

Forced Justice
David J. Armor

This is a comparison of two books with different points of view, one from the heart and one from the head. Tom Wicker's thesis in "Tragic Failure" subtitle "Racial Integration in America" is that racial integration simply has not worked. He would support the William O. Douglas / Thurgood Marshall line of thought that the job of integration will only be complete when most neighborhoods and schools are visibly multi-racial and all races enjoy substantially equal prestige and incomes. He would argue that government, especially the courts, have much more work to do.

Wicker's apologia for persistent educational and economic underperformance he roots in two centuries of slavery and another of Jim Crow. He sees a vicious cycle of undereducation, low self esteem, illegitimacy and drug dependency that will apparently perpetuate itself until it is broken by the acceptance of minorities as equal citizens, that to be achieved by force of law.

Both authors observe that the courts went from one extreme, the "separate but equal" doctrine of Plessy vs. Ferguson. to a middle ground with "Brown vs. Board of Education," to the highly interventionist phase of forced busing in the 1970s, to return to a rather muddled middle ground in the 1990's, with mandatory busing being phased out and increased tolerance of de facto segregation resulting from residential patterns.

David J. Armor served as an expert witness in many school desegregation cases, including those involving forced busing. "Forced Justice" offers the legal history of school desegregation, an analysis of the "harm and benefits" theory behind integration, an assessment of the extent to which desegregation yielded the expected benefits, and a snapshot of the status quo as of his writing in 1995, forty some years after Brown vs. Board of Education.

Though court decisions drove the most divisive aspects of school desegregation, The Supreme Court chose to accept only a fraction of the cases presented for review and rendered opinions that were vague enough that lower courts were able to interpret them in many different ways. In some cases, such as Mecklenburg, North Carolina and Pasadena, California the courts came close to running the schools. Fear of extensive judicial involvement led many districts to institute some form of voluntary desegregation using devices such as magnet schools.

Armor is at pains to point out that human affairs are far too complex to permit controlled experimentation with ideas such as desegregation. The races are segregated by neighborhood. Is that a matter of race, class, or simple preference? Does it cause or result from school segregation? To what extent can school boards be held accountable for it?

Measurement is also difficult. What can be measured is that the schools' racial mixture changed rapidly and radically in many school districts undergoing desegregation. Student performance is also measured, though only by broad categories. It is difficult to know how to distinguish among the numerous factors that can student performance, among them the trauma of desegregation, racial prejudice and self esteem issues, the stress of being bused, socioeconomic status and native ability.

Regression analysis is the statistician's tool for mathematically isolating the many variables in a complex set of data. Armor's before-and-after analyses of student performance in districts that desegregated yield two recurrent results: "No measurable different" and "We don't know." In particular:

Black self esteem appears to be if anything higher than whites,' and it is highest in majority black schools, worst in those that are more evenly mixed, and better in schools in which blacks are a distinct minority.

Both black and white academic performance are worst in predominantly black schools. However, adjusting for socioeconomic status, blacks seem to do as well in urban schools as the suburban schools to which they are frequently bused.

Each race's estimation of the other is lowest in those situations in which they have a maximum of contact. In other words, less mixing actually led to better mutual relations.

White academic performance appears to be largely unaffected by the addition of a substantial minority of black students. The fears driving white flight appear unfounded. White academic achievement has been static over the forty year period under study. Black academic achievement has risen, though it still remains a significant fraction of a standard deviation below that of whites.

Armor's bottom line is that desegregation was an immensely costly effort. The out-of-pocket expense involved in legal proceedings, busing, construction and other remedies could only have been justified by significant, measurable benefits. The actual benefits are at best mixed. One clear benefit is more intense focus on equalizing levels of spending on education, though there too, the correspondence between spending and results is hard to discern.

Wicker's bottom line is that African Americans have received pretty much as much help as they can expect from the political system. He advocates that "African-Americans themselves must take the lead, state the goal (economic advance and social leveling), and move boldly towards it." Armor would advocate something similar. Blacks need to decide what structure is best suited to provide them with "equity" and work within existing systems to achieve it. One despairs that judicial solutions are too much to hope for, the other that they have been tried and have not worked. Both agree that the onus for improvement of the lot of African-Americans falls primarily on them. Close to ten year later that is exactly what is happening through charter schools and vouchers programs.