enter four or fifth grade, most white children go to the suburbs or to private school.

What effect has more than a billion dollars had on school performance? During the seven years of Judge Clark's dictatorship, the dropout rate has climbed from 6.5 percent to 11.4 percent and the average daily senior high school attendance rate has dropped from 81.5 percent to 76.2 percent. The racial gap in achievement levels has remained unchanged, starting with a gap of several months in first grade and growing to two or three years by graduation. Test scores on standardized tests – essentially unchanged – are highest in the elementary grades, which have the most whites.

In short, *nothing* has turned out as Judge Clark hoped. It is probably true, as the district lamely argues, that even more whites would have fled the district were it not for fencing coaches and planetariums. The district is nevertheless more nonwhite than ever and the racial performance gap continues to yawn, just as it does in every school in every district in every city in every state.

In the white suburbs, in places like Raytown and Lee's Summit, schools spend less than half the money Kansas City does on each student and get much better results. The Blue Springs district, for example, spends $3,403 per pupil compared to $8,000 per pupil in Kansas city. By the third grade, its students are already 70 to 80 points ahead of Kansas City on the Missouri standardized test (graded from 200 points to 595).

If anything, the school district faces its worst crisis ever. Superintendent Walter Marks, who happily spent hundreds of millions during his three years on the job, was fired in February. In 1994 he managed to find 14 reasons to leave town on school business. Worse still, during a paid leave of absence for back problems, he was filmed by a hidden Kansas City television crew carrying lumber into his new home in Florida. The crew also caught him bounding onto the airplane to come home, but by the time it got to Missouri he had to hobble off with a cane.

The search for a replacement has been hampered by a June decision of the U.S. Supreme Court that finally reins in Judge Clark, and may end the annual tribute from the state. In a 5-4 decision, in which the Clinton administration entered a motion in support of the status quo, the court invalidated most of Judge Clark's efforts to fight "segregation." Since the suburban school districts were not drawn along racial lines and cannot be blamed for "segregation" in Kansas City, Judge Clark did not have the authority to consider them as part of his solution. The actions he took to make the city schools more attractive to suburban students were therefore improper.

No one is going to make him tear down the luxury schools. However, he bypassed the collective bargaining procedure to grant raises to school employees in the hope of making the schools more attractive to suburban whites. The raises may be rolled back.

In a remarkable fit of common sense, the Supreme Court ruled that scores on standardized tests are a ridiculous measure of integration, and that the state of Missouri cannot be held financial hostage to poor black performance. After pouring over $800 million into this colossal blunder, the state may finally be off the hook.

Of course, Kansas City has become addicted to the $100 million or so every year that Judge Clark made the state hand over in *operating expenses*. The city is in a panic at the prospect of running the schools without state money. Once that money is gone, who is going to fix the video editing machine when it breaks down? Who is going to pay the security guards who keep the personal computers and machine shop tools from walking out the door? Who is even going to do simple maintenance on the huge, new, fancy school buildings?

To hazard a prediction, unless Kansas City can find fresh whites to bleed (see sidebar), in 10 years its public schools will be worse than ever. About the time the fencing coaches are laid off, the few remaining whites will lose their taste for the exotic and will clear out. The schools will become grimmer and more savage. As they do in Chicago, Newark, and the Bronx, exhausted teachers will maintain the barest facade of scholarship in what will come to resemble holding pens for young blacks and Hispanics. The only difference will be that in Kansas City, this familiar chaos will reign in what was once the most costly and ambitious school district in the country.

Of course, the Kansas City debacle has been a valuable experiment that has yielded fine data. Anyone but a dreamer could have predicted the results perfectly, but now they are clear enough to startle a liberal: (1) Not even the most opulent schools will tempt more than a handful of whites voluntarily to attend classes that are majority black, and (2) no amount of money can bridge the racial gap in academic performance. ●

The Children's Crusade

David Armor, *Forced Justice: School Desegregation and the Law*
Oxford University Press, 1995, 271 pp., $35.00.

School integration has been 30 years of wasted effort.

reviewed by Thomas Jackson

Forced Justice, written by a sociologist and former member of the Los Angeles school board, is a relentlessly factual account of the effects of school integration. Although its tone is dry and understated, it would be difficult to find, between the covers of a single book, more hard data on the failure of desegregation. David Armor systematically blows to bits every one of the assumptions that underlay federal schools policy, exposes the flimsy legal reasoning on which it was based, and cites devastating data to show that it has failed to achieve a single one of its goals.

