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ABSTRACT

This paper reviews the neighborhood school concept, an idea which has been discussed and debated in America for 200 years. According to the paper, historically, the neighborhood school has lost its position as a viable means of carrying out the necessary educational functions. At the same time, the neighborhood school concept has been used as a tool at various times in American history to slow down or halt proposed social reforms, such as the desegregation movement of present times. Many educators and social commentators have noted that the concept is deficient when viewed from the perspective of its intrinsic educational value. Regardless of this fact, the concept has been perpetuated because it functions as a barrier to integration and busing, and because it has been supported by several contemporary political figures, including a former President of the United States, Richard Nixon. (Author/AH)

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THE NEIGHBORHOOD SCHOOL CONCEPT
AS A DETERRENT TO
DESEGREGATION IN THE 1960's AND 1970's

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ABSTRACT

The neighborhood school concept is an idea which has been discussed and debated in America since colonial times. Historically, the neighborhood school has lost its position as a viable means of carrying out the necessary educational functions. Concurrently, it is a concept which has been used as a tool at various times in our history to slowdown or halt some proposed social reforms; be it the consolidation movement of the late 1800's and early 1900's or the desegregation movement of the present day. Many educators and social commentators have noted that the concept is deficient when viewed from the perspective of its intrinsic educational value. Regardless of this fact, the concept has been used to limit the desegregation of the public schools through repeated, but unsubstantiated, invocation on the part of busing opponents and through the maintenance afforded it by several contemporary political figures.

Argument over the benefit of "neighborhood schools" precedes the desegregation of the public schools by nearly two hundred years. As Meyer Weinberg points out in Race and Place—A Legal History of the Neighborhood School, the concept of the neighborhood school has not always been accepted as sacrosanct, as a matter of fact, it did not gain its strongest support until it became a weapon with which to foster segregation. ¹ A long history of controversy has surrounded the dispute over whether the pupil has the right to attend the school closest to his home and, in addition, who has the right to determine which school that student will attend. A further question has arisen over the reasons a particular student may be assigned to a particular school.

Beginning in the colonial period, a long history of legal battles over the right to attend the "local" or neighborhood school has developed. The first case to establish a precedent arose in Stowe, Massachusetts in 1805. The decision of the state court was that attendance at a particular school had to be based solely on geographical considerations. ² Since that time, the question of the right to attend a neighborhood school has been fought within our judicial system and, repeatedly, the court has denied the existence of a right to attend a school solely on the grounds of the physical proximity of the school to the student's home (see Table 1.). ³

Since the Stowe decision, only one other decision has found for the validity of the neighborhood school as a legal concept; namely Knox vs. Board of Education (45 Kansas 152 /1891/). In summary, we can conclude that the concept of the neighborhood school has been rejected by the American judicial system in favor of the assignment of students at the total discretion of school authorities.

Throughout the course of our history and in pace with the ongoing adjudication of the validity of the neighborhood school concept, there has been a public discussion over the propriety of sending children to schools other than the ones closest to their homes. Whether it be called a consolidation crisis or the battle

TABLE 1

COURT CASES WHICH HAVE FOUND AGAINST
THE NEIGHBORHOOD SCHOOL CONCEPT

CASES	
People ex rel. Dietz vs. Easton	1872
Lewis vs. Board of Education Cincinnati	1876
People ex rel. Kink vs. Gallagher	1883
Pierce vs. Union District School Trustees	1884
Lehew vs. Brummel	1890
Board of Education Sycamore vs. State ex rel. Wickham	1909
Dameron vs. Bayless	1912
Creyhow vs. Board of Education	1917
State ex rel. Lewis vs. Board of Education Wilmington School District	1940
McSwain vs. County Board of Education	1952
Isquith vs. Levitt	1955

for the neighborhood school, historically speaking, similar objections have been raised. Commenting on the protest over closing some local schools and the centralization of facilities in other schools somewhat farther removed from the student's home, L.D. Harvey (Superintendent of Public Instruction in Wisconsin) delineated⁵ in 1937 some of the objections he felt were being leveled against this practice:

- (1)...it destroys community life.
- (2)...it takes away local control of schools.
- (3)...opposition arises from teachers and principals who may lose their positions.
- (4)...objections to transportation.
- (5)...the school is too far away.
- (6)...there is too great a social distinction between...pupils.
- (7)...failure to see the advantages of the new school.

