

NEW HAVEN

WILLIAM G. BUSS, JR.

Associate Professor of Law, University of Iowa

NEW HAVEN HAS A population of just over 150,000, and approximately 15% of its population is nonwhite (virtually all Negroes). Just under 1% of the population is native or first generation Puerto Rican. Like many other New England cities, New Haven is highly "ethnic," and is ethnically self-conscious. Besides the Negro segment of the population, almost 17% is of Italian stock; other identifiable nationality groups include Irish, German, Russian, and Polish. Many of the central Europeans are Jewish, and approximately two-thirds of the community is Roman Catholic. Negroes, Puerto Ricans, Italians, and to a lesser extent, Jews all tend to live within identifiable geographical boundaries. New Haven politics have tended to polarize around ethnic loyalties.

As in most Northern cities, the bulk of the Negro population has migrated to the city relatively recently. In 1940 there were 6,700 Negroes; there were 9,600 in 1950; and 22,000 by 1960. Compared to only 15%

EDITORS' NOTE: *The original report to the United States Commissioner of Education ("Race and Education in New Haven, Connecticut," 194 pp.) was written while Mr. Buss was a member of the faculty of the Harvard Graduate School of Education working on a project dealing with the legal and educational aspects of de facto segregation in public schools. This condensation was prepared by the staff of the Law & Society Review.*

AUTHOR'S NOTE: *The statistical data contained in this report were based on the situation as it existed at the time of this study, 1965, unless otherwise indicated.*

of the total population, over 32% of New Haven's public school enrollment were Negro children. The following figures summarize the New Haven school racial distribution: 12,940 whites (excluding Puerto Ricans); 7,413 Negroes; 697 Puerto Ricans.

The difference between the Negro segment of the total and public school populations results from the high proportion of Negroes who are of school age and the overwhelmingly white enrollment of the parochial schools. Since 1960 the percentage of Negroes and Puerto Ricans in the New Haven public schools has increased, due to their growing numbers in the city and to the reduction of the number of white pupils in the city's public schools. The distribution of nonwhites in the public schools shows that they are—to say the least—not spread evenly throughout New Haven. Reflecting residential concentrations, several of New Haven's schools have enrollments which are well over 50% Negro. As in most cities, the school board has traditionally pursued the "neighborhood school" policy.

THE PLAN FOR RACIAL BALANCE

It is rarely possible to isolate a single person, group, or event as the sole cause of significant change. New Haven's deliberate move against the problems of racial imbalance in its public schools was no exception. The most easily identifiable isolatable event which can be connected to what developed was a letter from the long-established New Haven Human Relations Council to the Board of Education. The letter pointed out that there were aggravated examples of de facto segregation in New Haven's schools, that such segregation was educationally unsound, and that certain specified remedial actions should be taken. The letter was officially received by the Board on May 27, 1963.

This coincided with distinct trends in the national mood. By the Spring of 1963, it had become quite clear that civil rights and racial strife were not reserved for the South. School segregation in New Rochelle, New York, had been made an issue in court, and racial integration had been the subject of litigation in other Northern locations as well. Picketing and other demonstrations over housing and public accommodations discrimination had occurred in many Northern cities. At about this same time, New Haven's Mayor Richard Lee had returned from the United States Conference of Mayors in Hawaii, where he had heard President Kennedy speak of the primary role to be played by local government in the civil rights struggle. Answering this call to action,

Mayor Lee established a Human Rights Committee for the City of New Haven to investigate problems of racial injustice and inequality in all aspects of New Haven's life. As events developed, the school segregation problem was left to a separate study conducted by a special committee of the Board of Education. In July, it held public hearings on the alleged problems to which interested individuals and organizations were invited. The invitation was addressed to the public at large, but only organizations in favor of school integration appeared at the meeting. Based on the facts, complaints and recommendations presented by those attending, the Board Committee submitted a progress report on September 23, 1963. Singled out for attention by this report were guidance counseling for Negro children, overcrowding and large classes, teaching materials which would include a balanced treatment of the Negro's participation in American life, communications between PTA's at predominantly Negro and predominantly white schools, and location of new schools in areas more likely to result in racially balanced enrollments. On the same date, the Board unanimously adopted the following policy statement:

The New Haven Board of Education concurs in the principle that racially imbalanced schools are educationally unsound . . . the Board resolves to seek for adoption a feasible plan or plans designed to provide intermingling of pupils from a broad spectrum of racial, as well as social and economic backgrounds . . . the target date for implementation of this resolution is 1 September 1964.

