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Integration and Local Politics

NEAL DEVINS

David L. Kirp: Just Schools. University of California Press. 374 pp. \$19.95.

THE issue of race still troubles many of America's schools. Are students better off in neighborhood schools? Do "magnet" schools—those which specialize in vocational training or advanced studies—attract a representative cross-section of students? Should a school system focus on educational achievement or racial distribution? And how should a system respond to minority-group opposition to busing?

Even more pressing is the question of whether there is a "correct" method of integration, one that extends beyond any single

locality. The principal actors in many of these desegregation dramas—the Department of Justice and the NAACP Legal Defense Fund—have been steadfast in their insistence that uniform standards be applied throughout the nation. The Department of Justice refuses to pursue mandatory busing in desegregation cases, and Assistant Attorney General William Bradford Reynolds has claimed that such remedies “are threatening to dilute the essential national consensus . . . that racial discrimination is wrong and should not be tolerated in any form.” The Department maintains that remedies such as busing cannot be enforced because communities do not want them. Against this, the Legal Defense Fund insists that all desegregation remedies be based on black-white student population ratios. In Nashville, Tennessee, for example, the Legal Defense Fund argued on appeal that a district court order focusing on neighborhood schools and educational remedies be overturned—despite the fact that the local NAACP argued in favor of such a remedy before the district court.

The uniform solutions of the Legal Defense Fund and the Justice Department are equally simple-minded. Both overlook the fact that since school districts are unique, they have very different experiences of desegregation. Charlotte-Mecklenburg, for example, has been quite successful in implementing a mandatory busing plan because of support from pupils, parents, and city leaders. At the other extreme, public opposition to busing has left Boston’s public schools more segregated today than they were ten years ago.

THIS discrepancy between the theory and reality of desegregation is the subject of David Kirp’s *Just Schools*. Kirp sets out to demonstrate that “thinking about racial justice solely in terms of uniformity is inappropriate.” He does this by telling the stories of five California communities—San Francisco, Richmond, Berkeley, Sausalito, and Oakland—in their efforts to attain racial justice in the public schools. These stories suggest that law, politics, and morality will manifest themselves differently in any community that tries to eradicate racial injustice in its schools.

Kirp’s thesis is appealing, and his presentation convincing. Oakland schools, for example, have more minority students than white students; thus the primary concern among blacks was getting their share of decision-making responsibility, not having a racially balanced school system. Berkeley saw itself as a national symbol and thus took on desegregation, as well as a host of experimental education programs, voluntarily. At the other extreme, industrial Richmond experienced a popular overturning of its voluntary desegregation plan and the liberal school board which proposed it. Sausalito, a school district with less than 1,000 students and an extremely wealthy white population, saw most of its white students flee when black separatists gained control of its voluntary desegregation plan. Finally, San Francisco, through a combination of mayoral politics, school board inattention, and short-sightedness on the part of civil

rights groups, continues to endure extended and unproductive desegregation litigation.

The book's focus on local school-board politics is most germane in considering the effectiveness of voluntary desegregation plans. Each of the Bay Area communities encountered problems in addressing the "race and education" issue. Yet, except for San Francisco, each also developed mechanisms for addressing the issue that generally satisfied school administrators, the board of education, and the minority community. This obviously does not mean that all problems of racial injustice will solve themselves over time, but it does refute the contradictory theories of the Department of Justice and Legal Defense Fund. Each community operates within a unique set of circumstances; what "works" for one may be impossible for another.

Kirp's case-study approach convincingly shows that the "race and education" question is often a matter of local politics. This is especially true in the cases of Sausalito and Berkeley. Sausalito voluntarily desegregated its schools in 1965 and in the process brought in black separatists to run the system. By the late 1960s, the Black Panthers had seized control. At one school board meeting, "Panthers carrying steel staves and accompanied by guard dogs ringed the room." "In spring 1969, the Black Panthers began a school breakfast program. . . . [A local] newspaper reported: 'One young man clearing [the breakfast] tables led about a dozen children briefly in chants of "free Huey" and "power to the people," accompanied by a clenched fist Panther salute.'" The disarray caused by the Panthers led to the flight of most white students from the district. On the other hand, Kirp notes, Berkeley "was looking beyond its own circumstances to take into account national perceptions, and beyond the nation to the court of international opinion." As one school district report suggested, "What we do, and the spirit in which we approach the problem of segregation in our schools, is important to the future of our country and of the world." Surprisingly, Berkeley's experiments included a school solely for blacks and one solely for Chicanos—schools demanded by black and Chicano separatists. The federal office of Civil Rights, however, "concluded that the two schools' policy of racial exclusivity violated Title VI of the 1964 Civil Rights Acts."

DESPITE differences among these Bay Area communities, several themes have emerged. Blacks have shifted their initial emphasis from racial balance to concerns over quality education and decision-making responsibilities. Popularly-elected boards consequently have taken a substantial share of school district decision-making away from professional administrators. The school districts also have shifted their concerns from race issues to fiscal problems (a change caused in part by California's Proposition 13). Despite this movement away from the issue of racial imbalance per se, questions of racial justice still influence local policy-making. Kirp

concludes that "the quest for racial equality is a long-standing one, the end elusive, the dilemmas deep and likely to endure."

