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Promises Unfulfilled:
Integration and Segregation in Metropolitan Philadelphia Public Schools, 1954-2009

An Honors Paper for the Department of History

By Nina Nayiri McKay

Bowdoin College, 2021

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**Introduction**

In the mainstream historical narrative about school segregation in the United States, Philadelphia is rarely mentioned. Sandwiched between the nation’s largest city, New York, and its capital, Washington, DC., Philadelphia is often left in the shadows of its better-known mid-Atlantic neighbors. The city also did not garner national attention during the era of school desegregation; it was not the site of a court case that made it past the state level, and it did not see mass protests by segregationists of the kind that made fellow northern city Boston a national symbol of resistance to integration. But Philadelphia was home to one of the most persistent, long-lasting efforts at school integration in any city across the country.

Unlike most desegregation cases, which were argued in federal courts, nearly all desegregation litigation for Philadelphia’s schools took place in state courts. This was a unique example of pro-integration liberals carving out alternative avenues for desegregation in the North after a shift in the national political climate, Supreme Court nominations, and legal roadblocks all but foreclosed the possibility of Northern integration through federal courts. But these liberals were up against a metropolitan landscape that was unequal by design and was growing more segregated by race and socioeconomic status every year. Suburban silence, fatigue, and a lack of resources would combine with logistical, legal, and political roadblocks to pose hurdle after hurdle for integration advocates to clear, leading to a decades-long tug-of-war that continued into the twenty-first century.

Philadelphia’s story fits into a growing body of scholarship connecting different metropolitan histories to national trends in discrimination, segregation, and integration. Kevin Kruse’s *White Flight: Atlanta and the Making of Modern Conservatism* shows how suburban
secession in metropolitan Atlanta was not only a Southern phenomenon; rather, it was part of the rise of a nation-wide conservative movement that had at its core the desire to preserve whites-only spaces. In *The Color of Law: A Forgotten History of How Our Government Segregated America*, Richard Rothstein explains how structural racism stood at the heart of post-war administrative practices. He writes about multiple U.S. cities, including Philadelphia, demonstrating that the discriminatory impacts of agencies such as the Home Owners’ Loan Corporation, the Federal Housing Administration, and the Department of Veterans Affairs played a role in shaping every American metropolitan landscape. In *The Detroit School Busing Case: Milliken v. Bradley and the Controversy over Desegregation*, Joyce Baugh focuses on how the American legal system enables a combination of local and national forces to create concrete barriers to integration for every American city.

Baugh’s work demonstrates that racism and segregation in the North can have just as much nation-wide impact as they can in the South, contributing to another developing body of scholarship: segregation, civil rights, and Black Power in the North. As Brian Purnell and Jeanne Theoharis write in the introduction to *The Strange Careers of the Jim Crow North: Segregation and Struggle Outside of the South*, the North merits close study because “northerners wove Jim Crow racism into the fabric of their social, political, and economic life in ways that shaped the history of the region, and the entire nation.”¹ Thomas Sugrue explores this in *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*, which includes a discussion of how white flight and suburbanization mapped onto pre-existing structural inequality. In their article, “Race, Culture, Politics, and Urban Renewal,” Eric Avila and Mark Rose explain how

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these forces led to a problem of “racialized poverty,” wherein Black communities in urban areas bore the combined effects of racism and classism.

The national phenomenon of metropolitan separation by race following World War II has contributed to the existence of a body of scholarship that takes a metropolitan approach to understanding integration, segregation, and discrimination. These works demonstrate how the existence of predominantly-white suburban communities is inextricably linked to racialized poverty in urban areas, preventing white flight from excusing suburban communities from reckoning with the history of racial inequality in the United States. In *Making the Unequal Metropolis: School Desegregation and Its Limits*, Ansley Erickson examines school integration and segregation in metropolitan Nashville through this lens, demonstrating how suburban secession and social capital could prevent meaningful, long-lasting integration even when city and suburbs were part of the same school district. In *Between North and South: Delaware, Desegregation, and the Myth of American Sectionalism*, Brett Gadsden applies a metropolitan lens to a study of school integration in Delaware, demonstrating how Delaware’s status as a border state challenges North/South and de jure/de facto binaries. Gadsden writes that his work offers “an alternative approach to the problem of place through a view of U.S. sectionalism as socially and politically constructed and a powerful narrative framework with which historians and historical actors have assessed the legitimacy of different forms of racial segregation.”

This is a helpful way to understand segregation in Philadelphia, which had roots in legally sanctioned practices but is often incorrectly understood as having occurred out of personal choice. Indeed,

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Michael Savage’s work on desegregation efforts in Philadelphia, Detroit, and Boston, helps demonstrate how Northern boundaries created and maintained segregation.

There is not a large body of scholarship focused on the history of civil rights, discrimination, segregation, and integration in Philadelphia, but there are a few significant works. Matthew Delmont focuses on youth roles in the Civil Rights Movement in *The Nicest Kids in Town: American Bandstand, Rock’n’Roll, and the Struggle for Civil Rights in 1950s Philadelphia*. Delmont’s analysis provides a clear connection between housing discrimination and school segregation. He writes that early efforts at Philadelphia school desegregation were “overwhelmed” by “discriminatory housing policies that produced residential segregation and the school board’s refusal to admit that its school construction, zoning, and transfer policies contributed to segregation.”

In *Up South: Civil Rights and Black Power in Philadelphia*, Matthew Countryman picks up where Delmont left off chronologically, charting a turning point amongst Black communities in Philadelphia when many began to focus away from failed integration initiatives and toward community control. In her article, “A History of the Struggle for School Desegregation in Philadelphia, 1955-1967,” Anne Phillips covers this same period, focusing on activism and federal litigation in the years before Philadelphia’s integration cases took place exclusively in state courts.


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anchor the HRC cases in local and national contexts, respectively. However, no work has been done that connects Philadelphia’s post-war metropolitan formation, initial efforts at school desegregation, federal litigation, and state litigation into one historical narrative.

In addition, there has not been scholarly work on how a historical analysis of integration and segregation in Philadelphia metropolitan-area schools can inform today’s realities. Kruse’s contributions about the rise of suburban conservatism, Lily Geismer’s work on suburban neoliberalism in the Boston area, and Charles Clotfelter’s *After Brown: The Rise and Retreat of School Desegregation* shed light on the legal, logistical, and political roadblocks that impeded integration across the country, but there is little work on how these forces manifested in Philadelphia or on how they connect to present-day education reform movements.

This analysis aims to bridge the gaps existing between these scholarly works. Understanding how integration faded into the past across the country—especially in the North—requires examining the periods before, during, and after desegregation litigation occurred. This make case studies of individual cities important, particularly when they are contextualized in broader national trends. The story of school desegregation is the story of post-war metropolitan formation, the Civil Rights Movement, Black Power, white flight, suburbanization, residential segregation, failed liberal initiatives, and the rise of a conservative backlash to a central government that aimed to make America’s cities more equitable. Philadelphia merits study because it was the site of unique perseverance and ingenuity, with state-based agencies refusing to accept the defeat of Northern integration at the national level and mounting a prolonged effort to make Philadelphia an exception to the story of school segregation in the North. This narrative can not only inform the past, but it can also help us read signs of continued deadlock and of potential change from advocacy and dialogue of the present.
Chapter 1: Philadelphia Metropolitan Formation and School Segregation, 1900-1980

This map of Philadelphia served as a visualization in the opinion written by Judge Rogers for the second iteration of *Pennsylvania Human Relations Commission v. School District of Philadelphia*, which was decided in 1976. Administrative Districts are numbered, and School Planning Areas are lettered. The map was used to demonstrate the entrenched racial segregation in Philadelphia, shedding light on how much this would complicate school integration.

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The School District of Philadelphia and the Pennsylvania Human Relations Commission met in Pennsylvania state courts throughout the 1970s, 1980s, and 1990s to develop a school desegregation plan. Throughout this litigation—*Pennsylvania Human Relations Commission v. School District of Philadelphia*, or the HRC cases—both parties struggled to work around entrenched residential segregation. When the second iteration of these cases, *HRC II*, was being litigated during the 1974-75 school year, Black and white Philadelphians lived on opposite ends of the city. This produced stark demographic differences between the District’s eight numbered Administrative Districts and twenty-one lettered School Planning Areas. Of the 266,500 students who attended Philadelphia public schools, 61.7% were Black, 33.2% where white, and 5.1% were Native American, Asian, or Hispanic. But the Administrative Districts in the southwest corner of the city—1, 4, and 2—were 90.2% Black, 95.5% Black, and 83.3% Black, respectively. Up in the northeast corner of the city, Administrative District 8 was 95.5% white. Approximately 100,000 additional white students lived in Philadelphia and attended segregated white Catholic schools.

With its limited resources, it would be challenging for the School District of Philadelphia to finance the necessary transportation to enact anything other than token integration. It could afford to bus some students across the city, but not tens of thousands. The District tried, in the integration plan it submitted during the *HRC II* litigation, to tap into external resources to help ameliorate this issue. The plan proposed that, instead of ordering the city to desegregate on its own, the Court should compel the state to create a Metropolitan School District. This would be compromised of Philadelphia and its ten inner-ring suburban school districts, located in Montgomery County, Delaware County, and Bucks County. At the time, Delaware County was

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approximately 92.42% white and 7.26% Black, Montgomery County was approximately 96.04% white and 3.61% Black, and Bucks County was approximately 97.74% white and 1.97% Black.\footnote{U.S. Census Bureau. Race, 1970. Prepared by Social Explorer.}

Judge Rogers saw strengths in the plan, and he recognized them in his opinion. He wrote that a metropolitan district would enable 60,000 white students to integrate with Black students in Administrative Districts 1, 4, and 6. This would create “an almost even number of black and white pupils in adjacent areas of Philadelphia.”\footnote{Pennsylvania Hum. Rels. Comm’n v. Sch. Dist. of Philadelphia, 327 (1976).} However, he dismissed it as a possibility. To him, it was “beyond the District’s power to implement and the Commission’s power to order,” as well as beyond the Court’s power to compel. “State policy seems thus far to be that Philadelphia should singlehandedly struggle with the State’s statute mandating the integration of the public schools, whatever the difficulties,”\footnote{Pennsylvania Hum. Rels. Comm’n v. Sch. Dist. of Philadelphia, 327 (1976).} he wrote.

Struggling to integrate on its own, the School District of Philadelphia brought up the metropolitan district idea again two decades later. In \textit{Pennsylvania Human Relations Commission v. School District of Philadelphia} in 1993, the District not only asked for the creation of a metropolitan district, but it also filed a motion to include the state of Pennsylvania, the governor of Pennsylvania, the Pennsylvania Department of Education, and eleven contiguous suburban school districts as indispensable and necessary parties in the ongoing litigation:\footnote{Pennsylvania Hum. Rels. Comm’n v. Sch. Dist. of Philadelphia, 167 Pa.Cmwlth. 1 (Pa.Cmwlth. 1993).} the Delaware County districts of Interboro, Upper Darby, and Haverford; the Montgomery County districts of Lower Merion, Colonial, Springfield, Cheltenham, Abington, and Lower Moreland; and the Bucks County districts of Neshaminy and Bensalem. The District argued that this motion would, “put an end to segregation within its boundaries which in actuality devolves from
artificial, state-created districting.”¹¹ At the time, Delaware County was approximately 86.5% white and 39.86% Black, Montgomery County was 91.44% white and 5.77% Black, and Bucks County was 95.02% white and 2.83% Black.¹² Judge Smith dismissed this portion of the District’s motion, quoting Judge Rogers’s reasoning in his opinion from 1976.

The School District of Philadelphia’s insistence that it was unable to desegregate on its own raises the question of how its schools’ demographics came to be so different from those of suburban schools in the first place. Understanding how school segregation in the Philadelphia metropolitan area came about requires examining which racial and ethnic groups were included in, and which were excluded from, Philadelphia’s decades-long process of suburbanization. During the first half of the twentieth century, redlining, employment discrimination, urban renewal, federally-subsidized suburbanization, and intentional self-segregation on the part of middle- to upper-class whites created a metropolis that was residentially segregated by race and class. With children attending school in their neighborhoods, residential segregation was replicated as school segregation. Thus, segregation in Philadelphia schools was not a matter of personal choice but a result of the intersection of multiple discriminatory systems that fundamentally shaped the city at the dawn of its post-industrial years.

**Setting the Scene**

Today, Philadelphia is the sixth-largest city in the United States by population, behind only New York, Los Angeles, Chicago, Houston, and Phoenix. It was only eclipsed in size by Los Angeles around 1960, Houston around 1980, and Phoenix around 2010. This means it was the third-largest city in the country throughout much of the twentieth century. Philadelphia is located in the mid-Atlantic, about 100 miles southwest of New York and 140 miles northeast of

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Washington, D.C. It sits on the I-95 corridor and at the convergence of the Delaware and Schuylkill Rivers. The Delaware River divides Philadelphia’s eastern border from the city of Camden and suburban neighborhoods in New Jersey. The narrower Schuylkill River flows south between Philadelphia and its western suburbs, and it then runs through the middle of Philadelphia and its largest public park, Fairmount Park, before intersecting with the Delaware River. To the southwest, west, northwest, and northeast of the city are its suburbs on the Pennsylvania side, including the thirteen public school districts it directly borders.

Philadelphia’s New Jersey suburbs are an important part of the metropolis. There are many commuters who choose to live in them instead of in the city or in suburban neighborhoods in Pennsylvania. Therefore, they play an important role in the history of school segregation in the Philadelphia metropolitan area. However, my later chapters focus on desegregation litigation between the Pennsylvania Human Relations Commission—an administrative agency established by Pennsylvania state law—and the School District of Philadelphia. Because New Jersey suburbs are outside the state over which the HRC has jurisdiction, they were beyond the scope of the HRC litigation. I will therefore not include them in my analysis.
Above is a map of Philadelphia and its surrounding suburban districts. Clockwise from bottom left, those that border Philadelphia are Interboro, Southeast Delco, William Penn, Upper Darby, Haverford, Lower Merion, Colonial, Cheltenham, Abington, Lower Moreland, Neshaminy, and Bensalem.

Above is a map\textsuperscript{13} of the School District of Philadelphia and the Pennsylvania suburban districts that surround it. There are multiple districts that do not share a border with the city but are in close proximity to it, but only the thirteen districts that are directly adjacent the city were brought up in the litigation in the 1970s and 1990s. Splitting these thirteen districts into four groups—the southwestern suburbs, the western suburbs, the northwestern suburbs, and the northeastern suburbs—allows for more efficient comparisons on the basis of historical

background, racial and socioeconomic makeup, and relationships to the Philadelphia neighborhoods that they border. These differences are reflected in their public school systems.

The southwestern suburban districts—Interboro School District, Southeast Delco School District, William Penn School District, and Upper Darby School District—are more similar to the Philadelphia neighborhoods they border in terms of racial and socioeconomic makeup than other suburban municipalities are. The southwestern districts have lower per-pupil annual revenues than the School District of Philadelphia. Upper Darby is the furthest northeast of the southwestern districts, and a clear shift in racial makeup and socioeconomic status occurs at the border between it and the furthest west of the western suburbs: the School District of Haverford Township. As is shown in Appendix A, Upper Darby School District has $15,544 in annual revenue per student. The area that Upper Darby School District serves has a population of 90,813. It is 47% white, 33% Black, 5% Hispanic/Latino, 12% Asian, and 2% two or more races. The median household income is $54,171, and 17.9% of families have an income below the poverty level.14

Just on the other side of a single street is Haverford Township School District, with $19,324 in annual per-pupil revenue. Haverford Township’s population of 46,162 is 88% white, 4% Black, 2% Hispanic/Latino, 4% Asian, and 2% other racial identity. The median household income is $107,494—nearly double Upper Darby’s—and only 3.1% of families have an income below the poverty level.15 Haverford and Lower Merion are the closest suburban areas to Philadelphia’s Center City, which contains the metropolis’s most powerful corporate and academic institutions. The Southeastern Pennsylvania Transportation Authority (SEPTA) connects these suburbs and those directly west of them to Center City with its Paoli-Thorndale

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15 Ibid.
commuter rail line. This is the modern-day version of the Pennsylvania Railroad line, constructed in the nineteenth century, that gave these suburbs the name “the Main Line.”

To the northeast of Lower Merion are the northwestern suburban districts: Colonial School District, Springfield Township School District, Cheltenham Township School District, Abington School District, and Lower Moreland Township School District. As the tables in Appendix A show, these are more racially diverse than the western suburbs. Cheltenham Township, in particular, has a much more racially and socioeconomically diverse population than the other northwestern suburbs, and certainly than the western suburbs. The northeastern suburban districts, Neshaminy School District and Bensalem Township School District, have become more racially diverse than Philadelphia’s western suburban districts, but they were once the sites of some of the most notorious examples of residential segregation in the metropolis. Perhaps most notably, Pennsylvania’s formerly all-white Levittown sits partially in Bensalem Township School District.

1930s: Federal Programs Lay the Groundwork for Segregated Schools

During Philadelphia’s metropolitan formation in the early- to mid-twentieth century, the Roosevelt administration created federal programs to help Americans through the Great Depression. These aimed to allow working- and middle-class people to escape inner cities and purchase homes where they could raise their families with more space and proximity to nature. However, Black and white Philadelphians did not have equal opportunities to take advantage of these programs. When Black people did have some access to federal funds, it was almost never in a way that combatted residential segregation or facilitated Black suburbanization. Examining the history of these programs can help explain the story behind the changes in the maps in Appendix B that created segregated and unequal outcomes in different municipal school systems.
Perhaps the best known of these federal programs is the Home Owners’ Loan Corporation (HOLC). The HOLC underwrote low-interest mortgages\textsuperscript{16} that gave working- and middle-class people their first opportunities to gain equity on a property while still paying a mortgage.\textsuperscript{17} During the first “phase” of its mission, from 1933 to 1935, the HOLC focused on “rescuing” homeowners by refinancing their mortgages. Between 1935 and 1951, the agency shifted to managing and selling the capital it had already acquired.\textsuperscript{18} In the 1970s, historian Kenneth Jackson discovered that the HOLC had made color-coded “residential security maps” of all American metropolitan areas. The maps signaled which neighborhoods the HOLC saw as safe for investment and which neighborhoods it saw as more risky. Areas with Black people, older housing, and predominantly low-income residents were colored red, or “redlined,” which indicated the most “hazardous” rating.\textsuperscript{19}

Local real estate agents helped create HOLC maps after the National Association of Real Estate Boards incorporated the following phrase into a national code of ethics in 1924: “‘a realtor should never be instrumental in introducing into a neighborhood … members of any race or nationality … whose presence will clearly be determinantal to property values in that neighborhood.’”^20 Accordingly, racial bias emerged as a primary motivation behind these maps’ designations. Risk grades reflected not only the quality of housing in a particular area but also racial demographics and the presence of diverse communities, which the HOLC saw as a weakness. The presence of integrated schools—a sign of heterogeneity as opposed to the HOLC’s preferred homogeneity—also lowered an area’s rating.

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^20 Rothstein, 52.
The HOLC created its residential security map of Philadelphia\textsuperscript{21} in three drafts between 1935 and 1937, with the final version shown above.\textsuperscript{22} The descriptions accompanying each neighborhood reflect the nationwide trend of labeling diversity, both in neighborhoods and in schools, as a liability. In the description for B5 in the northwest portion of Philadelphia, under the heading “detrimental influences,” the HOLC wrote, “grade schools in Chew Avenue section have about 15% negro children.”\textsuperscript{23} It remarked much more favorably on public schools in majority-white neighborhoods, including Lower Merion. Even though Lower Merion is not part of Philadelphia proper—which only includes Philadelphia County—it was part of the HOLC’s residential security map of the city. The description for Lower Merion called it “the most desirable residential section of Philadelphia.”\textsuperscript{24} Under “favorable influences,” the HOLC noted that the township had “good schools,” and it also described the area as not having any “Negro” or “foreign-born” inhabitants. A portion of Chestnut Hill—a suburban neighborhood within Philadelphia proper—was described in similar terms, with the HOLC remarking that it had “very good schools” and no “Negro” or “foreign-born” residents.

This pattern repeated all over the city, with neighborhoods occupied by non-immigrant, relatively affluent, professional-class Protestant whites colored green and labeled the “safest” bet for investment. While multiple groups were discriminated against through this risk assessment map, it did not treat all minority and immigrant groups as equally “risky.” Philadelphia neighborhoods colored yellow, the second-to-highest risk assessment level, generally had significant European immigrant or Jewish populations, but only four of eighteen yellow tracts

\textsuperscript{23} Nelson et al. “Mapping Inequality.”
\textsuperscript{24} Ibid.
had Black residents. The Black population in these tracts was described as “1[%],” “5[%],”
“nominal,” and “scattered.” Once an area had a Black community that could not be described in
such diminutive terms, it was redlined. Descriptions of redlined areas did sometimes mention
local schools, as in D14 and D15, both located just north of Center City. For these
neighborhoods, under “Favorable Influences,” the phrase “schools are ample” appeared. The
description also noted that the neighborhoods had good transportation and were close to business
and industry. But both were redlined because they had Black and populations living side-by-side.
Thus, the HOLC deemed communities that could have had integrated neighborhood schools
“risky investments.”

In her writing about Philadelphia’s HOLC maps, Amy Hillier notes that, in all three
drafts, the areas colored green were “consistently located away from the central part of the city,”
while “areas of the city with African Americans were consistently given a fourth-grade rating.”
The areas of the city that were the whitest and the furthest from its urban core, then, were always
graded favorably. They were also seen as having superior school systems. Meanwhile, areas of
the city that were seen as undesirable—due to the presence of Black people, neighborhood
integration, or a combination—increased in number between the first and third drafts. Given that
the maps were ostensibly concerned about risk assessment for loans, one would expect this to
signify economic decline. But, in fact financial conditions in the city were actually improving at
the time. “Ample” schools in these neighborhoods clearly did nothing to impact the HOLC’s
assessment of the area’s desirability. Thus, exclusively white schools made a neighborhood more
desirable. Largely or entirely Black schools made no difference. Slowly integrating schools in a
predominantly white area merited a warning and a lower rating.

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26 Ibid., 221.
Over the last few decades, scholars have struggled to come to a consensus about the real-world impact of the HOLC maps. Jackson argued in *Crabgrass Frontier* that these maps directly impacted lending decisions by the HOLC and other federal agencies.\(^27\) However, these maps were not widely distributed\(^28\) and were not made until the late 1930s. This means they did not exist until after the HOLC had already decided which remortgage applications to approve. In fact, the HOLC had made loans to redlined areas and to Black Philadelphians. More than 60% of HOLC mortgage loans in Philadelphia went to redlined neighborhoods, and 20% went to areas colored yellow.\(^29\) In 1940, when Black people constituted 13.0% of Philadelphia’s population, 21.7% of the 553 reported HOLC loans went toward Black mortgages.\(^30\) This does not mean, though, that the HOLC was motivated by a commitment to racial justice. Michney and Winling argue that the agency refinanced Black-owned homes partly due to paternalistic attitudes and persistence on the part of Black applicants, but more so to bail out white mortgage lenders who disproportionately benefited from HOLC recapitalization.\(^31\) As Michney and Winling write, “seen in this light, HOLC’s refinancing of black-owned properties appears far less counterintuitive and more in keeping with the racially discriminatory practices typical in the real estate industry of the time.”\(^32\)

Indeed, there is no question that the HOLC maps reflected racism in federal institutions that furthered residential segregation and left Black people with less financially advantageous mortgages when they were able to obtain them, creating segregation by both race and class that was then reflected in disparities in public education. In a 2017 study, Daniel Aaronson, Daniel

\(^27\) Hillier, 2003, 395.  
\(^28\) Ibid., 401.  
\(^29\) Ibid., 397.  
\(^30\) Michney and Winling, 159.  
\(^31\) Ibid., 171-72.  
\(^32\) Ibid., 172.
Hartley, and Bhashkar Mazumder found that, when compared to counterfactual boundaries that had the same pre-existing characteristics as the places where the HOLC did draw boundaries on its maps, HOLC boundaries appear to have had a “significant and persistent causal effect” on the “racial composition and housing development of urban neighborhoods.”

