the establishment of high standards toward which they must strive. But, as a practical matter, the relatively small number of middle-class Negro children in the public schools means that it will be possible to provide social class integration only by providing racial integration. And even if social class integration could be accomplished without racial integration, the remedy would be partial and inadequate, for children would still be attending schools stigmatized because of race.

Thus, the complexity of the problem of educational disadvantage should not be allowed to obscure the central fact—that racial isolation is the heart of the matter and that enduring solutions will not be possible until we deal with it.

### **Barriers To Remedy**

More fundamental perhaps than the difficulties of understanding the problem of racial isolation is the belief held by many Americans that solutions will require both change and sacrifice.

Change certainly will be required. As our cities have grown, increasing distances—physical and psychological—have separated the affluent majority from disadvantaged minorities. We have followed practices which exclude racial and economic minorities from large areas of the city and we have created structures, such as our method of financing education, which, by providing more attractive facilities with less tax effort, tend to attract the affluent to the very areas from which minorities are excluded. And the fact of racial and economical separation itself has generated attitudes which make integration increasingly difficult. The lines of separation are now well established, self-perpetuating, and very difficult to reverse.

Because of the difficulties of effecting change, it has been tempting to think in terms of remedies which will require a minimum of effort on the part of the schools and least disrupt the educational *status quo*. So it has been suggested that the problem of securing equal educational opportunity is really a problem of housing, and that if discrimination in housing can be eliminated it will be possible to desegregate the schools without changing existing school patterns. But such a solution would require vast changes in an area where resistance to change is most entrenched. Laws designed to secure an open market in housing are needed now, but the attitudes fostered in segregated schools and neighborhoods make it unlikely that such legislation will be fully effective for years. To make integrated education dependent upon open housing is to consign at least another generation of children to racially isolated schools and to lengthen the time that will be required to overcome housing discrimination.

Similarly, it has been suggested that if integration were to be sought only at the high school level, it would be accomplished with relative ease and without unduly disturbing existing attendance patterns. But the hard fact is that attitudes toward learning are formed during a child's early years, and

it is in this period that the educational process has its greatest impact, positive or negative. Remedies that are not instituted until children reach high school are those least likely to be successful.

Thus, it appears that meaningful remedy will require an alteration of the *status quo*; but in a changing world, change is hardly to be resisted for its own sake, particularly when it is designed to create a more just society. A more substantial question for many white American parents is whether what is required to right a wrong this Nation has inflicted upon Negro children will impair the interests of their children.

It is relevant to begin such an inquiry by asking whether the racially isolated education most white children receive now causes them any injury. There is evidence in this report which suggests that children educated in all-white institutions are more likely than others to develop racial fears and prejudices based upon lack of contact and information. Although it cannot be documented in traditional ways, we believe that white children are deprived of something of value when they grow up in isolation from children of other races, when their self-esteem and assurance may rest in part upon false notions of racial superiority, when they are not prepared by their school experience to participate fully in a world rich in human diversity. These losses, although not as tangible as those which racial isolation inflicts upon Negro youngsters, are real enough to deserve the attention of parents concerned about their children's developments.

Unfortunately, they do not seem as real to many parents as the feared consequences of integration. The fears most frequently articulated are that integration will destroy the concept of neighborhood schools and will require busing of children over long distances. The values of neighborhood and proximity, of course, are relative. In today's world, all of us, adults and children, are residents of many neighborhoods and communities, large and small. We do not hesitate to bus our children long distances in rural areas, or, in cities, to private schools or to other schools offering special advantages. Thus, the issue is not whether small neighborhood schools are good or busing bad, *per se*, but whether the interests of our children will be served or impaired by particular proposals or solutions. Will our children be held back by being placed in classes with children of other, less advantaged backgrounds? Will the education provided at the end of a trip be as good as, or better than, the education our children presently receive?

Most often these issues have been debated in the context of the inner-city, in circumstances which have made it easy for fears to be magnified and exaggerated. The image conjured up in the minds of many parents has been one in which their children are cross-bused to ghetto schools and taught in classrooms populated by large numbers of disadvantaged children and lacking in essential services. Moreover, ethnic and class tensions have been aroused by proposals for partial solutions which appear to place more responsibilities upon less affluent whites than upon those who are better off.

The fundamental answer to these fears is that solutions sought must be those that will not only remedy injustice, but improve the quality of education for all children. The Commission has been convinced, both by practical demonstrations and by sound proposals, that such solutions are available.

While public attention has been focused upon the more dramatic controversies, many small cities and suburban communities in the Nation have quietly integrated their schools. By a variety of techniques these communities have achieved their goal by substituting community schools for those serving smaller neighborhoods. In most cases the issue has been approached calmly and compassionately, with a view toward improving the quality of education for all children. Steps have been taken to maintain and improve educational standards, to avoid the possibility of interracial frictions, and to provide remedial services for children who need them. And, in most cases, the conclusion has been that advantaged children have not suffered from educational exposure to others not as well off, and that the results have been of benefit to all children, white and Negro alike.

