

guest opinion



TAKE THE BUS... AND LEAVE THE CONNIVING TO US!

School bus—simple and immediate solution

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by John C. Wiltie

In 1954 the Supreme Court ruled in the *Brown vs. Topeka Board of Education* case that segregated public school systems were unconstitutional. The old ruling of "separate but equal" ended in the conclusion that segregated schools were "inherently unequal."

The justification for this constitutional interpretation was found in the Fourteenth Amendment. This amendment, passed in 1868, guarantees citizens' rights, especially section one which the court cited as primary to their ruling.

In 1968 the Supreme Court termed freedom-of-choice plans, giving blacks the option of attending integrated schools and whites the option of avoiding them, as insufficient attempts toward desegregation.

Unanimous Supreme and Federal Court decisions have maintained forced busing to be a proper and legitimate means of achieving racial desegregation in public school systems. Besides condoning busing in their 1971 ruling, the Supreme Court said that it was not necessary for every school to be racially balanced by the same ratio.

Since this last high court decision, federal courts have made two further moves: 1) They indicated genuine integration may sometimes require merging suburban school districts with inner-city schools; and 2) distinguished between "de jure" (legally enforced) and "de facto" (in fact) segregation.

In Los Angeles, Denver and Detroit, as well as other Northern cities, judges have found de facto segregation patterns have been so reinforced by official action that they really are de jure. For example: location of schools in the middle of the ghetto instead of on its borders.

Of the 42 per cent of the nation's public school children riding buses, barely three per cent are bused for racial integration. Should the Supreme Court decide in favor of the Federal District Court ruling in the Denver case (the hearing is scheduled for this year), there would undoubtedly be more than three per cent.

If the lower court is upheld in its view that defacto segregation is tainted with de jure in Denver, there are probably few cities in the nation that would be unaffected by those findings. Mandatory desegregation in all public schools would gradually become the law of the land.

As Article III, section I of the Constitution states, the judicial power of the Supreme Court is of the highest order, and it is the court's job to interpret the laws.

Article VI explains that "judges in every state shall be bound thereby." The Constitution also requires senators, representatives, state legislators and all executive officials "to support this Constitution."

The various courts involved so far have not been acting out of social conscience or activism, but through their obligation to uphold the Constitution, which calls for equality before the law.

And yet the executive arm, which is responsible for enforcing those court orders, publicly repudiates them. President Nixon is quoted in *Newsweek* as

saying "I am against busing for the purpose of achieving racial balance." Most of Congress is against busing and has been trying to forbid it with legislation or proposed constitutional amendments.

I would contend that one cannot rule by law by ignoring the law.

According to a Gallup poll released March 6, 69 per cent of those surveyed were against busing. The same poll also reported that 66 per cent were in favor of integration. Thomas Shaheen, San Francisco superintendent of schools, insists that "you cannot oppose busing and be for desegregation in the major cities of this country."

Busing has become a code word," the Rev. Theodore M. Hesburgh, president of Notre Dame University and chairman of the U.S. Commission on Civil Rights says. "The real question is... the education the student gets at the end of the ride."

The educational results of desegregation have been thoroughly studied. It has been widely accepted as a spur to the educational achievement of most ghetto children and no hindrance to their more affluent peers.

The most widely recognized proof of the subject is



the 1966 federal study known as the Coleman Report. The report, made by a team of educational specialists headed by Johns Hopkins sociologist James Coleman, concluded that such devices as smaller classes, newer books or more sophisticated facilities made little difference in the work of disadvantaged black children.

But when black pupils attended schools in which majority of the children were white and/or middle class, the blacks improved with no change to whites. Coleman deduced that the determining factors in classroom performance were social and economic background, not race.

He wrote: "The results clearly suggest that school integration across socio-economic lines (and hence racial lines) will increase Negro achievements."

Because the educational system of the U.S. is orientated for the most part towards white middle-class values, it is no surprise that a child should do better when exposed to such prerequisites.

This is not to say that I fully approve of such orientation, but never the less, without it success is much more difficult in this society.

These conclusions have been supported by further studies. The first concludes that compensatory education programs, (if they are even undertaken), which hope to raise the achievement of segregated blacks by delegating huge sums to ghetto schools, have failed. The second finding is that efforts to raise the schoolroom performance or poor, black children by exposing them to white, middle-class standards have usually been successful.

In Evanston, Ill., a three-year survey of their integration plan for elementary schools demonstrated improved achievement by black children and normal achievement for their white classmates. The black children who were bused improved even more than black children who walked, presumably because those who rode to predominantly white schools lived even deeper in the slums.

A recent Hartford study showed black fourth-graders bused to the suburbs were reading at a level four months behind their suburban fellows, but nine months ahead of their city counterparts.

"Students, parents, teachers and administrators," Rev. Hesburgh says, "are calmly proving to the world that desegregation can work."

The United States has now had 18 years since its first court ruling to desegregate public schools. Virtually nothing has been done. To allow the public to solve this problem by its own initiative would be to ask those who have allowed institutional racism to flourish to suddenly change course.

The courts, by forcing the hand of the government, are finally proposing a simple and immediate solution, the common school bus. The notion of a school bus is hardly revolutionary, and supposedly the idea of integration is acceptable, as long as it is not carried out.

Aside from the racial harmony that integrationists have always claimed follows such programs, there are other goals and benefits.

No one can deny that education is a sound economic investment. A better educated populace makes more money, votes more and is more socially flexible. It would end the hypocrisy (at least in this area) of injustice in a country that claims equal justice. It would allow all children a more equal opportunity to obtain an education.

Perhaps it would get the taxpayer to eliminate outmoded facilities and techniques in their schools and the government to change the equally decrepit tax system for educational revenues. It would make Americans live up to some of the ethics and laws that they profess to believe.

Perhaps busing is not the best way, but for now it is the only way. The cost to America in dollars would be paid back many times over, but the real cost is concern. The long and short term benefits outweigh the drawbacks, and it would lend credence to a quote from Wendell Wilkie, "the Constitution does not provide for first and second class citizens."

Should anti-busing forces succeed, they should be sure that in addition to prohibiting busing, they prohibit the civil rights that justify it.

That way, the three R's—recession, regression and repression, could be taught in the best of tradition.

As Terrence said, "Rigorous law is often rigorous injustice."