Hillier found that, in Philadelphia specifically, redlined areas on HOLC maps appear not only to have had fewer mortgage opportunities but also to have had higher interest rates, with statistically significant differences in interest rate across risk assessment grade that varied by 4% to 6% across the city.

Beyond tangible effects, Rothstein points out that the maps were also significant for the simple fact that they “put the federal government on record as judging that African Americans, simply because of their race, were poor risks.”

The Federal Housing Administration (FHA) and the Veterans’ Administration (VA) also created widespread access to affordable mortgages. In addition, these agencies played key roles in facilitating suburbanization. The FHA, a federal program established in 1934 to insure bank mortgages, was perhaps even more discriminatory in intent and effect than the HOLC. It solidified the exclusion of Black people and communities from federal mortgage assistance by adopting a whites-only requirement for any property it would insure. It discouraged lending in urban areas and neighborhoods where different racial groups lived in close proximity, unless a boulevard or highway served as a barrier between them.

While, as of 1940, the HOLC had backed 95% of mortgages on Black-owned properties that “would be expected given their lower

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35 Rothstein, 64.
36 Rothstein, 65.
homeownership rate,” the FHA and VA “backed mortgages for nonwhites at only about one-third of what they should have received.”

But it was not just residential segregation that the FHA was concerned with. As Rothstein writes, “the FHA was particularly concerned with preventing school desegregation.” Its Underwriting Manual warned that integrated schools would lead to less desirable neighborhoods by forcing children to learn alongside those who represented “a far lower level of society” or an “incompatible racial element.” By FHA logic, properties in neighborhoods with integrated schools risky lending prospects. Unlike the HOLC maps, there is no question that this viewpoint was far from secret. The FHA’s Underwriting Manuals “were intended for use outside the agency and were widely publicized and distributed.” Thus, the agency’s condemnation of integrated public education was public and influential.

1940s-1950s: Post-War Changes Deepen School Segregation

Philadelphia and its surrounding suburbs changed in the years following World War II, becoming a segregated metropolis with racially isolated schools. As white people began migrating to the suburbs, 90,635 Black people moved to Philadelphia between 1940 and 1950, and 64,974 Black people arrived during the following decade. During this twenty-year period, the city went from 81.7% to 65.6% white and from 18.2% to 33.6% Black. These changes in metropolitan demographics correlated with an increase in residential segregation. In 1940, Black people inhabited only 11% of city blocks completely alone or almost completely alone, but that

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37 Michney and Winling, 172.
38 Rothstein, 65.
39 Ibid., 65.
40 Hillier, 2003, 403.
proportion rose to 15% by 1950 and 22% by 1960. During this period, the city’s Black population became concentrated in North Philadelphia, which was 69% Black by 1960.

At the same time, Philadelphia’s economy shifted from mixed industrial to service-sector. This would make it much harder for newly arriving Black Philadelphians to obtain employment, laying the groundwork for neighborhoods and schools that were segregated by both race and socioeconomic status. Black people arriving from the rural South who were “poorly educated and unskilled” were “most vulnerable to the changes in the labor market.” With much of the private-sector labor market remaining closed to Black people, workers had few options to support themselves and their families. A 1956 study of Black workers in the middle of Philadelphia that found that, at the time, 37% were unemployed, while 42% “had irregular employment as common laborers, domestics, and service employees.”

Philadelphia, like other northern cities, was also experiencing a sense of “urban crisis” as cities outside the Northeast and Midwest gained economic power. The United States had relied on newer cities in the South and West to arm itself for World War II, channeling resources away from the country’s long-standing economic centers. This led to what Eric Avila and Mark Rose refer to as a sense of “urban crisis” in northern cities. Civic and business leaders responded with urban renewal projects, which Eric Avila and Mark Rose describe as developers using “federal legislation, local authority, and public funds to build high-rise housing, hotels, and convention centers on central-city renewal sites.”

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43 Phillips, 52.
44 Countryman, 53.
45 Ibid., 50.
46 Ibid., 50.
47 Ibid., 51.
49 Avila and Rose, 338.
Philadelphia’s urban renewal strategy, enacted through public-private development corporations, was “premised on the view that the proper economic role for government was as a facilitator of private enterprise.” The Philadelphia Redevelopment Authority was the government entity overseeing urban renewal, and it spent the 1950s removing anything it deemed undesirable. One of its slum clearance projects displaced multiple communities with large Black populations that were located around Center City. The city’s government, then, took an active role in destabilizing Black communities during the same period when Black people were excluded from the city’s economic transformation. As is evident in Appendix B, these policies laid the groundwork for a strong correlation between Black isolation and high poverty in certain city neighborhoods.

Meanwhile, the suburbs were emerging as centers of economic power in the Philadelphia metropolitan area. The developing northeastern suburbs, in particular, were experiencing an “industrial boom,” but Black people were largely excluded due to ongoing housing discrimination. Thomas Sugrue cites restrictive covenants, federal policies, and discriminatory practices on the part of real estate agents as the “three exclusionary devices” that “gave postwar American metropolises their racially segregated character.” But white suburbanites were typically unaware that they were benefitting from these devices. Avila and Rose write that white people who were able to take advantage of federal programs and move to suburban areas “often embraced a bootstraps, color-blind model of social progress (and a myth of racial innocence) that

50 Countryman, 51.
51 Ibid., 52.
52 Ibid., 53.
denied the existence of structural barriers limiting the advancement of African Americans and other racialized groups."\textsuperscript{54}

Majority-white public schools stood at the heart of post-war suburban identity. Sugrue writes that “group membership—race—shaped where you lived and your self-perception,” and living in one’s own home in suburb amongst other white homeowners constituted a sign of personal success.\textsuperscript{55} These communities had more abundant resources than urban neighborhoods due to their high concentrations of people who could easily access government programs, such as FHA and VA loans, and could therefore obtain employment in developing sectors outside the city. Tapping into this collective wealth, suburban municipalities were able to fund high-quality public services through property taxes.\textsuperscript{56} Sugrue calls public school districts “the most important” of these services.\textsuperscript{57}

Given that Philadelphia’s suburban districts are independent of one another and of the city they surround, this funding formula for public schools kept resources within municipalities in which wealthy people resided. Meanwhile, urban school districts, such as the School District of Philadelphia, suffered as suburban development took taxes, people, and jobs away from their communities.\textsuperscript{58} As Avila and Rose write, “sustained by a steady flow of federal investment and policies in the form of highways, mortgage interest tax deductions, and early write-offs of mall investments, suburbanization channeled vital resources away from the nation’s inner cities, leaving behind a wake of dilapidated infrastructure and racialized poverty.”\textsuperscript{59} Jake Blumgart argues that these mid-century policies “trapped” residents of North Philadelphia, who faced a

\textsuperscript{54} Avila and Rose, 340.
\textsuperscript{55} Sugrue, 2008, 206.
\textsuperscript{56} Ibid., 206.
\textsuperscript{57} Ibid., 206.
\textsuperscript{58} Ibid., 206.
\textsuperscript{59} Avila and Rose, 339.
predatory rental market without the help of government loans for home ownership or repair, leading many “upwardly mobile” Black people to move to other parts of the city or the few suburban neighborhoods that were open to them as soon as they were able.  

Thus, during the mid-twentieth century, federal programs and local discrimination remade Philadelphia into an intensely residentially segregated metropolis with racialized poverty. Phillips writes that the uptick in housing segregation between the 1930s and the 1970s “was matched by racial segregation in the schools.” In 1940, Black students made up only 20.4% of public-school enrollment, but by 1960, they made up 47%. The city was less than 47% Black at the time, but Black students were overrepresented in the District because 92% of Black students attended public school while only 48% of white students did the same. Most white students instead attended private or parochial schools. It is not possible to examine the racial makeups of individual public schools during this period because the School District of Philadelphia did not keep track of this data until 1960. But housing patterns and “student assignments to neighborhood schools clearly indicate that racial segregation in schools was increasing” during this period.

The popularity of neighborhood schools during the post-war period ensured that, in cities throughout the United States, including Philadelphia and its surrounding suburbs, residential segregation would translate directly into school segregation. Prominent New York-based urban planner Clarence A. Perry viewed schools as “the literal and figurative center of...[the] neighborhood unit.” He condemned heterogeneous neighborhoods because he believed that

61 Phillips, 52.
62 Ibid., 52.
63 Ibid., 52.
64 Phillips, 52.
65 Ansley T. Erickson, Making the Unequal Metropolis (Chicago: The University of Chicago Press, 2016), 30.
racially and socioeconomically homogeneous public schools were “necessary for community development.”\textsuperscript{66} Therefore, he encouraged the construction of “neighborhood schools,” or public schools in the center of racially homogeneous neighborhoods that would serve the immediately surrounding area. This is an example of what is sometimes referred to as “de facto” segregation, which, as Delmont explains, meant that “segregation was the product of market forces and private decisions beyond” school officials’ control.\textsuperscript{67}

However, the distinction between de facto and de jure segregation—where a school system \emph{does} have an explicit policy of segregating by race—has been challenged due to the degree to which regulations and laws played a role in creating residential segregation. As Brett Gadsden writes in his book about school integration in Delaware, “restrictive deeds, originally conceived by suburban developers to ensure racially homogeneous developments, served to largely preclude black migration” to the suburbs during the first half of the twentieth century.\textsuperscript{68} Acknowledging that this meant that “state-sponsored discriminatory housing and education acts” contributed to racial segregation in public schools, Delaware activists pushing for integrated schools “embraced a broader conception of de jure segregation that challenged the sectionally inflected dichotomy between suspect de jure and inoffensive de facto segregation.”\textsuperscript{69}

\textbf{Suburban Story: Western Suburbs}

Philadelphia’s suburbs may have seen rapid growth in the mid-20\textsuperscript{th} century, but this did not mark the beginning of suburbanization in the metropolis. Philadelphia’s western suburbs began developing several decades earlier, with the construction of the Pennsylvania Railroad through Humphreysville (present-day Bryn Mawr) in 1870 connecting the string of suburban

\begin{itemize}
\item \textsuperscript{66} Ibid., 32.
\item \textsuperscript{67} Delmont, 68.
\item \textsuperscript{68} Gadsden, 178.
\item \textsuperscript{69} Gadsden, 176-77.
\end{itemize}
neighborhoods known as the “Main Line” to employment opportunities in Philadelphia.  

Communities along the Main Line include Bala Cynwyd, Merion, Narberth, Wynnewood, Ardmore, Haverford, and Bryn Mawr, which are all part of Lower Merion Township. These suburbs are culturally significant because they became the destination for affluent and influential Philadelphia families, thereby occupying positions of power and privilege in the metropolis.  

This is underscored by the fact that Lower Merion was the only suburban township to be included in the HOLC’s map of the city. Indeed, Margaret Marsh notes that Philadelphia has a closer relationship with its oldest suburbs than most other cities. She attributes this to the lack of a significant geographic barrier, such as a wide river or swamp, between the inner city and its oldest suburbs.  

The HOLC colored Lower Merion green and praised the township for its “good schools” and racial homogeneity. However, there were working-class minority communities in Lower Merion during the early twentieth century. Township officials masked their presence in most of the area’s neighborhoods through residential and school segregation. Examining Lower Merion’s intentional separation from Philadelphia’s urban core and segregation within the township provides an important window into the strategies those with both racial and socioeconomic power used to control a disproportionate share of metropolitan resources and channel them into its own public schools, thereby playing a significant role in creating and maintaining school segregation in the metropolis.

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Like other affluent, predominantly-white suburban Philadelphia communities, Lower Merion intentionally segregated itself from the inner city through zoning regulations and a lack of affordable housing. But it still contained working-class Irish, Italian, and Black neighborhoods by the 1930s. Heather Bennett traces the origin of Lower Merion’s two predominantly-Black neighborhoods to 1900, when 1,000 Black migrants arrived from the South in search of employment. Eric Bennett calls these “African American suburban enclaves.” He notes that the larger one, Ardmore, was mostly home to Black people who worked as “domestics, gardeners, cooks, and chauffeurs” and lived in modest homes. But even though white, affluent Lower Merion residents relied on these communities’ labor, they were wary of the “urban encroachment” they believed working-class people—but particularly working-class Black people—represented. They enacted strategies to maintain residential and school segregation, concentrating Black laborers in two neighborhoods and their children in two public schools.

Lower Merion’s 1937 Comprehensive Plan—a document that township leaders created as rapid population growth began—reveals officials’ focus on maintaining white elitism with mass suburbanization on the horizon. The plan’s zoning and housing policies prohibited high-density apartment complexes and encouraged the construction of detached “group homes” for the area’s working-class families. By disguising multifamily houses as single-family dwellings, officials hoped to create the appearance of affluence in all corners of the township. The plan did not treat Black and white working-class neighborhoods equally, though; Black neighborhoods were singled out as representing the deeply feared “urban encroachment.” In a section on zoning, a photo of a row of houses, captioned “Row houses in Ardmore,” has a description reading, “The

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73 H. Bennett, 114-15.
74 H. Bennett, 118.
city-type rowhouse is out of place in a suburban community.”76 In a section on land subdivision, a map of buildings and intersections in downtown Ardmore is labeled “An example of uncontrolled development” and captioned “uncontrolled development in the past has created here present problems of traffic congestion, fire hazards, land waste and uneconomic use of land.”77 White working-class areas did not receive favorable zoning ratings, but they were never criticized in this manner. While the township planners never admit that they are concerned with maintaining not only the community’s socioeconomic status but also its whiteness, their fixation on Ardmore reveals this to be the case.

Lower Merion’s residential and school segregation make it clear that white township residents did not intend to share neighborhoods, institutions, or resources with Black workers or their children. Ardmore is in census tract M0053, which was 24.24% Black in 1950, the first year for which data is available.78 Most other census tracts in Lower Merion were less than 5% Black at the time, with the exceptions being two of the census tracts that immediately border M0053—M0055 and M0052, which were 6.4% and 5.41% Black, respectively—and M0050, in Bryn Mawr, which was home to Lower Merion’s other predominantly Black neighborhood. Narberth was also a working-class neighborhood, but it was only 0.33% Black in 1950, suggesting that Lower Merion’s working-class communities were racially segregated.

This translated into segregation by race and class in the township’s private and neighborhood public schools. Lower Merion contained a significant portion of Philadelphia’s elite private schools, demonstrating this area’s cultural and economic significance within the metropolis. These schools allowed wealthy families to have their children educated only with

76 Lower Merion Township Planning Commission, 104.
77 Ibid., 98.
others of similar backgrounds. By bestowing particular institutional pedigrees and access to an elite social network on the children of the already wealthy and powerful, the schools reproduced wealth and status. This is another kind of segregation, whereby white people with the most resources declined to participate in public education at all. For them, education was about learning how to be a member of the ruling class, not how to coexist with people of diverse backgrounds.

As is reflected in Lower Merion’s 1937 plan, building a diverse community was not a priority for the township, anyway. White, wealthy Lower Merion residents wanted simultaneously to control the center of the metropolis and to live in a segregated enclave on its periphery. Private schools were an inextricable part of this vision for the very family that established Lower Merion and other Main Line communities as commuter suburbs. Mrs. Alexander J. Cassatt, the wife of the president of the Pennsylvania Railroad, played a leading role in creating the first of these schools—the Haverford School—in 1882. After feeling “the need to establish a fine boys school in the area,” Cassatt and others “offered to build a schoolhouse on the grounds of Haverford College” that would function as a feeder school for it.79 Florence Baldwin established the nearby Baldwin School in 1888 under a very similar model, intending it to be “a preparatory school for young women planning to enter nearby Bryn Mawr College.”80 At a time when college attendance—particularly at institutions such as Haverford and Bryn Mawr—was not financially accessible for most, these schools’ feeder status makes it clear that they were intended only for the children of wealthy, white families.

While wealthy families self-segregated in private schools, all other children in the township attended Lower Merion’s racially segregated public schools. The Lower Merion School District was established in 1835, when a small number of existing schools were consolidated into one system. Over time, new, larger schools were constructed to replace the older, smaller buildings as the township’s population grew. These included the Ardmore Avenue School, built in 1875, and the Bryn Mawr Primary School, built in 1870. Lower Merion School District chose to concentrate the township’s Black student body in these two schools in 1919. This situation continued until 1963, when, according to the Lower Merion Historical Society, the Ardmore Avenue School “was closed, due in part to racial imbalance.” This vague description obscures the intentional choices that led to this “racial imbalance,” which would more accurately be described as segregation.

The Main Line Branch of the NAACP noted in the 1960s that the boundaries around the Ardmore Avenue School were “drawn in such a way as to maximize rather than minimize the separation of Negroes in this school, and that looked at from other points of view they make little sense.” White children who lived three blocks away from the school were bused elsewhere. The school was 80% Black and 20% white in the 1960s, with the white students enrolled in special education classes that met in separate rooms from the mainstream classes that Black

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82 H. Bennett, 159.
83 Goldsborough, 2010.
85 Ibid., 98.
students were in.\textsuperscript{86} The building was dilapidated, and the educational opportunities were limited compared to those available at the township’s all-white schools.\textsuperscript{87}

White people in Lower Merion had, depending on their status, two or three strategies for ensuring that their children only went to school with those of similar backgrounds. First, the municipality was separate from Philadelphia proper, allowing residents to put their resources toward maintaining their own, predominantly-white public-school system. Second, the District concentrated Black children in schools that only received a small fraction of the township’s resources, those that served white children without special educational needs to reap a disproportionate share. Third, a network of elite private schools developed in the area, allowing wealthy white parents the option to segregate their children from those of other racial and socioeconomic backgrounds who attended the District’s public schools. Lower Merion had thus responded to mass suburbanization and a growing Black population by segregating along multiple lines; those who were wealthy segregated themselves from those who were not, and those who were white and less wealthy segregated themselves from those who were Black.

At least one other western suburb responded to a growing Black population during and after the Great Migration by creating a de jure segregated system: Berwyn. Located west of Lower Merion in Chester County, Berwyn does not border Philadelphia proper, but it was the site of one of Pennsylvania’s earliest school desegregation litigation battles. Chester County’s school boards “responded to the growing black presence amid the increasing suburban population by deciding to segregate black students for the first time.”\textsuperscript{88} When Eastown

\textsuperscript{86} H. Bennett, 160.
\textsuperscript{87} Ibid., 160.
Township’s school district built a new elementary school in Berwyn in 1932 and Tredyffrin Township’s schools closed in order to send their children there as well, the consolidated districts decided to keep the old Eastown elementary school open in order to send Black children there. Even though white people in Berwyn had been comfortable with integrated schools when there were fewer Black children, they responded to an increase in the Black student population by establishing a de jure system of school segregation.

Suburban Story: Northwestern Suburbs

Philadelphia’s northwestern suburbs contain yet more evidence of white, middle and upper-middle class suburbanites separating themselves from Philadelphia proper and its public-school system. One of these municipalities, Springfield Township, was less than 1% Black in 1950, the earliest year for which data is available. This makes it less racially diverse, at the time, than almost any census tract that surrounded it. Property atlases prepared by the Franklin Survey Company in 1938 demonstrate that town planning decisions ensured that residential communities in Springfield would develop at a significant distance from City Line Avenue. For example, Plate 1 of these atlases shows that the Pennsylvania Railroad ran along the suburban side of Cresheim Avenue, which separates Springfield from Philadelphia proper. Next to the railroad tracks were laboratories, mineral and landscaping companies, a large farm, and even an asbestos station. On the other side—and in some cases across an additional major avenue—are residential areas. On the other hand, in Plate 5, Springfield’s boundaries with Cheltenham and Abington

89 Ibid., 267.
90 Ibid., 267.
Townships cut right through a residential neighborhood. There was nothing wrong, in the eyes of township planners, with Springfield residents having next-door neighbors whose children attended other suburban schools, but they did not want their border with Philadelphia proper to facilitate casual or pedestrian travel between city and suburb. Plate 2\textsuperscript{93} shows that Springfield Township High School’s location—across a field and a highway from the township’s boundary with Philadelphia proper—also did not offer students easy access to what lay on the other side.

Cheltenham Township’s boundary with Philadelphia proper, on the other hand, facilitated greater economic and social intertwinement between city and suburb, contributing to the development of a sizable Black community. As is evident in Appendix A, these planning choices have made Cheltenham by far the most racially and socioeconomically diverse of Philadelphia’s northwestern suburbs. Heather Bennett contrasts Cheltenham’s more porous border with Philadelphia proper with Lower Merion’s, noting that a commercial strip accessible to both Cheltenham and Philadelphia residents offered a middle ground where people from both sides were welcome to function as a joint commercial community. With this design, Cheltenham later developed into “one of the first racially integrated suburban communities in the country.”\textsuperscript{94}

However, as unusual as Cheltenham may have been, it did still provide “a space for White residents to escape the diversifying demographics of bordering Philadelphia neighborhoods.”\textsuperscript{95} One of its strategies for asserting independence was creating its own school system that would be separate from Philadelphia’s. Children in the western part of the township initially attended Philadelphia public schools, but once Cheltenham emerged “as a suburban township,” it embarked on school construction projects to make sure that all children living

\textsuperscript{94} Ibid., 198.
\textsuperscript{95} Ibid., 198.
within its borders were attending public school within them as well. Because of Cheltenham’s more racially diverse population, it was not automatically establishing segregated-white schools when it separated from Philadelphia. But, like in Lower Merion, the presence of a Black population in the township did not always lead to integration. Cheltenham confined Black people to its historically Black neighborhood, LaMoot, through the mid-1900s. This was replicated in school segregation until the 1940s, when LaMott’s school closed. Thereafter, Black children living in LaMott were able to attend integrated schools, but LaMott remained without a school.

**Suburban Story: Northeastern Suburbs**

During the post-war period, Philadelphia’s rapidly developing northeastern suburbs became the sites of two housing developments with radically different core philosophies: Levittown, in Neshaminy School District, and Concord Park, in Bensalem Township School District. Levittown engaged in open, unapologetic racial exclusion. Going beyond Lower Merion and Springfield’s strategies of enacting strict zoning laws that had segregating effects but that did not explicitly mention race, Levittown’s founders touted the fact that Black people were barred from living there. As developer William Levitt would say, “‘We can solve a housing problem or we can try to solve a racial problem. We cannot combine the two.’” Concord Park, with a mission of creating an integrated community, was intended as an antidote to Levittown.

Both of these housing developments affected the racial compositions of the neighborhood schools that served them. While there is not sufficient evidence to posit a causal relationship between the existence of either of these housing developments and the current racial makeups of

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97 H. Bennett, 200.
98 Scott.
the school districts in which they were located, the table in Appendix A demonstrates that Neshaminy’s schools remain 86% white, while Bensalem’s schools are only 66% white. Neshaminy School District serves much more homogeneous communities, while Bensalem is racially diverse.

