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Continuing the Struggle In A New Era

By Kenneth B. Clark

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The *Brown* decision, like most of the great documents in man's continuous struggle for justice and humanity, was a simple, direct and eloquent statement of a moral truth.

In spite of the attempts on the part of some legal purists and some neoconservative intellectuals to disparage the significance of this decision, there are reasons to believe that future historians will rank *Brown* with such document as the Magna Carta, the Declaration of Independence and the Emancipation Proclamation. These documents have in common the fact that they are indicative of the unique capacity of the human organism to formulate moral goals and to aspire to levels of social sensitivity and humanity.

The *Brown* decision was a legal document but it was not couched in legalisms. In fact, some students of jurisprudence contend that the basic constitutional issue before the Court was contaminated by the Court's reference to social science finding in its footnote 11.

It was a philosophical and educational document, but its meaning, its intent and its spirit was not obscured by educational jargon or philosophical equivocation.

The key question posed to and accepted by the Court was:

Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities?

The Court's answer was clear and direct: "We believe that it does."

The nine justices of the Supreme Court sought to justify their unequivocal answer by referring directly to the human and psychological meaning, the inescapable internalized stigma, inherent in the purpose and practice of racial segregation:

To separate them from others of similar age and qualifications solely because

of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

We conclude that in the field of public education the doctrine of "separate but equal" has no place.

Today, 25 years after the historic *Brown* decision, which repealed the *Plessy vs. Ferguson* myth of "separate but equal" and at the same time removed the last residues of judicial and legal support for the shame and racism of the *Dred Scott* decision, questions are still being raised concerning the letter and spirit of *Brown*.

It has also become fashionable for some intellectuals, social scientists, educators and public officials to question the validity of the social science evidence cited by the Court. They also argue that the *Brown* decision was concerned only with *de jure* rather than *de facto* or self imposed segregation. These questions and assertions are now being made with increasing intensity and confidence and seem to be directed toward a dilution, if not a functional repeal of *Brown*.

Because the proponents of these questions are now influencing public policy in regard to Northern public school desegregation, it is essential that these questions be faced directly and the negative assertions refuted with clarity.

The subtle, and at times flagrant attempts to disparage the significance of *Brown* must be assessed in terms of the following facts:

■ The judicial branch of the Federal government, the highest court in the nation, changed the face and pattern of American racism.

■ The *Brown* decision gave impetus to the non-violent civil disobedience movement of the 1960s, which was led so masterfully by Martin Luther King, Jr.

■ The decision provided the fuel for the accelerated civil rights movement of the 1960s, which resulted in removal of all racial segregation signs and practices in public transportation, public accommo-

dations and publicly-supported facilities in the Southern states.

■ The Legislative and Executive branches of the Federal government, in the wake of the *Brown* decision, became active agents in the struggle for racial justice in the United States.

■ The Congress passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

■ The political involvement and participation of Blacks have increased.

■ The number of Black elected officials in the United States increased from a few hundred in the early 1960s to nearly 5000 today.

■ The number of Black congressmen and mayors of major American cities increased dramatically.

In spite of residual racial problems which must still be resolved, significant gains in race relations were generated by the *Brown* decision. It would serve only the interest of those who are seeking to maintain the racial status quo if they were to succeed in indoctrinating Blacks with a sense of defeatism based upon the belief that the *Brown* decision was merely a verbal exercise with no practical power or significance.

Role of Social Scientists

Some students of the constitutional and legal basis of the *Brown* decision, and some social scientists, seek to disparage the significance of the decision indirectly by directing their criticisms primarily against the role of social scientists who participated—at the invitation of the lawyers of the NAACP—in these cases.

These critics contend that the social science evidence cited by the Court in footnote 11 was "spurious," "ambiguous," "ambivalent," "without solid empirical backing," "common sense," and "insignificant and irrelevant." It is difficult to understand how these criticisms of the role of social scientists in the school segregation cases can be viewed as constructive given the following facts:

■ Twenty-five years ago the United States Supreme Court overruled the

Plessy vs. Ferguson doctrine and, in doing so, cited in footnote 11 the "psychological knowledge" of "modern authority" which it found "amply supported" this finding.

■ The nine justices of the Supreme Court had the power to ignore the social science appendix to the legal brief, but they did not.

■ The lawyers of the NAACP Legal Defense Fund in charge of these cases could have rejected the contributions of the social scientist at any stage of the trial or appellate level of these cases. They did not.

The contemporary critics of the role of the social scientists in these cases cannot and do not now claim that racially segregated schools are beneficial to American children. They do not present any empirical research data which contradict the social science data presented to the Supreme Court.

In seeking to understand the present attempts to disparage the role of social scientists who were invited to participate in these cases, one must examine the larger framework of developments within the last 15 years. Particularly, one must note the effects on public education in the Southern states and in Northern cities.

