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Low-Hanging Fruit: The Impoverished History of Housing and School Desegregation

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This article assesses the causes and consequences of weak federal enforcement of school and housing desegregation since the Civil Rights Act of 1964. Political actors who acknowledged that state action played a central role in school and residential segregation, and argued that federal, state, and local governments had an obligation to rectify this situation, were uncommon. In examining the efforts of two such individuals—Housing and Urban Development Secretary George Romney and Connecticut Senator Abraham Ribicoff—this article begins to untangle the story of why school desegregation policies rarely reached beyond the most blatant perpetrators of racial separation, and why housing desegregation policies barely got off the ground. [2]

KEY WORDS: civil rights; education; inequality; policy; race; segregation; social change.

INTRODUCTION

By the time President Lyndon B. Johnson signed the Civil Rights Act on July 2, 1964, elected officials and many citizens in New York City, the purported paragon of urban liberalism, had concluded that integration in city schools was never going to occur. An increasingly black and brown school population, fueled by white outmigration to suburban towns in New Jersey, Westchester County, and Long Island, had heightened skepticism about the feasibility of integrated schooling throughout the five boroughs. While some black and Latino parents remained firm in the belief that racial and socioeconomic integration was the only means by which their children would receive equal educational opportunity, others whose children had endured long bus rides to hostile, predominantly white schools began to question whether the purported benefits of integration outweighed the painful costs.

Meanwhile, Prince Edward County, Virginia, whose unprecedented resistance to desegregation prompted the county to abandon public education for five years (1959–1964), prepared to reopen its school system on a nominally integrated basis, following the Supreme Court's verdict in *Griffin v. School Board* (377 U.S. 218), decided five weeks before passage of the Civil Rights Act. A decade later, white return to the county's public schools began to accelerate, and Prince Edward was on its way to becoming a truly integrated school system (Bonastia 2012). In New York, school segregation held firm, with few prospects for a shift toward integration.

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[2] This article is part of a special issue entitled "Commemorating the Fiftieth Anniversary of the 1960s Civil Rights Laws." Other authors include Andrews and Gaby (2015), Lee (2015), Massey (2015), McAdam (2015), Pettit and Sykes (2015), Santoro (2015), Valdez (2015), and Whitlinger (2015).

Prince Edward and New York City were not exceptional cases. Governmental enforcement of school desegregation proved most effective in cases where the history of government-imposed segregation was unmistakable, and where the road map to desegregation was clear. In 1971's *Swann v. Charlotte-Mecklenburg Board of Education* (402 U.S. 1), Chief Justice Warren Burger noted: "Rural areas accustomed for half a century to the consolidated school systems implemented by bus transportation could make adjustments more readily than metropolitan areas with dense and shifting population, numerous schools, congested and complex traffic patterns." In the former instance, in locales where levels of residential segregation were low (as was often the case in the rural South), desegregation could be accomplished by busing children to the nearest school, irrespective of race. In places such as Prince Edward, where the county consolidated its system so that there was only one public elementary school, one public middle school, and one public high school, school integration could occur—at least on paper—without contentious debates about student assignment policies, district zoning, and so on.

As was the case in many locales, many white parents in Prince Edward opted out of desegregation, sending their children to the segregated private academy for the first two decades after schools reopened.[3] By the early 1990s, however, the county's public schools began to approximate local racial demographics. In 1995, longtime superintendent James Anderson remarked proudly, "We are the only school system within the United States that was an all minority race school system to have 40% white influx into the system, without changing geographical boundaries, without court orders, without any boundaries of consolidation or anything else, just the system stayed as it is" (Anderson 1995).

In New York and other large cities, a declining white, middle-class population, severe residential segregation and white hostility to integration created high logistical and political barriers that stalled the implementation of effective desegregation strategies. Authentic school integration would have only been possible if students crossed jurisdictional boundaries between cities and suburbs, and if a frontal assault on residential segregation was undertaken. The three branches of the federal government proved unwilling to take these steps. In all but a few metropolitan areas, students would not be permitted to leave their school district to secure better educational opportunities. Every student had the right to equal educational opportunity, but few who were denied this right had access to effective remedies. Middle-class, white families in the suburbs would not be required to sacrifice in the name of equal educational opportunity.

This article assesses the intertwined histories of school and housing desegregation in the United States in the wake of two significant anniversaries: the sixtieth anniversary of *Brown v. Board of Education*, and the fiftieth anniversary of the Civil Rights Act. An equally important milestone is the fortieth anniversary of *Milliken v. Bradley* (418 U.S. 717), the 1974 Supreme Court decision that severely restricted the use of interdistrict remedies to address school segregation. In a follow-up decision three years later, often referred to as *Milliken II* (433 U.S. 267), the Supreme Court ruled that students stuck in Detroit's failing, crumbling schools were entitled

[3] See, for example, Andrews (2002) on "white flight" academies in Mississippi.

to compensatory education funds in lieu of desegregation. This consolation prize has proven far from adequate (Orfield 1996; Ryan 2010).

Political actors who acknowledged that state action played a central role in school and residential segregation, and conceded that federal, state, and local governments had an obligation to rectify this situation, were uncommon. This article examines the efforts of two such individuals in the early 1970s—Housing and Urban Development (HUD) Secretary George Romney and Connecticut Senator Abraham Ribicoff—who spoke most loudly about the urgency for the federal government to take the lead in dismantling racial segregation. By examining their attempts and, ultimately, their failures to spark an attack against racial isolation, this article begins to untangle the story of why school desegregation policies rarely reached beyond the most blatant perpetrators of racial separation, and why housing desegregation policies barely got off the ground.

One of the ironic legacies of *Brown* and the Civil Rights Act of 1964 is that the three branches of the federal government wasted precious time by delaying action on racial isolation in schools and housing, then—when the problem was too prominent to ignore—pleaded that the task at hand was too enormous to tackle. Localities with a history of *de jure* school segregation would be required to desegregate, but *de facto* segregation could continue apace—even if there existed considerable evidence that federal, state, and local governmental policies played a crucial role in creating and maintaining racial isolation. Some cities would be required to pursue partial desegregation where declining populations of middle-class whites made the goal all but impossible to achieve. Suburbs that successfully had excluded those with the wrong skin color or income were, for the most part, "rewarded" with a hands-off approach. If they were not called to account for their history of deliberately excluding African Americans and other minorities, these successfully segregated suburbs had little to worry about with respect to school desegregation mandates, since they "had virtually no black students to discriminate against" (Orfield 1996:293).