William Levitt built housing developments that would bear his name in multiple metropolitan areas, and he constructed one on lower Bucks County farmlands between 1952 and 1958. Levitt built this 20,000-home project at the request of U.S. Steel, which approached him because he was known for mass-producing affordable housing. U.S. Steel wanted to open a plant in this rural area because it was underdeveloped and therefore inexpensive, but they could not do so until there was nearby affordable housing for their workers. The resulting development was not an option for all prospective U.S. Steel workers, though; like all of Levitt’s other developments, Bucks County’s Levittown was originally only open to white residents. Levittown was built after a landmark Supreme Court decision that intended to eradicate housing discrimination, but his project would only be home to white residents due, at least in part, to policies and practices of a public agency. Levittown did not have restrictive covenants because it was built after they were outlawed by Shelley v. Kramer in 1948. But, the FHA would only support Levitt’s project if he refused to sell to Black people. This deprived thousands of Black Philadelphians of a potential job opportunity in a developing economic hub, and it also increased school segregation in the metropolis. The creation of such a massive new housing project required surrounding school districts to quickly absorb thousands of new students, which Neshaminy School District’s website discusses in colorblind language: “the southeastern portion

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100 Sugrue, 2008, 200.
101 Countryman, 56.
103 Rothstein, 140.
of the district is home to a portion of America’s first post-war planned modern suburbs, Levittown, which increased the school-age population rapidly in the 1950’s.”

In a campaign that did not address Philadelphia’s widespread problem of racialized poverty, Quaker activists did attempt to integrate Levittown. Their limited success revealed how entrenched racist attitudes still were amongst white suburbanites at the time. The two lead organizers in this endeavor were Jane Reinheimer and Jacques Wilmore, young activists for the American Friends Service Committee’s Community Relations Division. They looked for white homeowners who were willing to sell to Black families. They had some success because Black demand for suburban homes that were open to them far exceeded the supply, meaning that homeowners could charge prospective Black buyers more for their home than they could charge prospective white buyers.

In this discriminatory climate, Reinheimer and Wilmore searched for “nonthreatening” middle-class Blacks with “normative families” who would have “smoothness, sophistication, [and] intellectual development.” The fact that Black people had been shut out of employment and housing opportunities and therefore all but barred from building wealth for generations was not relevant in Reinheimer and Wilmore’s campaign. They settled on Bill and Daisy Myers—a World War II veteran, his wife, and their three children—as the ideal candidates, and a New York City philanthropist supplied a private mortgage in place of a bank mortgage that institutions refused to provide because of the Myers’s race.

Despite the Myers’s “respectability” and “normative” family, whites in Levittown reacted angrily and violently to their arrival. Six hundred demonstrators pelted the family and their home

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105 Sugrue, 2008, 222.
106 Rothstein, 141.
108 Rothstein, 141.
with rocks, and they set up a clubhouse next door from which they flew the Confederate flag and blared music throughout the night.\textsuperscript{109} Local police and state troopers declined to protect the family or prosecute the mob, and some even encouraged the harassment in the ensuing months. In 1961, four years after they had moved in, the Myers sold their home and returned to the predominantly Black neighborhood in York, Pennsylvania where they had lived before.\textsuperscript{110} The Myers had some white allies in Levittown, but, as Sugrue writes, “even if most Levittowners were not breaking windows or protesting, many were cool toward the Myerses and their supporters.”\textsuperscript{111} James H. Paul, a local Republican leader, blamed the family for the violence they had endured. Other residents expressed frustration with the Myers family for the decreased home values in the neighborhood that the unrest had caused.\textsuperscript{112} Neshaminy School District’s website sidestepping this history of racial violence and victim-blaming in Levittown speaks to a deafening silence within predominantly-white suburban districts about white supremacy’s inextricable relationship to Philadelphia’s metropolitan development.

In adjacent Bensalem Township, the situation was quite different: Concord Park broke boundaries by providing suburban housing to Blacks and creating an integrated residential community. Concord Park was only eight miles from Levittown, and the two developments were similar in size and design.\textsuperscript{113} They could not have been more different in philosophy, though, as was evident when a biracial contingent of Concord Park residents went to Levittown to help guard the Myers’s home.\textsuperscript{114} Concord Park was created by Jewish developer Morris Milgram,

\textsuperscript{109} Rothstein, 141.
\textsuperscript{110} Ibid., 142.
\textsuperscript{111} Sugrue, 2008, 226.
\textsuperscript{112} Ibid., 226-27.
\textsuperscript{114} Piggott, 173-74.
who had to approach twenty different financial institutions about his vision before a New York-based bank that had lent to Black people in the past agreed to work with him.\textsuperscript{115} However, it became clear that it was not realistic to open a large development to Black people in a suburban market rife with housing discrimination and expect it to stay integrated. Black people had very few options for suburban homes while white people were only limited by what they could afford, so Black demand for Concord Park housing far exceeded white demand. Milgram attempted to use quotas to try to maintain racial heterogeneity, but he “could not overcome the deeply institutionalized racism present in the real estate industry.”\textsuperscript{116} By 1968, the development was majority-Black, and by the 1990s, it was nearly 100% Black.\textsuperscript{117}

Today, while Bensalem’s schools serve a diverse township, they also reflect ongoing residential segregation by race and socioeconomic status. Samuel K. Faust Elementary School, which serves the area that Concord Park once occupied, is 23% white, 36% Hispanic, 27% Black, 9% Asian, and 5% two or more races. Seventy-nine percent of students receive free or reduced-priced lunch.\textsuperscript{118} Thus, it is racially integrated but socioeconomically segregated. Across the township is Valley Elementary School, which is 5% Black, 11% Hispanic, 74% white, 7% Asian, and 3% two or more races. Only 35% of students receive free or reduced-price lunch.\textsuperscript{119} This school is more socioeconomically integrated, but it is also much more racially segregated. In the district as a whole, ProPublica found that Black students are 2.7 times likelier than white

\textsuperscript{115} Sugrue, 2010, 20.
\textsuperscript{116} Piggott, 185.
\textsuperscript{117} Ibid., 185.
\textsuperscript{118} “Samuel K Faust El School,” \textit{ProPublica: Miseducation}, 
\textsuperscript{119} “Valley El School,” \textit{ProPublica: Miseducation},
 https://projects.propublica.org/miseducation/school/420333006788.
students to be suspended and are, on average, 1.4 grade levels behind white students in their academic progress.120

Suburban Story: Southwestern Suburbs

Philadelphia’s southwestern suburbs in Delaware County paint a very different picture of the possibilities—but also the challenges—of suburban integration. With the exception of Interboro, these districts are the most racially integrated of Philadelphia’s inner-ring suburbs. But their average per-pupil revenue—$18,483—is approximately $6,000 lower than that of the School District of Philadelphia. It is also lower than the average per-pupil revenue for any other group of Philadelphia’s inner-ring suburbs, even though the state and federal governments subsidize a greater portion of this sum than they do for any of the other suburban districts. As the maps in Appendix B demonstrate, these areas were not isolated from demographic changes happening within Philadelphia proper in the same way that other suburban communities were. West and Southwest Philadelphia neighborhoods went from being majority-white to majority-Black during the second half of the twentieth century, and the adjacent inner-ring southwestern suburbs followed suit. This meant that the southwestern suburbs presented Black Philadelphians with a rare opportunity for suburbanization. However, when a Black middle-class community did develop here, integration forced it to share its resources with working-class white communities.

These southwestern suburbs contained middle-class Black communities, including Yeadon. Yeadon is part of the William Penn School District, but it operated its own school system until the 1970s. In 1982, Andrea Lee, a woman who grew up in Yeadon, wrote an opinion piece about her childhood in the New York Times, titled, “Black and Well-to-Do.” She describes Yeadon as an example of Black Philadelphians seizing an opportunity within a

discriminatory system. “After World War II, housing speculators found it profitable to scare off white residents and sell whole streets of Yeadon to black professionals who were as eager as anyone else at that time to pursue the romantic suburban dream of fieldstone patios and eyelevel ovens,” she writes. She describes a thriving middle-class community, where children attended strong public schools that prepared them for professional success.

On the above map, darker blue areas represent greater white majorities, where darker yellow areas represent greater Black majorities.

On the above map, darker areas represent higher average household income.

In 1972, though, Yeadon merged with the Lansdowne-Aldan Joint School System and the Darby-Colwyn Joint School System to form the William Penn School District.\(^{122}\) The merger had a joint purpose: desegregation and increased educational opportunity.\(^{123}\) As is shown in the first of the two maps above,\(^{124}\) the school systems with which Yeadon was consolidating were predominantly white. But Yeadon had the highest average household income\(^{125}\) of these school systems, as is shown in the second map. Yeadon, then, as a middle-class Black community, had to integrate with lower-income, predominantly-white districts. This merger closed a high-performing Black school system and forcibly redistributed its resources to white students. In recent years, the William Penn—which does not have an industrial base—has faced ongoing financial challenges despite multiple property tax increases.\(^{126}\) With families having to stretch their budgets to attempt to make up for a systemic issue that sets the district up for lack of resource availability, Yeadon is no longer the middle-class Black suburb it was in the 1980s.

**Conclusion**

Discriminatory housing and labor markets excluded Black Philadelphians from suburbanization and post-war reorganization. This led to residential segregation and unequal economic opportunity, with Black communities more likely to have higher rates of poverty. As a result, public-school systems were both racially and socioeconomically segregated. Wealthier communities, which were more likely to be white, provided their students with a well-resourced


\(^{126}\) Boccella, 2017.
public education. This perpetuated a cycle of segregation and privilege that, as the maps in Appendix A and B noted, intensified over the second half of the twentieth century.

Of course, there were exceptions to these patterns. Ardmore, LaMott, Concord Park, and Yeadon were all integrated or majority-Black suburban communities. But they were not insulated from the discriminatory forces around them, as Concord Park’s transition to a segregated community and Yeadon’s loss of a successful public-school system demonstrate. Yeadon also highlights the shortcomings of integration. The only example of entire school systems merging for racial integration in Philadelphia’s inner-ring suburbs was between Yeadon, a middle-class Black community, and working-class white communities. Nowhere in the Philadelphia suburbs did a middle-class white school system merge with a working-class Black system to create racial integration.

Even when Black suburbanization was successful, middle-class flight from Philadelphia proper—which was predominantly white flight—still made the city and its public-school system racially and socioeconomically isolated. Suburban communities that were open to people of all racial backgrounds offered those with means an opportunity to escape the system that was trapping urban residents in poverty, not an opportunity to change the system itself.

This is an important backdrop to the Pennsylvania Human Relations Commission v. School District of Philadelphia cases. When the litigation began in the 1970s, most boundaries between Philadelphia and its suburbs functioned as borders of racialized wealth and privilege. Decades of white and middle-class flight, coupled with employment and housing discrimination, had created a metropolitan landscape in which children of different racial and socioeconomic backgrounds attended separate and unequal schools. The HRC litigation would aim to undo this, but political, logistical, and legal forces would try to stand in the way.
Chapter 2: A Federal Experiment

In 1954, *Brown v. Board* outlawed racial segregation in public schools. At the time, the demographics of Philadelphia’s public-school population were changing. As suburban expansion and white flight occurred alongside the second wave of the Great Migration, the School District of Philadelphia went from being 30.2% Black in 1950 to being 47% Black in 1960. In the mid-fifties, organizers began discussing how they could compel the leaders of the District to respond to new case law and make decisive steps toward integration and equality. They would have to try to overcome diminishing white and middle-class populations, a 52% rate of private school attendance among the city’s white children, and increasing residential segregation. These efforts would mark the start of six decades of organizing and litigation for school desegregation and educational equity in the Philadelphia metropolitan area.

Although *Brown v. Board* marked a major victory in fighting segregation labeled “de jure,” it was less clear whether the decision outlawed so-called “de facto” school segregation in the North. In the late 1950s, leaders of the Legal Defense Fund at the National Association for the Advancement of Colored People (NAACP) began searching for an opportunity to test whether *Brown* prohibited “de facto” segregation the North. They selected Philadelphia School Board policies that allowed segregated, nearly all-Black and all-white schools to exist in close proximity to one another in integrated neighborhoods. The case they brought—*Chisholm v. The Board of Public Education*—would determine the limits of *Brown* in addressing school

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128 Phillips, 52.
129 Ibid, 52.
segregation in instances where there was clear and extreme racial imbalance but no tangible proof that education officials intended to segregate students by race. Plaintiffs in *Chisholm* would argue that segregation and inequality were sufficient to trigger Constitutional protections outlined in *Brown*, while the defendants would point to the lack of proof that school officials intended to create such a situation.

**Organizing Leading Up to *Chisholm***

During the 1950s, the School District of Philadelphia responded to urban expansion and white flight by privileging the needs of white students and families in the Northeast at the expense of Black families in the city’s older urban core. The Board built new schools for families who were moving to new, nearly all-white neighborhoods in Northeast Philadelphia, while it left all- and mostly-Black schools overcrowded and understaffed. Instead of building new schools in predominantly-Black neighborhoods, the Board placed portable classrooms outside permanent buildings and put underqualified teachers in charge of elementary school classes with as many as 45 students.

Community organizations and local organizers, frustrated with the schooling conditions available to most of the city’s Black students, pressed the School Board to release a statement about *Brown* and its own commitment to integration. It refused to do so until July of 1959, when African American leaders submitted a formal petition urging the Board to express support for

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132 Ibid.
desegregation\(^\text{134}\) and the Board had gained its second Black member.\(^\text{135}\) The Board’s statement reiterated its pre-existing nondiscrimination policy\(^\text{136}\) and, according to one organizer, “made a vague commitment to colorblindness but said nothing about integration.”\(^\text{137}\) The Board’s attitude would change little in the following two years; in a letter to Robert Carter in April of 1961, Charles Andre Moore reported that the Philadelphia Branch of the NAACP had met with the school board to discuss the construction of portable classrooms in the schoolyards of all-Black and majority-Black schools. Nearby all-white, majority-white, and integrated schools had vacant spots. Carter reported that the Board’s only response was that they “have no obligations other than not positively taking action to segregate” Black children.\(^\text{138}\)

Meanwhile, residents of the neighborhood around the Emlen School in Mount Airy were organizing around what would become \textit{Chisholm}. On June 5, 1956, the Emlen Federation of Civic Associations met with representatives from local groups\(^\text{139}\) to discuss developments in their community, specifically the increasing segregation between the Emlen and Day elementary schools. Emlen, the older of the two schools, was located in an integrated neighborhood, and its student population had been 64.4\% Black in 1952.\(^\text{140}\) But after Day was built in the same neighborhood in 1953,\(^\text{141}\) the boundary lines between the schools zoned most white children in the neighborhood to Day. At the same time, Black teachers were appointed to Emlen, and white parents whose children were still zoned to the school were given the option to have their children

\(^{134}\) Phillips, 52.
\(^{135}\) Mezzacappa, “Brown of the North.”
\(^{136}\) Phillips, 52.
\(^{137}\) Mezzacappa, “Brown of the North.”
\(^{139}\) Phillips, 53.
\(^{140}\) Ibid., 53.
\(^{141}\) Ibid., 53.
transferred to any other school in the District with a vacancy.\textsuperscript{142} This combination of policies quickly took a toll—by 1955, Emlen was 86.1\% Black, and Day was almost entirely white.\textsuperscript{143}

Watching the Board implement these policies, community organizations grew concerned. At a meeting in June of 1956, the Emlen Federation of Civic Associations asked Edward T. Myers—the superintendent of District Six, the subdivision of the School District of Philadelphia in which Emlen and Day were located—to re-visit the school boundaries, teacher appointments, and transfer policies in order to facilitate integration.\textsuperscript{144} In response, Myers argued that eliminating the transfer option would make other neighborhood schools segregated and that changing the boundary between the Emlen and Day attendance zones would be “forcing integration.”\textsuperscript{145} Thus, Myers took white flight as a given, despite the fact that the schools in question were located in an integrated neighborhood that had been served by a single integrated school until just three years before. His reasoning also revealed an opposition to district-imposed school integration, showing that he saw attempts to limit whites’ freedom to self-segregate as both an overstep and an impractical waste of time and resources.

The District’s refusal to address ongoing segregation in Mount Airy would come into conflict with the NAACP’s goal of applying school desegregation litigation to the North in 1961. That year, the Board announced a plan to alleviate overcrowding by constructing six portable classrooms outside of Emlen’s existing building. The East Mount Airy Civic Association alerted other organizers of the impending construction, connecting the development to a change in attendance zone boundaries between Emlen and the nearby Henry elementary school. Ironically, the rezoning was meant to protect existing school integration; Henry was integrated, but

\begin{itemize}
  \item \textsuperscript{142} Ibid., 53.
  \item \textsuperscript{143} Ibid., 53.
  \item \textsuperscript{144} Ibid., 53.
  \item \textsuperscript{145} Ibid., 53.
\end{itemize}
demographic change in the neighborhood surrounding it was causing its percentage of Black students to increase, and some white parents were responding by transferring their children to other schools. A local organization—the West Mount Airy Neighbors—asked the Board to help them remain integrated by redistricting some Black students to Emlen, which would decrease the proportion of Black students at Henry. The Board agreed, proposing to construct portable classrooms on the grounds of the Emlen School in order to accommodate this influx of students. However, as the East Mount Airy Civic Association put it, “Fortunately for us, the West Mount Airy Neighbors recognized the full implications of this plan and asked that the proposal be delayed until they could complete a thorough study of the school situation for the entire school district.”146 The East Mount Airy Civic Association also thought the Board had not considered “the interests of the students at Emlen in this instance.”147

The Board agreed not to move forward with the construction and promised to consult with community members before doing so. But, a year later, without informing any local organizations of their decision, the Board decided again to put portable classrooms outside of Emlen.148 The new portables purportedly had no connection to the changing boundaries at Henry, but the East Mount Airy Civic Association was still concerned about how this plan would further racial segregation and inequality in Philadelphia public schools. In a report, the group pointed out that there were several integrated and majority-white elementary schools in close proximity to the overcrowded Emlen that were under capacity by hundreds of students. This was even after some bused white students in from other neighborhoods and added seventh and eighth grade programs, which elementary schools in Philadelphia were not expected to provide.

147 Ibid., 38.
148 Ibid., 38.
Pointing to differences in privilege and social capital, the East Mount Airy Civic Association hypothesized that nearby elementary schools Jenks, Houston, and Henry had added these additional grades “because the people living within their boundaries were able to get the Board to accede to their pressures.”\textsuperscript{149} They noted that the community around Emlen was not given the same consideration. The report pointed out that there were 1,850 vacancies at nearby elementary and middle schools, which meant that seventh and eighth grade students at Jenks, Houston, and Henry could be transferred. Some of the students in question were old enough to switch from a school bus to public transportation, which would decrease costs for the District. Meanwhile, students at Emlen and other overcrowded schools in the area could be redistributed, providing “for all of the overcrowding in every school in the district.”\textsuperscript{150} The East Mount Airy Civic Association included an appeal to the Board’s financial interests in its report, arguing that: “With this much existing school plant, it is inconceivable that the Board would rather spend badly needed money for additional classrooms when there is so much unused space.”\textsuperscript{151}

When the Board disregarded these suggestions, the NAACP prepared to file suit in federal court, drafting a complaint in April of 1961. The complaint asked whether, in assigning students to public schools “on the basis of race through the use of changing boundary lines for school districts and controlling transfers from school to school within the public school system and changing the number of grades within certain schools,” the District was violating the Fourteenth Amendment by creating, continuing, or increasing racial segregation.\textsuperscript{152} The NAACP prepared Black children and their parents—some of whom attended the Emlen School\textsuperscript{153}—to act

\textsuperscript{149} Ibid., 39.
\textsuperscript{150} Ibid., 39.
\textsuperscript{151} Ibid., 39.
\textsuperscript{152} NAACP, \textit{Draft}, “School desegregation efforts in Pennsylvania.” LOC, NAACP, Black Freedom Struggle Database, 68.
as plaintiffs in the suit. The adult plaintiffs had, through conversations and petitions, asked the Board to cease and desist from unlawfully discriminating against their children, and some had applied for transfers to integrated schools. In response, the Board had “persisted and continued the discriminatory practices.”

On June 7, 1961, the NAACP sued the School District of Philadelphia in the Eastern District Federal Court. The NAACP intended to show a broader pattern of segregation and discrimination in the District, but its suit was specifically connected to the plan to add six portable classrooms to the grounds of the Emlen School. Lawyers noted that the Mt. Airy Civic Association had “protested that the planned classrooms would further expand the segregation of the school”—which, by that point, was 96% Black—“while at the same time white pupils in the area were being transported by bus to less crowded institutions.” However, the NAACP was not able to prioritize the legal action; in 1963, A. Leon Higginbotham—the initial leading attorney for the plaintiffs—left the Philadelphia branch of the NAACP after being appointed to the Federal Trade Commission by President John F. Kennedy. This left the case in the hands of other NAACP lawyers. But when the Philadelphia NAACP could not marshal the funding to do sufficient research into the District, the case was again shifted, and NAACP ally Isaiah Crippens worked on it until 1965.

Beyond the revolving door of legal counsel, the progression of the case demonstrated how difficult it was to apply Brown to segregation in the North. Even though Higginbotham left the case before its conclusion, he was still able to explain the standard he had been expected to

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154 NAACP, Draft, 72.
156 Ibid., 76.
157 Phillips, 55.
158 Mezzacappa, “Brown of the North.”
159 Phillips, 56.
160 Mezzacappa, “Brown of the North.”
meet in federal court to prove that the District had engaged in de jure segregation. In a 1991 interview with Anne E. Phillips, he said that, in order to evoke Fourteenth Amendment protections, lawyers in the North had “to establish a long-standing pattern of policies ‘designed to preclude … normal integration.’” Therefore, without a “smoking gun”—such as a written policy or communication outlining an explicit intention to segregate students on the basis of race—it was “virtually impossible” to demonstrate that “the way in which boundaries are chosen [is] not a matter of pure coincidence.” In other words, in the eyes of federal judges, segregation was de facto until proven de jure. The District denied the allegations of discrimination, insisting that their school zone boundaries were intended to “provide schools within convenient walking distance of the pupils’ homes.” District lawyers also argued that “NAACP demands for new school boundaries ‘would result in the reassignment of pupils based solely on race or color.’”

The presiding judge, Harold K. Wood, appointed a group called the Lewis Committee to investigate the situation before preparing guidelines that the District could use to further integration. At the same time, the Coordinating Council for School Integration, which formed in March of 1963, and Four Hundred Ministers, one of the city’s most powerful civil rights organizations, began pressing the District. They wanted it to adopt a policy affirming integration, create a department focused on enacting integration, select school sites in a way that would further integration, extend compensatory education programs, raise educational standards for all-

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161 Ibid.
162 Ibid.
164 Phillips, 57.
and majority-Black schools, and equally distribute resources between all- and majority-Black and all- and majority-white schools.165

The District enacted all suggested reforms other than the proposed changes to its site-selection policies. However, some of its projects were small-scale and temporary. For example, when a compensatory program called the Educational Achievement Program seemed to be improving reading and math in first-grade classes at sixty majority-Black elementary schools, it was eliminated after its third year.166 The District also solved some problems by creating others. To take Black students off of part-time school schedules—a strategy adopted due to overcrowding—the District assigned them to classes that were already overcrowded instead of sending them to open spots at majority-white schools.167 When Crippens asked Wood to intervene in 1963, Wood refused, arguing that the Board was “acting in good faith.”168

At the next step in the Chisholm litigation, Wood required the District to reassign students for integration. Both parties created integration plans in September of 1963.169 The Lewis Committee submitted its report in 1964, although it was not decisive; it expressed hesitant support for integration, suggesting it could happen “at some future date.”170 Still, the District did decide to change the boundaries around ninety-six of its 198 elementary schools in order to “ease overcrowding and foster integration.”171 In compliance with the Court’s order, it also planned to bus students—though fewer than 3,000—the following September.