Kirp's introduction brilliantly illustrates how muddled the concept of racial equality is. He begins by describing the universalistic vision of *Brown v. Board of Education*:

Once racial barriers were lifted, it was supposed, there would exist neither white schools nor black schools, but "just schools." When the dual school system was dismantled, the constitutional rights of blacks would be secured; so too would their opportunity for social and economic equality. Blacks, like whites, would then be free to succeed or fail on the basis of merit, not caste.

The vision has been blurred, however, as civil rights proponents have advanced the disparate—and sometimes conflicting—goals of desegregation, integration, and redistribution.

Kirp's is a descriptive work, not a piece of advocacy: He hopes the parties and institutions involved will "learn from what has worked (and failed) elsewhere." Unfortunately, the five communities analyzed in *Just Schools* do not form a representative sampling of the experiences that other school districts face in addressing racial injustice. As Kirp points out:

San Francisco, Berkeley, and Sausalito were politically liberal, Oakland and Richmond not hopelessly conservative towns. The legacy of progressivism had left most of them free from machine control, in the hands of good government forces and professional managers. The black population was relatively small . . . and for that reason not especially threatening. Bay Area blacks were also politically sophisticated, and could count on liberal white allies in energizing a nascent civil rights movement. If change could not occur here, some reasoned, it could not take place anywhere in the country.

This background to Kirp's story suggests that many of the emotionally-charged and politically complex issues raised in places such as Detroit, Boston, Memphis, and New Orleans were not of concern in the Bay Area. Thus, although each Bay Area community faced different sorts of problems, their experiences might prove uninformative in majority-black school systems in the North, or in the South, where Jim Crow laws were per se violations of *Brown*. The Bay Area experience also provides little insight into some of the newer and more vexing desegregation issues: Must a school district subject to desegregation liability ignore its collective bargaining agreement and dismiss teachers on the basis of race, not seniority? Can such a district administer exit exams that have a disproportionate impact on minority students? And can it refuse either to hire or promote teachers who fail competency exams which have a racially disproportionate impact?

Kirp's failure to look beyond the Bay Area also has the unfortunate consequence of making the "race and education" issue ap-

pear to be a matter of local politics with few legal ramifications. Absent in the book is a general description of the legal precedents that influence policy-making. Kirp suggests that "although the prevailing understanding presumes that legal sanctions are needed for policy reform, the facts are otherwise." He recognizes, however, that "the possibility of recourse to the courts has affected the political dialogue." In many areas of the country, this description would seem a feat of understatement. By now, most of America's largest urban centers and nearly all of its southern school systems have been subject to some sort of legal proceedings. We need to know more about the legal norms that have emerged, so that we can see what role legalism may have played in Bay Area politics, and so we can understand the significance of Bay Area actions for the rest of the country.

The "legalistic model," however, is too limited for Kirp. Legalism speaks to uniform principles applicable to all school districts in the nation; it is a least common denominator of sorts. Kirp's concerns are of a different nature. Rather than speaking in terms of principles, *Just Schools* occupies itself with people and events, and concludes that uniform solutions are impossible because community response varies widely.

Legalism has a clear role to play in this issue, however. Unless school districts act affirmatively to eliminate the vestiges of racial discrimination, the universalist vision of *Brown* will be lost. Clear legal standards are a necessary step toward realizing this vision. Yet the courts would do well to intervene only as a matter of last recourse, and to set limits on their intervention. Kirp suggests that courts generally follow this limited model, but the evidence is against him. In Boston, the federal district court has seized control over many aspects of school administration. Politically-minded district court judges in Nashville and Dallas have recently put forward "compromise" solutions, focusing both on community desires and legal principles only to be overturned by federal courts of appeal. The Nashville case is particularly egregious: In it, the appellate court held that modifications in desegregation remedies must comport with current black-white student population ratios, even if such an approach cannot effectively desegregate the schools and is educationally unsound.

Just Schools portrays a world of communities struggling with personal preferences and varying standards of proper behavior. This struggle does not always produce the outcome one might like. In Richmond, for example, black pupils can transfer to predominantly white schools only if they arrange for their own transportation. Yet a busing plan adopted by the school board led to near chaos in the Richmond system. Moreover, Richmond blacks seem generally satisfied with the current arrangement. It appears that local politics might offer a better solution to the "race and education" question than judicial recourse, as Kirp's example of San Francisco suggests.

Kirp concludes with the suggestion that local policy-makers “working within their own political frameworks . . . [should] identify how best to solve the questions of race and schooling, selecting among the numerous alternatives adopted elsewhere or adopting an approach more precisely attuned to local needs.” Although some school districts will wind up in court, this “learning from others” seems a very reasonable solution. Of course, a district must also recognize that the situation it faces is unique. *Just Schools* is an eye-opener, not a repair guide.

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