In larger cities, while efforts to achieve integration have been fragmentary and in many cases more recent, the results generally have been the same. The most recent efforts, admittedly embryonic, involving cooperation between suburban and city school districts in metropolitan areas have met with favorable reactions from those involved. Negro parents have reported that the values of better education have not been diminished by the bus trips necessary to obtain it. White parents have reported that their children have benefited from the experience. And administrators and teachers have described the educational results as positive.

Fears of the unknown, therefore, are being refuted by practical experience. Efforts to achieve integration by establishing schools serving a wider community clearly will be more difficult and costly in large cities than in smaller cities and suburban communities, but there is every indication that they will yield beneficial results.

Equally as important, the establishment of schools serving larger student populations is consistent with what leading educators believe is necessary to improve the quality of education for all Americans. Education which meets the needs of a technological society requires costly equipment which cannot be provided economically in schools which serve small numbers of students. Further, educators have concluded that larger facilities will provide more scope for innovation and individual initiative in the development of curriculum and teaching techniques. Efforts to stimulate such initiative in small school units have been frustrated by lack of available resources.

At the same time, educators have concluded that in larger facilities techniques would be available to teachers which would permit them to give more attention to the individual needs of children. It has been pointed out, for example, that the present rigid system of classifying and teaching students by grades, with the limited options of promoting or keeping a child back, does not permit the full development of each individual child's abilities. The availability of more flexible classroom space would make possible the utilization of nongraded classes and team teaching in ways which would allow for greater attention to the individual needs and capabilities of students. Although the development of computer technology is at a very early stage, there is evidence to suggest that it, too, may become a valuable aid to teachers in meeting the needs of individual children. Thus, the development of new schools serving larger populations would make possible the use

of techniques and instruments that would improve the quality of education for all students. They hold forth the promise that means can be devised to assure that the advancement of a child is not held back by the capabilities of any of his classmates—advantaged or disadvantaged.

Thus, although many would argue that a wrong which we as a Nation have inflicted upon Negro children must be righted even if it required real sacrifice, it is not necessary to face this dilemma. The goals of providing equal educational opportunity for Negro Americans and quality of education for all children are consistent and the measures which will produce both in many respects are identical. The only sacrifice required is that of our resources and energies in securing these goals.

The Commission has approached the question of remedy with the belief that it would be unwise, if not impossible, to prescribe uniform solutions for the Nation. We believe that there is an evil which must be corrected. We believe that the Federal Government has the authority, the responsibility, and the means to assure that it is corrected. We have satisfied ourselves that remedies are available which will provide better education for all American children and we believe that there are people in all sections of the Nation with enough wisdom and ingenuity to devise solutions appropriate to the particular needs of each area. The remaining question is whether this Nation retains the will to secure equal justice and to build a better society for all citizens. The Commission issues this report in the knowledge that this Nation has dedicated itself to great tasks before, and with the faith that it is prepared to do so again.

## RECOMMENDATIONS

This report describes conditions that result in injustices to children and require immediate attention and action. The responsibility for corrective action rests with government at all levels and with citizens and organizations throughout the Nation. We must commit ourselves as a Nation to the establishment of equal educational opportunity of high quality for all children. ***As an important means of fulfilling this national goal, the Commission recommends that the President and the Congress give immediate and urgent consideration to new legislation for the purpose of removing present racial imbalances from our public schools, thus to eliminate the dire effects of racial isolation which this report describes, and at long last, providing real equality of educational opportunity by integrating presently deprived American children of all races into a totally improved public educational system.***

Without attempting to outline needed legislation in great detail, our study of the problem convinces the Commission that new legislation must embody the following essential principles:

1. ***Congress should establish a uniform standard providing for the elimination of racial isolation in the schools.***

Since large numbers of Negro children suffer harmful effects that are attributable in part to the racial composition of schools they attend, legislation should provide for the elimination of schools in which such harm gener-

ally occurs. No standard of general applicability will fit every case precisely; some schools with a large proportion of Negro students may not in fact produce harmful effects while others with a smaller proportion may be in schools in which students are disadvantaged because of their race. But the alternative to establishing such a standard is to require a time-consuming and ineffective effort to determine on a case-by-case basis the schools in which harm occurs. As it has in analogous situations, Congress should deal with this problem by establishing reasonable and practical standards which will correct the injustice without intruding unnecessarily into areas where no corrective action is needed.