This small-scale operation was met with resistance and frustration. Anti-busing groups formed in the white, working-class neighborhoods of South Philadelphia and Roxborough, and

166 Ibid., 59.
167 Ibid., 60.
168 Ibid., 60.
170 Phillips, 62.
171 Phillips, 63.
District and city leaders declined to publicly express support for integration themselves. At the same time, Crippens, not satisfied that these small and temporary changes were satisfying the Board’s obligations to integrate their schools and provide equal educational opportunities, requested that the Court require the Board to create a new integration plan in 1965. Judge Wood refused to do so in an opinion issued on May 3 of that year. Hinting at his opinion about the relationship between Crippens and the Board, Wood wrote:

If additional programs are needed to supplement the present plan, then such programs can be easily added provided the parties will make a serious attempt to work out their difficulties together. Little can be accomplished in this regard by a single conference with the Court when the parties have not met and crystallized their differences. Therefore, until this Court has been satisfied that both sides have met in serious, constructive discussions and have been able to resolve their differences, we will not convene a conference as requested by the plaintiffs. We have examined the reports of the Board of Education for the past eighteen months (which have not been criticized until recently), and we can only conclude that substantial progress has been made to eliminate many of the complaints embodied in this litigation.

Thus, the sole attempt to desegregate Philadelphia public schools under federal law made little difference in the lives of most Black children and families in the city. After several relatively unproductive years of litigation, Wood focused on the lawyers’ unwillingness to work together instead of on the educational opportunities available to Black children. With the plaintiffs unable to prove that the Board of Education had segregated students intentionally, Wood, who would not have seen the case as a substantial Fourteenth Amendment issue, was content with minimal change on the part of the District. With only a few thousand of Philadelphia’s students having been impacted by the small-scale desegregation remedy, Wood closed the case in the mid-1960s. He refused to reopen it in 1966 when Cecil B. Moore, the

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172 Phillips, 63.
174 Ibid.
president of the Philadelphia chapter of the NAACP at the time, requested it. Wood closed the case for good in 1971.

During this period, though, there were some small-scale desegregation victories in the Philadelphia metropolitan area. Also in federal court, the Philadelphia NAACP brought a successful desegregation suit against Girard College, a private institution for “poor” orphan boys. In the suburbs, the Main Line Branch of the NAACP lobbied for the closure of Lower Merion School District’s majority-Black Ardmore Avenue School, which occurred in 1963. But, while these actions did change local institutions and the lives of the children and families they served, they were limited in scope. They did not desegregate the largest school district in the area or address increasing segregation between urban and suburban districts. Indeed, it would be a few years before the issue of segregation in the School District of Philadelphia was brought up again in a courtroom, and the next time would not be for an allegation of de jure segregation that would trigger constitutional protections for the children and families involved. Rather, developments in Pennsylvania state law would introduce new players, venues, strategies, and arguments in the battle over school desegregation in the Philadelphia metropolitan area.

**New Player on the Scene: HRC**

In 1955, the Pennsylvania General Assembly—Pennsylvania’s state legislature—passed the Pennsylvania Human Relations Act. The Act outlawed discrimination in employment, housing, and public accommodation on the basis of “race, color, religious creed, ancestry, age or

175 Phillips, 65.
176 Ibid., 68.
national origin.” It created a “non-partisan, departmental administrative commission,” known as the Pennsylvania Human Relations Commission (HRC), to enforce the law. This would be done through administrative hearings and, when necessary, litigation in state courts. In 1961, an amendment to the Human Relations Act categorized public schools as places of public accommodation, placing them within the HRC’s purview.

The HRC would address school segregation for the first time in Chester, a small port city of 63,000 located twenty miles southwest of Philadelphia. In the 1960s, Chester had a Black population of 27,000. The Chester Branch of the NAACP had started working on school segregation in 1954, when it began meeting with the local Board of Education to discuss residential and school segregation. The NAACP asked the Board to redraw school boundary lines to further integration. In a 1962 memorandum, civil rights activist June Shagaloff indicated that this demand had not been met. Meanwhile, residential segregation had increased since 1954. The NAACP had also asked the Board to reassign students from the overcrowded, all-Black Douglass Junior High School to the nearby integrated and under-utilized Pulaski Junior High School, and the Board had refused to do so.

In 1964, the Chester Board of Education referred all the school segregation complaints it had received to the HRC. Local activists had mixed reactions, and Chester Branch of the NAACP and the Chester Committee for Freedom held a joint protest in response to the news. George T. Raymond, president of the Chester Branch of the NAACP, and Stanley Branch,

180 Ibid.
chairman of the Chester Committee for Freedom Now, said they did not oppose the HRC using its influence to solve the Board’s segregation problems. Rather, they took issue with the Board’s decision to deflect its own responsibilities to a separate, non-local body. They noted that the HRC “is not a supra agency for handling all complaints from Negro citizens,” had not “been designated as the official representative of the interests of the Negro community,” and “cannot operate the school system of Chester” or “force the school board to integrate the schools.”

They were also frustrated about the delay the HRC’s involvement would create, arguing that “the school board’s suggestion that a court suit be initiated to determine whether or not school segregation exists, is a smoke screen and a sinister attempt to prevent school changes for next year.” They believed both the Board and the HRC were “quite aware that it could take three or more years for a court suit to be finally adjudicated by the U.S. Supreme Court. In the meantime, Negro children would continue to suffer severe psychological and educational damage.”

Activists in Chester continued to have a complicated relationship to the HRC as it began formal work on school segregation in the city. On March 27 and March 28 of 1964, more than one hundred demonstrators were arrested for protests associated with school desegregation. There were multiple reports of police brutality. The HRC intervened and tried to meet with the civil rights groups, which temporarily halted the demonstrations. But the HRC did not succeed in getting the groups to come together, and protests returned to their prior intensity within a month.

On May 4, 1964, the HRC commenced public hearings on school segregation in Chester. Robert L. Carter, the general counsel of the NAACP, represented Chester’s civil rights groups.

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186 Ibid., 109.
187 Ibid., 109.
He objected to the hearings, arguing that they had not been “properly convened under the state law.” Specifically, he was concerned that the HRC had not sent out notices ten days in advance. He argued that this oversight precluded the HRC from issuing an enforceable desegregation order. The HRC agreed to act as a complainant, but Carter, on behalf of the groups he was representing, still declined to participate in the hearings.

Nonetheless, the case went forward, ultimately landing in the Pennsylvania Supreme Court for what Malik Morrison called “the seminal case on desegregation in Pennsylvania.” In its precedent-setting decision, the Pennsylvania Supreme Court overturned a lower court’s ruling that the HRC could only intervene in instances of so-called “de jure” segregation. It held that a Pennsylvania school district, as a place of public accommodation, was liable for withholding educational opportunity from Black children if it did not act to try to ameliorate “de facto” segregation.

The judge who authored the majority opinion, Samuel Roberts, pointed out that the Human Relations Act had been amended in 1961 to “refer to the evils resulting from racial segregation in the public schools.” He reasoned that:

[H]ad the Legislature intended to reach by the 1961 amendments only de jure segregation, its legislative pronouncements would have been unnecessary. The 1954 Brown decision made it eminently clear that de jure segregation—racial isolation produced by the acts of public officials—is unconstitutional.

Roberts also hypothesized that the district was resisting desegregation efforts solely out of a fear of busing. In fact, the district had been busing to relieve overcrowding for years, and the HRC

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never ordered it to institute significant busing for desegregation. Chester is only three miles wide, so despite entrenched residential segregation, it was unlikely that many students could be reassigned to schools that were not within walking distance of their homes. Arguing that the current system of residential segregation had taken neighborhood schools that used to be “an exercise in democracy” and turned them into “a system of ghetto schools,” Roberts wrote that “the way to attack discrimination in housing and employment may be to begin with a program of quality integrated education.”

This decision gave the HRC the power to intervene anywhere in Pennsylvania where student assignment policies were replicating, instead of counteracting, residential segregation in public schools. Regardless of whether there was sufficient proof to classify an instance of racial imbalance as “de jure” segregation, the HRC could order a remedy. At the same time, the verdict helped cement Pennsylvania state courts as the primary venue for school desegregation cases in the coming years. As the failure of Chisholm had demonstrated, there was no clear avenue under federal law for securing substantial remedies for “de facto” segregation in a Northern metropolitan area with dozens of separate school districts. With Chester, civil rights organizers and lawyers had a new potential path to change—particularly after the HRC was given the power to order busing for integration through Balsbaugh v. Rowland in 1972. These cases would be important prerequisites for effective litigation in Philadelphia, where a de jure segregation suit had already failed in federal court.

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194 Morrison.
195 Morrison.
Between the Litigation: Educational Parks and Community Control

Since the failed Chisholm case, organizing around school equity and desegregation in Philadelphia had been taking place outside the courts. It focused on two main ideas: community control and educational parks. Educational parks were groupings of “schools, kindergarten through the 12th grade, on one large site, with central facilities for laboratories and libraries, vocational training, auditoriums and art galleries to serve as a cultural center for a widespread neighborhood.” Phillips refers to educational parks as the “most prominent and seemingly reasonable solution to desegregating schools in a city with residential segregation and organized opposition to busing.” Proponents hoped the parks would further integration, but building them would have required a near-total reorganizations of the city’s school system.

Reports about educational parks began appearing in Philadelphia newspapers in the 1960s. An article printed on January 24, 1965 in the Philadelphia Inquirer titled, “Integrated Park Idea Coldly Received Here,” acknowledged the parks’ potential strengths. These included greater racial and socioeconomic integration and increased access to curricular-enhancing spaces, such as labs and performance spaces, for students whose neighborhood schools would not have been able to afford these sorts of facilities. The article also brought up potential concerns, particularly the resources required to enact such projects and the prospect of busing children younger than grade five. But they pointed out that neighborhood facilities could remain for early grades and acknowledged that urban renewal funding from the federal government could help finance the project. However, the article still described a “death blow” to the educational park idea. Harry B. Saunders, the District’s building consultant, had publicly

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197 Phillips, 65.
198 Janssen, “Integrated Park Idea Coldly Received Here.”
expressed skepticism about the proposal, saying: “‘it puts a large number of pupils in a large site for what educational purpose I am not sure.’” As the District was unlikely to hire another building consultant, was already considering proposals to develop new facilities, and would not have had the money to build new facilities for some time, the reporter thought Saunders’s position would prevent the District from building educational parks.

However, the educational parks remained prominent in public discourse for another few years. In 1966, a Philadelphia Inquirer article printed in March reported that a site had been suggested for an educational park, and another printed in May announced that the Board of Education would conduct a feasibility study of educational parks the following year. But the contents of the latter article revealed that, despite being framed as an integration initiative, educational parks may have been deriving some of their ongoing popularity precisely because they could not lead to rapid integration; indeed, the article reported that the Board of Education had conceded that “immediate school integration could only be achieved by busing,” which it refused to do. Still, civil rights advocates were asking the Board to delay its six-year, $434 million school construction program and first spend six months looking into the possibility of building twenty educational parks. The activists pointed out that, should the District continue with its plan to build more neighborhood schools, it would “cement school segregation.” But it was becoming clear that educational parks would be resource-intensive. Creating the parks would cost $1 billion, and the District would need to adjust its annual transportation budget in order to bus 100,000 students to school each day.

199 Ibid.
202 Ibid.
203 Ibid.
In July of 1966, the Philadelphia Inquirer published an editorial in support of educational parks. “Plans put forward for educational parks in this city, as a substitute for neighborhood schools, should not be brushed aside as too expensive or unrealistic, but should be examined in the light of changing needs and conditions—not for tomorrow, but for the future,”²⁰⁴ it read. The editorial acknowledged that, while the educational parks plan would have aims other than integration—namely bringing “the whole school system up to the high standards attained by a few”—it was also supported by “representatives of a number of citizens’ groups, interested in furthering integration.”²⁰⁵ The editors were clearly also aware, though, of opposition to integration existing among their readership. They expressed hope that the plan would not be “prejudged emotionally by citizens committed to set opinions.”²⁰⁶

However, not swayed by such appeals, an organization called the Neighborhood Schools Association submitted a letter to the editor twelve days later in which it argued that the Inquirer’s editorial had misled the public. “If we look back several months to when the parks were proposed, we see that the groups urging the construction of these huge, expensive concrete and brick monstrosities were and still are primarily concerned with balancing the races,”²⁰⁷ the group wrote. The Neighborhood Schools Association labeled this goal “an underhanded method of trying to circumvent the Constitution of the U.S. and the Civil Rights Act of 1964 which specifically states that it is illegal to balance the races in the school system.”²⁰⁸

When the Philadelphia Board of Education began considering the educational parks campaign in 1967, it seemed that it was to adopt the proposal. The Board wanted to increase its

²⁰⁵ Ibid.
²⁰⁶ Ibid.
²⁰⁸ Ibid.
borrowing capacity for school construction, and seventy-five civil rights groups and Black community-based organizations formed the Coalition for Integrated Quality Education to protest.\textsuperscript{209} The Board capitulated, announcing in March of 1967 that it would incorporate provisions for three educational parks into its school construction capital program. Having made this commitment, the Board gained the support not only of civil rights groups but also of the city’s interracial and white liberal communities, allowing its debt financing initiative to pass with support from 57\% of the voters in the May 1967 primary.

However, the Board may never have intended to follow through on its promise. A year prior, Board of Education President Richardson Dilworth had referred to educational parks as “‘destructive of our city and its neighborhoods’” and “‘Soviet in concept.’”\textsuperscript{210} Phillips hypothesized that, to overcome such preconceptions, “the change from scattered-site schools to centralized educational parks would have required a massive movement with powerful political support to effect such a change, a movement that did not exist.”\textsuperscript{211} Once the Board got what it needed through the bond approval, there was no way for civil rights organizers and their supporters to hold it accountable to move forward with the initiative it had agreed to undertake. With no further check on its power, the Board turned away from the educational parks plan and continued to construct neighborhood schools that furthered segregation.

\textit{To Community Control}

With the Board refusing to build educational parks, school district officials and organizers began focusing their attention away from desegregation and toward decentralization. In a 1968 Desegregation Report, the District wrote that, with a student population that was nearly

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{209} Countryman, 245.
\item\textsuperscript{210} Michael Savage, “Beyond Boundaries,” \textit{Journal of Urban History} 46, no. 1 (January 2020): 139.
\item\textsuperscript{211} Phillips, 66.
\end{itemize}
\end{footnotesize}
60% Black, it needed to “‘provide a successful educational experience for black children, with or without integration.’”\textsuperscript{212} Meanwhile, some of the city’s Black communities turned toward Black Power and community control initiatives to improve all- and majority-Black public schools. The Black Power tradition “viewed racism as constitutive of the American social structure” and therefore looked to solutions for structural racism that were “based on intraracial solidarity within the black community, not the goodwill of whites.”\textsuperscript{213} In the context of education policy, this manifested as a demand for Black families—instead of white administrators—to have greater control over all- and majority-Black schools. The District offered to lessen the degree of control central administration had over individual schools by decentralizing its administrative structure. But the District’s suggestion was centered around perceived needs of whites; decentralization would offer, in its words, “‘the best way to deliver black children from the clutches of educational failure’” and improve racial balance without leading to more white flight.\textsuperscript{214}

One incident would reveal stark divisions between those who were horrified at police, other public employees, and institutions for mistreating Black children, on the one hand, and those who felt threatened by integration and the Civil Rights and Black Power Movements, on the other. On Friday, November 17, 1967, more than 3,500 public school students marched out of their classrooms to the Board of Education building. Many of the student protestors wore Black Power buttons and carried signs calling for “more Black Power in the School System.”\textsuperscript{215} Volunteers from the Congress on Racial Equality protested alongside the students. Demonstrators’ demands included more Black teachers and principals in Black schools, Black

\textsuperscript{212} Countryman, 244.
\textsuperscript{213} Ibid., 7.
\textsuperscript{214} Ibid., 244.
\textsuperscript{215} Ibid., 223-24.
representation on the school board, and courses focusing on Black history, as well as an end to the presence of police and nonteaching assistants in all Philadelphia public schools.

While the demonstrators protested peacefully outside the Board of Education building, a committee of student activists and adult advisors went inside to meet with Superintendent Mark Shedd, School Board President Richardson Dilworth, and School Board Vice President Reverend Henry Nichols. During the meeting, Police Commissioner Frank Rizzo ordered his officers to charge at the students “with billy clubs drawn.” Students, fearing for their safety, fled the police. In pursuit, some of the officers “laced their [physical] violence with racial epithets.”

However, in the aftermath of the incident, it was not the violent attack on these children, teenagers, and young adults that some of the city’s white communities were concerned about. They were more focused on the twenty-seven instances when small groups of students attacked passersby as they ran. These only resulted in minor injuries and together involved a small minority of the students who had been present at the demonstration. However, Rizzo capitalized on these examples in an attempt to divert attention from his own violence. In a gross mischaracterization of the students’ actions, Rizzo claimed: “‘These children ran through the streets of Center City, beating everyone in their path … I leave it to you to judge who was violent and whether these are children.’” Rizzo gained popularity amongst certain Philadelphia demographics and neighborhoods for these remarks, especially in white, working-class, ethnic communities. Groups from these areas—particularly South Philadelphia and Roxborough—had protested the District’s small-scale busing initiative in 1964. Rizzo’s ability to quell support in 1967 by attacking Black children and then casting them as dangerous suggests a lasting

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216 Countryman, 226.
217 Ibid., 227.
218 Countryman, 240.
opposition to integration, as well as a troubling comfort with anti-Black racism and police brutality against Black children.
Chapter 3: Beginning of HRC Cases

The HRC would enter this fraught landscape to try to compel the School District of Philadelphia to enact meaningful, compulsive school desegregation. At the time, some parents supported integration in Philadelphia, but busing was controversial. A Philadelphia Inquirer article published on November 7, 1968 reported that parents had “scored” talks on integration but that one school official referred to busing as “a bone of contention” in his area (or “cluster”). Still, the Home and School Council—a body connecting parents with teachers and other school officials—supported the talks without objection, and each cluster’s council received a copy of the HRC’s guidelines on desegregation.

In 1968, the HRC ordered several Pennsylvania districts—including the School District of Philadelphia—to submit plans to remedy segregation in their public schools. However, in this first iteration of what would become the decades-long Pennsylvania Human Relations Commission v. School District of Philadelphia (HRC I), the HRC had to prove that it had the authority to address school segregation not only in Chester, but also in larger cities with less extreme, uniform school segregation. In Chester, six public schools were 87 to 100% Black—a clear example of remediable segregation in a three-mile-wide city in which Black people comprised a minority of the population. In larger cities, it could be more complicated to prove that racial imbalance should be seen as segregation, and there would be greater logistical and financial obstacles to potential remedies.

Nonetheless, in 1972, the Pennsylvania Supreme Court upheld the HRC’s power to order school districts to correct “de facto” segregation. “Unless and until the Human Relations Act is

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changed by the legislature,” the Court authorized the HRC to require busing as a remedy.\footnote{222}{Sch. Dist. of Philadelphia v. Pennsylvania Hum. Rels. Comm’n, 291 (1972).} In their arguments, the defendant school districts refused to take responsibility for addressing “de facto” segregation and insisted they did not have sufficient funding to implement integration plans. The Court did not see these as legitimate reasons to allow the districts to abdicate what it saw as their affirmative duty, under state law, to enact desegregation plans that would prevent discrimination against Black students and families. The Court maintained that it was “very sympathetic” in regard to funding limitations the districts may face. But it held that the districts would have to comply with the Court’s order by submitting a “minimum acceptable plan,”\footnote{223}{Sch. Dist. of Philadelphia v. Pennsylvania Hum. Rels. Comm’n, 287 (1972).} even if it would require more funding to implement than districts had available. The Court promised to then help them deliberate whether and how each component could be funded.

Since the case grew out of an administrative hearing between the HRC and the School District of Philadelphia, only schools in Philadelphia proper were involved in the deliberations that took place at the Pennsylvania Supreme Court. The School District of Philadelphia took issue with this, pointing out that it was losing large numbers of white and middle-class students to private and suburban schools. This made desegregation within its own borders less feasible every year. The District argued that “a suitable practical plan cannot be devised without the inclusion of the adjoining suburban districts.”\footnote{224}{Sch. Dist. of Philadelphia v. Pennsylvania Hum. Rels. Comm’n, 287 (1972).} The Court declined to rule on the matter at the time, writing that “the power of the Federal courts to order such inclusion under the rights guaranteed by the Federal Constitution is now in litigation through the Federal courts and presumably will be decided by the United States Supreme Court within the foreseeable future.”\footnote{225}{Sch. Dist. of Philadelphia v. Pennsylvania Hum. Rels. Comm’n, 287 (1972).} The Court left it up to the HRC to decide whether such a plan would be legal. Once
the School District of Philadelphia created a plan that included the suburbs, the HRC could assess its “practicality and acceptability” and then, if it wished, determine whether it “has authority to order the adjoining districts to participate.”226 In the meantime, the District had to submit a desegregation plan that included mandatory busing if the HRC ordered it do so. Its plan could not counteract white flight with suburban participation until further notice.

**Question of Suburban Participation on the National Stage**

The Pennsylvania Supreme Court had been referring to *Milliken v. Bradley*, a federal case addressing whether fifty-three majority-white suburban school districts could be compelled to integrate with Detroit public schools. Like Philadelphia, Detroit’s public-school district had no explicit policy of segregating students by race. However, Detroit and its suburbs had been growing more segregated since the early twentieth century, when the Great Migration increased the city’s Black population at the same time that white residents began flocking to the suburbs. Racial discrimination in housing and employment prevented Black families from joining these separate, wealthier municipalities, and confining most to Detroit’s racially and socioeconomiclly isolated urban core.227 Detroit’s school district was separate from those in the suburbs, which maintained independent education systems.

Positing a link between the Detroit Public Schools, suburban school districts, and residential segregation, the plaintiffs in the cases leading up to *Milliken I* pushed for a metropolitan remedy for racial isolation in Detroit’s public schools. This would require suburban and urban students to attend school together. The plaintiffs convinced judges in a federal district court and appellate court, but the Supreme Courts reversed the lower verdicts. In a majority opinion on behalf of himself and Justices Lewis Powell, Harry Blackmun, Potter Stewart, and

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William Rehnquist, Justice Warren Burger wrote that Detroit’s suburban districts could not be compelled to participate in a remedy for segregation in Detroit schools. Burger cited Swann v. Charlotte-Mecklenburg, a 1971 desegregation case through which the Supreme Court had established that the “nature of the violation determines the scope of the remedy,” to hold that:

A federal court could not properly impose an interdistrict, areawide remedy to a single-district de jure segregation problem unless it first was established that unconstitutional racially discriminatory acts of the other districts had caused interdistrict segregation, that district lines had been deliberately drawn on the basis of race, or that single-district violation had an interdistrict impact.228

While there was evidence of housing segregation in suburban municipalities, Burger did see this as de jure segregation because the school districts themselves had not perpetrated it. Burger wrote that the Constitution gave Black children in Detroit the right to “attend a unitary school in that district”—meaning a school that did not reject students on the basis of race—but not the right to leave the district to attend an integrated school in an adjacent municipality.229 The defendants (who were the plaintiffs in the lower court decisions) had argued that school districts were mere subdivisions of the state and pointed out that the legislatures had the power to redraw them at will. But Burger wrote that, due to the history of local control of public schools in the United States, school district lines could not be “casually ignored or treated as mere administrative conveniences.”230

Philadelphia’s media outlets, aware of the parallels between Milliken and their own city’s integration litigation, covered the verdict. The Philadelphia Inquirer ran an article titled, “School Desegregation at End of Road?” on July 28, 1974, three days after the Supreme Court issued its Milliken I opinion. The article reported that “the 5-4 decision means, in the view of many, that

228 Ibid., 165.
229 Ibid., 165.
230 Ibid., 165.
school desegregation, Northern style, has come to the end of the road.”\textsuperscript{231} In an explicit connection to Philadelphia, the reporter wrote, “the Philadelphia Board of Education has doggedly refused to draw up any meaningful city-only desegregation plan, arguing that the only feasible solution is to combine the city system with its surrounding suburbs.” The reporter noted that \textit{Milliken} would not necessarily prevent metropolitan integration in Philadelphia; Dr. David Kurtzman, an expert the Court had appointed in the \textit{HRC} litigation, would decide by September 1, 1974, whether he agreed with the School District of Philadelphia that metropolitanism was the only way for meaningful integration to happen in the Philadelphia area. Proponents favored the proposal because “there would be no white havens—all schools would be equal.”\textsuperscript{232} But white suburban resistance was expected to be a major obstacle: “it is a rare suburban homeowner who would stand idly by as a court ordered his children to be bused to the very set of circumstances he toiled to escape.”\textsuperscript{233}

\textbf{Pennsylvania State Legislature Divided on Integration}

While the HRC and the School District of Philadelphia worked on fulfilling the requirements of the \textit{HRC I} court order, the Pennsylvania General Assembly deadlocked over mandatory busing. On June 12, 1975, the \textit{Philadelphia Inquirer} reported that:

State Senate Democrats have blocked—temporarily, at least—the latest in a series of legislative attempts to prevent the Pennsylvania Human Relations Commission from ordering busing to desegregate schools. But Senate Republicans have vowed to try again next week to move anti-busing legislation to the senate floor.\textsuperscript{234}

The bill in question, House Bill 94, would have prohibited the HRC and all other state agencies from busing children to schools outside of their neighborhood without parental consent. Senator


\textsuperscript{232} Ibid.