SCHOOL DESEGREGATION BEFORE *MILLIKEN*

The *Brown* (347 U.S. 483) and *Brown II* (349 U.S. 294) decisions shook the white South to its core, but resulted in very limited desegregation. In *Brown II*, the court ruled that school segregation must be ended with "all deliberate speed," and put the process in the hands of federal judges; no deadlines were established to achieve this goal. Predictably, most Southern school districts did little or nothing to desegregate. In 1962, zero black students in Mississippi, Alabama, and South Carolina attended white schools or colleges. A decade after *Brown*, only 1 in 50 black students in the South attended desegregated schools (Wilkinson 1979).

The Civil Rights Act of 1964 included two provisions relevant to school desegregation. Title VI bars discrimination in federally funded activities and programs and authorizes (but does not require) the federal government to withhold funds from entities found to be practicing racial discrimination, which is not defined. Title IV directs the Office of Education (in the Department of Health, Education, and

Welfare [HEW]) to provide financial and technical assistance to desegregating schools, and to examine equality of educational opportunity in schools throughout the nation. In addition, Title IV empowers the attorney general to file desegregation lawsuits. Funding cutoff authority became a more formidable threat after the passage of the Elementary and Secondary Education Act (ESEA) of 1965, War on Poverty legislation that provided funding to schools and districts with disadvantaged students. While the increased federal funding—some $1.3 billion—only amounted to 8% of the average school district budget, the aid targeted economically vulnerable locales, many of which were concentrated in the South. Consequently, ESEA represented a sizable "carrot" for a number of Southern states and localities to make some gesture toward desegregation (Halpern 1995; Wilkinson 1979).

In April 1965, HEW issued its first set of guidelines on school desegregation, specifying steps school districts must take if they wished to secure federal funding. The agency set a target date of fall 1967 for desegregation of all grades, suggesting two methods: school assignments based on geographic attendance zones, and "freedom of choice" plans permitting parents to choose among district schools. By fall, nearly 90% of districts in the 17 Southern and border states had met federal mandates to integrate at least four grades. However, much of this purported desegregation was token in nature, as only around 6% of black students in the 11 Southern states attended school with whites. The guidelines were revised twice in 1966, adding provisions on faculty and staff integration, and specifying some measures to gauge the effectiveness of freedom of choice plans.

HEW, under its newly created Office for Civil Rights, released a more extensive revision of the guidelines in March 1968, "in line with recent court decisions and with the concern over the failure of freedom of choice plans to achieve desegregation" (Congressional Quarterly 1969:258). The agency asserted that school systems had "the affirmative duty under law to take prompt and effective action to eliminate segregation or other discrimination," and that "correction of discrimination may require positive action based on the race, color or national origins of students and professional staff." If remnants of a dual school system remained under freedom of choice plans, the school system was compelled to take whatever additional steps were necessary to achieve complete desegregation. Fall 1969 was tabbed as the latest date for establishing an integrated, unitary school system. For the first time, the guidelines applied beyond the South (Congressional Quarterly 1969:258).

In 1968, school desegregation proponents were offered increasing hope that the federal government would no longer tolerate plans that did not achieve actual desegregation. Two months after HEW released its tougher guidelines, in *Green v. New Kent County* (391 U.S. 430), the Supreme Court highlighted its impatience with slow progress in the Virginia county's school desegregation program, stating that "the burden is on a school board to provide a plan that promises realistically to work now, and a plan that, at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is intolerable." This was not the High Court's first expression of exasperation with the slow pace of compliance.

In 1964's *Griffin v. School Board* (377 U.S. 218), the court noted that the case in Prince Edward County, Virginia, "has been delayed since 1951 [when black students went on strike to protest segregated and unequal schools] by resistance at the state

and county level, by legislation, and by lawsuits. The original plaintiffs [in one of the five *Brown* cases] have doubtless all passed high school age. There has been entirely too much deliberation and not enough speed" in enforcing the mandates in *Brown*. The county's decision makers had egregiously evaded the *Brown* edict. After receiving a final desegregation order for fall 1959, the county pulled the plug on public education. Schools remained closed for five years until the Supreme Court weighed in again, a decade after *Brown*. Remanding the case to the lower court, the Supreme Court specified that the District Court could require the County Board of Supervisors "to levy taxes to reopen, operate, and maintain without racial discrimination a public school system in Prince Edward County like that operated in other counties in Virginia" (*Griffin v. School Board*).

The other Virginia case also represented flagrant defiance. The population of New Kent, a rural county of around 4,500 in eastern Virginia, was split more or less evenly between blacks and whites. The school system was 57% black. Despite integrated housing patterns in the county, and the adoption of a freedom of choice plan in 1965, schools remained substantially segregated. One combined elementary and high school was entirely black, while the other was 83% white and 17% black (*Green v. New Kent County*). An extensive system of busing transported students to their schools.

The decision did not answer some pressing questions, such as how much integration would be required, and what steps districts must take to achieve integration. In this case, the solution was straightforward: stop busing students across the county, and assign them to schools based on their place of residence. Beyond some locales in the rural South, rarely was such a solution so readily apparent. Throughout much of the nation, particularly in urban areas, neighborhood attendance policies plus residential segregation equaled pervasive school segregation (Ryan 2010).

What would be required of the vast number of school districts where no "easy" solution was apparent became even cloudier when Richard Nixon assumed the presidency in January 1969. In the field of school desegregation, Nixon typically made strong statements calling for constraints on school desegregation, but the actions of his administration were, on the whole, moderate. This was the result of the president "follow[ing] the recommendations of conservative advisers on which voting blocs to court but then entrust[ing] policy formulation to his more moderate lieutenants" (Kotlowski 2001:21). In brief, Nixon helped to end "de jure [school] segregation in the South. But he declined to tackle de facto segregation in the North and decried busing" (Kotlowski 2001:16).

In July 1969, the administration announced that it would shift its emphasis in school desegregation enforcement from HEW funding cutoffs to Justice Department litigation against noncompliant school districts. Education Commissioner James Allen, HEW Secretary Robert Finch, and HEW civil rights chief Leon Panetta were all forced out of the agency by mid-1970. Nixon warned, "I don't want a young attorney going down [to Southern localities] being a big hero kicking a school superintendent around. . . . I'll not have such a pipsqueak, snot-nosed attitude from the bowels of HEW" (Ehrlichman 1982:232; see also Congressional Quarterly 1970). The 1970–1971 school year became the historical high-water mark for federal school desegregation, when HEW desegregated 61 school districts and

federal judges desegregated 107 districts. Two years later, the numbers shrunk to 12 and 5, respectively (McAdam 1982).