As the center of gravity of the civil rights movement moved from the Southern states to the Northern urban centers, a pattern of peculiarly Northern forms of resistance developed. The opposition to desegregation of Northern urban schools concentrated on the diversionary argument that they were *de facto* segregated schools. Some Northern public officials, educators and social scientists began to question the validity and practical significance of the *Brown* decision. Some argued that it was unenforceable in Northern cities where residential segregation resulted in "irremediable" *de facto* segregated neighborhood schools. In support of this argument they rediscovered the untouchable sanctity of the neighborhood schools. This sanctity had been conveniently ignored when Black and white children were being bused away from their neighbor-

hoods to attend segregated schools.

Ironically, the pattern of argument in support of the racial retrogression occurring in Northern cities was developed and supported by Northern neoconservative intellectuals and educators at the very time that significant forms of racial progress were occurring in the Southern states.

While the Southern states were moving, even though reluctantly, toward the desegregation of their public schools, Northern urban school boards were pandering to middle American racial prejudices by raising the spurious busing issue or hiring social science experts to obtain evidence purporting to show that Black children did not benefit academically from attending desegregated schools.

In short, Northern school and public officials seeking to reflect the attitudes of their white constituents, argued for a functional repeal of *Brown*. They sought, with a great degree of success, to maintain the racial status quo in the public schools of Northern cities by asserting that they were immune to the letter and spirit of *Brown*.

Specifically, in such cities as New York and Chicago, there are indications that there are more Black children attending predominantly—if not exclusively—segregated schools than there were 25 years ago.

A New Problem

If one compares the observable progress in school desegregation in the Southern states, with the racial regression in the Northern urban cities, one is forced to the conclusion that the problems of racial progress and the movement toward functional and pragmatic racial justice in the United States is now primarily a Northern urban problem.

Those Northerners who argue for the perpetuation of segregated schools are in fact arguing for the continuance of American racism in all its ramifications.

The task ahead in dealing with the complex and insidious form of American racism as most clearly manifested in Northern cities, is to develop effective and

appropriate methods in seeking to desegregate these schools. First, the problem must be clearly understood.

In the immediate post-*Brown* period, Southern public officials sought to defy the implications of the decision by crude methods of overt defiance. Governor [Orval] Faubus sought to defy the power of the Federal government by placing barriers in the way of Black students seeking to enter Central High School [in Little Rock, Ark.]; and Governor George Wallace stood at the school door in his attempt to block the entrance of Black students to the University of Alabama. In Birmingham, Bull Connor [and his police force] used cattle prods and fire hoses to reverse the tide of racial justice. These crude barriers to racial progress were removed by the traditional authority and power of the Judicial and Executive branches of the Federal government.

The methods of the Northern public officials and educators are much more sophisticated. They are, therefore, much more difficult to deal with. Northern protectors of the racial status quo come armed with sophisticated and sometimes subtle intellectual arguments. They seek to support the maintenance of segregated schools by such diversionary issues as busing, the sanctity of neighborhood schools, and preoccupation with the desires of white parents to maintain the integrity of "their schools" in order to prevent "white flight."

They contend that the segregated schools of the North are not truly segregated because they reflect neighborhood patterns; that they are *de facto* rather than *de jure* segregated; and that Black children are not really damaged since they are not excluded from white schools. They are merely not permitted to attend them except in token numbers.

The insidious techniques used for the maintenance of segregated schools are clearly illustrated by a series of policy pronouncements by the Board of Education and the top educational officials of New York City in the early 1970s. The board stated that it was, and remains its

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policy to encourage quality integrated education. In the same pronouncement, it ordered the exclusion of minority children from predominantly white schools, "to better realize the original objective of quality integrated education."

This form of equivocation and inconsistency is not peculiar to New York City. It is, for the most part, characteristic of the policies and practices of Northern state and local school boards. As one seeks to understand these inconsistencies, which so far have been successful in blocking school desegregation, one is reminded of the Orwellian logic of the American general standing in the rubble of a devastated South Vietnamese city who asserted: "We had to destroy this city in order to save it." Northern school boards, with equal calm and perverted logic, assert that they must maintain and extend segregated schools in order to desegregate them. Twenty-five years after *Brown*, they have succeeded in perpetuating this hoax with impunity.

The method of litigation, which seemed so effective in dealing with problems of racial inequity in the schools and other aspects of life in the Southern states, do not seem particularly effective in dealing with the more sophisticated *de facto* forms of school segregation in Northern cities. It remains a fact that segregated schools in the North are as damaging as were the *de jure* segregated schools of the South. Children who are required to attend these segregated inferior and stigmatized schools in Northern cities are being subjected to forms of educational genocide which "may affect their hearts and minds in a way unlikely ever to be undone."