Earlier in September the Board had received a delegation from the local NAACP chapter. The Chairman of Education of the national NAACP, Miss June Shagaloff, came to New Haven from New York City to attend the meeting. If the NAACP threatened demonstrations at this time, it does not appear that they did so explicitly. The impressions recalled by participants are conflicting on this question.

Following the Board's resolution to act, very little of record happened until December of 1963 when two consultants were retained to undertake a thorough study and present recommendations for the reduction of racial imbalance. An interim report containing the findings, tentative proposals, and recommendations of the consultants was submitted to the Superintendent on March 13, 1964. The first draft report of a proposed plan to reduce racial imbalance, prepared mainly by the Superintendent himself, was dated May 17, 1964. Following the preparation of this first draft, its findings and proposals were reviewed and dis-

cussed by the Board of Education and by two separate committees created for this purpose—one composed of citizens representing a cross-section of persons in the community and one composed of representatives of the teaching and administrative staff of the school system. Although there does seem to be general agreement that these committees did not play a major creative role in the development of the plan, it is clear that certain changes were made in the initial draft before proposals were officially put before the community on June 8, 1964.

But a community upheaval had begun in earnest before this formal offering was made. During the deliberation period on the draft proposals, their content was leaked—apparently from sources not friendly to what was being prepared—and reported in the local newspaper the week before they were to be made public. As a bizarre consequence, a protest meeting against the proposed plan was scheduled for the very hour that the proposals were being presented at the Board's public meeting at 8:30 p.m. on June 8, 1964.

The atmosphere of rumor and uncertainty which accompanied this means of revelation was to set the tone of the entire public discussion that followed. Following the release of the Board's report, entitled *Proposals for Promoting Equality of Educational Opportunity and Dealing With the Problems of Racial Imbalance*, two types of public meetings were scheduled for the following two weeks. One type was well organized; "proponents" and "opponents" signed up to appear in advance and the total two hours of discussion time was allotted evenly to the two "sides." This formality preserved order (almost antiseptically so), but at the expense of any real discussion of the proposals. At the other type of meeting, at which the Superintendent and Board members were to explain the proposals, no such formal ground rules were used and the mood was often chaotic rather than orderly. Speakers were greeted with hoots, boos, and derisive laughter or applause, depending on the partisanship of the audience.

The release of these deep-seated outbreaks at times produced a mood bordering on hysteria. Fortunately for New Haven, physical violence was averted. But at the peak of the tumult during this period, a public hearing at Fair Haven Junior High School ended with a phalanx of policemen tightly lined around the stage on which the Board of Education and School Superintendent were sitting. All this, of course, served to polarize the community and virtually eliminate any possibility of dialogue.

It came as a surprise to many when the Board, on June 30, 1964, at its first regular meeting following the last public hearing, took no action on the racial imbalance question other than to postpone it for further deliberation. The postponement immediately gave rise to another round of speculation and conjecture—generally exaggerated and ill-informed.

For members of the Board (and for the Superintendent who regularly met with them) this was a time of immense pressure from all sides. In their personal lives they were given an unwanted exhibition of the city's strain of racism. Obscene telephone calls were received and unabated even when minor children occasionally answered the phone. Personal friends were lost. For many who opposed the Board and its action, disagreement took acceptable forms—letter writing, public statements, petitions, litigation, referendum for an elected Board to replace the appointed one. But for some, there was no substitute for an expression of personal hatred directed to the living office holders themselves. The Board was also made to feel the cynicism and doubt of Negro and civil rights organizations who feared that the Board had been turned back by the opposition. Neither side was reluctant to attribute the result most dreaded to political expediency.

It has been claimed and denied that the Board was divided as to what course of action should be taken. If there was a division, it was apparently only between those committed to take a major step and those who were more cautious—primarily because of uncertainty about how much could be tried without courting major disaster. Beyond this, at any rate, one cannot characterize clearcut "sides" on the Board. There was no major difference over principle or doctrine, and the Board completely avoided falling into bickering factions. On the contrary, it appears that the Board was helped through its rough moments by preserving a high tolerance for strong disagreement over particular proposals without losing the communication essential for fruitful debate.

The original proposals, numerous modifications, and alternatives were debated day after day and far into the night. Finally, a consensus was achieved and, on July 7, 1964, the Board issued its resolution in a document consisting of five green-colored pages bearing the wordy heading, "Report on Action Being Taken by the Board of Education to Promote Equality of Education and to Deal With the Problems of Racial Imbalance." The title makes it clear that the Board had passed from the proposal to the action stage.