The Supreme Court weighed in on the issue of school desegregation again in April 1971 with *Swann v. Charlotte-Mecklenburg Board of Education* (402 U.S. 1). On the one hand, the decision codified the affirmative obligation of districts with a history of *de jure* segregation to show that student assignments were "genuinely nondiscriminatory." In such districts, there was "a presumption against schools that are substantially disproportionate in their racial composition" when compared with the overall racial composition of the district. The court went on to say that school districts could shift attendance zones, pair noncontiguous zones, and bus students to achieve desegregation.

On the other hand, the Burger Court's opinion sought to emphasize that the judiciary would only travel so far down the path of enforcement:

> One vehicle can carry only a limited amount of baggage. It would not serve the important objective of Brown I to seek to use school desegregation cases for purposes beyond their scope, although desegregation of schools ultimately will have impact on other forms of discrimination. We do not reach in this case the question whether a showing that school segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree. This case does not present that question and we therefore do not decide it.

While *Swann* affirmed busing as a permissible tool for desegregation, and sanctioned transportation of students between the city of Charlotte and the suburbs of Mecklenburg County, the court's warning about "baggage limits" suggested that its members were approaching the boundaries of their willingness to approve remedies that would, in fact, dismantle school segregation outside the rural and small-town South. The city/suburb desegregation approved by the court came with prominent asterisks: the court indicated that "once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. . .further intervention by a district court should not be necessary," unless it could be shown "that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools" (*Swann*). More importantly, Charlotte-Mecklenburg was—somewhat atypically—a unitary school district. The court did not sanction cross-district desegregation, nor did it suggest that school districts were obligated to address school segregation that stemmed from residential segregation, even if plaintiffs could prove that the latter resulted in part from state action (Ryan 2010). That the Supreme Court would continue to respect municipal boundaries and local decision making (in the absence of intentional racial discrimination) was affirmed a week later in *James v. Valtierra* (402 U.S. 137), which upheld a California law requiring a local referendum to approve the construction of public, low-income housing (Bonastia 2006; Ryan 2010).

In March 1972, in the wake of federal district court rulings in Detroit and Richmond requiring suburban school districts to participate in metropolitan-wide desegregation plans that would involve extensive busing, President Nixon called on Congress to enact a moratorium on new or additional court-ordered busing. The freeze would last until Congress had passed legislation addressing the issues raised

by school desegregation cases, or July 1, 1973, whichever came first. Anti-busing Southerners whose states and districts were under existing desegregation orders reacted tepidly, as the legislation would not affect those orders. Nevertheless, many members of Congress jockeyed to propose the most restrictive anti-busing laws, but ultimately did not enact the freeze, instead passing legislation stating that "the neighborhood is the appropriate basis for determining public school assignments," and ostensibly blocking courts and federal agencies from requiring busing beyond neighborhood schools. The law had few tangible effects, as courts interpreted it to permit busing for school desegregation (Bonastia 2006; Ryan 2010). By the early 1970s, anti-busing measures were not supported only by Southerners and conservatives, but also by Northern moderates and liberals with suburban constituents who feared and opposed busing for desegregation when it affected their children (Ryan 2010).

The second part of Nixon's 1972 proposal on school desegregation would prove to have a much longer-lasting effect. He called on Congress to allocate additional funding for districts that were desegregating or had high concentrations of poor students: "These measures would protect the right of a community to protect neighborhood schools—while also establishing a shared local and federal responsibility to raise the level of education in the neediest neighborhoods" (Nixon 1972). Ryan (2010:95) pinpoints the core philosophy at the heart of Nixon's trade-off: "students in the city would remain in the city and not be permitted to attend suburban schools; in exchange for staying put, they would get more resources." The philosophy has reverberated widely: "Nixon's compromise. . .continues to shape nearly every modern education reform," including attempts to improve or equalize educational opportunities, desegregation decisions, school finance reform, the current emphasis on standards and testing (embodied in No Child Left Behind) and school choice plans (among them, charter schools) (Ryan 2010:5). "Compromise" is a somewhat imprecise term for Nixon's proposal, as this was not a bargain struck between interested parties. Rather, the promise of resources—which would prove inadequate to the task of equalizing educational opportunities—amounted to hush money.

A NORTHERN LIBERAL SIDES WITH SOUTHERN SEGREGATIONISTS

The steps Congress would be willing to take to dismantle school segregation outside the South—in brief, almost none—became glaringly apparent in early 1970, when the arch-segregationist Mississippi senator John Stennis and the liberal Connecticut senator Abraham Ribicoff became unlikely bedfellows in the call to have federal desegregation policies apply uniformly throughout the nation. Stennis had introduced an amendment to an education bill specifying that federal school desegregation standards "shall be applied uniformly in all regions of the United States without regard to the origin of cause of such segregation" (Weaver 1970). No one was under the illusion that the Mississippi segregationist had converted to integration. Rather, he—as well as other Southern politicians—hoped that more aggressive desegregation outside the South would "spark a broader, national backlash against

school desegregation" (Crespino 2006:304). During Senate debate, Stennis did not conceal his motives: "When my amendment is honestly applied, the people beyond the South will find out whether they want the system of integration. They are beginning to suspect they do not want it, and I think that would be a very salutary influence, if the people of the nation, black and white, can find an adjustment for this thing that does not destroy the schools, as they are doing down South" (Large 1970:6).

While surely aware of Stennis's motives, Ribicoff took to the Senate floor to offer his support for his colleague's contention that if public school segregation is wrong in the South, it is wrong outside the South as well:

> The North is guilty of monumental hypocrisy in its treatment of the black man. Without question, Northern communities [have] been as systematic and consistent as Southern communities in denying to the black man and his children the opportunity that exists for the white people. The plain fact is that racism is rampant throughout the county. (Ribicoff 1970)

Ribicoff's authentic desire to see America confront its hypocrisy on racial issues did not draw kudos from many civil rights organizations. The National Association for the Advancement of Colored People (NAACP) executive director Roy Wilkins angrily declared that the senator had "beat[en] the White House for the honor of endorsing the raping of equality in education" (Ribicoff 1972:24). Ribicoff (1972:30) would be proven incorrect in his prediction that "years of litigation will only establish that there is no real distinction between law-imposed, *de jure* segregation (Southern style) and neighborhood-imposed, *de facto* segregation (the Northern version)." The Supreme Court disagreed in *Milliken*, in which it found the vast majority of suburban governments to be free from culpability for residential segregation within their borders, and thus under no compunction to desegregate by accepting students from outside town lines. Thus, as Orfield (1996) observes, suburban locales that had "successfully" enforced residential segregation were not compelled to desegregate their schools, whereas urban locales that had not excluded African Americans and other people of color were. While many suburban towns had few or no black students to accommodate, many urban centers had experienced serious declines in the white population, making integrated education just as untenable. Pointing to Boston's brutal struggles over school desegregation, Ryan (2010:105) notes that "busing students within the city. . .often meant transporting poor white and poor black students from shoddy, single-race schools to shoddy, somewhat integrated schools."