As has been sardonically noted, "...similar arguments are occasionally heard today."⁶

Thirty years later, a similar list of frequently-heard arguments for the neighborhood school is given in an article entitled "Desegregating Urban Schools: A Review of Techniques" by Gordon Foster a professor of education at the University of Miami:⁷

The neighborhood school is best because...

- (1)...it is the closest school to the student's home.
- (2)...it is a walk-in school with no transportation involved.
- (3)...it is the geographic center of an attendance area.
- (4)...it enrolls a homogeneous population from families with common interests.
- (5)...it is part of a culturally identifiable community neighborhood...

The completeness of the analogy appears in one of the concluding statements of the article: "...under the pressure of desegregation, the neighborhood school has become as sacred as the little red schoolhouse used to be under the threat of school district consolidation."⁸

Two questions must be considered when reviewing the impact of the neighborhood school concept on American education, in general, and upon integration, in particular: (1) Historically speaking, what is the neighborhood school concept? and (2) How and by whom has the concept been interpreted with respect to the desegregation of the American public school? When defining the neighborhood school concept one runs into many problems. The major problem is that many have

contended that such a thing has never really existed or if it once did, it disappeared early in American history. The president of the Pasadena Board of Education, Samuel Sheets, pointed out that the simplest definition of the neighborhood school (namely, the school in closest proximity to the student's home) has rarely been fulfilled in Twentieth Century America:

...even in public school systems, junior and senior high schools are rarely neighborhood schools, but serve a broad area, and clearly private and parochial schools are not "neighborhood schools", generally speaking they are located only incidentally with respect to geography.

The possibility that the neighborhood school is a myth has been offered by several eminent educational, political, and racial leaders. Among them, Donald Morrison⁹ of the National Education Association, who said:

...by and large, with the exception of schools in small towns, the neighborhood school is a mythological institution which does not exist. In our cities and outlying suburbs, the attendance areas of schools are constantly changing to adjust to population shifts, new school construction, and new school programs. Thus schools in these areas do not serve clearly defined "neighborhoods", regardless of whether that term is understood to mean a particular geographical area or community with an identity of interest. The family that purchases a home with the view toward enabling their children to walk to school may well be disappointed when the school boundaries are redrawn and their children assigned to another school for reasons wholly unrelated to school desegregation.

Agreeing with Morrison's point of view is Bishop Stephen Gill Spottswood who is an officer of the NAACP. Speaking at an NAACP convention, Spottswood¹¹ contended:

...forty percent of all children in the United States ride busses to school everyday...Accordingly, for 20 million school children there is no "neighborhood school"...

Not all have agreed that the neighborhood concept is a myth. Tom Beville, United States Representative from Alabama, counters these arguments with the claim that "...the neighborhood school is the foundation of the American system of education."¹²

A more common interpretation of the neighborhood school is that it is an anachronism which still survives but which seems to be fading from the American educational scene. The United States Civil Rights Commission commented on the

the passing of the neighborhood school with these words:

...neighborhood schools have been abandoned by the thousands in rural areas in favor of larger consolidated schools reached by bus. The trend of modern educational thought is generally away from the neighborhood school and toward the larger more centralized units that can provide facilities, teachers, services, and curriculum not financially feasible in smaller neighborhood schools.