Social Theory Trumps Law

Like affirmative action, school desegregation mocks the principle of Constitutional law. The very same Constitution has been successively interpreted to permit segregated schools, permit them only under certain conditions, forbid them altogether, and now tolerate them under certain conditions. The truth, of course, is that the Constitution is mute on the subject of segregation, and that judges have simply read their own social theories into it. As Prof. Armor puts it, with excessive delicacy:

"[S]ocial science theory and research have played important roles in the evolution of desegregation law, at various times providing an important intellectual basis for court decisions or legislative actions that might otherwise be lacking a clear legal foundation."

The main social science doctrine that has driven integration is something called the harm and benefit thesis. As Prof. Armor explains, Gunnar Myrdal was one of its first proponents. Segregation, he argued, was caused by white prejudice. It harmed blacks in innumerable ways that lowered their standards of behavior and level of achievement. Whites then pointed to the degraded state of blacks to justify their own prejudice. As Myrdal put it: "White prejudice and [low] Negro standards thus mutually 'cause' each other."

This vicious cycle had to be reversed. Integration would open opportunities for blacks, which they would use to improve themselves. Whites would discover what fine fellows blacks are, and set aside their prejudices. Prejudice and black degradation would then disappear.

Research by black psychologist, Kenneth Clark, fit perfectly into this thinking. He had found that many black children who attended segregated schools preferred white dolls to black ones when given a choice. This, he argued, proved that segregation lowered the self-image of black children, and was an important cause of black failure.

Since white prejudice was the only real problem blacks faced, it was vital to eliminate it. In his influential 1953 book, *The Nature of Prejudice*, Gordon Allport explained how this could be done: "Prejudice . . . may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports . . . ."

School integration was the obvious first step in solving the American dilemma. Children could be snatched from their parents before prejudice could ripen, and mixed with children of other races, all with the added benefit of Allport's "equal status" and "institutional supports." In the headiest days of the harm and benefit thesis, people were convinced that whites would benefit almost as much as blacks from an integrated atmosphere of racial harmony and academic achievement.

Like affirmative action, school desegregation mocks the principle of Constitutional law.

As Prof. Armor points out, in *Brown v. Board of Education*, the Supreme Court explicitly endorsed the harm and benefit thesis. Chief Justice Earl Warren wrote that "separate educational facilities are inherently unequal" and generate "a feeling of inferiority [in blacks] . . . that may affect their hearts and minds in a way unlikely ever to be undone."

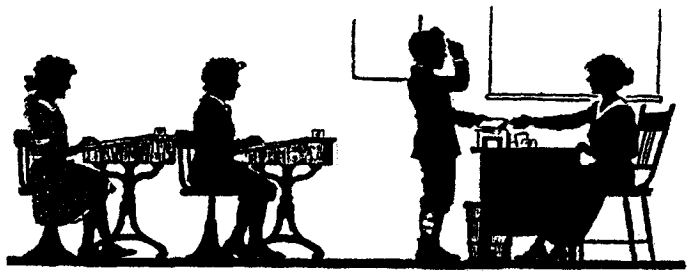
Although nearly all sociologists believed this in 1954, it was pure, unproven, intellectual faddism. In fact, there were already reasons to suspect it was untrue. Kenneth Clark's famous doll studies, which the justices cited in their decision, were presented in a deliberately deceptive way. By 1954, Clark had already discovered that Massachusetts blacks attending integrated schools chose a white doll over a black doll *more often* than did southern blacks attending segregated schools. He refrained from telling the Supreme Court about this because if his doll studies showed anything at all, it was that segregation was *good* for blacks.

Needless to say, Clark's dishonesty is rarely pointed out, and the illusions he helped promote have remained largely unshaken. Although the Supreme Court never revisited the harm and benefit thesis, Prof. Armor cites a typical lower court ruling of the 1970s that states, "racial integration provides positive educational benefits. . . . In addition, racial segregation imposes a badge of inferiority on minority students; integration is necessary to remove that badge." As Prof. Armor shows, this dogma – which was the real force behind school integration – pushed legal reasoning in increasingly fanciful directions.

Desegregation vs. Integration

The rot had set in with *Brown* itself. This ruling was generally thought to have prohibited only legally enforced, de jure segregation and not segregation that arose naturally from racial housing patterns. However, by alluding to the harm and benefit thesis, did it not suggest that de facto segregation might be just as bad? Was it therefore illegal? There was much here for integrationists to conjure with.