\textsuperscript{233} Ibid.

Joseph F. Smith, a Democrat from Philadelphia, told the *Inquirer*: “‘I’m sure it would have passed if it had hit the floor.’”\(^{235}\) This did not occur because Senate President Pro Tempore rerouted the bill from the Senate State Government Committee to the Senate Education Committee, whose chairman consistently voted against anti-busing measures.

There was a delicate balance of power around busing in the Pennsylvania state government. The prior year, Governor Milton J. Shapp had vetoed Senate Bill 1400, which was similar to House Bill 94. While he insisted on being against “forced busing,” he vetoed legislation that took power away from the HRC. He was concerned such measures would invite “federal court intervention in local desegregation matters.”\(^{236}\) It was therefore only a minority of integration supporters in key positions of power and a non-activist governor’s anxiety about federal intervention that stood between the HRC and the majority of the Pennsylvania General Assembly that wanted to disempower it.

**Lead-Up to HRC II**

With the General Assembly having failed to limit the HRC’s power to compel busing for integration, the agency released a plan in 1975 for mandatory integration in Philadelphia. The HRC had drafted the plan as part of the ongoing litigation between itself and the School District of Philadelphia in the Pennsylvania Commonwealth Court—the venue to which the Pennsylvania Supreme Court had remanded the case after it had issued its verdict in 1972. The plan hinged on “pairing,” when a group of students from two neighborhoods would attend school together. They would start in the area that some of the children were from, and after completing a few grades, they would all go to school in the other neighborhood. The HRC’s pairing plan would put students from majority-white Roxborough in school with students from majority-Black West

\(^{235}\) Ibid.

\(^{236}\) Ibid.
Philadelphia. The HRC had created pairings like these between neighborhoods across the city. The *Inquirer* called this “the most detailed and serious attempt yet to see if desegregation is possible.”

However, multiple aspects of the plan were controversial. Pairing required students to change schools more frequently than they otherwise would have. For example, students from one neighborhood in Center City would be required to switch schools between grades three and four, four and five, and five and six. But the most scrutinized aspect of the plan was its use of busing:

> The plan … seems destined to arouse the same bitter opposition that has surrounded the issue since it began. Busing, of course, seems destined to meet with little popular approval especially from white parents whose children would be bused into black inner-city areas like North and West Philadelphia.

Because of this, some argued that the plan would have a net negative effect on integration in the metropolitan area. Since Philadelphia’s system was 62% Black at that point, people worried that “some schools that are seemingly ideally integrated would be dismantled under the plan because their white students would be needed to help desegregate overwhelmingly black schools.” In addition, some thought that “the plan itself would exacerbate the shortage of white students by prompting white parents to move to the suburbs or enroll their children in private or parochial schools, rather than face busing.”

The pairing plan was considered in the Commonwealth Court later that year as part of the *HRC II* litigation process. The HRC and the District once again needed a formal verdict because the District had not complied with the 1972 *HRC I* verdict—it had failed to submit an integration plan that the HRC would approve. By then, the U.S. Supreme Court had established

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238 Ibid.
239 Ibid.
through *Milliken I* that courts could not compel suburban districts to participate in a desegregation plan with an urban school district if there was no evidence that they had committed constitutional violations. Nonetheless, when both parties had to produce potential desegregation plans for *HRC II*, the HRC presented the pairing plan, but the District again asked for suburban inclusion. It argued that, because of its own financial, demographic, and geographic constraints, the state of Pennsylvania should merge Philadelphia and ten adjacent suburban districts into one metropolitan district.\(^{241}\) This would have enabled 60,000 additional white students to participate in an integration plan with the Black students concentrated at the western and southwestern edges of the School District of Philadelphia—the same neighborhoods that were an hour-long drive from predominantly white neighborhoods in Northeast Philadelphia. Thus, the Metropolitan School District was the only way to integrate those areas without busing any students more than forty minutes each way.

While the District’s plan seemed groundbreaking, it was not proposed out of altruism. The District had been developing its metropolitan proposal for nearly a decade; in fact, it had proposed the idea in the first integration plan the HRC had asked it to prepare in 1968.\(^{242}\) There were fewer possibilities for racial and socioeconomic integration without suburban participation, but District officials also favored it because it would decrease the ratio of Black students to white students in city schools. They hoped this would prevent resistance from white, working-class communities. Indeed, Michael Savage points out that the original articulation of the plan in 1968 “contained much ambivalence about integration” as a concept. Instead of promoting integration, it promised that white children would not be bused to majority-Black schools, and it argued that a “‘growing and articulate segment of the black community’” favored school improvement that


\(^{242}\) Savage, 139.
did not necessarily involve integration. After Frank Rizzo—the former police commissioner who had attacked Black children in the 1967 incident that he used to gain political prominence in the city—became mayor in 1971, he seized on the plan. Savage wrote that, by doing so “in the face of mandatory desegregation,” Rizzo and his administration were aiming “to weaken suburban legislative support for integration.”

The Court made short work of the proposal, writing that it was “beyond the District’s power to implement and beyond the Commission’s power to order,” as well as beyond its own power to compel. It also believed that state policy mandated “that Philadelphia should singlehandedly struggle with the State’s statute mandating the integration of its public schools, whatever the difficulties.” But the Court did see the District’s claims about geographic and demographic obstacles to integration as legitimate, and it allowed the District to exclude multiple sections of the city from any potential integration plan in order to keep all students’ one-way travel time below 45 minutes.

Citing the HRC’s concession that integration between some neighborhoods was not feasible, the Court held that eleven nearly all-white schools in Northeast Philadelphia—totaling 15,000 students—“should not, because of travel time, be integrated.” It allowed twenty-three other schools, eighteen of which were identifiable as Black and five of which were identifiable as white, to remain segregated for the same reason. Several of these schools were in neighborhoods in West and Southwest Philadelphia that bordered the majority-white suburbs that the District had asked to be included in the plan. These schools, and their neighboring suburban institutions,

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243 Ibid., 139.
244 Ibid., 140.
could have become racially and socioeconomically integrated through short bus rides and even cross-boundary walks. But since the Court had dismissed this as a possibility, the fact that the racially isolated Black schools were located in close proximity to segregated white schools effectively did not matter. Savage also saw the HRC as complicit in this, writing that the HRC’s failure to “show any willingness to consider metropolitan solutions” allowed “the Rizzo Board’s metropolitanism to be primarily a tactic of delay.”

Knowing that this would be the effect of its ruling, the Court attempted to justify its decision to leave some areas segregated by reviewing prior determinations that the School District of Philadelphia had not committed constitutional violations. “There is no direct evidence in this case that the District has by arranging attendance areas or otherwise created or fostered racial imbalance in its schools … We are unable to conclude that the District has deliberately created or preserved a dual school system so as to give the matter constitutional proportions,” the Court wrote.

The Court did hold that the District had racial imbalance that could be addressed, but it also saw the District’s attempts to ameliorate it as insufficient. The opinion ended with an order that the District create an integration plan “for the practical cure in its schools of conditions of racial imbalance,” provided “that such plan shall in general not require pupils transported as the result of reassignment under the plan to be on a bus more than forty-five minutes a day each way to or from school.” The District was required to “include written justification for each instance in which it is proposed that a school remain racially imbalanced,” signaling that the District

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248 Savage, 140.
could not leave schools segregated without a legitimate explanation but that it was acceptable for multiple schools to remain unimpacted by the plan.

The School District of Philadelphia then attempted to create and implement a plan that would comply with the Commonwealth Court’s order and the HRC’s standards for school integration initiatives. The road to creating the plan—which would be referred to in the Commonwealth and Pennsylvania Supreme Courts as the 1976 Plan—was not smooth. As the *Philadelphia Inquirer* reported in an article headlined, “Philadelphia School Busing’s Seven-Year Itch”:

> Once more, aroused by the magic words of ‘busing’ and ‘neighborhood schools,’ the angry, frightened parents poured out of their rowhouses and marched downtown to tell the board just what they thought of its latest plan to desegregate Philadelphia public schools.\(^{252}\)

The parents disrupted the school board meeting to protest. Many expressed anxiety about the civil unrest they believed a more comprehensive integration plan would spur, referencing Boston’s busing crisis.

The District produced a plan in response to the 1976 court order that aimed to minimize opposition from this group. Set to be implemented at the start of the 1978-79 school year, the plan only involved voluntary initiatives, including magnet schools, an open enrollment and voluntary transfer program, cooperation between public and parochial schools, and skill centers where students attending non-integrated schools could experience some integrated educational programming. But the HRC rejected the plan upon submission, arguing that it would not ensure any degree of integration. The Commonwealth Court overruled it, approving the plan. The HRC appealed the decision. This left it up to the Pennsylvania Supreme Court to rule, in August of

1978, on whether the plan sufficiently complied with the Commonwealth Court’s prior orders and Pennsylvania state law.\textsuperscript{253}

In its decision, the Supreme Court of Pennsylvania highlighted three central issues of dispute between the parties: the District’s “unwillingness to develop an involuntary reassignment plan,” “unwillingness to achieve some immediate desegregation” through pairing schools or redrawing attendance zones, and “identification of four categories of schools” that would remain outside the purview of its plan.\textsuperscript{254} The Supreme Court considered each of these issues in turn.

First, while the District and HRC disagreed on how much integration the plan would create (as well as on the definition of an integrated school), the Court estimated that the District’s plan would desegregate between 10\% and 15\% of the city’s public-school student population. Then, it considered mandatory desegregation initiatives. The Court pointed to testimony from the District’s witnesses and the HRC’s Director of Education Richard B. Anliot, who acknowledged that several of the HRC’s proposed pairings “would not yield schools which were desegregated in accordance with the Commission’s guidelines” and would “entail significant traveling distances between the attendance districts.”\textsuperscript{255} Indeed, the HRC’s proposed plan would leave some schools 82\% Black, which did not fit its own definition of desegregation. Five pairings, which together involved approximately 7,000 students, were not disputed by the District or undermined by the HRC. The Court acknowledged this, but it breezed past it to note that the City’s Home and School Council, which was “representing the parents of Philadelphia school district children,” “endorsed the District’s proposed voluntary plan and was prepared to work towards its success.”\textsuperscript{256} In addition, it quoted the District’s Coordinator of External Operations, who testified

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that the District believed that “voluntary program elements were more likely to obtain support and prove successful if they were not combined with involuntary elements or contingency plans which were likely to attract substantial opposition.”257 Finally, on schools excluded from the plan, the HRC had accepted that several schools were exempted from the District’s integration plan because they were already integrated or offered essential services—such as special education and bilingual education—that could not easily be spread between schools or replicated elsewhere.

The Pennsylvania Supreme Court synthesized these pieces of information to argue that the HRC’s own expert saw two-thirds of the 91 exemptions from the District’s 1976 plan as “unobjectionable.” It posited that “the actual difference between the District and the Commission is substantially narrower than at first appears.”258 This laid the groundwork for the Court to issue a ruling in favor of the District’s integration plan. The Court summed up the differing testimonies by labeling them: “evidence from the Commission that a plan of voluntary desegregation would achieve some measure of desegregation, the degree of which was beyond everyone’s knowledge.”259 The Court then reasserted the District’s argument that “such a plan would be most likely to elicit support from the constituencies of the schools.”260 In other words, the District expected the voluntary plan to trigger less white resistance than a mandatory plan. The Court therefore threw its support behind this approach. It noted that the Commonwealth Court had been presiding over the case for eight years, and that, after so much time had passed without any plan being implemented, “what is required at this point is a plan which can be put

into operation and which can move the present situation off dead center. The Commonwealth Court’s order achieves at least that much.”

However, the Pennsylvania Supreme Court did not unanimously side with the District over the HRC. Justice Robert Nix—who would go on to serve as the first Black Chief Justice of the Pennsylvania Supreme Court—issued a dissent covering both Philadelphia and Pittsburgh school desegregation cases, in which he stated:

In view of the ten year history in which these two School Districts have resisted their obligation to devise and implement a realistic and effective desegregation plan for their respective districts, I am at a loss to understand the Commonwealth Court’s and this Court’s willingness to accept a Belated voluntary plan as being compliance with the previous directives of the Pennsylvania Human Relations Commission. Reviewing the history and purpose of the HRC—a body that was created specifically to address discrimination—Nix questioned why the Commonwealth Court or Pennsylvania Supreme Court felt that they could substitute their own, less specialized judgment for the HRC’s, particularly given his conclusion that “there is sufficient substantial evidence to support the Commission’s findings of fact and conclusions of law.”

Nix went beyond procedural arguments to signal a deeper disagreement with the Commonwealth Court and his colleagues who had signed the majority opinion for the Pennsylvania Supreme Court. He questioned whether the other justices were correct to conclude that the case did not trigger constitutional protections.

The United States Supreme Court in Brown v. Board of Education … crystallized the responsibility of government to eliminate segregation within the schools of the nation. That concept, as it has evolved, has required that all reasonable methods be available to formulate an effective remedy … Any decision to require less would contravene the mandate that every effort must be taken in order to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation.

Nix made it clear that he saw *Brown v. Board* and subsequent Supreme Court school desegregation issues as applicable to the issues before him, writing that: “the fact that the realization of this responsibility first occurred in situations involving De jure segregation does not lessen the responsibility where offensive racial imbalance was present as a result of De facto segregation.”

As it turned out, though, the Pennsylvania Supreme Court’s 1978 decision would be rendered moot just two years later. The 1978 verdict had included an allowance for the HRC to become involved again in 1980 if they believed the plan was failing. The HRC filed a petition with the Commonwealth Court in July of 1980, arguing that the plan was not desegregating the District as required by Pennsylvania state law. The HRC asked the Court to order the District to file a new desegregation plan with the HRC that included mandatory initiatives.

At the center of this iteration of the HRC cases was a disagreement between the District and the HRC over the definition of an integrated school. The HRC’s definition—which had evolved over time as the District’s demographics had changed—considered an integrated school to be one that had “less than 25% white enrollment or less than 40% black enrollment unless the school contains at least 20% Hispanic enrollment.” In that case, “it is segregated if it also contains less than 25% white enrollment or less than 25% black enrollment.” Under this definition, the HRC pointed out that the voluntary plan had succeeded in desegregating three schools—just 1% of the District’s educational facilities. The District disagreed, seeing a school as integrated if its white enrollment was between 25% and 75% of the student body. Under this

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definition, it would have desegregated 10 of the 55 schools it had targeted for integration by September of 1979—more progress than it could be seen as having made under the HRC’s definition of integration, but still far short of its own goal.

The Court, frustrated with the District’s and HRC’s propensity to disagree with one another whenever possible, noted that “the presence of substantial objections to each of the definitional devices used for this purpose by the parties can only be said to have complicated the already difficult task before this Court.” But definitional differences did have real-world implications. The HRC was willing to be flexible, but it strongly opposed the District’s definition because it “would have the effect of placing a disproportionate share of the burden of the desegregation effort on black students by requiring greater reassignment of black students than of their white counterparts.”

The Court pointed out that, regardless of the definition used, the School District of Philadelphia remained far more segregated than any party to the case had hoped it would be at that point. In November of 1977, before the plan had been implemented, there were 113 public schools in the District of Philadelphia with student bodies that were at least 90% Black. In October of 1980, that number had only dropped to 111. But these statistics do not even tell the full story; nine of the 113 schools that were at least 90% Black in 1977 were not included in the group of 111 schools that were at least 90% Black in 1980. Of these nine, seven were closed between 1977 and 1980. The Court’s majority opinion stated that “the pupils there enrolled have been, in each instance, reassigned to schools as segregated as the schools in which they were previously enrolled.” Thus, as Richard B. Anliot, the Director of the HRC’s Division of

Education, testified, the District lost “valuable opportunities to further desegregation”272 by not reassigning these children in a way that would further integration. In addition, the fact that the number of schools that were at least 90% Black only decreased by two when seven of the schools had been closed demonstrates that other schools became more segregated during this period. And, of the two schools that still existed but that were longer at least 90% Black in 1980, both had seen an increase in their Asian and Hispanic student populations, not an increase in their white student populations.

There was one area in which the District’s plan had achieved success: making all- and majority-white schools more integrated. This decreased the amount of racial isolation in the District and may have been part of the reason that the proportion of Black students attending schools that were at least 90% Black decreased from 69% to 66% during this period. However, the Court pointed out that this type of integration—which put the burden on students of color to leave their schools—was only succeeding in combating some types of segregation.

The district must not be content with and we will not grant our imprimatur to a desegregation effort which, however successful in desegregating schools which formerly contained all or nearly all white students, is unsuccessful in accomplishing the desegregation of schools which contain all or nearly all black students. In the desegregation of predominantly black schools it is clear that voluntary methods have proven to be insufficient.273

In its ruling, the Court did not order the District to submit an entirely new desegregation plan, as the HRC wanted. But it did mandate that the District create pairings that would bring about immediate, mandatory integration where logistically feasible. In addition, it required the District to reassign students whose schools were closed in a manner that furthered integration. Still, the Court also made a significant concession in its order, writing that “the complete desegregation of

the district’s schools, in light of the geographic and demographic problems, may not be feasible without the necessity of transporting students over distances and for periods of time which would endanger their well being.”

This would be the final iteration of the HRC cases to incorporate mandatory integration. With a new superintendent about to take control of the School District of Philadelphia, national support for integration on the decline, and Philadelphians growing weary as the litigation continued, the dialogue was about to shift from integration to “school improvement.” The District pushed the Court and the HRC to accept its assertion that demographic, logistical, and financial constraints made mandatory integration impossible. The HRC still hoped to integrate Philadelphia’s public schools, but District leadership wanted to focus instead on overhauling academic and disciplinary policies at existing schools.

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Chapter 4: Philadelphia “Desegregation” Litigation from Clayton to 2009

During this period, parents at the Kelly School in Germantown, a neighborhood in the northwest corner of the city, had made strides toward integration on their own. They had organized a desegregation committee in 1979, when the school of over 1,000 elementary-aged students was 91.6% Black and 5.8% white. By the 1981-82 school year, it was 89.7% Black and 7.5% white, with the makeup of the school’s youngest grades promising an even more integrated future; the kindergarten classes were around 25% white. Predominantly-Black schools across the District struggled to recruit white students, and those that were approximately 90% Black tended to lose white students each year. District officials therefore considered Kelly’s shift “an outstanding accomplishment.”

The desegregation committee had reached out to middle-class white and Black parents in the area who may otherwise have sacrificed to send their children to private or parochial schools, as well as white parents in Northeast Philadelphia, who could send their children to any predominantly-Black public school in Philadelphia. They focused on the school’s full-day kindergarten and open classroom programs—progressive pedagogical approaches that created a more personalized and enriching educational experience for children.

However, funding shortages soon put Kelly’s progress at risk. The District faced a $40 million budget deficit, and it claimed that it could therefore no longer afford to pay $1.5 million for extended-day kindergarten at Kelly and the forty-one other city elementary schools that had such programs. It could also no longer afford to support Kelly’s open classroom program. The irony of the situation was not lost on Kelly parents:

Kelly Parents say it is ironic that their extended-day program is being cut by a school district that is under Commonwealth Court order to quicken the pace of desegregation in Philadelphia.276

Leontine D. Scott, director of the District’s early childhood education program, decided that, if any schools were going to have to lose their extended-day kindergarten, all schools would have to. Helen Oakes, a member of the school board, disagreed; she thought that Kelly parents’ strategy of using extended-day kindergarten as “an incentive to help desegregate the school” and the school’s location in an integrated neighborhood should make it “a special case” and enable it to keep its extended-day program.277

This approach to voluntary integration—which did not require white parents to send their children outside their own neighborhoods but rather set up the expectation that they should be recruited and incentivized to participate in integration—would become the District’s chief strategy, particularly after 1983. That year, the District’s student population was 63% Black, 26.8% white, 8% Hispanic, and 2.1% Asian, with the proportion of white students trending downward.278 The District had attempted to comply with the 1980 court order by creating eleven pairings between twenty-two schools, half of which were predominantly white and half of which were predominantly Black. The Board hoped to institute these pairings on a voluntary basis, but in its initial proposal, it did commit to pursuing them on a mandatory basis—as the court order had required—if it did not attract a sufficient number of participants.

However, as of early January of 1983, a majority of both Black and white parents were opposed to the plan, and most board members reported that they had “changed their minds” about implementing mandatory measures. Instead, they would double down on the voluntary

276 Ibid.
277 Ibid.
programs Courts had deemed insufficient to bring the District in compliance with state law. Indeed, research at the time from Vanderbilt University suggested that, while mandatory measures minimized white flight from urban districts, they also “produced ‘the least amount of desegregation’ and had ‘no effect on racially isolated minority schools’”279—the exact issue that the HRC had highlighted, and that the courts had affirmed, with Philadelphia’s voluntary desegregation initiatives.

Meanwhile, in Harrisburg, opponents of integration produced yet another bill that sought to outlaw mandatory busing for integration. The bill’s sponsor, Republican Representative Christopher R. Wogan of Philadelphia, said of the matter that “‘the feeling is that the Human Relations Commission is hellbent on forcing busing in Philadelphia.’”280 Wogan argued that the HRC was out of touch with Philadelphians of all racial identities, claiming: “‘There’s absolutely no constituency for forced busing in Philadelphia among black or white parents.’”281 Capitalizing on the fact that arguments of Constitutional violations had not been successful in Philadelphia, Wogan included in his bill a section that would prohibit state agencies from becoming involved in pupil assignment unless they could identify a specific Constitutional violation. This would have rendered the state’s anti-discrimination law meaningless, giving the HRC the power to intervene only when the plaintiffs could also have brought a case in federal court. Wogan did not immediately seek a vote on the legislation, but he promised to do so if the HRC attempted to implement mandatory busing.

As it turned out, Wogan would never have to invoke his threat of taking away the HRC’s mandate to address “de facto” segregation. Constance Clayton began her tenure as

279 Ibid.
281 Ibid.
Superintendent of the School District of Philadelphia in 1983, marking the end of the era in which the District would agree to enact any mandatory integration initiatives. Clayton, the District’s first Black female superintendent, took, as William Cutler described it, a “new approach to desegregation.” She focused on voluntary transfers and intercultural education—the latter of which, of course, is not actually an integration initiative.