Ribicoff drilled to the core of racial isolation, asserting that "massive school segregation does not exist because we have segregated our schools but because we have segregated our society and our neighborhoods." Noting that job and housing opportunities were now found largely in the suburbs, Ribicoff contended that "we cannot solve our 'urban crisis' unless we include the suburbs in the solution" (Weaver 1970:1). The dilemma was this: the approach that would get to the root of the problem—thorough racial and economic desegregation of the suburbs—would make the heated debate over school busing seem tepid in comparison, and would leave many members of Congress looking for new jobs.

Nixon hedged on the Stennis amendment. While he had consistently criticized differential treatment of the South in civil rights matters, as an ardent foe of busing he had no desire to see the federal government expand its use exponentially to attack segregation in metropolitan areas throughout the nation. White House Press Secretary Ronald Ziegler told reporters that the president supported "the concept" of the Stennis plan, but declined to say whether he would support congressional passage of the amendment. He remarked, "Just as the Administration is opposed to a dual school system of education in any part of the United States, the administration is also opposed to a dual system of justice in the United States" (Oberdorfer 1970:A1). Hidden beneath this statement of fair play lay a vexing puzzle: If one argues that the South *is* different because of its history of a legally mandated school system, then that region must be treated differently. But if one is saying that segregation is segregation, regardless of the causes, then the South and non-South should be treated the same, which would mean a relaxation of enforcement in the South or a dramatic ramping up of desegregation efforts in the non-South.

The Senate passed the Stennis amendment on February 18, 1970, by a 56–36 vote, but Senate liberals successfully changed the amendment in the House–Senate conference committee to specify that the amendment did not mitigate the obligations of HEW to cut off funding (under Title VI of the Civil Rights Act) where *de jure* segregation was found (Crespino 2006). By this point, the administration had "all but abandoned" funding cutoffs, claiming it was shifting its strategy to Justice Department litigation, but little action was happening on that front either (Milius 1970).

In spring 1971, the Senate again passed the Stennis amendment, which was again watered down in the conference committee (Crespino 2006). This time, Ribicoff upped the ante for Southern conservatives and Northern liberals alike by proposing a two-part bill intended to break down boundaries that had become more important than those between the South and non-South—namely, those between the cities and the suburbs. Part one would require all schools in a metropolitan area to have a percentage of minority students that was at least half of the percentage of minority students residing in the whole metropolitan area. Schools would have 12 years to reach this goal incrementally, risking the loss of all federal aid if they did not make required progress. Part two would prohibit government agencies or government contractors from locating in a community unless they had sufficient low- and moderate-income housing to accommodate all of their employees. Given that most large companies had government contracts, many localities would be required to relax restrictive zoning laws or take other steps to assure an adequate supply of housing if they wished industry to locate within their borders (Rosenbaum 1971a). Liberals who had withstood Southern charges of hypocrisy on desegregation delighted that the tables had been turned: "We'll have a chance to see who the hypocrites are when that amendment comes up," Senator Walter Mondale crowed (Rich 1971).

The NAACP still was not buying what Ribicoff was selling. The organization's highly influential lobbyist, Clarence Mitchell, complained that the 12-year window to comply would give more opportunity for the "footdraggers and obstructionists" to "think of new schemes" to avoid desegregation. The *Swann* decision, announced

the previous day, "reaffirmed our conviction that there are orderly ways of achieving the elimination of racial segregation in public schools. While we have no interest in reopening the Civil War, we must point out that no amount of talk about hypocrisy in the north can excuse the studied and effective southern exclusion of black children from integrated schools in that region" (Mitchell 1971). Ribicoff dismissed Mitchell's position as being driven by the lobbyist's desire not to offend white, liberal Northerners who contributed to the organization (Rosenbaum 1971b).

The Connecticut senator also set his sights on his liberal colleagues. New York Republican Jacob Javits, viewed as an ardent supporter of civil rights, had opposed the Ribicoff amendment, arguing that including it in the proposed $1.4 billion bill to aid school desegregation would unravel the tenuous compromise between liberal Democrats and the Nixon administration. In remarks that reportedly "stunned" Javits, Ribicoff looked directly at his counterpart on the Senate floor and accused him of lacking "the guts to face your liberal constituents who have moved to the suburbs to avoid sending their children to school with blacks" (Rosenbaum 1971c).

On the Senate floor, Ribicoff laid out the case for addressing Northern-style segregation, listing official actions that led to and perpetuated segregation. These included the drawing of school boundaries, decisions on school sites, zoning and land-use policies, the use of eminent domain, Federal Housing Administration (FHA) mortgage insurance programs, and federal highway and urban renewal programs. He pointed to intense segregation in the North, citing 1970 data showing that the City of Chicago was 33% black, and its suburbs 96% white. Baltimore's population was 46% black and Washington's was 71% black, while their surrounding suburbs remained over 90% white. He added that this same dynamic was occurring in the South (Congressional Record 1971a). The facts were indisputable; the remedy was the question.

Two days after the *Swann* ruling, the Senate rejected the Ribicoff proposal, 51 to 35. All seven Democratic members who had been floated as potential nominees for president—Muskie (ME), Humphrey (MN), Kennedy (MA), McGovern (SD), Hughes (IA), Bayh (IN), and Jackson (WA)—voted for the plan, though none spoke during floor debate (Rosenbaum 1971d). Other Northern liberals, such as Illinois senators Adlai Stevenson and Charles Percy, voted against. The Southern senators voting for the Ribicoff plan, partially fueled by another chance to expose Northern hypocrisy, came largely from states without sizable suburban constituencies (Thimmesch 1971). The following March, the Ribicoff measure lost six votes in a 55 to 29 rejection (Waters 1972).