The commission offered several reasons why the neighborhood school has lost its standing as an important educational institution including problems of finance, facilities and instructional resources. Other commentators have offered more specific criticisms. Muriel Carrison, an education professor at California State University at Dominguez Hills, suggests that the neighborhood school has lost its viability in the urban setting because of the high positive correlation between the extent a school system is patterned on the neighborhood school concept and the rate of functional illiteracy.¹⁴

Another criticism tendered is whether or not the neighborhood school introduces students to environmental diversity as part of their educational experience. Norman Goldfarb, a representative of the Citizens Council of Human Rights, Inc.,¹⁵ pointed out:

...the neighborhood school as it was originally conceived took in all children of the community and the community at that time involved everyone. Thus children of diverse backgrounds were able to interact with children different from themselves.

In modern day America the concept of the neighborhood school is outmoded for educational excellence because our communities have expanded to the point whereby children attend school with children like themselves. There is little opportunity for them to meet children outside their neighborhood. The intent of the neighborhood school was to give all children an opportunity to interact with all children.

The major factor which seems to have outdated if not destroyed the neighborhood school has been the advance of modern society with its accompanying urban sprawl. A monograph published by the Education Committee of the Clearwater (Florida) Neighbors characterizes this factor:¹⁶

The...idea of the neighborhood school envisions a walk-in school located within an easy walking distance of all its students and situated in a contiguous residential area. Under this view of a neighborhood school, Pinnellas

County is not and has not been a neighborhood school system for a number of years. There are only two elementary schools in all of Pinellas County that might conceivably be called neighborhood schools...the reason that such schools are not present is that there has been a trend away from such schools.

If what has been contended is true, the neighborhood school being a myth or an anachronism, why is it still such an important issue when considered in conjunction with school desegregation?

Some have suggested that the neighborhood school concept has persisted due to the fact that it can be used as an effective barrier to school desegregation and that its continued existence can be explained by no other factor. Rufus Hoffman, an official of the NAACP, has noted that "...the history of the so-called neighborhood school has been to define the "neighborhood" and the "neighborhood school", when it was necessary to arrange segregated schools, not by geography or geographical distance, but by race."¹⁶ Hoffman offers as evidence the findings of several Federal courts which "...have held that pupil assignment to so-called neighborhood schools in many instances, have been based on race, not geographical distance or proximity to the nearest school."¹⁷

The desire for segregation, which Hoffman suggests underlies the re-emergence of the neighborhood school concept, can be seen in the comments of Joseph Yeakel, chairman of the Concerned Citizens for Improved schools of Nashville. Yeakel believes that "...given the nature of most urban centers with concentrations of black and poor white populations at the center and pre-dominantly white middle and upper-middle class suburbs, it is quite obvious that the neighborhood school can be no other than socially and economically homogeneous, or in other words, segregated."¹⁸ This trait is so evident that he further believes that "...the words neighborhood school have become a euphemism of segregation."¹⁹

The racial motivation for the continuance of the neighborhood school has not been universally accepted as a valid representation of the total impact of that school. Dr. Nolan Estes of the Dallas Public Schools sees a great deal of educational benefit which can be derived from the neighborhood school:

...our evidence indicates that our students learn and probably learn better, regardless of race, in the neighborhood-type schools. The truth of the matter is, when students with similar backgrounds and needs are spread throughout the city the educational treatment is more difficult to deliver. In fact, most Federally-funded approaches to compensatory education hinge upon a critical mass and concentration of effort. Some programs would have to be eliminated by federal regulation if the concentration of certain types of students was dissipated. We've seen the grief of students who were no longer eligible for ESEA Title I benefits because they were reassigned from their inner-city schools to more affluent schools.

The educational importance of the neighborhood school has also been attested by Joseph Waggoner, a United States Representative from Louisiana. Waggoner perceives the import of the neighborhood school as an institution which "...like the neighborhood church is an integral part of American as is the home and family." He also states that there is a "...need to preserve our neighborhood school system ...because only through the personalized atmosphere, the parent teacher cooperation and participation, and the local government supervision...found in the neighborhood school, can an educational environment conducive to quality education be maintained."