Most Southern school districts dismantled strict segregation but made no effort to bring the races together. A few black parents transferred their children to white schools but whites did not transfer to black schools. Districts outside the South that had never practiced de jure segregation assumed the ruling did not apply to them, even when schools mirrored the racial imbalance of segregated housing patterns.



The 1968 case of *Green v. New Kent County* was the first in which the Supreme Court moved beyond *de*segregation to require active integration. It involved a small Virginia district with only two schools, one for

blacks and the other for whites. After *Brown*, the district offered students the option to attend either school. The usual transfers took place, and by 1968, one school was 82 percent white and the other was 100 percent black.

The court imposed a mandatory, race-conscious integration plan as a "remedy" for the deliberate segregation of the past. Exactly as in affirmative action, racial discrimination was to cure racial discrimination. Although the implications of the ruling were profound, the case failed to attract national attention because everyone assumed that it applied only to Southern school districts with a record of de jure segregation.

The 1971 *Swann v. Charlotte-Mecklenburg* decision ominously introduced busing as a means to integrate schools forcibly, but this, too, was offered as a Southern solution to the Southern problem of legal segregation. Northern complacency was soon shattered by the 1973 decision, *Keyes v. Denver*, which was the first time a school district not in the South, which had never had a policy of discrimination, was ordered to integrate its schools. The legal "reasoning" was quite fantastic.

Denver's schools simply reflected residential segregation – not school board policy – and residential self-segregation is not (yet) illegal. How had the Constitution been violated? The court concluded that unless the district had deliberately located schools and drawn attendance boundaries so as to *encourage* racial mixing, it had *perpetuated* segregation. A failure actively to promote integration was now just as culpable as deliberate, legal segregation, and Denver school children started riding buses, too. Pretty soon, to the shock and outrage of their parents, so did children all over the country. In Los Angeles, the *average* one-way ride for a bused child took *55 minutes*.

Forced busing emptied America's cities and public schools of whites. Zealots eventually discovered that integration meant busing black children ever-crazier distances – so that they could go to school with other black children.

In 1991, as Prof. Armor explains, the Supreme Court finally relented and ruled that school districts could not be held responsible for white flight or housing patterns. So long as they had made a "good faith" effort to eliminate the "vestiges" of segregation, they could be released from court scrutiny. In effect, school districts could move gingerly back towards neighborhood schools – which by then blacks wanted almost as much as whites – even if it meant resegregation.

What Harm? What Benefit?

After nearly 40 years of madness, the Supreme Court is therefore drifting back towards the original, merely mischievous thinking of *Brown*. In the meantime, as Prof. Armor explains, there have been a great many studies that test the harm and benefit thesis. The media ignore them because:

First, it appears that segregation did not stunt black self-esteem. Blacks generally show higher self-esteem than whites and, if anything, integration lowers it.

Second, careful comparisons by region showed that by the early 1960s black schools were *not* being slighted. Facilities, staff, and textbooks were largely equal, and the small differences to be found could favor blacks as often as whites.

Third, integration does not improve race relations, as the sociologists swore it would. The data are mixed but, if anything, contact between the races worsens relations. When there is improvement, it usually comes in the early years of integration. The longer the contact, the worse the relations. Interestingly, the proportions of the racial mix make a difference, with the greatest mutual antagonism arising when blacks are 20 to 40 percent of a school.

Fourth, although the early years of integration exposed black students to more whites, whites have fled public schools at such a rate that today, black students have scarcely any more white school mates than they did in 1968, when forced integration began in earnest.

Finally, integration has not improved black academic performance. The overall gap in reading between whites and blacks has narrowed, but there has been as much black progress in overwhelmingly black schools as in largely white schools. Something other than integration – Prof. Armor suspects that it is the rising social status of black parents – accounts for the improvement. By now, no one is claiming that integration improves white test scores, but for the most part it does not seem to lower them; these days, this is considered a victory for integration.

Prof. Armor concludes that "enhanced academic achievement [for either blacks or whites] is probably the last reason why any agency or individual should endorse desegregation policies." Since he has so clearly demonstrated that integration has produced no benefits, why endorse desegregation at all?

Naturally, the true believers insist that the country just hasn't tried hard enough. In a major brief filed in 1991, the NAACP explained that we have gone about it all wrong, and that certain conditions must be met in order for school integration to produce harmony and achievement. Instruction must be cooperative rather than competitive. Parents must become involved in planning and monitoring desegregation. Grouping by ability must stop. There must be "substantial" numbers of nonwhite teachers and staff, and all must enthusiastically support integration.