To describe more specifically what the furor was all about it is necessary to look more closely at what was proposed. The original report (*Proposals for Promoting Equality of Educational Opportunity and Dealing With the Problems of Racial Imbalance*) started with a declaration of purpose: "To fail to seek a solution to the problem of racial imbalance would be not only an abdication of responsibility—both in the sense of what is fair and just—but it would be giving up the opportunity to advance significantly the concept of equality of educational opportunity for all children." It went on to outline specific proposals to upgrade the quality of teachers and administration and to reduce racial imbalance among teaching staffs. The heart of the Report consisted of controversial proposals which included both extensive rezoning to secure better racial balance among the city's junior high schools and rather modest changes in assignment practices designed to improve the racial composition of the elementary schools.

Racial balance in the junior high schools was to be achieved, under these proposals, by extending each junior high district into the center of the city, thereby dividing up the area of high Negro concentration among the four junior high schools. This involved redistricting which would both transfer a number of white seventh graders from the prestigious, predominantly white Sheridan Junior High School into the predominantly Negro Bassett Junior High School, and transfer a number of Negro students to the junior high schools which had white majorities. The proposal suggested busing those children who lived considerable distances from their assigned schools. This part of the proposal contributed predictably to the furor, even though busing was required by law in several instances under the existing districting pattern.

The plan finally adopted by the Board at its July 7 meeting made one major revision in the original proposals. The Board chose to adopt an even more far-reaching plan than had been proposed. Instead of merely establishing a city-wide feeder pattern, utilizing geographical areas which would produce better racial balances, the Board decided to "pair" the seventh and eighth grades of Sheridan and Bassett junior high schools—a classical example of the Princeton Plan for accomplishing integration in two or more adjacent school districts.

At first blush, the Board's rationale for this change is difficult to perceive. It is true that the racial balances of Sheridan and Bassett were improved thereby, but this simply does not hold up as a sufficient explanation. After all, the Board had recommended a mildly progressive

plan and had been subjected to a merciless hammering. Why, then, did the Board move toward an even more controversial plan? The notoriety associated with the Princeton Plan as a disruption of the neighborhood school patterns could hardly have been better calculated, by Pavlovian logic, to intensify opposition. Moreover, the plan required considerably more busing than its predecessor. At one or the other of the two grade levels involved, students from every single elementary school district feeding the two junior highs would be bused under the adopted plan where they would not have been bused under the proposed plan, or at least not have been bused as far. Finally, the amended plan entailed assigning many more white children to a school which formerly was predominantly Negro. Theoretically, this would have the immediate effect of multiplying the number of white parents directly opposed to the plan.

But it was precisely the increment of white pupils at Bassett which underlay the Board's action. The Board seems to have reasoned as follows: Under the proposed plan, Bassett would have had a 50-50 racial split at best, and perhaps a Negro imbalance. Moreover, children from only the three limited areas, two of them contiguous, would be bearing all of the pressure of this situation. The junior high plan adopted, however, improved the racial composition at Bassett in several ways: it cut the number of Negroes attending the school by one-third the first year and one-half the second year by removing first one and then two entire grade levels, and it added, as feeder schools, Davis and Edgewood, both of which had nearly all white enrollments. As a result of this latter change, more than one hundred additional white children would attend Bassett.

It is not necessary to speculate about the Board's motives in adopting an even more far-reaching plan than was proposed, for their report explicitly presented their reasons. Two significant "community attitudes" were gleaned by the Board from the public hearings and stated in its July 7 Report:

Any proposal to alleviate imbalance must not isolate one school or place the burden of school integration on one or two specific neighborhoods.

Any school which is integrated must be integrated as closely as possible to the actual percentages of the total school population—that is, 61 per cent white and 39 per cent non-white. This is one of the basic difficulties in the 8 June 1964 proposals to alleviate imbalance at Bassett Junior High School.

These two guidelines also explain another significant difference between the proposed and adopted plans: whereas the original proposal would have "integrated" Fair Haven Junior High School by including Winchester Elementary School (96% nonwhite) as one of Fair Haven's "feeder" schools, the adopted plan withdrew Winchester as a feeder school to Fair Haven. Sending Negro junior highers from Winchester to Fair Haven would have been placing the burden of integrating Fair Haven almost entirely on one school, and it would have been only a half step toward integration rather than a whole one. On both grounds, the Board would have been moving in contradiction to community attitudes which it apparently endorsed.