In prescribing a reasonable standard, there is much to commend the criterion already adopted by the legislature in Massachusetts and the Commissioner of Education of New York, defining as racially imbalanced, schools in which Negro pupils constitute more than 50 percent of the total enrollment. It was found in the report that when Negro students in schools with more than 50 percent Negro enrollment were compared with similarly situated Negro students in schools with a majority-white enrollment, there were significant differences in attitude and performance. It is the schools that have a majority-Negro enrollment that tend to be regarded and treated by the community as segregated and inferior schools. Although there are many factors involved, the racial composition of schools that are majority-Negro in enrollment tends to be less stable than that of majority-white schools and to be subject to more rapid change.

Similar arguments might be advanced for a standard which would deviate slightly from a 50 percent criterion, but a standard set significantly higher would not be adequate to deal with the problem and probably would not result in lasting solutions.

**2. Congress should vest in each of the 50 States responsibility for meeting the standard it establishes and should allow the States maximum flexibility in devising appropriate remedies. It also should provide financial and technical assistance to the States in planning such remedies.**

It would be unwise for the Federal Government to attempt to prescribe any single solution or set of solutions for the entire Nation. There is a broad range of techniques which are capable of achieving education of high quality in integrated public schools. Each State should be free to adopt solutions best suited to the particular needs of its individual communities.

At the same time it is clear that the responsibility should be placed upon the States rather than the individual school districts. The States, and not individual communities alone, have the capacity to develop and implement plans adequate to the objective. The States have assumed the responsibility for providing public education for all of their citizens and for establishing the basic conditions under which it is offered. Responsibility for achieving the goal of high-quality integrated education can and should be placed upon the States under terms which afford broad scope for local initiative. But in many jurisdictions, particularly the major cities, solutions are not possible without the cooperation of neighboring communities. The States pos-

sess the authority and the means for securing cooperation, by consolidating or reorganizing school districts or by providing for appropriate joint arrangements between school districts.

To help the States in devising appropriate remedies, the Federal Government should provide technical and financial assistance.

**3. *The legislation should include programs of substantial financial assistance to provide for construction of new facilities and improvement in the quality of education in all schools.***

In many cases, particularly in the major cities, integrating the public schools will require the construction of new facilities designed both to serve a larger student population and to be accessible to all children in the area to be served. Substantial Federal assistance is needed to supplement the resources of States and localities in building new schools of this kind and providing higher quality education for all children. Federal assistance also can be helpful in encouraging cooperative arrangements between States which provide education services to the same metropolitan area and between separate school districts in a metropolitan area. In addition, Federal financial assistance now available under programs such as said for mass transportation and community facilities should be utilized in ways which will advance the goal of integration.

Regardless of whether the achievement of integration requires new facilities, Federal financial assistance is needed for programs to improve the quality of education. States and localities should have broad discretion to develop programs best suited to their needs. Programs that are among the most promising involve steps—such as the reduction of pupil-teacher ratios, the establishment of ungraded classes and team teaching, and the introduction of specialized remedial instruction—which enable teachers to give more attention to the individual needs of children. Funds also could be used for purposes such as assisting the training of teachers, developing new educational techniques, and improving curriculum.

**4. *Congress should provide for adequate time in which to accomplish the objectives of the legislation.***

It is clear that equal opportunity in education cannot be achieved overnight. Particularly in the large cities where problems of providing equal educational opportunity have seemed so intractable, time will be necessary for such matters as educational and physical planning, assembling and acquiring land, and building new facilities. However, since the problem is urgent a prompt start must be made toward finding solutions, progress must be continuous and substantial, and there must be some assurance that the job will be completed as quickly as possible. The time has come to put less emphasis on "deliberate" and more on "speed."

\* \* \*

The goals of equal educational opportunity and equal housing opportunity are inseparable. Progress toward the achievement of one goal necessarily will facilitate achievement of the other. Failure to make progress toward the achievement of either goal will handicap efforts to achieve the other.

**The Commission recommends, therefore, that the President and Congress give consideration to legislation which will;**

**5. Prohibit discrimination in the sale or rental of housing, and**

**6. Expand programs of Federal assistance designed to increase the supply of housing throughout metropolitan areas within the means of low- and moderate-income families.**

Additional funds should be provided for programs such as the rent supplement program and FHA 221(d)(3), and these two programs should be amended to permit private enterprise to participate in them free from the special veto power now held by local governments under present Federal statutes.

**In addition, the Commission recommends that the Department of Housing and Urban Development:**

**7. Require as a condition for approval of applications for low- and moderate-income housing projects that the sites will be selected and the projects planned in a nondiscriminatory manner that will contribute to reducing residential racial concentrations and eliminating racial isolation in the schools.**

**8. Require as a condition for approval of urban renewal projects that relocation will be planned in a nondiscriminatory manner that will contribute to reducing residential racial concentrations and eliminating racial isolation in the schools.**

## **Supplementary Statement by Commissioner Freeman**

The worsening crisis in our cities is essentially a human crisis. This is a truth we tend to forget because the crisis is so often expressed in abstractions—dwindling tax revenues, housing trends, unemployment rates, statistics on air pollution, or crime and delinquency. Even in this report, which deals with a most fundamental aspect of our current urban dilemma—the crisis in public education—we have had to describe what has been happening in terms of achievement scores, graphs, and figures. But it must never be forgotten that what we have really been looking at is the brutal and unnecessary damage to human lives.