It is difficult to dispute that political calculations played a prominent role in the rejection of Ribicoff's efforts, but it is also fair to say that the potential execution of the Ribicoff plan was unclear. Javits had cautioned that Ribicoff's proposal had not been studied sufficiently. Under Ribicoff's plan, metropolitan areas would be defined by the Standard Metropolitan Statistical Area (SMSA). The New York senator noted that one SMSA extended from Harlem, with a very large black population, 140 miles east to Suffolk County, which had very few minority residents: "We all know that we are never going to pass a bill that is going to make anybody bus a child from Harlem to Suffolk." But one could very well imagine untenable busing plans that would be required to achieve the proportion of minority students

specified by Ribicoff. Javits went on to list other enormous SMSAs—including New York City, Chicago, Phoenix, Dallas, and Fresno—that exceeded 2,000 square miles, and sometimes several times that. The New York senator had made a valid point (Congressional Record 1971b).

NEW YORK CITY: LIBERAL AND SEGREGATED

At the end of 1954, in the wake of the *Brown* decision, the New York City Board of Education sought to bolster its liberal self-image by appointing a Commission on Integration to develop recommendations to enhance integration. It also issued a strong policy statement avouching that "public education in a racially homogenous setting is socially unrealistic and blocks the attainment of the goals of democratic education, whether the segregation occurs by law or by fact" (quoted in Ravitch 1974:253). Over the next decade, black and Latino parents grew increasingly exasperated with the board's unwillingness to implement an integration program, culminating in a massive, one-day student boycott of city schools in February 1964 to protest ongoing segregation (Buders 1964). This impressive display failed to move the board from its stance of supporting integration in principle, but doing little to foster it in practice. Transfers of small numbers of black and Puerto Rican students to underutilized white schools were granted, but involuntary transfers of white students from their neighborhood schools to predominantly minority, low-income schools were stalled by a white countermovement that was larger and more politically powerful than the integration movement (Podair 2002; Ravitch 1974).

In 1966, the board abandoned its plan to build Intermediate School (IS) 201, intended to relieve overcrowding in Harlem schools, near the East River, a location intended to draw white students from Queens attracted to the school's multicultural student body, modern design, and array of services. After very few white students expressed interest, the board moved the location to the middle of Harlem, assuring that the school would be segregated. IS 201, completed in early 1966, was "a block-square, windowless, air-conditioned structure" with no playground space and no parking area for teachers. One Harlem critic contended that the school was built without windows "to keep parents from looking in and seeing it wasn't integrated, and the kids couldn't look out to see it was in Harlem" (Minter 1967). The historian Jerald Podair (2002:34) portrays the IS 201 controversy as "the last gasp of the integrationist impulse in the New York City public school system."

Preston Wilcox, a politically active black social worker on the Columbia University faculty, convinced the IS 201 Ad Hoc Parent Council to demand that the board cede some of its power to a local School-Community Committee, which would have the authority to select the principal and high-level administrative staff. If the school system "can do no more than it is already doing, then the communities of the poor must be prepared to act for themselves," he argued (quoted in Ravitch 1974:296). The shift in emphasis from integration to community control accelerated quickly. In late 1967, a mayoral advisory panel called for the division of the school system into 30 to 60 autonomous districts that would have the authority to hire and

fire teachers and administrative personnel. The United Federation of Teachers (UFT) reacted with predictable animosity to this attempt to weaken its power to protect union members (Podair 2002; Ravitch 1974). Responding to the objections of the union, Board of Education members, and "others who see their economic positions threatened," former New York CORE chairman Clarence Funnye (1967) reasoned:

> Some will invoke the dream of multi-racial education, saying that schools controlled by ghetto parents will not be "integrated." But are they integrated now? Is there any hope that they ever will be?. . .This is not an opt for segregation. Simply proposed, it would mean that since segregation of school pupils in New York City is a fact (as it is in the south), shouldn't Blacks have a Black hierarchy running their own schools? Surely Northern whites should be no less egalitarian than their Southern brothers.

In July 1967, the New York City Board of Education approved the creation of three experimental school districts: the IS 201 district in East Harlem, the Two Bridges district on the Lower East Side, and the Ocean Hill-Brownsville district in Brooklyn. By the following spring, Ocean-Hill Brownsville (OHB) would become the crucible in the battle over community control, when the governing board there informed 19 teachers and supervisors that their employment in OHB schools was being terminated. Thus began a bruising, prolonged conflict between the OHB governing board, which claimed that the individuals were being legally transferred, and the UFT, which insisted that they were being fired illegally without due process. Nearly all of the 350 union teachers in OHB walked out on May 22; OHB unit administrator Rhody McCoy immediately began to search for nonunion replacements. A two-day, systemwide strike of union teachers in September 1968 resulted in Mayor John Lindsay ordering all teachers back on the job. The governing board, claiming that "our 8 schools are all open and operating beautifully for the first time" with the new, nonunion teachers, refused to take the UFT teachers back (quoted in Pritchett 2002:232; see also Podair 2002; Ravitch 1974). The UFT quickly called a second strike on September 13 that lasted 17 days. When union teachers returned to OHB schools, they were shunned by replacement teachers, denied teaching assignments, and confronted and intimidated by community residents inside the schools.

Union teachers in New York went on strike a third time on October 14, pointing to concerns with teacher safety. This final strike dragged on until November 19, when New York State Education Commissioner James Allen suspended the OHB governing board and placed the school district into receivership; the UFT teachers returned to city schools. Allen reinstated the governing board four months later, but a weak decentralization law passed by the state legislature ended the OHB experiment, folding its schools into one of the city's 30 new districts (Podair 2002).

While many supporters acknowledged that community control would maintain or exacerbate existing levels of segregation, the Emergency Ad Hoc Committee of Parents for Community Control (1968)—which included a number of members who had been at the forefront in the battle to integrate city schools—insisted:

> We have not abandoned our struggle for integrated education, but we believe that community control can provide the preliminary base upon which both educational excellence <u>and</u> real

> integration are built. The current imbalance of power between the white and black communities must be redressed before we can pretend to claim that there is any justice or equality.

This reasoning reflected fond hopes more than a sober assessment: in reality, a turn to community control meant an acquiescence to segregation.