It should be noted, however, that the Board may have had other reasons for virtually eliminating Fair Haven, as well as the entire eastern section of New Haven ("East Shore"), from the adopted integration plan. Fair Haven was considered to be the Italian stronghold in New Haven. There had been rumors of violence if Negroes were bused into Fair Haven, and these were not dismissed lightly. Furthermore, it is possible, as many complained, that Fair Haven was exempted because it was the bailiwick of certain Democratic politicians and accounted for a considerable Democratic following. Finally, the prevailing attitude of the Negro community seemed to be that Fair Haven was a socioeconomically depressed area and had no superior qualities to offer; a transfer from Troup or Bassett to Fair Haven Junior High did not, to them, offer any advance for the children. Whatever the Board's reasoning, many people in Westville (where Sheridan Junior High is located) objected that the entire burden of integration had been placed upon them because they, unlike Fair Haven, could be counted upon to defer peacefully to a desegregation plan, however much they might dislike it. There were even invidious parallels drawn between the fact that many Jews lived in Westville and supposed historical facts about Jewish submission to brutal treatment.

A Court Suit—Continued Opposition

While resistance to the Board's final program never repeated the intensity of that which greeted the initial proposals, there remained a substantial opposition. One obstructionist tactic took the form of a legal suit to enjoin the Board's plan from being implemented. Ten days after the Action Program was formally adopted by the Board, twelve adults and seven minors (pupils alleged to be directly affected) filed suit in Connecticut Superior Court. The plaintiffs identified themselves as stu-

dents and a committee from a larger association of around 900 members, the Greater New Haven Council of Parent-Taxpayers, headed by Mr. Bartholomew Guida. The defendants were the Board of Education, each of its members individually, and the Superintendent of Schools. Plaintiffs claimed that the Board had no power to deal with adjustments of the "natural balance" in the schools by directly considering race. They based their allegation on the argument that racial balancing was not an educational matter, and that it violated a Connecticut statute prohibiting racial discrimination in school assignments, the Connecticut constitution, and the United States Constitution.

There was some jurisdictional jockeying, as the defendants petitioned to have their case removed to the U.S. district court, but then acquiesced in its remand to the state court, when it appeared (wrongly as it turned out) that plaintiffs would concentrate their arguments totally on state constitutional and statutory grounds.

A preliminary hearing was held to determine whether the additional expenditures, to be incurred in implementing the Board's plan, were likely to cause irreparable injury to plaintiffs prior to the actual trial of the merits of the case. After a tedious hearing, and much testimony, Judge Joseph L. Longo, on August 4, 1964, refused to issue a temporary injunction, concluding that plaintiffs had not sustained their burden of proving illegality or irreparable harm if the injunction did not issue. In fact, the judge added, there would clearly be harm to defendants and others if the plan were delayed.

The trial on the merits was commenced in January 1965, after the plan had been in effect for several months. The trial was, for the most part, a rehash of the initial hearing for a temporary injunction, and the court, this time under Judge Raymond J. Devlin, held that there was no Connecticut constitutional or statutory violation nor any violation of the United States Constitution, and that the New Haven Board of Education had not exceeded the broad discretionary powers conferred by the Connecticut education laws.

The opposition to the Program and the Board did not die with the lawsuit. Mr. Joseph Einhorn, who had been a member of the original blue-ribbon committee and an early opponent of the plan, organized the "Better Education Committee." This Committee continued to oppose the Board's plan through letters-to-the-editor campaigns; the circulation of a petition for a referendum to obtain an elected (rather than mayor-appointed) Board of Education; the polling of teachers (the poll indi-

cating teacher-disapproval of the new plan, though the sample of responses was of dubious value); and political campaigning. Einhorn sought and received the Republican nomination for mayor, largely on the "preserve the schools" issue. He lost to the incumbent, Mayor Lee, in the general election.

OVERVIEW

New Haven's Board of Education tried to set a course calculated to avoid the destruction of despair on the one side and the destruction of panic on the other. To a Negro community demanding integration, the Board made a commitment and demonstrated its willingness to relieve racial imbalance even in the face of very determined resistance. To the white community it promised that quality would not be sacrificed in the effort to achieve greater integration. The plan actually implemented had only a limited life span by its own terms because of other changes previously planned and not altered. The hard questions remain: whether the limited short-range gains justified the cost in terms of community dislocation and whether the gains so dearly purchased have begun a long-range investment in racial integration in New Haven.