For it is unnecessary at this point in a Nation as affluent as ours that hundreds of thousands of poor children, a disproportionate number of them Negro children, should be isolated in inadequately staffed and equipped slum schools—schools which the community has stigmatized as inferior. And, at the same time, on the other side of the Great Divide which we have too long permitted in public education, the advantaged children—most of them white—attend schools in the suburbs and outlying residential sections of our cities which have a disproportionate share of the best teachers, which offer the most advanced curricula and facilities, and which provide individualized attention of a kind and quality seldom available to the minority poor.

Segregation is a term at which many northerners wince, but for generations of poor Negroes in the North, segregation has been a reality which has hardly been mitigated by legalistic distinctions between *de facto* and

*de jure*. Neither the presence of nondiscrimination statutes nor the absence of overtly discriminatory laws has been very effective so far in erasing the barriers between Negro and white, advantaged and disadvantaged, educated and miseducated. Only if this is understood can we also understand why today there are Negro Americans who are saying, in effect: Since we seem to be tending toward public school systems offering a superior quality of education in middle-class and white schools and inferior quality in schools for poor Negro children, why not accept the separation as inevitable and concentrate on attempting to provide superior education in the schools attended by the Negro poor? This question is likely to have a more convincing ring than it otherwise would have because it comes at a time when education is only one of several pressing priorities which command the country's attention, and when there is doubt about the strength of this Nation's commitment to the social changes which simple justice and our national principles demand. To the extent that the civil rights movement of the past several years has produced an impatience with the *status quo*, an upsurge of self-esteem, and a new assertion of dignity and identity among Negro citizens, it is healthy and long overdue. However, there is little that is healthy and much that is potentially self-defeating in the emotionalism and racial bias that seem to motivate a small but vocal minority among those who now argue for "separate-but-equal" school systems.

It is certainly true that in the past a good many Negroes have emerged from segregated schools to earn advanced degrees, to acquire comfortable incomes, and to register achievements which are too seldom recorded in the books with which most American schoolchildren are supplied. But the fact that the barriers imposed by segregation have been overcome by some of the more talented, the more determined, and the more fortunate, would hardly seem to recommend it to thousands of disadvantaged youngsters for whom segregation has already demonstrated its capacity to cripple rather than to challenge. Quite aside from being poor democracy, it would seem to be poor economy, and criminally poor educational policy, to continue to isolate disadvantaged children by race and class when it is the interaction with advantaged children which appears to be the single most effective factor in narrowing the learning gap.

Let us be clear on the issues. The question is not whether in theory or in the abstract Negro schools can be as good as white schools. In a society free from prejudice in which Negroes were full and equal participants, the answer would clearly be "Yes." But we are forced, rather, to ask the harder question, whether in our present society, where Negroes are a minority which has been discriminated against, Negro children can prepare themselves to participate effectively in society if they grow up and go to school in isolation from the majority group. We must also ask whether we can cure the disease of prejudice and prepare all children for life in a multiracial world if white children grow up and go to school in isolation from Negroes.

We are convinced that a great deal more, not less, integration is the wisest course to follow if we are really concerned about the future of American children of all races and classes. As the principal value-bearing institution which at one time or another touches everyone in our society, the



school is crucial in determining what kind of country this is to be. If in the future the adults in our society who make decisions about who gets a job, who lives down the block, or the essential worth of another person are to be less likely to make these decisions on the basis of race or class, the present cycle must be broken in classrooms which provide better education than ever, and in which children of diverse backgrounds can come to know one another. None of the financial costs or the administrative adjustments necessary to bring about integrated quality education will be as costly to the quality of American life in the long run as the continuation of our present educational policies and practices. For we are now on a collision course which may produce within our borders two alienated and unequal nations confronting each other across a widening gulf created by a dual educational system based upon income and race. Our present school crisis is a human crisis, engendered and sustained in large part by the actions, the apathy, or the shortsightedness of public officials and private individuals. It can be resolved only by the commitment, the creative energies, and the combined resources of concerned Americans at every level of public and private life.

Commissioner Hesburgh concurs in this statement.

### **Supplementary Statement by Commissioner Hesburgh**

Because of the national importance of the educational situation described in this report and the large number of students in private elementary and secondary educational institutions, it would seem most important to me, speaking as an individual member of this Commission, that those involved in all of the private elementary and secondary educational endeavors in this country study the full implications of this report and consider most seriously what their institutions might contribute to the ultimate solution of this pressing problem.



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