This call for community control, which arose in many U.S. cities, led at least one senator, Ohio Republican Robert Taft, to question Ribicoff's school desegregation plan: "Would a community raise local tax dollars to support schools if its own students may be required to go into another school system for their education? How anomalous it is that [the Ribicoff] amendment would enlarge educational districts at the very time when the trend is the other way and neighborhoods such as Ocean Hill-Brownsville, want to have more localized control over their schools" (Congressional Record 1971c).[4]

Big-city mayors could see the benefits of merging with more affluent suburban school systems. Commenting on a March 1972 federal court order consolidating the primarily black Richmond (VA) schools with those in two more affluent, predominantly white, neighboring counties, New York City mayor Lindsay shared his belief that "all mayors who feel that their people are trapped by suburban political pressures and generally hostile state legislatures" support "breaking district lines." However, he cautioned that urban/suburban consolidation would be "difficult, if not impossible" without shifting school financing from local property taxes to the state and federal governments (Shipler 1972; Waters n.d.).

HUD CONFRONTS SUBURBAN SEGREGATION

Ribicoff was joined in his call to confront suburban exclusion by Nixon's HUD secretary, George Romney. Congressional reluctance to address residential discrimination and segregation was apparent in the exclusion of housing from the Civil Rights Act of 1964, and its failure to heed President Johnson's call for a fair housing law in 1966. It was not until 1968 that Congress, in the crisis atmosphere that emerged following Martin Luther King Jr.'s assassination, passed the Fair Housing Act (Massey 2015). Title VIII of the legislation prohibits the refusal to sell, rent to, negotiate, or deal with a person based on race, color, national origin, or (as amended in 1974) sex; discrimination in the conditions for renting or buying; advertisements including racial preferences; denial that housing is available when it is; and the practice of blockbusting, in which real-estate brokers attempt to spur racial transition of neighborhoods for profit. The HUD secretary is directed to administer fair housing "affirmatively," though neither "fair housing" or what constitutes affirmative administration in this area is specified (Bonastia 2006; Sidney 2003).

As Congress mulled amendments to fair housing law in 1979, the HUD fair housing chief noted that the original act "is mostly principle. It provides no real enforcement tools. We can't go out and stop discrimination. HUD can't even go to court. All we can do is try to bring about conciliation when we are invited to." A housing consultant likened the enforcement provisions to "a no-parking zone with

[4] The call for community control was also adopted by whites in some neighborhoods who objected to black students from other neighborhoods being bused into their local schools (see Maeroff 1972).

a $2 ticket. I don't know anybody who would hesitate to park under those circumstances" (Stanfield 1979).

HUD did, however, have some potential leverage due to the passage of another 1968 law, the Housing and Urban Development Act, which spelled out a national goal of building or rehabilitating 26 million housing units over a 10-year period; 6 million of these units would be federally subsidized, a nearly 10-fold increase from the prior decade (Lilley 1970a). Under Title VI of the Civil Rights Act of 1964, HUD could cut funding to federal contractors practicing racial discrimination. The agency administered an array of programs to suburbs and cities—including urban renewal, Model Cities, housing subsidies, and water and sewer grants—that amounted to nearly $5 billion in annual funding (Lilley 1971a).

Before serving as governor of Michigan for three terms beginning in 1962, George Romney was president of American Motors Corporation, where he led the development and mass production of the first American compact car, the Rambler (Wills 1979). Although Romney lacked experience in housing, his sales experience would be needed in his new position. According to one congressional staffer, Romney is "the perfect kind of guy to be selling something as controversial as [suburban integration]. . . . You would never think that he was anything other than a solid all-America type. The message might strike some listener as radical but Romney himself never comes over as a radical" (Lilley 1970b:2263).

The HUD secretary contended publicly that "the future of our country depends upon our success in finding more effective solutions to our problems of poverty, race, housing and the cities" (HUD Press Release 1972). Privately, in a letter to Nixon, he was even more blunt: "It is becoming increasingly apparent that the lower, middle income and the poor, white, black and brown family, cannot continue to be isolated in the deteriorating core cities without broad scale revolution. This can only be avoided by providing genuine hope for reform based on honest conformance of our constitutional principles and current statutory requirements" (Romney 1970).

HUD's suburban integration efforts would take shape in its "Open Communities" effort, which sought to create "open communities which will provide an opportunity for individuals to live within a reasonable distance of their job and daily activities by increasing housing options for low-income and minority families" (USCCR 1971). Aware of the contentious nature of suburban integration, HUD moved quietly on this front, cutting off sizable grants to Stoughton (MA), Baltimore County, and Toledo (Danielson 1976; Lilley 1970b). Warren, Michigan, an overwhelmingly white, Detroit suburb with a population of 180,000, would not negotiate quietly over the conditions of accepting HUD money. After receiving $1.3 million in early 1969, Warren was seeking an additional $2.8 million. HUD told city officials that Warren, whose workforce was one-third black, must first alter discriminatory housing policies before the agency released the funds. Negotiations in Washington between Romney, HUD Undersecretary Richard Van Dusen, and Warren officials resulted in the city's agreement to take several, mostly symbolic measures to convey a policy of open housing, primarily the appointment of a local human relations council. The matter may have ended there, if not for a front-page story in the July 21, 1970, edition of the *Detroit News* warning that the federal

government had selected Warren as a "prime target to integrate all suburbs." City officials and residents were apoplectic.

Six days later, in an attempt to quell this firestorm, Romney traveled to Warren to meet with officials from 40 suburban towns. The secretary explained that the source of the *Detroit News* story was an internal memo from HUD's regional office in Chicago, and did not represent agency policy. He added, "Nothing is being asked of Warren that is not being asked of the cities across the country" that are seeking HUD funds (Warren Meeting Transcript 1970:27). At times during the meeting, Romney revealed his political acumen through his careful phrasing of responses to angry questions from the attendees. When Warren mayor Ted Bates warned, "If you are going to bring people in from other communities into our community, I think there would be a problem," Romney parried, "We are not asking you to provide housing for people other than people who want to live in Warren" (Warren Meeting Transcript 1970:32). That was not addressing Bates's concern—clearly HUD would not force people to move to Warren against their will. A Warren council member dispatched with pleasantries: "We do not need your money. We do not want your money. We are rich enough." Romney refused the bait: "My dear lady, that is wonderful. . . . I am not trying to force any money on Warren" (Warren Meeting Transcript 1970:42).