Several prominent educators have strongly disagreed with this interpretation of the effectiveness of the neighborhood school. Ewald Nyquist has stated that there is no evidence that the neighborhood school was academically superior to the desegregated school. A similar sentiment was expressed by John Davis, the Superintendent of the Minneapolis Public Schools, when he said that the neighborhood school was "...small, inefficient, and counterproductive..." A complete review of the historical and educational evidence seems to indicate that the neighborhood school concept is an idea that has been perpetuated not for its intrinsic educational value, rather it has continued because of its utility as a barrier to integration and busing. As James Miller so succinctly puts it in his article "What Happens After Busing Starts," people are not as seriously concerned over whether the school

their child attends is in their neighborhood as they are concerned over whether the school is in the right kind of neighborhood, namely, one that is predominantly white.²⁵

Turning to our second question, we see that the spirit of the neighborhood school has been evoked by many people, both important and unknown, during the period of 1954 to the present. As early as 1957, some comment was being made on the effect busing was going to have upon the neighborhood school. David Moscowitz, an assistant superintendent of schools in the city of New York, suggested that busing "...would do violence to the concept of the neighborhood school...and would be with good reason opposed by the community."²⁶ The importance of the neighborhood school concept as related to desegregation became a topic in the presidential election of 1964, both sides supported the continuance of the neighborhood school. Barry Goldwater distributed a letter in which he decried the use of busing and grasped the idea of the neighborhood school.²⁷ At the same time, the Democratic candidate for Vice-President, Hubert Humphrey, endorsed the neighborhood school as the best means to provide quality education.²⁸ The stature acquired by the neighborhood school concept through such high level endorsement had the effect of eliciting quick and opposing responses. In an article entitled "Boundaries, Buses, and School Borders", Fordham law professor Thomas Quinn retorted "...it is clear that there is no constitutional right to a neighborhood school..."²⁹

With the momentum given it by the 1964 campaign, the neighborhood school concept became a familiar cry of both opponents and proponents of busing over the course of the next five years. Critics of the Montclair desegregation plan claimed that the plan and the resultant busing were going to have three major effects: (1) higher taxes, (2) depression of real estate values, and (3) the abandonment of the neighborhood school concept.³⁰ Similar complaints were registered by protestors in New York City; one concerned parent, Mrs. R. Paciello, asked "...We feel, why

should they go away from their homes?... this is their neighborhood school and this is where they belong."³¹ Reverend E. C. Lattimore, commenting on the New

Jersey situation, queried "...what is so sacred about the neighborhood school concept?"³² Mrs. Mary Ellen Cooper, a New York school board member, also

responded to similar questions by saying "...I think any person would like to have children in schools near their homes...unfortunately, convenience has meant poor education for our children."³³ Exchanges of this type were common in the

period between 1964 and 1970 not only in the East, but all across the country. Opponents of the integration plans in Pasadena vigorously opposed the implementation of the plan due to the fact that the loss of neighborhood schools would also mean the loss of community control of the schools.³⁴

In the two year period 1970 to 1972, two significant events occurred which brought the neighborhood school concept to the forefront of the desegregation crisis: (1) the Supreme Court struck down the application of the neighborhood school concept as unconstitutional; and (2) the incumbent president, Richard Nixon climaxed a long career of opposition to school desegregation with the pronouncement of total opposition to the use of busing as a tool of desegregation and the total acceptance of the neighborhood school concept as the only viable means to assure quality education within the country.

In April of 1971, the Supreme Court handed down its decision on the desegregation case involving the Charlotte Public Schools. The decision, sometimes known as the Swann decision, clearly terminated the use of the neighborhood school concept as a barrier to the desegregation of the schools. Chief Justice Warren Burger wrote: 35

All things being equal, with no history of discrimination, it might be well and desirable to assign pupils to the schools nearest their homes, but all things are not equal, and in a system that has been deliberately constructed and maintained to enforce segregation, the remedy for such segregation must be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual system.