Multi-ethnic textbooks must be used. Of course, no one thought this at the time of *Brown*; integration was all that was necessary.

Inevitably, some school districts have followed the NAACP's advice. They have gotten rid of "gifted" programs, grouping by ability, and

sometimes even grades themselves, because they all highlight racial differences. When these efforts are found not to work, the NAACP will doubtless think of something else.

Taking Orders

One of the strengths of Prof. Armor's book is its overview of how desegregation works. Since there are no precise guidelines about what constitutes "integration" or how long court supervision should last, there is considerable regional variation. Some judges set precise figures for racial balance while others are more flexible. A whole host of techniques with names like contiguous rezoning, pairing/clustering, two-way busing, and satellite zoning have been devised to get blacks and whites into the same schools.

Some plans are mandatory – a child goes wherever he is ordered – and others are "voluntary" though, as Prof. Armor points out, this should often be called "controlled choice." For example, children may be allowed to choose their schools, but only if the choice promotes integration. A black child may transfer from a majority-black to a majority-white school, but a white child may not.

Although school desegregation is no longer news, more than 200 large and medium-sized districts still have mandatory desegregation plans. Virtually all big-city school districts – which educate most of America's nonwhite students – are now or have been under court orders. Some desegregation orders have gone on for *nearly 20 years*.

As Prof. Armor explains, in practical terms, a court-ordered plan means that the school board must get the approval of the plaintiff in the case – usually the NAACP or the Department of Justice – before it can do anything that might conceivably affect racial balance. This can be just about anything: closing old schools, opening new ones, drawing attendance districts, starting magnet programs, assigning teachers, or even modifying the curriculum. It is a terrific bother always to have to seek approval from bureaucrats or black activists, and when there are standoffs the parties have to go before a judge.

Some school districts have taken a liking to court orders. The wilder integrationists know that people oppose busing, so it is convenient to be able to blame a judge for it. Also, the federal government has set aside money for integration, and districts that are under court order can put on the nose bag first. It costs about $1,000 to desegregate a child for one year, which is a substantial part of the average $4,500 per year that schools spend on students.

How does a district get off the hook? It must go to court and show that it did what the judge ordered.

Blacks generally show higher self-esteem than whites and integration appears to lower it.

There has been a huge debate over *how long* an actively integrationist plan must last, but as the Supreme Court said in 1991, once the "vestiges" of segregation have been eliminated to the extent "practicable" a district need no longer answer to the NAACP.

Prof. Armor notes that the NAACP has unearthed some interesting "vestiges:" racial differences in drop-out rates, grades, and disciplinary action. It argues that until these differences disappear schools have not complied with the law. Amazingly, some judges agree. One decided in 1993 to keep the Yonkers, New York, school district under court order until blacks and whites get essentially the same test scores; most courts stop short of this impossible requirement.

The legal lingo of desegregation tortures the language. A district that may be excused from court scrutiny is said to be "unitary," that is, it no longer operates "dual," segregated schools. These terms date back to the days of de jure segregation but today, a school board that cannot find enough black principals, or coax enough whites to come to school with blacks (or, in Yonkers, to narrow the gap in achievement) is, technically, operating "dual," segregated school systems! It is violating the Constitution, and the courts are carrying out the wishes of Thomas Jefferson and James Madison by imposing a remedy.

Prof. Armor notes that one of the great underlying obstacles to school integration is residential segregation. Although they share seats on the bus and work side by side, blacks and whites do not live together; housing is scarcely any less segregated than it was 30 years ago. School integration has intensified residential segregation by driving whites to the suburbs.

Prof. Armor does not blame whites for segregation. His data show that the average white preference is for neighborhoods that are 10 to 20 percent nonwhite. Blacks, on the other hand don't want to live in areas that are 80 to 90 percent white; they say they want neighborhoods that are only 50 percent white. This is virtually impossible, since whites leave neighborhoods like that. As Prof. Armor has found through computer simulation, "black preferences for fifty-fifty neighborhoods explain as much housing segregation as white preferences."

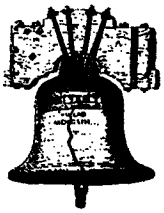
Second only to attempts to force employers to hire people not of their own choosing, school integration has been the most ambitious racial scheme of this century. Far from solving the American dilemma, it has barely succeeded in getting a few more black and white children to attend school together.