Clayton came up with an integration plan early on in her time as superintendent, and the Philadelphia Inquirer announced it on October 6, 1983, with the headline: “What’s new in Clayton’s desegregation plan: Clear goals.” The article acknowledged that the voluntary transfer component “doesn’t sound particularly ambitious, and it doesn’t sound new.” But it then argued that “Clayton’s desegregation plan is new and ambitious because it sets out its own terms to replace those of the past” and “establishes the extent to which desegregation is not feasible” while setting forth “educational initiatives for those schools that will remain racially isolated—another first for the district.” Clayton’s approach to integration itself was not seen as new, but her stance that total integration was unfeasible was hailed as a refreshing change that could bring about better educational outcomes for the city’s children.

But Clayton’s stance on integration was not the only thing about her that was seen as new and different. As a Black woman, many automatically accepted her anti-busing stance as non-problematic. When Clayton spoke at a school board meeting on September 26, 1983, she said, “there is absolutely no constituency among parents—black, Hispanic or white—for a mandatory plan.”

Citing concern that mandatory measures would produce further white flight, as well as

284 Ibid.
285 Ibid.
the fact that the District’s student body was only 26% white and that 60% of those students lived in the Northeast, Clayton expressed doubt that it was possible to bring about system-wide integration. She also argued that “it was unrealistic to expect large numbers of white parents to send their children to so-called racially isolated black schools—those that were more than 90 percent black.”286 School Board Member Herman Mattleman said, “‘When a black superintendent reports that neither the black nor white communities want busing, I think the black community doesn’t feel like they’re being sold down the river.’”287 Another Board member went a step further and argued that “‘Connie Clayton is going to make people believe that her plan is not racist, because Connie Clayton obviously is not a racist.’”288

Thus, people seemed to hope that Clayton’s race would protect her from being criticized for refusing to enact mandatory desegregation initiatives. This would allow her to propose plans that would not disrupt the status quo of the District nearly as much as mandatory integration would have, primarily due to the fact that white students and middle-class students of all racial identities could continue attending separate schools from lower-income students of color.

A *Philadelphia Inquirer* editorial published in October of 1993 identified Philadelphia public schools’ low standardized test scores, social promotion, and lack of discipline as the reason white parents and Black middle-class parents opted for private or suburban options instead. Clayton’s plan was the first to target low-achieving schools of any racial makeup with “funds for comprehensive educational achievement programs and additional staff” while providing “special instruction on race and intercultural relations at racially isolated schools.”289

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286 Ibid.
287 Ibid.
288 Ibid.
Even though the only actual desegregation would be between schools that were located in integrated neighborhoods and could therefore desegregate through short bus rides, the *Inquirer* called the plan “practical” and “realistic” because it fit with the new consensus that white and middle-class parents should be recruited, not forced. The article urged the Commonwealth Court and the HRC not to “reject the plan out of hand or reject it solely on philosophical grounds,” and it exhorted the Court and the HRC to “consider Superintendent Clayton’s record and background” as “a veteran of 28 years of service in the system and its first woman and the first black to serve as superintendent of Philadelphia schools.”

Despite these and other public calls for acceptance, the HRC rejected Clayton’s plan. However, the HRC did not want to return to the Commonwealth Court any more than the District did. With Commonwealth Court hearings scheduled for October 25, representatives from the HRC and the District began meeting privately during the week of October 19 at the Philadelphia Centre Hotel to try to reach a compromise. While neither party would discuss details of the negotiations with the press, Clayton reported that the District would “consider anything except mandatory busing,” and HRC Chairman Joseph X. Yaffe said that the HRC “would accept a desegregation plan based on voluntary measures ‘if they are feasible and practical and will desegregate the schools that are not desegregated.’” The negotiations did achieve short-term success. At their conclusion on November 24, the HRC and the District enacted a Memorandum of Understanding. They would implement a modified desegregation plan for three years, at

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290 Ibid.
291 Ibid.
which point a Settlement Team—members of which would be appointed by both parties—would evaluate the plan’s progress toward “achieving maximum feasible desegregation.”

Having received this temporary judicial and administrative mandate, the District turned to implementing the modified plan. The plan targeted forty-one schools for desegregation, twenty-six of which the District hoped to integrate by the 1985-86 academic year. Of these, twenty were majority-white schools that would need to recruit students from outside their feeder zones, and six were predominantly Black schools located in integrated or majority-white areas. The plan did not aim to desegregate any predominantly Black or Hispanic schools in predominantly Black or Hispanic neighborhoods, and it also put much more of the burden on Black students to switch to predominantly white schools in order for the District to be brought into compliance with state law.

The District had not succeeded in encouraging Black students to switch to predominantly-white schools in the past. District officials thought this could have been due to a lack of publicity; in a 1983 public opinion survey of Philadelphia public school parents, 50% of respondents indicated that they were unaware that the District had been operating a desegregation program since 1979. For the new plan, the District created a marketing strategy that aimed to inform more parents about the program’s existence and incentivize them to take advantage of it. This would involve direct mailings, community outreach centers, and public service announcements. Each desegregating school was assigned a list of “feeder schools” from which to recruit students.

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In the fall of 1984, 3,700 students participated in Philadelphia’s new desegregation plan. The HRC and the District had agreed that a school could be considered integrated if it was between 25 and 60% white or between 40 and 75% minority. Under this definition, the rollout in the fall of 1984 integrated fifty-seven District schools. The rollout was smoother than feared—eleven of the 585 buses with which the District was under contract did not show up to transport students, but there were no signs of mass protests or resistance to the plan. However, with no white children being compelled to ride buses out of their neighborhood, this is, perhaps, not surprising. The plan left out many of the city’s predominantly white schools and only moved 1.9% of Philadelphia public school children to new schools in order to facilitate racial imbalance. Most children and parents would hardly have been impacted by the demographic shifts.

In the eyes of the HRC, this was exactly the plan’s problem. The HRC stepped back into the Philadelphia school desegregation conversation in December of 1987, when it began investigating whether the plan was effectively attaining “maximum feasible desegregation” in Philadelphia public schools. At that point, the plan had enabled thousands of students to ride buses to schools outside their neighborhood in order to receive an integrated education. But the vast majority of such trips were made by Black students to schools in Northeast Philadelphia; very few white children were involved in relocation at all.

The HRC began investigating, starting off with public hearings. Its lawyers quizzed District witnesses, including Portia Hunt, a Temple University professor. When asked whether she thought mandatory desegregation initiatives would trigger white flight, Hunt responded: “My guess is that if people are forced to desegregate, it would create a polarization I have not yet seen in this city … My guess is that it (white flight) might increase, but I really don’t

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Even as an expert at a public hearing, Hunt felt it was appropriate to appeal not only to her professional knowledge but also to general fears of white flight and polarization that she could not link to concrete evidence. This sheds light on how acceptable such arguments had become as deterents against mandatory integration initiatives. Such emotional appeals continued to be invoked throughout the remainder of the hearing, including from parents of different racial backgrounds.

Clayton and her staff took a different approach, “assailing” an HRC proposal to create mandatory pairings for desegregation. They argued that this move would divert Chapter I funding for low-income children and disrupt already integrated schools. Clayton ultimately stated that she “would go to federal court before implementing a mandatory student reassignment plan,” marking an end to the HRC’s and District’s ability to find common ground on school desegregation.

On June 27, 1988, unable to agree on another plan on their own, the District and the HRC entered a joint stipulation which acknowledged their mutual inability to agree on how to accomplish maximum feasible desegregation. This triggered the creation of the Settlement Team, which would perform its own independent investigation on the matter. The Settlement Team would consist of five members and was expected to be established by September of 1988. Each party to the case would appoint two of the Team’s members, and the Commonwealth Court would appoint the fifth. The joint agreement establishing the body did allow for the District’s

300 Ibid.
financial limitations to be considered in a determination of what more it had the capacity to do to facilitate integration.\(^{302}\)

In Clayton’s eyes, this was key; she was growing weary with the HRC and what she saw as its fixation on moving Philadelphia public school students to create desegregated education in the Philadelphia metropolitan area. She continued expressing her position that busing “white public school children and black children around the city does little beyond draining precious resources away from the educational needs of the inner city poor”—an outcome that was all the more frustrating to her given that “the great majority of the area’s white children—those who go to parochial, private, suburban and Far Northeast schools—are written off with nary a whimper by the PHRC.”\(^{303}\)

Echoing the movements for Black Power and community control in education, the argument that integration was not the way forward for Black children and families was gaining traction in Philadelphia’s Black community. A panel of prominent Black scholars recommended in May of 1989 that schools focus away from desegregation and instead work on creating smaller communities for students, facilitating greater parental involvement, connecting students with social services, moving away from measuring student achievement only through standardized tests, and building a multicultural curriculum. This conversation did not deal with the question of whether integration was a social good, focusing instead on the segregated and unequal educational experiences of hundreds of thousands of children in Philadelphia. As Sara Lawrence Lightfoot, a member of the Committee on Policy for Racial Justice, said, “’We’re going to have


\(^{303}\) Dale Mezzacappa, “School desegregation.”
schools for a very long time that are largely minority … the reality is we have to find ways of making those quality institutions.”

The situation was on hold until November of 1992, when the Settlement Team submitted its report to the Commonwealth Court. It recommended that the District pair ten predominantly white schools with ten predominantly Black schools and bus students between them—a mandatory initiative. At this point, the Court allowed the parties in the case to deliver oral arguments. The District indicated that it did not agree with the Team’s findings. The Court then opened evidentiary hearings in March of 1993 for the parties to litigate over two questions: whether the School District of Philadelphia had achieved maximum feasible desegregation, and whether, if not, mandatory desegregation measures should be instituted.

However, there was a new figure in this round of arguments: a new judge, Doris Smith, had taken over the case. Her approach to desegregation was different than that of her predecessor, Judge Wilkinson. Smith held the HRC to a higher standard of burden of proof than Wilkinson had, placing the final control over integration measures in the hands of the Commonwealth Court instead of the HRC. This higher standard also enabled her to dismiss the HRC’s request for mandatory integration initiatives. She argued that they had neither produced “substantial evidence” in support of their position that the District had violated the Pennsylvania Human Relations Act nor presented a compelling argument that mandatory segregation would be effective:

The Commission proffered no evidence in support of this proposition that mandatory busing would effectuate further desegregation than has been accomplished under the

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305 Dale Mezzacappa, “Regionalize the schools, lawyer says: Further desegregation is impossible without the suburbs, the city district’s lawyer argued,” *Philadelphia Inquirer* (Philadelphia, PA), April 14, 1993.
modified plan, and it neither proved the feasibility of mandatory reassignment per busing nor any cause and effect relationship between busing, if indeed it were feasible, and increased desegregation.\textsuperscript{307}

Declaring that the HRC had failed to prove that mandatory busing was an appropriate or effective remedy, Smith decided that the Commonwealth Court would “no longer consider mandatory busing as an issue in this case.”\textsuperscript{308}

During this round of litigation, the District also asked for a remedy that had already been rejected. As she had stated in the leadup to the resumed litigation, Clayton was unwilling to devise a plan that would ask inner-city Black children to ride buses for integration while allowing white students in the Northeast, suburbs, and private schools to abstain. Therefore, the District presented another metropolitan plan for consideration. But there was a new source of external support for the proposal; the Settlement Team had not only suggested mandatory busing within the District, but also suburban participation in a voluntary student exchange with Philadelphia public schools. Nix addressed the issue in her opinion, summarizing the District’s position:

The District asserts that only a metropolitan school district, spanning the contiguous suburban school districts, would put an end to segregation within its boundaries which in actuality derives from artificial, state-created districting. Moreover, the District argues, without the joinder of the Governor and the Department of Education, any resolution devised by these proceedings will be futile because the financial wherewithal will be lacking.\textsuperscript{309}

The District’s proposal would include the suburban school districts of Haverford, Lower Merion, Colonial, Springfield, Interboro, Lower Moreland, Bensalem, Neshaminy, Upper Darby, Abington, and Cheltenham in this metropolitan resolution. It excused Southeast Delco and William Penn because each had a high proportion of minority and low-income students. The

District saw these suburban entities, the state, and the governor as “indispensable” to the resolution of the case. School District of Philadelphia attorney William H. Brown cited “the need for more state funding and a larger pool of white students in order to achieve meaningful desegregation of city schools.”

Brown said that the Commonwealth Court should be able to compel suburban and gubernatorial participation because the Court had jurisdiction over the entire state. He argued that “school district boundary lines are ‘arbitrary’ and set by the state in a way that promotes segregation.”

Just as her predecessor had done, Smith made short work of the District’s—and, by extension, the Settlement Team’s—proposal. She reviewed the 1972 and 1976 HRC decisions, when the Court had decided that creating a metropolitan school district was beyond its power and that the District had to create a feasible integration plan before seeking financial support to implement it. Smith wrote:

Together these prior pronouncements required a denial of the District’s joinder requests under the doctrine of the law of the case meaning that ‘whatever is once irrevocably established as the controlling legal rule of decision between the same parties in the same case continues to be the law of the case’ … It should be noted that neither the District nor the Commission appealed this Court’s refusal to order the creation of a metropolitan school district.

In her order on April 14, 1993, Smith also allowed several parent and community groups to join the case as intervenors. She decided that the case would move forward with presentations of evidence regarding three issues on which the intervenors were focused: community input, quality education, and voluntary desegregation. The intervening groups were concerned that

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311 Dale Mezzacappa, “Regionalize the schools.”
the District’s previous voluntary plan had not been able to accommodate all students who had wanted to participate, and they felt that “every child should have the right to a desegregated school experience, if the child (and the child’s family) chooses it.”\textsuperscript{314} They also noticed that most parents seemed to be unaware of the litigation and had not been approached by either party for their input on school integration.\textsuperscript{315} Indeed, the HRC had brought its suits without Black plaintiffs, creating distance between themselves and the community they were aiming to help. Smith’s choice to rule out mandatory busing and focus on these parents’ points—only one of which actually concerned school integration—marked a fundamental shift in the case, as did the focus on “choice” in the community groups’ language.

Meanwhile, Black students at some integrated schools were facing discrimination and suspicion from white parents who lived in the surrounding neighborhood. At George Washington High School in Northeast Philadelphia, a disturbance erupted during a power outage on the morning of April 22, 1993. Police who were called to the scene insisted that hundreds of students were involved, while acting principal Bessie Gray said a “handful” of students acted “in an unacceptable manner by fighting, attempting to incite the other students to act improperly, and by refusing to follow the directions of staff and the police.”\textsuperscript{316} The school’s security director, John J. McLees, clarified the numerical discrepancies, reporting that only four students had been arrested for incidents that occurred off of school property. But he explained that, while the school was still considered quite safe, six security guards had been added “until we feel the school has returned to its former calm.”\textsuperscript{317}

\begin{multicols}{2}
314 Ibid.
317 Ibid.
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Some parents accepted McLees’ assurances, but others did not. They blamed the incident on the 800 Black and Hispanic students who had been bused to the 3,100-student school as part of the District’s desegregation program. One parent, who complained about graffiti and other problems she attributed to the minority students, said: “‘We are asking that anyone who was involved in this melee be sent back to their home school.'”

Many parents and students pushed back against this statement, with 15-year-old Kevin McCray explaining, “‘[the incident] was not all the black kids. I want to make that clear … I come up here for an education … just like your kids do.’”

In January of 1994, the District announced that it would be stepping away from integration. In a brief, the District argued that the state of Pennsylvania should fund educational improvement initiatives for Philadelphia. However, the District felt that these should not include integration because “there are too few white students left in the district to achieve any meaningful desegregation, and additional measures would only promote white flight.”

Signaling that, moving forward, desegregation would now no longer be viewed as inherently beneficial and would instead have to be justified, the District also argued that further desegregation would not make a difference in student performance. It asked for a directed verdict, wanting judgment to be entered in its favor on the grounds that the HRC and the intervenors had not demonstrated that the District had not achieved maximum feasible desegregation.

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318 Ibid.
319 Ibid.
But when Smith convened hearings, the very data the District saw as paramount undercut its argument. Evidence presented at the hearings revealed there was substantial racial disparity in the District’s test scores, suggesting that Philadelphia students of different racial backgrounds did not receive equal educational opportunities. In addition, the District’s Office of Desegregation had a $15 million budget for the 1993-94 school year, only $500,000 of which—or a little over 3%—was directed at reducing racial isolation for students who attended schools that were at least 90% Black and/or Hispanic.322

In the 1994 order she issued following these hearings, Smith focused on connecting the school desegregation cases of the mid-twentieth century with her pivot to “school quality” in the HRC cases:

In 1954, the highest court in this nation ruled that where the state undertakes to provide for an education, it is a right which must be made available to all students, Black and White, on equal terms. To the detriment of Black and Hispanic students, this right has not been made available on equal terms to all of the students in Philadelphia public schools.323

Even though her remedy did not require physical desegregation, Smith used the low achievement scores for minority students to conclude that the District had “failed to desegregate the public schools by all feasible means and continues to maintain a racially segregated school environment where all of the students do not receive equal educational opportunities.”324 Smith informed the parties that they would have to come before the Court again to develop an integration plan with a “master or team of educational experts” that would comply with Pennsylvania laws.325 The plan would have to have specific achievement goals for minority students.

Smith also listed several initiatives for the District to enact on its own. Only the seventh—“expansion of the voluntary movement of students for desegregation purposes”—involved having students switch schools for integration.\textsuperscript{326} The rest of Smith’s suggestions left students at whichever school they had been attending and focused on trying to raise test scores and proficiency in basic skills within the existing system. Thus, even though she had mentioned \textit{Brown v. Board} in her opinion, Smith pivoted to a plan that left students in segregated schools and focused abandoned mandatory integration. This was not just a post-\textit{Brown} world; it was also a post-\textit{Milliken} world, and it looked quite a bit like \textit{Plessy v. Ferguson}’s 1896 standard of “separate but equal.”\textsuperscript{327}

The Court appointed a seven-member Educational Team to formulate a desegregation plan in response to Smith’s February 1994 order, and the group submitted its report on September 15, 1994. After considering the Team’s plan; public comments in response to the plan; and testimony from parents, teachers, and community members, Smith ordered the District to provide a new, detailed plan and timeline for implementation.\textsuperscript{328} The plan would have to include education reforms unrelated to desegregation, including increased parental involvement, professional development, and higher teacher expectations. It would also have to include “desegregation strategies,” but Smith’s requirements in this category were all voluntary; Smith wanted the District to evaluate existing magnet programs to ensure racial equity and create new magnet schools so that more students could switch into such programs from racially isolated schools.\textsuperscript{329} The plan also, without explanation, required that the District “abolish its desegregation office and establish an Equity Assurance Office” to “provide information to

\textsuperscript{327} \textit{Plessy v. Ferguson}, 163 U.S. 537 (S. Ct. 1896).
parents and students about desegregation opportunities within the School District.”

Finally, the District would be required to “develop all other feasible methods for voluntary desegregation of students through changes in feeder patterns … [and] construction of new school facilities and renovation of existing property centrally located and accessible to students of all racial backgrounds.”

The District complied by submitting its Reform Plan on February 15, 1995. At that point, the District had not made much progress toward desegregation; at a hearing on the Reform Plan, Assistant Superintendent for the Office of Collaborative Programs and Development Katherine Connor testified that she would be working with Director of the Desegregation Office Dr. Ernestine Carter to “study and evaluate existing magnet programs and desegregation strategies in order to devise a report for submission to the Court by June 30, 1995. Smith issued an order to address specific components she wanted to see in Connor and Carter’s report. These included: “availability of student transfer opportunities; reassignment of students due to over crowding … [and] a pupil reassignment process that avoids the potential for increased racial isolation.” Smith listed there voluntary initiatives alongside several other reforms that involved leaving students in racially isolated schools, which an article in the Los Angeles Times described in language that evoked Plessy: “Separate might be unequal, [the parties] say, but it is a reality, and administrators need to face it by making segregated schools as equal as possible.”

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But even without desegregation, it became clear that the District did not have the resources to fund the school improvement initiatives it hoped to implement. However, a major development opened a new possible way to address this issue. Smith had not granted the District’s earlier request to join the state of Pennsylvania and the governor as parties in the HRC litigation, but she had never ruled out the possibility of doing so in the future. She had wanted to wait until audits were completed that could show that “the school district wasn’t frivolously spending money and it was making the appropriate cost-cutting savings.”\(^336\) When the audits were done in 1995, they indeed demonstrated that the District was in financial peril. Smith hoped this would prove that the District had no option but to solicit more funding from the state. There was also evidence that the state was neglecting its duties to fund public education across the board; while Pennsylvania’s student population had risen between 1991 and 1995, state funding had remained stagnant, necessitating over $162 million in education spending cuts.

In August of 1995, the community group intervenors, instead of the District, requested that the mayor and governor be joined to the case. When the Court considered the motion,\(^337\) it reviewed the Pennsylvania State Constitution, which established the state government’s duty to “provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.”\(^338\) Smith connected the state’s constitutional mandate to the HRC’s legislative mandate, writing that:

> The Human Relations Act prohibits discrimination on account of race in places of public accommodation; therefore, Black and Hispanic students in racially isolated schools must receive educational opportunity equal to those provided to white students.\(^339\)

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Because Smith determined that Pennsylvania state law required this outcome and there was significant evidence that the School District of Philadelphia could not get there on its own, Smith granted the intervenors’ motion to join the state, governor, city, and mayor “in the remedial phase” of the HRC litigation. She aimed to determine “their liability, if any, to pay additional costs necessary to remedy the unlawful conditions found to exist in the Philadelphia public schools.”

Smith then presided over a trial that determined whether Pennsylvania, its governor, Philadelphia, and its mayor were liable to pay additional costs necessary to bring the School District of Philadelphia in compliance with state anti-discrimination laws and the Commonwealth Court’s order from November 28, 1994. The trial began on May 30, 1996 and concluded on July 11. On the first day, Smith made it clear that she would require the District to fund the initiatives she had mandated regardless of the outcome of the litigation. She demanded that it cut more money from its proposed $1.3 billion budget to add $26 million for desegregation, daycare, and full-day kindergarten.

At the trial, a bitter back-and-forth ensued between school officials, teachers, and state employees. Different parties made conflicting arguments about the amount of financial flexibility the District had to implement Smith’s reforms. Karen DelGuercio, the leader of a nine-school cluster in West Philadelphia, testified about the difficult funding choices that had to be made in her schools. She cited an example of Strawberry Mansion High School eliminating the position of English department head in order to purchase security cameras. The English department head at the time was also teaching the school’s first advanced placement course in recent history. But

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341 Dale Mezzacappa, “Judge vehement on school spending: Doris Smith wants the budget balanced her way. She demanded funding for desegregation and other efforts—or else,” Philadelphia Inquirer (Philadelphia, PA), May 31, 1996.
Edward Mannino, a lawyer for Pennsylvania Governor Ridge, contended that “the district has plenty of money to carry out Smith’s reforms but chooses to spend it on other things.” He pointed out that the District had been paying teachers to attend professional development sessions on weekends, over dinner, and even in hotels, as well as paying parents stipends to volunteer in their children’s schools.