Romney stressed repeatedly that HUD encouraged integration, but would not force it. At one point, he confronted the crowd with his own pointed query: "How would you feel if you woke up every morning and realized that there are many areas in the vicinity of where you live where they have deliberately developed means of keeping you from living there because they consider you inferior?" (Warren Meeting Transcript 1970:60). In November, Warren voters, by a nearly three-to-one margin, rejected the $10 million in future urban renewal funds that would have been available had the town reached an agreement on nondiscrimination policies in housing (*New York Times* 1970).

Top White House domestic policy aide John Ehrlichman complained to the president that Romney continued to speak loudly about suburban integration programs, despite the lack of White House approval for such an initiative. Nixon predicted that Romney's departure would be forthcoming, "*if* we can find a good black to replace him" (Ehrlichmann 1982:194). Romney saw which way the political winds were blowing, and became somewhat less confrontational. (He would remain secretary until his resignation after the 1972 election.) HUD continued to consider possible segregating effects when considering which proposals to fund, but largely moved away from cutting funds when monies were already allocated (Danielson 1976). In January 1971, HUD released a 13-page report documenting its accomplishments during the Nixon administration. Not a single mention was made of Open Communities or suburban integration (Romney 1971).

That June, Nixon released a lengthy and typically ambiguous statement on housing policy that pointed to the federal government's limited authority in integrating housing (economically or racially), but indicated its willingness to sue suburbs that changed zoning laws to block subsidized housing for racial (but not for economic) reasons (Nixon 1971). Three days after Nixon's statement, the Justice Department did just that, filing suit against Black Jack, Missouri, which changed its

zoning laws in a poorly disguised attempt to block construction of an integrated apartment development (Bonastia 2006; HUD 1973).[5] Cleveland mayor Carl B. Stokes put little stock in the first Justice suit against exclusionary land use practices:

> I am not at all impressed. . . . My goodness, if a case such as that in which you literally almost have working drawings on a project, and then a community moves openly, deliberately, to rezone to stop it. . . . If a Government couldn't move under those kinds of circumstances, then in fact there is no chance at all. It is not [action in the face of] this outrageously flagrant violation of people's rights that would assure me about the Administration's policy in this regard. (USCCR 1974:41)

It was not until 1974 that a federal appeals course decided in the Justice Department's favor.

By this time at HUD, Romney and Van Dusen believed that judicial action—or the threat of it—was the key to opening up the suburbs. Many well-established suburbs had little interest in accepting HUD money with strings attached. Senator Ribicoff was far from impressed by HUD's efforts: "The big problem is precisely that the suburbs do not want the HUD programs—putting further conditions on the programs isn't going to change this fact of life. . . . You don't have to be a genius to realize that you can't work a carrot and stick technique if you don't have any carrots" (Lilley 1971a:2433). Courts, Romney and Van Dusen realized, could wave sticks at suburban localities, requiring them to build subsidized housing if the judge found that they were not doing so for racially discriminatory reasons. Romney warned that "if the courts start ordering housing dispersal across metropolitan areas, it will provoke a far greater social crisis than the school busing one" (Lilley 1971b:2348). In Van Dusen's estimation, some localities might choose to act on their own "before some court tells [them] to do three times more" (Lilley 1971a:2433).

Several federal courts found that the federal government had the authority and the obligation to dismantle residential segregation in suburbia. For example, in *HUD v. Shannon* (1970), the U.S. Court of Appeals (Third Circuit) ruled that HUD's decisions on approving proposed housing projects must consider whether they would perpetuate racial concentration. Judge John H. Gibbons wrote, "Increase or maintenance of racial concentration is *prima facie* likely to lead to urban blight and is thus *prima facie* at variance with the national housing policy." An internal White House memo emphasized, "The hydraulic principle that was operative in the school desegregation area is now clearly at work in housing—a vacuum of governmental policy in a Fourteenth Amendment area producing energetic 'affirmative action' policy on the part of the courts" (Garment 1971).[6]

On top of pressure from the White House to avoid antagonizing suburbs, HUD was a weak "institutional home" for aggressive desegregation. The agency had been established in 1965, a "hastily merged conglomerate of antiquated government agencies and divergent special interest programs" (*Washington Post* 1972). Within the agency, staffers tasked with housing production bristled when civil rights concerns slowed the approval process. As scandals emerged in the FHA's central-

[5] The Black Jack lawsuit was one of 135 Title VIII (of the Fair Housing Act) suits filed by Justice between January 1969 and June 1973.

[6] More extensive discussion of court verdicts in this area can be found in Bonastia (2006) and Lamb (2005).

city programs, President Nixon resuscitated his "freeze" strategy, declaring a moratorium on most new HUD funding. This time around, he enacted the freeze without the approval of the legislative branch, a move that some members of Congress claimed overstepped executive authority. If questions abounded about the legality of the freeze, its effect on suburban desegregation was clear: any remaining momentum was eviscerated (Bonastia 2006). It has not been regained since that time.

METROPOLITAN-LEVEL SOLUTIONS

Like Senator Ribicoff, HUD Secretary Romney had insisted repeatedly that dismantling segregation would require a "metropolitan approach rather than a suburb by suburb and community by community program" (Warren Meeting Transcript 1970:31). A piecemeal approach would result in the few communities willing or compelled to accept subsidized housing being inundated with it, as subsidized housing programs are difficult to halt after zoning and other regulations are changed to allow for the initial development (Bonastia 2006).

Given white fears, black families moving to white suburbs, like integration pioneers at formerly all-white schools, could be greeted with hostility. When a black man moved into Warren with his white wife and young daughter in 1967, they withstood burning crosses on their lawn, rocks thrown through their windows, and obscenities shouted from the streets. Romney, then the governor, later recalled that he "had to send the state police in there to protect them because the local officials would not fulfill their responsibilities" (McDonald 1970a). Doris Stanley spoke about the lessons of her experience as an integration pioneer in Montgomery County, Maryland: "I would recommend that [black families] be told ahead of time, don't fool yourself, it is hostile [moving into a white suburban neighborhood]. But I feel that, you know, this whole country is hostile wherever you are. . . . So I would recommend that they would come out but they would need an awful lot of help. The suburbs are not open to them and are not welcoming them in, it is a fight" (USCCR 1974:15).