Segregated Schools

The distinction between *de facto* and *de jure* segregation is a spurious one in terms of the educational, psychological, and indeed the human damage which is inherent in segregation per se. In spite of a few exceptions to the contrary, segregated schools to which Black children are relegated are perceived as inferior, tend to function in terms of inferior standards,

are stigmatized, overtly or implicitly, and are characterized by low morale and aspirations on the part of students. The teachers and supervisors in these schools not only accept these negative conditions as inevitable but also reflect them and make excuses for their perpetuation. Consequently, these conditions culminate in cumulative academic retardation of the students who are required to attend these schools.

The powerless products of segregated schools by virtue of their academic retardation are unable to compete with more privileged children for a constructive role in society. Many of these young people are keenly aware of their deficiencies. They drop out of school. They bitterly resent an educational and social system which inflicts upon them these educational, psychological and personal liabilities. Some of them vent their frustrations by overt hostile and aggressive behavior. Others internalize their aggressions and become assertively or passively self-destructive. Still others seek to obscure the deep and permeating damage being inflicted upon them by posturing and pretenses in attempts to salvage some modicum of self-esteem.

Having been denied the basic academic skills, which are essential for a realistic basis of achievement and self-esteem, too many of these young people are in fact consigned to a human dung heap of functional illiterates. They are unable to compete for any other than the most menial and dehumanizing jobs. They are the chronically-underemployed and unemployed. They contribute to the increasing welfare roles, and become the victims and the perpetrators of the alarming inner city crime statistics.

One must now confront the fact that the cycle of pathology—functional illiteracy, unemployment, poor housing, deteriorating neighborhoods, welfare dependence, crime and delinquency, drug abuse, child neglect and family instability—characteristic of inner city ghettos is based on the criminally inferior segre-

gated schools inflicted upon the masses of Black children.

For those who seek to dilute the impact of the *Brown* decision in Northern urban school systems, and argue for the acceptance of a "separate but equal" approach to the education of the Black children in these segregated schools, it should be pointed out that attempts to raise the quality of education for the children in these segregated schools have invariably been restricted to token demonstrations or pilot projects with limited success or outright failure.

Available evidence leads one to the conclusion that almost all previous attempts to raise the quality of education for Black children in *de facto* Northern urban segregated schools have been met with equivocation, excuses and with direct or indirect forms of resistance.

While the damaging effects of segregated schools are clear, there are indications that the damage inflicted upon Black children does not seem to disturb significantly the conscience of those who persist in using their power to maintain and proliferate segregated schools. It would follow, therefore, that those who are concerned and persistent in their desire to reorganize American education, to abandon the anachronism of racial segregation, must now seek to make clear to the masses of Americans that segregated schools are not only damaging to Black children but are also in equally disturbing ways deeply damaging to white children.

In its decision, the Supreme Court noted the damage of segregated education inflicted upon Black children but for some reason did not allude to the damage done to white children. Whatever the reason for this omission, I believe that those of us who still persist in the quest for racial justice must now begin to emphasize the fact that segregated schools are an anachronism in the latter part of the 20th century. We must find effective ways of communicating to the general public that white children who are being isolated in predominantly white schools



are not being protected. They are not being effectively educated and prepared to cope realistically in a world which consists of diverse groups of people.

Racially homogeneous schools reinforce irrational fears and hatreds, tribalisms and parochialisms and social ignorance and superstitions. Educated under these conditions, these "privileged" children are made awkward and inept and unable to function effectively when required to interact with others who differ from themselves in superficial physical characteristics.

Parents who demand that their children attend segregated schools similar to those which they attended are demanding that their children be burdened with the disease of racism which hampered and continues to hamper them. White or Black public officials and educators who actively or passively defend segregated schools are by their action or inaction inflicting upon the younger generation of Americans the debilitating moral schizophrenia which has afflicted and perverted American democracy from its founding.

In an infrequently quoted portion of the *Brown* decision, the Supreme Court succinctly stated the importance of education in a democratic society:

Today, education is perhaps the most important function of state and local governments . . . It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education . . .

It must be understood by all Americans that the removal of the educationally irrelevant factor of race in the education of American children is absolutely essential in preparing these children for an effective

role in the 21st century. America has an asset in the diversity of its population. American racial and ethnic variety must be perceived and used as an important educational advantage. Racially heterogeneous schools will provide American children with a positive educational experience beyond the subject matter of the classrooms. Truly democratic schools will help the children to broaden their perspectives as to the truly important human values which must be preserved and respected.

When these ideas are understood and accepted by American decision makers, by those who have the responsibility for setting the goals and determining the methods for obtaining the goals of a truly democratic society, the nation will then approach the problem of desegregation on all levels of education affirmatively and with commitment. All American public schools and colleges can eventually be desegregated—if it is understood that they must be for the integrity of our democracy. □

Kenneth Clark, now a member of the New York State Board of Regents, had a very influential input as a social scientist in the 1954 Brown decision.