But it was the testimony of then-Superintendent David Hornbeck on June 25 that demonstrated the lengths to which Smith was willing to go to compel the District to comply with her vision of desegregation, as well as the height tensions had reached over the issue. Mannino grilled Hornbeck, whom Smith had threatened to jail earlier that month for not including $16.7 million for desegregation, full-day kindergarten, and daycare programs in the District’s proposed 1997 budget. Hornbeck had escaped this contempt citation and the associated prison time by promising to get the money from the state to pay for the initiatives. This put tremendous pressure on his encounter with the governor’s lawyer in court, particularly given that legislators in Harrisburg were working on a state budget while Hornbeck testified that would give “very little additional money to Philadelphia schools.” Mannino tried to discredit Hornbeck by suggesting that his true goal in the desegregation litigation was to gain personal notoriety, pushing Hornbeck to admit that he planned to use the desegregation litigation to “provoke a ‘crisis.’” He also had implied that Hornbeck had excluded Smith’s priorities from the 1997 budget “in order to get the publicity that came with her threat to jail him” pointed out that he had not gone to the City of Philadelphia to ask for more money. Hornbeck insisted that he had avoided the

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344 Ibid.
345 Ibid.
last option because “he basically agrees with Mayor Rendell’s contention that city residents are overtaxed and that the state is primarily responsible for funding education.”\textsuperscript{346} He deflected the accusation that he had intended to provoke a crisis by arguing that Philadelphia schools, with low test scores and dropout rates exceeding 50\%, already constituted a crisis.

The District’s ever-changing demographics were also reviewed during the litigation,\textsuperscript{347} shedding light on both the growth of the city’s Hispanic population and the continual trend of white flight. At that point, 63\% of Philadelphia public school students were Black, 11\% were Hispanic, and only 20\% were white. The record built throughout the trial demonstrated that this majority-minority school district had the lowest resources and expenditures of any district in the Philadelphia metropolitan area, spending $6,261 per student as compared to $8,187 for the average suburban school district. Philadelphia, which was near bankruptcy between 1990 and 1995, had been working on generating additional revenue for the District since its finances had improved slightly between 1995 and 1996. But with the highest statewide rates of juvenile delinquency, family poverty, child abuse, welfare recipients, and single-mother births, it was not in a position to drastically increase its annual contribution to the District.\textsuperscript{348}

The state, on the other hand, could not rely on such arguments of financial insolvency. Smith summed up the state’s defense in her opinion, pointing out that it had not demonstrated that any of the programs it was being asked to fund were unnecessary and had instead focused on discrediting District documentation and cost projections. Smith acknowledged that the state’s lawyers had made some successes in this area, but she argued that this only demonstrated that some of the projections needed to be adjusted, not that the items should be eliminated.

\textsuperscript{346} Ibid.
Accordingly, Smith found in favor of the District and intervenors in relation to the Commonwealth and Governor, writing that the District had “met its burden to show that it requires additional resources from the Commonwealth to fulfill, on behalf of the Commonwealth, the constitutional requirement and responsibility to maintain and support a system of public education on equal terms to all students.” Smith knit together a combination of constitutional, legislative, and judicial precedent and reasoning—as well as emotional appeals—to close her argument:

In conclusion, Article III, Section 14 of the PA Constitution clearly imposes an obligation upon the Commonwealth to maintain and support a thorough and efficient system of public education; the Human Relations Act imposes an obligation on the Commonwealth to provide an equal educational opportunity to all public school children; and the Supreme Court has imposed an obligation on the Commonwealth to remedy the consequences of de facto segregation of public school children, despite the Commonwealth’s claim of ignorance of the racially discriminatory conditions or of its lack of involvement in creating the conditions that exist. The time has come to put an end to this quarter-century-old case, but not at the further expense of the children who have suffered the most. The best interests of these children should be the guide. The Commonwealth and Governor, therefore, shall be held accountable for remedying the consequences of de facto segregation that exist in the Philadelphia public schools.

Smith ordered the Commonwealth and the Governor to submit a plan to provide funding to the District in order to help it comply with the Court’s 1994 remedial order. They would need to pay the required $45.1 million in time for the 1996-97 fiscal year, and they would have to continue providing funding in “any future years during which the School District establishes its fiscal incapacity to fund the remedial programs.”

This ruling could have marked a turning point in the HRC litigation. With the state’s help, the School District of Philadelphia could access the resources it needed in order to enact

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352 Ibid.
desegregation initiatives while focusing on other aspects of school quality. With mandatory integration off the table, there was no way to ensure effective and wide-spread desegregation.

But the litigation still could have produced steps toward equity, particularly after Smith had set a clear boundary against requiring more of Black and Hispanic children and families than of white children and families. Indeed, a jubilant headline in the *Philadelphia Inquirer* the next day read: “Groups celebrate school decision: The intervenors joined the desegregation lawsuit in 1993. To them, the fight is closer to an end.” Daniel McGinley, president of intervenor Philadelphia Association of School Administrators, said: “‘It will set the district right … so we can finally get on with the business of giving the children of Philadelphia a quality education.’”

However, the article also foreshadowed the next major roadblock to desegregation and equity initiatives. It stated that “State Republican legislators vowed to fight the ruling—which was automatically appealed to the state Supreme Court.” A *Philadelphia Tribune* article got Governor Ridge’s take on the matter, reporting that he was “far from accepting a defeat with this decision” and had said: “‘We believe that Judge Smith’s legal conclusions are wrong and that her findings of fact aren’t supported by the record.’” When the Pennsylvania Supreme Court took control of the case, it ordered Smith to focus on desegregation—the initial issue over which the litigation began. The order also took away much of Smith’s power to compel the Commonwealth to contribute financially to integration, leaving the District without additional funding for educational equity initiatives or desegregation programs.

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353 Richard Jones, “Groups celebrate.”
354 Ibid.
Ironically, when the Pennsylvania Supreme Court remanded Pennsylvania Human Relations Commission v. School District of Philadelphia back to Judge Smith in the Commonwealth Court in May of 1999, the word “desegregation” was not included in the description of what the District was meant to do. Rather, it was to “undertake action to remedy the historical discrimination found to exist against Black and Hispanic children attending racially isolated schools and to provide them with an equal educational opportunity.” Accordingly, Smith’s subsequent 2001 opinion did not order any desegregation initiatives and instead instructed the District to focus on school safety and security, “curriculum renewal” oriented around “core academic subjects,” greater parental involvement, and “an increase in alternative placements of disruptive students.”

The opinion did specify that students in racially isolated schools were to have first priority for certain educational programs, such as full-day kindergarten and literacy development. But Smith did not suggest re-examining student assignment policies in order to combat racial and socioeconomic segregation. Instead, she praised the District for making progress toward diminishing the racial achievement gap amongst students—a gap she measured exclusively through students’ SAT-9 results. This was also a post-Brown moment that seemed more like a reversion to Plessy; Smith was pointing to higher scores on particular standardized tests as evidence that students of different racial identities had equal educational opportunities, even though they attended separate schools.

In 2004, the District—which, by that point, was only 14% white—entered the last phase of its “desegregation” litigation. The District, the HRC, and intervenor ASPIRA had come up

with an agreement that they presented to Smith—who had become Judge Smith-Ribner—during a hearing on March 18, 2004. Smith-Ribner acknowledged that “the district has a long way to go to improve education.”

But she “praised district chief executive officer Paul Vallas for putting in place a plan that strives to close the achievement gap among students of different races and equitably distribute resources among all schools.” Vallas’ strategies for working toward these goals included a more rigorous and standardized curriculum, a school-building program, smaller class sizes, and cracking down on “unruly” student behavior.

In July of 2009, after a few final years of court monitoring, the case was settled. An article announcing the development acknowledged that the lawsuit had strayed from its initial goal of desegregation and “morphed into a quest for equity for low-performing, racially isolated schools.” At that point, Arlene Ackerman was serving as the schools’ superintendent. The settlement hinged on her five-year “Imagine 2014” plan, which included increased teacher pay, elimination of teacher seniority, and weighted funding to give more resources to students with fewer means and greater needs. The settlement would not affect the District’s ongoing voluntary desegregation program. One-thousand, six hundred and forty students were participating at that point—fewer than 1% of the District’s 167,000 students. Ackerman, though, saw educational equity as “the new civil rights issue.”

With the District only 13% white and the HRC having “conceded that ending physical segregation in most schools through busing was impossible,” Ackerman—who had herself attended nominally integrated schools at which she and other Black

361 Susan Snyder, “Plan may end 33-year-old desegregation suit.”
362 Kristen A. Graham, “Historic schools accord.”
364 Ibid.
students had to play and eat lunch separately from white students—signaled her readiness to conclude the suit and work for equity without integration.\textsuperscript{365}

\textsuperscript{365} Graham, “Historic schools accord.”
Chapter 5: After HRC

Since 2009, there has not been any major desegregation litigation in public schools in the Philadelphia area. But the metropolis’s schools are far from equal. Today, the School District of Philadelphia’s student population of 132,520 is 52% Black, 21% Hispanic, 14% white, 7% Asian, and 6% multiracial or some other race, but individual public schools have much more homogeneous racial makeups. This is partly due to ongoing residential segregation. A map published by Next City in 2017 shows that Black and white city residents are still largely concentrated in different areas, and this racial segregation coincides with socioeconomic segregation. Majority-Black elementary schools tend to have higher numbers of students with “economic disadvantage” than integrated or majority-white elementary schools—a designation the School District of Philadelphia calculates based on free lunch eligibility.

For example, the Albert M. Greenfield Elementary School, is located in a neighborhood the Next City map indicates as having a high concentration of white residents. It serves a student body that is 59% white, 16% Black, 11% multiracial or some other race, 10% Asian, and 4% Hispanic. Twenty percent of its students are economically disadvantaged. The William M. Meredith School is also located in an area the map indicates as having a high concentration of white residents. Its student body is 65% white, 12% multiracial or other, 9% Asian, 6% Hispanic.

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370 Ibid.
and 7% Black.\textsuperscript{371} Twenty-two percent of its students are economically disadvantaged.\textsuperscript{372} Meanwhile, the Add B. Anderson School is located in a majority-Black southwest Philadelphia neighborhood. It has a student population that is 95% Black, 2% Hispanic, 1% white, and 1% multiracial or other.\textsuperscript{373} One hundred percent of its students are economically disadvantaged.\textsuperscript{374}

These differences are only magnified when high-poverty, majority-Black and Hispanic, inner-city public schools are compared with the majority-white and middle- to upper-middle-class public schools in the suburban districts that ring the city limits. Lower Merion Township is 80% white, 5% Black, 4% Hispanic or Latino, 8% Asian, 1% some other race, and 2% two or more races. The median household income for the municipality is $128,410, and the median household income for parents of children in public schools is even higher: $182,318. Only 3.4% of families in the municipality have incomes below the poverty level.\textsuperscript{375} Just to the east, Colonial School District is located in a community that is 84% white, has a median income of $124,737 among parents of children in public schools, and has an overall municipal poverty rate of 7.5%.\textsuperscript{376} Directly west of Lower Merion is Haverford Township, which is 88% white with a median income of $125,365 among parents of public school students and an overall municipal poverty rate of just 3.1%.\textsuperscript{377}

Clearly, while integrated education exists in the Philadelphia metropolitan area, segregation is still the norm in many communities. Given that it has been nearly seven decades since \textit{Brown v. Board}, is not only a result of immediate resistance, logistical challenges, or lack of funding. Rather, multiple generations of young families have continued to settle in segregated

\textsuperscript{371} Ibid.
\textsuperscript{372} Ibid.
\textsuperscript{373} Ibid.
\textsuperscript{374} Ibid.
\textsuperscript{375} U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics.
\textsuperscript{376} Ibid.
\textsuperscript{377} Ibid.
white enclaves while Black and Hispanic families are still disproportionately concentrated in lower-income, majority-minority neighborhoods. Thus, the segregated system has not only continued to exist, but has also reproduced itself through subsequent generations of Philadelphians.

Philadelphia is not an isolated example. The failure of integration here is connected to an acceptance in cities across the country that children will be separated by race and socioeconomic status throughout their time in public education. This has coincided with the rise of conservatism and neoliberalism throughout the second half of the twentieth century. These movements have had legal and logistical ramifications, as well as impacts on the public’s relationship to education. The rise of these movements is inherently connected to the politics of suburbia, as they support ideas of “personal choice” and “freedom of association” that are used to justify limited or non-participation in desegregation. Richard Nixon’s ability use this ideology to build a nation-wide suburban coalition demonstrates that it resonated with suburbanites across the country.

At the same time, as desegregation faded into the background, the nation began to regard school as preparation not for participation in a democracy but rather for adult life in a competitive, hierarchical free-market economy. This contributed to a standards-based educational reform movement that gave greater influence to private companies. This rightward trend in national politics and the popularity of market-based reform re-directed education-related attention in Philadelphia. A dual focus on competition and personal success obscured both the metropolis’s history of segregation and the feelings of communal responsibility that had supported former attempts to create a more equitable system.
A New Suburban Politics

In their works on the American suburbs of the mid- to late-twentieth century, Kevin Kruse and Lily Geismer paint pictures of rapidly changing social and political landscapes. In suburbia, the maintenance of segregation and the preservation of privilege were framed as personal choices in line with the core American value of liberty. This marked a fundamental departure from the ideology that accompanied integration initiatives, which held equality as the most important value when it came to educational opportunity. In *White Flight: Atlanta and the Making of Modern Conservatism*, Kruse focuses on suburban formation outside a Southern city, demonstrating how the contemporary, vaguer, more “polite” rhetoric of suburban liberty descended from overtly segregationist movements in the early- to mid-twentieth century. Suburbanites who feigned colorblindness nonetheless still made choices that upheld a color line and cut off resources from those on the other side of it. In *Don’t Blame Us: Suburban Liberals and the Transformation of the Democratic Party*, Geismer focuses on liberals living in suburbs of Boston. But she notes that her analysis describes trends in suburban politics in major cities throughout the North, including Philadelphia.\(^{378}\) She reviews the history of Boston’s Metropolitan Coalition for Educational Opportunity (METCO), demonstrating that liberal support for educational opportunity was not accompanied with a willingness to give up privilege and therefore could not lead to systemic change or racial equality.

White Atlantans had been mobilizing in opposition to residential integration since the late 1940s,\(^{379}\) aiming to “protect” white homes and neighborhoods. This rhetoric normalized the idea that Black people had no right to enter places that had formerly belonged to white people and portrayed Black individuals and families as threatening. However, efforts to keep neighborhoods


white often failed. Those who lived further away from homes that had been purchased by Black families would pressure those who lived next-door to the houses in question to stay in their homes—requests their neighbors were often unwilling to grant. As Ed Turner, a white man living in a formerly all-white, working-class Atlanta neighborhood said when a Black family moved in across the street from his house: “I told them that if they objected so much to me selling, they could move on down there to my place, but they didn’t want to do that.”

Interestingly, the Turner family felt that Black families did have the right to move into all-white neighborhoods. Ed’s wife, Maybelle, said: “I feel like [they] did have a right, that this is a free country … I did not object to colored people building there on their property. They owned it.” But she also “asserted her own prerogative to sell and leave”: “I did not feel like I wanted to be there and be a fence to protected other people.” Thus, white families would argue that they together formed a community that needed to be “protected,” but then those living at the edges of the community refused to stay and act as a “buffer” between a Black neighborhood and a white neighborhood. Kruse explained that this phenomenon led to a new focus on individual rights, marking a fundamental ideological shift that would prove highly influential in the battles over school segregation.

As a Southern city with “de jure”-segregated public schools, it was clear as soon as the Brown v. Board decision was handed down that it was intended to apply to Atlanta. White working- and middle-class Atlantans resisted, turning to arguments rooted in anti-Communism, local control, and personal choice. Kruse included an image of segregationist protestors in his analysis, and he drew particular attention to those carrying signs that said: “Don’t push our

380 Ibid., 63.
381 Ibid., 62.
382 Ibid., 62.
children out the back door and let the communists in the front door.” 383 Here, integration mandated by the Supreme Court was cast as anti-American, and individual freedom and personal choice—for whites—were upheld as American values.

Segregationists in Georgia had been developing a “private-school plan” in preparation for a Supreme Court decision about integration. This would have involved abandoning public education to uphold segregation, which supporters referred to as “personal choice.” This sentiment also emerged in projects spearheaded by Atlanta moderates who were trying to counteract the more extreme segregationist plans to privatize schooling in the state. In 1958, Atlanta’s mayor introduced the “local option,” which held that “the people of Atlanta … should decide the fate of their own schools, not the state legislature.” 384 Kruse notes that this reasoning allowed moderates to use segregationists’ “rationale of massive resistance … against them, making state politicians the ‘outsiders’ interfering with local affairs.” 385 While this may have been a savvy political strategy to counter segregationist goals, it also reveals that segregationist ideology had taken over the political arena. Moderates could still disagree with segregationists, but in order to do so, they had to employ segregationist terms and concepts.

Resistance and bureaucratic barriers would keep Atlanta’s schools largely segregated throughout the mid-20th century, but this ideology of local control and personal freedom continued to gain popularity. In 1961, Atlanta enacted a desegregation plan, but only nine of the 300 Black students who had expressed interest received approval to transfer to all-white high schools. Meanwhile, 50,000 Black students remained in segregated, all-Black schools. But even this largely symbolic integration triggered greater white resistance. In May of 1961, one white

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383 Ibid., 135.
384 Ibid., 136.
385 Ibid., 136.
student and her parents applied to have her transferred from her all-white school, which was
slated for desegregation in the fall of 1962, to a school that would remain white. Her father
justified the family’s request by citing a desire “‘to maintain freedom of association,’” which he
defined as “‘the right to associate with whom one pleases and the right not to associate with
whom one pleases.’”386 He argued that school desegregation was violating this right by “forcing”
his daughter to attend school alongside Black classmates against her will.

White Atlantans would continue to invoke “freedom of association” in their arguments
against school desegregation, often as part of a comparison between Supreme Court integration
decisions and totalitarian lawmaking characteristic of the Soviet Union. One parent said: “‘If you
do away with segregation in schools, in churches, and public places, for our children and young
people, you tie the hands of our fathers and mothers to make the kind of homes they would like
to have for their off-spring, and which is the very foundation of our schools and churches and the
very spirit of the Constitution.’”387 Another parent asked: “‘We can’t choose who we send our
Children to School with, and it won’t be long before we will have to ask who we can visit and
who can visit us … How far are we from a Russian form of Government?’”388 The reality of
unequal educational experiences and opportunities was omitted from this dialogue, which
centered around the idea of integration as antithetical to a core American value—personal
freedom. This cast integration—a form of “forced” equality—as anti-American, and it sanctified
the idea of private, individual choice. With this value reigning supreme, mandatory initiatives
that aimed to create equal educational opportunities were seen as suspect and even viewed as
signs of Communist encroachment.

386 Ibid., 161.
387 Ibid., 163.
388 Ibid., 163.
Throughout the 1960s, as Atlanta struggled to desegregate its schools, many white families exercised their “freedom of association” and retreated to private schools or the city’s growing, nearly all-white suburbs. By 1970, white enrollment in Atlanta’s public schools had dropped 50% from where it stood in 1963, and Black students went from being present in the District in equal numbers with white students to outnumbering them two-to-one. This trend continued throughout the remainder of the twentieth century. In 1985, only 7,000 of Atlanta’s 110,000 public school students were white, but white students made up a substantial majority of the 12,000 students who lived in the city but attended private schools.\(^{389}\) In 1970, suburban Gwinnett County, Cobb County, and Fulton County were 95% white, 96% white, and 99% white, respectively.

Despite this segregated reality, Atlanta’s suburbs were populated not only by urban transplants but also by arrivals from other metropolitan areas. This blended group rejected “the traditional appeals to populism and racism” to instead “embrace a new, middle-class rhetoric of rights and responsibilities.”\(^{390}\) This made all-white suburbs more palatable for those who did not think of themselves as segregationists. As Kruse wrote:

> Removed from their obviously racial origins, segregationist phrases, such as ‘freedom of choice’ or ‘neighborhood schools,’ as well as segregationist identities, such as the angry taxpayer or concerned parent, could easily be shared by middle class whites who had no connection to the segregationist past but who gladly took part in crafting the segregationist future.\(^{391}\)

This suburban politics, which politicians was careful to frame in race-neutral terms, became a nation-wide ideology that united suburban voters from different geographic regions. This had concrete implications for Richard Nixon’s successful 1968 presidential campaign,

\(^{389}\) Ibid., 238-40.  
\(^{390}\) Ibid., 245.  
\(^{391}\) Ibid., 245.
which coincided with the first year in which suburban votes outnumbered rural and urban votes. While the South was still Democratic, Nixon performed well among middle-class conservative suburbanites in sunbelt metropolitan areas. Noting this trend, the Republican Party embraced the “politics of suburban secession” in its quest to create a new political coalition.392

This was known as the Republican Party’s “Southern Strategy,” which involved “appealing to white southerners who had become disillusioned with the Democratic Party over its support of civil rights”393 in order to gain political support. But Nixon did not think of it in these terms. Rather, he recognized that white suburbanites all across the country—including in the North—were motivated by segregation, whether or not they would admit it. Indeed, the results of the 1968 election proved that Nixon’s message appealed to Philadelphia suburbanites. The Democratic candidate, Hubert Humphrey, won Philadelphia County, but Nixon carried all three suburban counties: Delaware, Montgomery, and Bucks. In the early 1970s, journalist John Egerton noted Nixon’s success in predominantly-white suburbs outside the South, writing:

In order to capture the white South, [the president has] promised it relief from the incursions of the black South, and he has extended that promise to the rest of white America: busing will not succeed; the suburbs will not be desegregated.394

Indeed, Philadelphia seemed quite focused on Nixon’s stance on busing. In March of 1972, the Philadelphia Inquirer printed a portion of a message about busing that Nixon had released to the American people. He seemed to accept judicial remedies for school segregation in the form of “redrawing attendance zones, pairing, clustering and consolidation of schools,” provided that they did not require “extensive additional transportation of pupils.”395 But he

392 Kruse, 253-54.
393 Baugh, 120.
394 Kruse, 255.
argued that some of these plans had “required that pupils be bused long distances, at great inconvenience,” and “required that children be bused away from their neighborhoods to schools that are inferior or even unsafe.” He labeled these solutions “beyond what most people would consider reasonable,” and he proposed that Congress pass legislation that “would protect the right of a community to maintain neighborhood schools—while also establishing a shared local and federal responsibility to raise the level of education in the neediest neighborhoods.” Thus, Nixon used the same language about suburban rights—particularly the evocative “neighborhood school”—that white Atlantans had used to justify their retreat from their integrating urban school district.

When vacancies opened on the Supreme Court during Nixon’s term, he made it clear that he wanted to appoint new justices who were opposed to busing for school integration. Accordingly, he appointed Wallace Burger, Harry Blackmun, Lewis Powell, and William Rehnquist, all of whom voted against the plaintiffs in *Milliken v. Bradley* in 1974. By voting together on *Milliken*, Nixon’s bloc of appointees constituted four-fifths of the slim majority that created a near-insurmountable barrier to cross-district busing—the only possibility for facilitating integration between city and suburbs in most Northern metropolises.

In her book about suburban liberalism in the North, Geismer demonstrates that this logic of personal responsibility was also used to justify suburban secession in metropolitan areas that were neither Southern nor conservative. Geismer focuses on the suburbs of Boston, but she writes that her subjects shared similar political priorities with “engineers, tech executives, scientists, lawyers, and academics in the suburbs of New York, Philadelphia, northern Virginia, southern California, and small Southern suburbs such as Mobile.”

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396 Ibid.
397 Ibid.
398 Kruse, 255-56.
Atlanta, Chicago, Seattle, and Los Angeles.” These included support for affirmative action, but also a “meritocratic commitment to education, a desire for high quality of life and superior municipal services.” In theory, then, these suburbanites supported educational opportunity for all. But they wanted to reap the benefits of what they saw as their own hard work through creating separate suburban communities and school systems that only included well-educated, relatively affluent families.