Burger continued:

We find no basis for holding the local school authorities may not be required to employ bus transportation as one tool of desegregation, desegregation plans cannot be limited to the walk-in school.

With these words the Supreme Court removed any valid argument busing opponents might have used to halt busing because of the detrimental effect it purportedly had upon the neighborhood school.

The Swann decision not only provided the fatal blow to the neighborhood school concept legally, it also forced President Nixon to take action on an anti-busing/pro-neighborhood school philosophy he had been developing since the late 1960's. As early as 1969, the president and his representatives had been praising the neighborhood school and denouncing busing. George Romney, secretary of Housing and Urban Development, speaking at a fund raising dinner in Topeka
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commented:

...I believe that every American school child is entitled to the opportunity to attend a quality school within a reasonable distance of his home.

The president himself affirmed this policy just a month later when he said while endorsing Senator Stennis' proposal to limit busing "...I desire to preserve rather
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than destroy the neighborhood school...and I oppose compulsory busing." Two months later, in April of 1970, Nixon stated his belief that the transportation of children beyond normal geographic school zones for the purposes of achieving racial balance should not be required and that the neighborhood school concept should be
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honored.

The president's strong statements against busing and for the neighborhood school were not received favorably by some segments of society. A typical reaction can be seen in a letter to the editor in the New York Times on

November 1, 1970 by Donald Guthrie:

...as reported in your October 29...news story, President Nixon...said that he was opposed to the busing of students solely for the purpose of racial balance. He reaffirmed his belief in the 'neighborhood school' by saying, 'I believe in the neighborhood schools because if you put children on a bus for an hour they are going to be fighting, I don't care if they are black or white. Just put them on that bus.'

This is a fallacy. I also firmly feel that Mr Nixon knows the neighborhood school means a segregated school. Whites or blacks rarely, in the North and the South, live in the same neighborhood.

Mr. Nixon's housing record strengthens the fact that he wants whites and blacks to go to different schools. The 'rectification' of the deception of the neighborhood school must come immediately. The sad fact is that I do not see a rectification of this aberration until possibly 1972.

In 1971, the President shifted from the passive role as commentator to a more active role in which he took a direct part in the attempt to slow down the use of busing and impose in its place the neighborhood school. Speaking of the Austin desegregation case, he said:

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I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance and I am opposed to the busing of children simply for the sake of busing. Further, while the executive branch continues to enforce the orders of the court, including court ordered busing; I have instructed the Attorney General and the Secretary of Health, Education, and Welfare that they are to work with individual schools to hold busing to the minimum required by law.

This executive-ordered slowdown brought the executive branch of the government into direct conflict with the delineated policies of the judiciary which had undertaken to speedup, not slowdown, remedial actions of the Federal Government. This conflict came to a head in 1972, the President attempted to reverse the court's position on busing and reinstate the neighborhood school concept as a barrier to desegregation when he proposed the Educational Opportunity Act of 1972 and the Student Transportation Moratorium Act of 1972. These two acts would have ended court ordered busing, forced a reassessment of all court ordered desegregation orders, and would have established the neighborhood school as the proper site for the rectification of problems involving inequality in education. Both acts were defeated by the

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Congress and shortly thereafter Watergate-related events forced the President to direct his attention to other matters. With the defeat of these two acts, the neighborhood school concept lost the status it had gained as the official policy of the President and returned to be an objection heard more frequently among individuals and not as the professed policy of the national government.