Prof. Armor predicts that the courts will eventually give up trying to achieve the impossible, and that a great many urban schools will slip back into the de facto segregation that prevailed in the 1960s. The intervening 30 years have witnessed needless waste and disruption on a gigantic scale. ●

O Tempora, O Mores!

Vive le Quebec Libre!

By a razor-thin margin, Quebec very nearly missed becoming an independent nation. Immigrants, most of whom are nonwhite, voted overwhelmingly in the October referendum to stay in Canada, and their votes were just enough to defeat the campaign for independence. Jacques Parizeau, Prime Minister of Quebec and leader of the independence movement, blamed "ethnics and money" for the defeat and resigned. At 3 a.m. on the morning after the referendum, Quebec's Deputy Premier, Bernard Landry, told a Mexican who was working as a hotel night clerk that the loss was because of immigrants like her. He was promptly stripped of his portfolio for immigration and culture. Unionists are now saying that the independence movement was just a cover for racism.



Unsung Casualty

On October 18th, Cecil McCool and Richard Will, both white, were driving through the black part of Chicago when they were stopped by two black police officers because of a broken tail light. The officers discovered that Mr. McCool was wanted for not paying child support, and arrested him. Mr. Will did not have his license with him and the police said he appeared to have been drinking, so they impounded his car. Mr. McCool says Mr. Will begged the police to give him a ride and not leave him in the unfamiliar, black neighborhood. The police left Mr. Will on the street and took Mr. McCool to the police station.

Later, in the station, Mr. McCool says that the officers were smirking, telling him, "Your buddy got burned." Mr. Will certainly was burned—to death. He was set upon by blacks, who doused him with gasoline and set him on fire. The black officer who arrested Mr. Will says the killing was not racially motivated, that the blacks "were just doing something stupid."

The Cook County authorities have promised an investigation, and the U.S. Justice Department is monitoring the case—not for civil rights violation but *in case racial problems develop in the community.* Do not expect this case to be national news.

Straws in the Wind?

Scott McConnell, in an October 11 column in the *New York Post*, has gently broached the forbidden subject: racial separation. Noting that increased calls for "a national conversation on race" are likely only to recirculate the stale formulas of the past 20 years, he wonders whether Americans will not soon stop wringing their hands over the idea of "two nations" and simply accept it.

He points out that many distinguished whites have advocated racial separation: James Madison, James Monroe, Andrew Jackson, Henry Clay, Abraham Lincoln and more recently, George Kennan. About the Nation of Islam's current demand for territorial independence, he asks: "Is this . . . really much more outlandish than many of the measures (speech codes, compulsory busing of schoolchidren, restrictions on the use of standardized tests, just to begin the list) that America has employed in efforts to bring about an integrated society?"

Despite this blasphemy, the walls of the *New York Post* still stand.

Meanwhile, Paul Johnson, writing in the British magazine, the *Spectator*, has aired another novel idea. He notes that many Hong Kong Chinese, fearful of what life will be like after 1997 when the colony reverts to China, are eager to come to Britain. He also notes that the British have no stomach for more immigrants. He therefore proposes a swap: accept any Chinese who can manage to persuade an immigrant who is already in Britain to leave.

Mr. Johnson has no doubt about who should be encouraged to go:

"We are kidding ourselves if we suppose that the black minority can ever be assimilated here. It has not happened even in the United States, where there is so much more space and so many more opportunities, and where so many other large minorities from all over the world have been and are being successfully absorbed. For an entire generation, the Americans created an elaborate legal structure of Affirmative Action, and spent hundreds of billions of dollars operating it, to give the blacks one last chance to fit in. It has clearly failed and is now being dismantled, and the black racial problem is once more the subject of fierce debate. There is no evidence at all that we can handle this problem any more successfully than the Americans, and our resources are much less."

Just how the West Indians and Africans would be persuaded to leave, Mr. Johnson does not say, nor would it be an unqualified gift to Britain if they were replaced with Chinese. However, even to have hit upon such an explicitly racial idea is remarkable.

Good Riddance

The Georgia Supreme Court has, for the first time, removed a sitting state court judge "instanter." In October, Dorothy Vaughn, one of only a few black women on the bench, was found to have shown "an intolerable degree of judicial incompetence, and a failure to comprehend and safeguard the very basics of our constitutional structure." Miss Vaughn, who was elected to the state court in 1988 and had since won re-election, frivolously issued arrest warrents from the bench, and repeatedly held defendants in jail illegally rather than grant appeal bonds to which they were entitled. She also forced a defendant,