Hopes for far-reaching, metropolitan-level desegregation plans in schools or housing were quashed decisively in the Supreme Court's *Milliken v. Bradley* decision (418 U.S. 717). Originally filed in August 1970, the case involved a federal court ruling that "relief of segregation in the public schools of the City of Detroit cannot be accomplished within the corporate geographical limits of the city." District Court Judge Stephen Roth formulated a desegregation plan that encompassed three surrounding counties containing 86 independent school districts; the Roth plan included 53 of these districts. At the time, black students comprised only 2% of students in the 53 districts, and 65% of Detroit's student population. Nixon's "compromise" speech was delivered the same month that Roth delivered his opinion (Ryan 2010).[7]

Roth held that school officials had a constitutional mandate "to adopt and implement pupil assignment practices and policies that compensate for and avoid

[7] It is ironic that Michigan Governor William Milliken's name is attached to suburban resistance. During the Warren controversy, Milliken sided with HUD, telling a suburban audience in Birmingham, Michigan, that the suburbs are "split-level facades hiding an apathetic, selfish, status-seeking society. The suburbs will not be able to heal the inner cities until they first heal themselves" (McDonald 1970b).

incorporation into the school system the effects of residential segregation" (quoted in Ryan 2010:94). He found that state and local officials were responsible for residential segregation in the Detroit metro area. The Court of Appeals agreed with Roth's views, including his suggestion that government was responsible for *inaction* as well as action. The Supreme Court, by a 5–4 margin, disagreed—on the twentieth anniversary of *Brown*—with this expansive interpretation of governmental responsibility to address segregation in schools and housing. All four of Nixon's Supreme Court appointees voted with the majority.

Roth had heard voluminous testimony about federal, state, and local culpability for residential segregation, and agreed with these claims. Oddly, Justice Stewart claimed that "no record has been made in this case showing that the racial composition of the Detroit school population or that residential patterns within Detroit and in the surrounding areas were in any significant measure caused by governmental activity," and that the "predominantly Negro school population in Detroit [was] caused by unknown and perhaps unknowable factors such as in-migration, birth rates, economic changes, or cumulative acts of private racial fears"—but not governmental action or inaction (*Milliken v. Bradley*). In his dissent, Justice Douglas argued that there is "no constitutional difference between de facto and de jure segregation. . . . The creation of the school districts in Metropolitan Detroit either maintained existing segregation or caused additional segregation. Restrictive covenants maintained by state action or inaction build black ghettos. It is state action when public funds are dispensed by housing agencies to build black ghettos." He added that when authorities in racially mixed communities foster segregation via pupil assignment or school location decisions, "the State creates and nurtures a segregated school system, just as surely as did those States involved in *Brown v. Board of Education*, when they maintained dual school systems." Since Michigan created racially separate school districts, "the task of equity is to provide a unitary system for the affected area where, as here, the State washes its hands of its own creations" (*Milliken v. Bradley*). In the eyes of the court majority, the overwhelmingly white suburbs were innocent of any wrongdoing.

If metropolitan-level school desegregation in Detroit and its suburbs, like many other large cities, was a dead letter, what remedies were available for racially isolated students in poor, low-achieving schools? The Supreme Court's answer, in *Milliken v. Bradley* (433 U.S. 267)—known as *Milliken II*—was a bit more money for remedial programs in these schools. Nixon's "hush money" plan was in effect. Eaton, Feldman, and Kirby (1996:145) observe that *Milliken II* was not used to restore victims to the position they would have occupied in the absence of such conduct, but instead amounted to "a way for school districts and states to sustain a temporary and superficial punishment for discrimination."

CONCLUSION

Nixon's "compromise" has been the driving philosophy behind education reform over the last four-plus decades (Ryan 2010). The charter-school movement fits neatly into this philosophy: let us give poor, black, and Latino students some extra help, but racial and socioeconomic integration is unnecessary or untenable

beyond communities where it occurs "naturally." This is clearly the easier path, but it likely is not the most beneficial one for poor students of color.

One argument for school desegregation is pragmatic in nature: the alternative —Nixon's compromise—has not worked. In Ryan's (2010:307) succinct summary, "we have tried for more than three decades to make schools of concentrated poverty work, and we have largely failed." While much media attention has been lavished on high-poverty schools that "beat the odds," these schools are rare: high-poverty, high-minority schools have a 1 in 300 chance of being high performing, compared to 1 in 4 for predominantly white, middle-class schools (Ryan 2010).[8]

Even strong proponents acknowledge the limitations of school desegregation initiatives in the absence of other attacks on racial inequality, such as housing desegregation and increased fairness and opportunities for people of color in the workplace. The distinguished school desegregation researcher Amy Stuart Wells and her colleagues argue: "School desegregation policies and efforts that existed in [the six racially diverse high schools we studied] were better than nothing, but simply not enough to change the larger society single-handedly." When public schools are positioned as "the main (and sometimes the only) tool for social change," they inevitably will come up short (Wells et al. 2005:2143).

In the early 1970s, when aggressive federal attacks on segregation still seemed possible, if fleetingly so, Senator Ribicoff and HUD Secretary Romney took pains to win converts to the cause. At HUD, Romney sought to storm the barricades that walled off the rich, white suburbs from their poorer, darker neighbors in the city. In charge of a disjointed, cumbersome bureaucracy with meager enforcement powers, Romney had little leverage. The president he served, Richard Nixon, constrained Romney's efforts, eventually freezing agency funding and, thus, desegregation efforts. The Supreme Court, embroiled in two decades of school desegregation disputes, showed little interest in delving into the even-more contentious field of housing desegregation. Few others in Washington viewed racial isolation with the same urgency.

Senator Ribicoff was one of the few. He, too, could not find many converts to his cause. Indeed, even the NAACP concluded that his ambitious plan to strike at the core of segregation would, in the end, not result in a solution to racial isolation, but in a halt to all desegregation initiatives. Much of the support Ribicoff received for his call to adopt a national school desegregation policy was rooted in cynicism, a tactic by Southerners to expand school desegregation until it imploded. His bill to attack segregation in schools and housing beyond city borders simply did not have the votes. When his fellow senators contemplated the severe electoral risks inherent in voting for suburban desegregation, many demurred, whether or not they believed this was the right thing to do.

In school desegregation and, to a lesser extent, in housing desegregation, the three branches of the federal government proved willing at times to prune the lowest-hanging fruit—that is, to compel the most flagrant violators of antidiscrimination law to make amends. In large measure, however, they declined to reach higher up in the tree. Half of a century after the Civil Rights Act of 1964, one is left with

[8] On the argument that racial and socioeconomic diversity benefits all students, see, for example, Kahlenberg and Potter (2012).

the sobering conclusion that civil rights are cheap: when they cost too much, politically or economically, they float untethered to authentic remedies that would lend real weight to them.

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