A final question remains, why did Nixon adopt a policy which many had shown to be educationally deficient and legally indefensible? -- Did he philosophically believe in the concept or was there another motivation? Many have suggested that President Nixon's opposition to busing and his support for the neighborhood school concept is more a function of political expediency than it was a reflection of his true support for these positions. Clarence Mitchell, the director of the Washington bureau of the NAACP, and George Meany, the president of the AFL-CIO, have both stated that the President's position was politically motivated. Mitchell
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said:

...the imposition of a transportation moratorium coming as it did after the Florida Presidential Primary...shows clearly the political motivation of President Nixon's advocacy of this so-called moratorium burgeoned from almost every word, each gesture, and each facial expression of the Chief Executive when he made his speech on school busing over a nationwide television hookup on March 16, 1972.

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Meany lent his support to this interpretation:

...ever since his inauguration, the President has consistently opposed increasing the appropriation for the program designed to improve schools attended by the disadvantaged.

He twice vetoed Congressional efforts to increase federal funding of the nation's schools—including tens of millions of dollars of aid to the disadvantaged schools. One of these vetos was carried out in front of a live audience on national television.

Now the President is back on national television trying to convince the American people that he has changed his opinion on improving the educational opportunities of disadvantaged children. This is political chicanery.

The accusation of political motivation may have been most succinctly put by Representative Edith Green of Oregon when she declared that there "...is a growing suspicion on the part of many members of Congress that the first half of the administration proposal (the Student Transportation Moratorium Act) is only aimed

at getting us through November 7." To what degree are these charges substantiated by the actions of the President?

Robert Semple in an article "Busing and the President: The Evolution of a Policy," lists the actions taken by Nixon and the members of his administration between 1968 and 1972 which contributed to the administration's policy on integration and busing. These actions included an attempt to stop the adjudication of an HEW-inspired lawsuit which would have reversed the segregation still to be found in rural Mississippi school districts in 1970; interference on the part of the White House in the Austin case in an attempt to water down the expected impact which that suit might bring; and, an executive order issued by the President which stated that any government official who was perceived as fostering anything other than the minimum amount of busing required in any particular case would be fired, especially if the case dealt with a locale in the southern part of the country. These actions were seen as an intrinsic part of the so-called Southern Strategy. The major theme of the article is that every move made by the administration seemed to have political motivation underlying it.

Semple also noted that many of the administrative moves between 1968 and 1972, coincided with the presidential elections and the off-year Congressional elections. These actions were seemingly timed so as to have the greatest effect not upon the schools with which they dealt, but upon the upcoming election.

The most substantial evidence that supports the preceding conclusion can be found in a series of internal memos by Patrick Buchanan, a White House Counselor at the time, which were obtained by the New York Times in a manner never clearly explained. In the memos, the counselor points out that administrative support for integration and busing would be a disaster for two sound political reasons: the philosophy of the electorate was such as to reject integration, and the folk hero of the anti-busing/integration forces, George Wallace, would use the electorate's philosophy to destroy Richard Nixon. Commenting on the mood of the electorate,

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Buchanan states:

...the second era of reconstruction is over; the ship of integration is going down; it is not our ship; it belongs to national liberalism —and we can not salvage it; and we ought not to be aboard...

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Turning to Wallace, he continues:

...I am deeply concerned that Wallace in the near future will force the President to carry out a court ruling...which would make the little demagogue invincible in areas and end our chances of destroying him in 1972...

Buchanan concludes his memo with the thought that if the administration did not back off the busing and integration issue, they would be politically destroyed and "...RN will be a one term president."

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SUMMARY

The neighborhood school concept is an idea which has been discussed and debated in America since colonial times. Historically, the neighborhood school has lost its position as a viable means of carrying out the necessary educational functions. Concurrently, it has been a concept which has been used as a tool at various periods of time in our history to slowdown or stop proposed social reforms; be they the consolidation movement of the late 1800's and early 1900's or the integration movement of the present day. Many educators and social commentators have noted that the concept when viewed from the perspective of its intrinsic educational value, is deficient. The concept has been widely used to limit the desegregation of schools through the sixties and the seventies by the repeated but unsubstantiated, invocation on the part of busing opponents. In addition, it has been afforded maintenance by many political figures, particularly Richard Nixon.

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