When it came to school integration, Geismer demonstrates that Boston’s suburban liberalism opened doors to opportunities that did not exist in most metropolitan areas. A multiracial group of city residents and suburbanites established the Metropolitan Council for Educational Opportunity (METCO). Starting in 1966, this unique program bused a group of mostly Black children to predominantly white suburban schools. Geismer writes that METCO “represented one of the most imaginative, far-reaching voluntary integration schemes in the United States, and … provided benefits and opportunities to a small number of African American children.” However, it did not shake most suburbanites’ commitment to a system that allowed their children to receive a segregated, better-resourced education than Black, inner-city children. Indeed, METCO’s smallness is an important part of its political feasibility; it was a one-way program that was funded entirely by the state government. In other words, by approving of the program’s existence in their schools, white parents were often only agreeing that one Black child from Boston could learn alongside their children.

This token integration was politically palatable for suburban liberals because it consisted of small changes that made a segregated system appear more equal without threatening those

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400 Geismer, 2.
401 Ibid., 3-4.
402 Ibid., 72.
who benefited from structural privilege. Geismer writes that this program “appealed directly to the worldview of many liberal-leaning suburbanites who supported racial and educational equality in principle, but not routes to achieving those goals that could potentially increase local tax rates or have a potentially negative impact on the education of their own children.” She also notes that it was often advertised in “consumer-oriented” language, with white parents touting the “value of diversity” as a way to enhance the educational experiences of their own affluent, white, suburban children. While the program remained popular (despite many Black children not receiving a warm welcome at their new suburban schools), it “did not force the vast majority of suburbanites to acknowledge the systemic problems that had produced school segregation,” even making them “less willing to consider more comprehensive solutions to the interrelated issues of residential segregation and educational inequality.”

As Thomas Fiala and Deborah Owens write in their article, “Education Policy and Friedmanomics: Free Market Ideology and Its Impact on School Reform,” the rise of neoliberalism also impacted education through its commitment to the free market and suspicion of government intervention. These characteristics made neoliberalism ideologically incompatible with projects that went beyond token integration. As Thomas Fiala and Deborah Owens write, during the 1950s, neoliberals allied with social conservatives and Southern segregationists to “claim that collectivist government efforts to reform schools were … a primary contributing factor to the deterioration of our educational system.” This coalition pushed for reforms that did not involve moving students between schools or increasing funding to under-resourced

403 Ibid., 72.
404 Ibid., 73.
405 Ibid., 95.
schools. Instead, it favored vouchers, the free market, and competition, arguing that these would be more effective than integration at narrowing the gap in educational opportunity between students of different racial and socioeconomic backgrounds. Of course, given existing boundary lines between urban and suburban districts, these reforms would leave predominantly white and affluent communities untouched by the problems inner-city families faced accessing a high-quality public education. A fixation on the free market allowed these suburbanite to argue that there were “more efficient” ways to solve the problem of educational inequality than compelling those with the most resources to share them with those who had the least.

Neoliberalism was not simply about a belief that the free market could work better, but also about a desire to hold onto the resources one had accrued and save them for oneself, one’s family, and one’s self-defined community. During a recession in 1975, Massachusetts faced a severe budget shortage, and officials feared that the state government would not be able to provide full reimbursements to suburban towns that participated in the METCO program. Charles Glenn, director of the Bureau of Equal Educational Opportunity, tried to “spark a sense of collective responsibility” amongst suburban towns, asking that they absorb a 10% cut in state funding.407 In response, many suburban communities threatened to withdraw from the METCO program.

The dialogue about the funding shortages revealed how shallow and racialized suburban support for METCO was. One woman from Beverly asked, “‘If I can’t help my own, how can I possibly help anyone else?’”408 To her, white suburbanites who lived within the boundaries of her town were “her own,” but the Black children who had been attending the public schools in Beverly for years were not. In Lincoln, residents voted to reduce the size and amount of services

407 Geismer, 211.
408 Ibid., 212.
associated with its METCO program for the 1975-76 school year, but they “continued to allocate money generously to [Lincoln’s] open space program, making several more land purchases in the mid-1970s that had a larger impact on the local tax rate than would have been the case if the town maintained full participation in METCO.”409 Thus, while white suburbanites pointed to funding shortages to justify the cuts they made to their METCO programs, their words and actions made it clear that most were not committed to equity or inclusion.

By the late twentieth century, white suburbanites across the country saw white, middle- and upper-middle-class secession from impoverished, predominantly-Black and Hispanic urban centers as normal, justifiable, and even “efficient.” Between neoliberalism and conservatism, both mainstream American political parties contained movements that had changed the language around suburban secession to de-emphasize its segregationist roots. This allowed these ideologies to attract the support even of educated suburbanites who believed that they supported racial equality.

The words of a Massachusetts State Representative from Dedham, Charles M. McGowan, distill the logic implicit in this position: “‘I am not opposed to a black man who can buy a house next to me and afford to take care of his property and raise his children in the same way I do.’”410 McGown’s words reveal the extent to which conservative and neoliberal suburban politics were not only secessionist, but also ahistorical. By ignoring the racial discrimination implicit in post-World War II metropolitan formation that had deprived Black individuals and families of the ability to build wealth, secure employment in developing industries, purchase homes in suburban communities, and send their children to adequately funded public schools, white suburbanites were disregarding the fact that their ability to move into affluent suburban communities could be

409 Ibid., 213.
410 Ibid., 208.
traced back to a system that benefited white people at the expense of Black communities. If everyone had had an equal opportunity to move into suburban communities, there would have been no need for white suburbanites to give up their material resources or the convenience of attending neighborhood schools. In other words, if the current reality was not a product of an unjust system, there was no need for structural change.

**Neoliberalism and Conservatism Impact Education Policy**

As conservativism and neoliberalism became prominent in American politics and society, education policy was undergoing a related transformation of its own. During the 1960s and early 1970s, the Civil Rights Movement had popularized the perspective that public education was preparation for democratic citizenship. Through this lens, integration was a concept with inherent value. It did not need to be justified with data on students’ academic performance. Indeed, those resisting it typically did not cite such concerns. However, as American society was undergoing rapid change and the conservative movement was emerging as, in part, a backlash to the strides toward equity that were made in the 1960s and the 1970s, many Americans’ understandings of the purpose and value of education altered as well.

With income and wealth inequality on the rise, social safety nets and community institutions disappearing, Black and Hispanic communities in Northern cities adjusting to an aftermath of integration and educational equity litigation that had born little change, and many Southern districts being released from the integration orders they had been under since the mid-twentieth century, it became common to view integration as unimportant compared to quantitative measures of academic success. Many felt that education was meant to give children particular hard skills that would enable them to be successful in the free market. For many wealthy and upper-middle-class elites, education was also a way to gain a particular pedigree and
form connections with others of a similar background, setting a child up to build an adult life in the same social class in which they had been raised. The former of these visions would see integration as an unimportant goal at best, while the latter would see it as counterproductive. This group tended to include many of the same people who lived in the suburbs and, through the rise of conservative and neoliberal suburban politics, had gained new ways to talk about their secession from metropolitan centers that avoided acknowledging segregation and inequality. With legal and logistical roadblocks to integration having proved insurmountable, privileged communities turned away from questions of integration and segregation, and the framework for dialogues on issues of educational equity shifted from *Brown* to a *Plessy*-like *Milliken*.

In his article, “Public Goods, Private Goods: The American Struggle over Educational Goals,” David Labaree provides a framework for understanding the changes over time in the public consensus on the purposes of education. Labaree writes that there have been three goals with which education has been associated throughout American history: democratic equality, social efficiency, and social mobility. Those who were focused on democratic equality saw preparation for citizenship as a key part of education, while those focused on social efficiency put greater emphasis on training young people to accept jobs in a hierarchical free market economy. The former group would view educational inequality as a serious problem, but the latter would not. Those focused on social efficiency would see “the vertical distribution of educational attainment” as “quite desirable, since it reflects the vertical structure of the job market and therefore helps effectively allocate individuals to particular levels in the workforce.”

A shift in focus from democratic equality to social efficiency would therefore mark a major turning point in educational policy.

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However, Labaree points out that, despite their vast differences, democratic equality and social efficiency have one key thing in common: both see education as a public good. This is in contrast to social mobility, which Labaree argues has emerged as “the most influential factor in American education,” leading people to see schooling as “a private good that is harnessed to the pursuit of personal advantage.”\footnote{Labaree, 43.} Labaree believes social mobility has profoundly negative consequences for schools and society because it encourages people to think:

That education is a commodity, the only purpose of which is to provide individual students with a competitive advantage in the struggle for desirable social positions. The aim is to get more of this valuable commodity than one’s competitors, which puts a premium on a form of education that is highly stratified and unequally distributed. This, then, is the perspective of the individual educational consumer, from which education is seen as a private good designed to prepare individuals for successful social competition for the more desirable market roles.\footnote{Ibid., 42.}

Labaree’s analysis helps provide an ideological backdrop for how understandings of the purposes of education changed during and after the school desegregation era. Labaree explains it was particularly popular to subscribe to the democratic equality approach to education in the 1960s and the 1970s, when “the national movement for racial equality infused schooling and spilled over into efforts to provide an education that was socially inclusive and offered equal opportunity across lines of class, gender, and handicapping conditions as well as race.”\footnote{Ibid., 58.} However, in the 1980s and 1990s, anxiety about economic competitiveness contributed to the rise of the movement for educational standards, and social efficiency and social mobility began to be seen as the main purposes of education. This was related to the Cold War and its associated anxiety about how the American system would measure up against its Soviet rival (which, of
course, theoretically mandated equality in a way that conservative and neoliberal schools of thought framed as antithetical to freedom).

Indeed, Labaree explains how he sees this shift in the purpose of education as being inextricably linked to the powerful free market and weakened central government that conservatism and neoliberalism see as ideal:

This approach to establishing a fair structure for educational competition takes a meritocratic form in large part because of the dominant place that meritocratic ideology occupies in American life. It is an ideology that captures in idealized form the entrepreneurial traits and values rewarded by a capitalist economy and projects them onto social life in general: the capacity and desire to struggle for advantage in a fiercely competitive social hierarchy, where success or failure is determined solely by individual merit.\(^\text{415}\)

This encapsulates the perspective of Boston suburbanites, who were happy to have Black families become their neighbors only if they could afford to buy a house in an affluent suburban area. This ostensibly colorblind meritocratic ideology ignored the history of structural racism that made it much harder for Black families to move into suburban communities (to say nothing of the social costs of moving into a community in which one has few prior connections), allowing those with privilege to feel that they had earned their success through their own merit. This engendered significant anxiety about setting up one’s offspring to do the same. Thus, white suburbanites turned away from the history of unsuccessful desegregation litigation and focused on ensuring that the children of those they saw as “their own” had access to the proper educational pedigree. They may have been happy to have a Black family move in if they had “earned it,” but they expressed little interest in changing the system that had benefited them but had been built on institutional racism.

\(^{415}\) Ibid., 56.
In this landscape, the policy conversation on educational equity shifted from one in which separate schools for children of different racial and socioeconomic backgrounds was intrinsically problematic to one in which it was an accepted norm. Rather than bringing diverse groups of students together and sharing resources between affluent and non-affluent communities, those who subscribed to neoliberalism or conservativism turned to choice- and market-based education reform strategies. These aimed to make segregated Black and Hispanic schools equal, in educational opportunity, to segregated white schools.

In “Segregation, Desegregation, Segregation: Charter School Options as a Return to Separate and Unequal Schools for Urban Families,” Thandeka Chapman charts the history of choice-based reforms on a national level. He writes that “once desegregation plans lost the support of the Supreme Court and political favor, the federal government, absent ways to compel racial equity reform at the state and district levels, turned toward implementation of school choice to envision equitable schools for racial minority students.” For example, during his presidency, Ronald Reagan introduced vouchers as an education reform strategy. These allowed families to receive a scholarship from the government to attend a private school if they were zoned to a public school that performed poorly on certain standardized tests. In subsequent years, this dedication to narrow quantitative measures of educational performance and the allocation of greater control over public education to the private sector transcended political party. George H.W. Bush, William Clinton, George W. Bush, and Barack Obama all directed federal resources toward developing charter schools.

In Pennsylvania, and Philadelphia specifically, charter schools have come under scrutiny in recent years for their role in perpetuating racial and socioeconomic segregation.

Pennsylvania’s Act 22 legalized charters in 1997, and by 2015, 33% of Philadelphia’s public school students were attending them—a higher share than in all but six other urban districts across the country. Charter schools enroll a higher percentage of the city’s Black students than traditional public schools do, but the Education Law Center also found in 2019 that they enroll a smaller proportion of economically disadvantaged students than traditional public schools. That year, 54% of charter school students in Philadelphia were economically disadvantaged, while 70% of traditional public-school students were categorized in the same manner.

After reading the report, which raised questions about charters’ compliance with civil rights laws, School Board Member Christopher McGinley said that charters were “contributing ‘to the Resegregation of our schools.’” Empirical findings have confirmed McGinley’s observation; in “Can we have it all? A review of the impacts of school choice on racial integration,” Elise Swanson found the same—that “charter schools in Philadelphia reduced integration.” This may be partly due to an ongoing form of white flight present in choice-based student assignment formulas. When studying magnet schools in Philadelphia, Saporito found that white students were more likely to transfer to another school when their current school’s student population was predominantly Black, Hispanic, or Asian. Thus, not only has Philadelphia’s choice-based education system created room for more affluent students of all races, but also has contributed to the resegregation of its schools.

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races to escape failing traditional public schools and leave their less affluent classmates behind, but white students can also take advantage of the system’s reliance on choice to transfer to schools with whiter student bodies. The District therefore contains multiple routes by which students with racial or socioeconomic privilege seek out particular environments that leave behind those who differ from them in identity or background.

However, the picture of support for charter schools and other forms of privatization is quite complex. While they inarguably leave privileged students in private and suburban schools untouched and separated from problems of and experimental solutions for urban poverty, they are also sometimes supported by low-income, urban communities of color. Indeed, Janelle Scott points out that it has not just been white conservatives and neoliberals who have been pushing choice-based reforms. Rather, “communities of color and progressive reformers have sought to participate in market reforms to escape undesirable schooling options within the traditional public system.” Without options for legal remedies, certain activists, including those from Black communities, have formed a “tenuous” alliance with political elites in each party who have been driving privatization. Indeed, 60% of Philadelphia’s 64,000-plus charter school student population is Black. This suggests that a substantial number of Black parents and families routinely decide that, despite the costs and problems associated with leaving behind a neighborhood school, doing so represents their child’s best chance at educational and professional success. With integration no longer a potential option and school funding formulas not yet equitable, choosing a charter is, in the eyes of many, the only feasible option for obtaining a high-quality education.

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Still, there has been much resistance to charter schools in Philadelphia since the 1990s, when for-profit companies started pushing to use the newly-created charter mechanism to take control of Philadelphia public schools. Governor Tom Ridge cooperated, contracting with the for-profit education management organization Edison Schools to produce a report on Philadelphia public schools. The final product, released in 2001, recommended that the entire system be taken over by a private entity. This was met with massive resistance from teachers’ unions and community members. The backlash did not lead to the plan’s complete reversal, but officials did agree to scale it back.\footnote{Scott, 590-91.}

Regardless of divided sentiments on charterization amongst urban populations, their popularity—and their support from white and wealthy donors—reflects a fundamental shift in the fight for racial and socioeconomic equality in public schools. Returning to Labaree’s writing on the change over time in the purpose of education, charters may on the surface seem like they represent democratic equality. After all, by contributing money to a charter school, donors are helping to give more people access to a kind of education that packages itself as being better than that available at many traditional urban public schools (although, in most cases, it is not\footnote{Chapman, 48.}). However, charter schools and vouchers require individual students and families to make the choice to leave what they see as a “failing” traditional public school, leaving behind their—in the case of Philadelphia—less affluent classmates. Thus, charter schools reflect a social mobility lens, requiring students to choose to leave their classmates and outperform them in order to create a better future for themselves. With \textit{Milliken} having guaranteed that predominantly white and affluent suburban districts would remain separate from under-resourced urban districts, Philadelphia suburbanites are exempted from such challenging decisions. Reaping the benefits of
generational opportunity and, in some cases, wealth, these families are able to support limited social mobility initiatives for inner-city Black and Hispanic children from afar. Ahistorical, meritocratic attitudes enable them to see such offerings of opportunity within an otherwise drastically unequal and segregated education system as acceptable and even generous.

In Philadelphia, a fragmented educational landscape separates wealthy, predominantly-white suburban districts from a large, majority-Black and Hispanic, lower-income, urban district. Charter and private schools offer a minority of students a chance to opt out of this complex, divided system. While some suburban districts are becoming more diverse, this unequal structure has been accepted for some time without large-scale attempts at inter-district student exchange or equitable resource-sharing. This status quo, and the attitudes that accept it without question, stem from the same ideological backlash to the Civil Rights Movement that allowed Richard Nixon to erect legal and logistical roadblocks to cross-district integration.

Neoliberalism is also part of this equation. Scott writes that “neoliberal theory and rhetoric have embraced a freedom and liberty frame that obscures the maintenance and preservation of elite class power,” while Chapman writes that:

Structural racism now manifests itself in charter schools and the laws that absolve states from committing to racial equality in public schools. Bell states that, ‘the major components of racism—those based on the often unconscious priorities and privileges of whiteness—remain insulated’ … Thus, the discourse of choice and charter schools has become a protected entity through rollbacks of desegregation plans and the lack of substantive policy focused on racial equity in education. Chapman’s words shed light how segregation has been maintained in a post-Brown era: through silence on the part of those with privilege and resources. During the desegregation era, activists were seeking structural change, and their arguments therefore normalized problematizing the

\[425\] Scott, 593.
\[426\] Chapman, 48.
system. By contrast, with the conversation shifting to a “discourse of choice and charter schools,” white privilege was allowed to remain unconscious and insulated.

This development shaped suburban Philadelphians’ relationship to integration in a post-
HRC era. A separate and unequal system was taken for granted. Charitable donations—not integration—were seen as laudable because those with wealth and privilege had stopped viewing their own segregated white schools as inextricably linked to segregated Black schools. By silencing, or even never learning, the story of how their own ancestors gained privilege at the expense of Black Americans, white suburbanites were able to feel comfortable with an ostensibly colorblind meritocratic ideology.

In the aftermath of Milliken, most Philadelphian suburbanites seem to have accepted a segregated status quo between themselves and the city from which they will forever be separated. These suburbanites may feel that their lives reflect Brown, particularly given that their children attend school alongside a handful of classmates of different racial backgrounds. Indeed, the absence of any ban on integrated education may pass as proof that everyone had equal access to educational opportunity if they work hard enough. But when one examines the goals for the School District of Philadelphia—to raise test scores and graduation rates without redistributing resources—it becomes clear that, in a post-Milliken era, the metropolis has, in some ways, regressed behind the Plessy doctrine. Today, separate is accepted as the norm, and the goal is to see if low-income students of color and their teachers can somehow turn this into a separate but equal situation through hard work, discipline, and focus.

The onset of the COVID-19 pandemic has shown that the District still balks at white and middle-class flight. In March of 2021, WHYY reported that, after the District had not opened its schools for the 2020-21 school year, a group of parents formed “Philadelphians for Open
Schools” to push the District to start in-person learning more quickly. This group consisted of “a small but influential constituency in public school politics: higher-income parents with the means to send their children to private schools, or to move to the suburbs.”\(^{427}\) WHYY noted that “the school district has long courted higher-income, highly involved parents like these: they pay higher property taxes, and fundraise and organize for their children’s schools.”\(^{428}\) In response to pressure from this group, the District did decide to let third- through fifth-graders come to school two days each week. This did not eliminate dissatisfaction amongst the parent protesters, but it did lead to multiple outbreaks. “To suggest that the union is somehow stymying the reopening of school buildings is an irresponsible claim simply not based in reality … We would be remiss if we did not note that in just a few short weeks of school buildings reopening, two buildings have already been closed due to multiple COVID-19 cases,” Philadelphia Federation of Teachers President Jerry Jordan said in a statement.\(^{429}\)

A few parents were profiled in the article, all of whom had decided to move—either to a different state or to the Pennsylvania suburbs of Philadelphia—or to put their children in private school. These parents’ explanations for why they had enrolled their children in the District to begin with echoes the language Boston suburbanites used to advertise the METCO program, with one mother saying: “Truthfully, we wanted our child in a more diverse setting.”\(^{430}\) Of course, these are the parents who did avoid fleeing the District earlier, and all report that their initial choice was not seen as the norm. One said, “We literally knew one other person [in the city], who told us that the Philadelphia public schools were not OK to send your kid to.”

\(^{428}\) Ibid.
\(^{429}\) Ibid.
\(^{430}\) Ibid.
Another said, “‘It just seemed like, ‘Oh yeah, everyone who has kids moves to the suburbs for the schools.’’”\(^{431}\)

However, 2020 also saw tremendous growth in the Black Lives Matter movement, and this nation-wide reckoning with racial inequality broke the silence amongst white Philadelphia suburbanites on the separate and unequal educational situation they had previously accepted. In August, students organized a Lower Merion School District and Philadelphia Public School Solidarity March, and the participants held a sign that read, “Student Solidarity: Break the Divide of City Line.”\(^{432}\) Students from the two school districts explained to the reporter that they wanted to find a way to share resources between Lower Merion School District and the School District of Philadelphia, and some also suggested that Philadelphia students could participate in Lower Merion’s theater program. No one suggested that students from the two districts attend class together, but interest not only in resource-sharing but also in integrated extra-curricular activities could mark a turning point in the relationship between Philadelphia and its suburbs. With students from both sides of City Line Avenue unwilling to accept the segregated and unequal status quo, and with suburbanites breaking their prior silence in conversations about the conditions Philadelphia public school students face, the metropolis is at a new moment of reckoning. Time will tell whether it can break through its prior political, legal, and logistical barriers to end its long history of separate and unequal education and create an integrated, equitable system.

\(^{431}\) Ibid.
### Appendix A

Southwestern Suburbs: Racial and Socioeconomic Makeup, Per-Pupil Revenue

<table>
<thead>
<tr>
<th>School District</th>
<th>Population</th>
<th>Per-Pupil Revenue (PPR)</th>
<th>Proportion of PPR from Local Taxes</th>
<th>Median Household Income</th>
<th>Percentage of Families with Income Below Poverty Level</th>
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<td>William Penn</td>
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<td>Upper Darby</td>
<td>90,813</td>
<td>$15,544</td>
<td>55%</td>
<td>$54,171</td>
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<tr>
<td>Average</td>
<td>46,754</td>
<td>$18,483</td>
<td>54%</td>
<td>$55,554</td>
<td>19.6</td>
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<table>
<thead>
<tr>
<th>School District</th>
<th>Percentage white</th>
<th>Percentage Black</th>
<th>Percentage Hispanic/Latino</th>
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<th>Percentage Other Race</th>
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<td>$117,952</td>
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<thead>
<tr>
<th></th>
<th>Percentage white</th>
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Northwestern Suburbs: Racial and Socioeconomic Makeup, Per-Pupil Revenue

<table>
<thead>
<tr>
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<th>Population (PPR)</th>
<th>Per-Pupil Revenue (PPR)</th>
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<th>Median Household Income</th>
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<tr>
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<td>Springfield</td>
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<tr>
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<td>34,263</td>
<td>$22,336</td>
<td>80%</td>
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Comparison Between Suburban Regions and Philadelphia

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<td>54,624</td>
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<tr>
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<td>76</td>
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All data comes from the National Center for Education Statistics.
Appendix B

All data comes from the U.S. Census Bureau and was prepared by Social Explorer.
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