

There is a generation of Americans for whom the term “busing” will mean more than a method of transportation. Linked to “desegregation” or prefaced by “forced”—depending largely on your perspective—and the word evokes a host of contentious racial and social issues that still resonate today. While many remember the U.S. Supreme Court’s pivotal 1954 *Brown v. Board of Education* decision and the landmark U.S. Civil Rights Act of 1964, most will be unaware of the role that a school system in Teaneck, New Jersey played in controversies over desegregation and busing.

Integrating Teaneck



One New Jersey township didn't need a court order to become the first in the nation to integrate its schools.

by
Gordon Bond

For the eight decades from the end of the Civil War in 1865 to the end of the Second World War in 1945, the United States had settled into segregation of the white and black races, whether by law (*de jure*) or in fact (*de facto*). Local “Jim Crow” laws in the South circumvented the Reconstruction Amendments, whereas the predominance of whites in Northern cities made the marginalizing of black communities the status quo. Not that there wasn’t some push-back. But in 1896, in a landmark case decided by a vote of seven-to-one, the U.S. Supreme Court in *Plessy v. Ferguson* set the precedent that state laws requiring segregation of the races did not violate the Fourteenth Amendment, so long as the facilities provided were “separate but equal.” In practice, of course, public facilities were often separate but rarely were they equal. Nevertheless, the ruling established a legal foundation for the segregation that remained a fact of American life for more than five decades.

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Great Migration” began—a renewed exodus of African-Americans from the South seeking employment in Northern urban centers. In cities that previously had been mostly white, growing black communities were increasingly willing to challenge the realities of segregation, challenging the rule of “separate but equal.” This fight finally came to a legal head with the case of *Brown v. Board of Education* in 1954.

Oliver L. Brown, a welder at a Santa Fe Railroad shop in Topeka, Kansas, was upset that his third-grade daughter, Linda, would have to walk six blocks just to catch her bus to get to her segregated school when, if she walked just a block more, she would already be at the whites-only school. In 1951, he joined a dozen other parents, as fed up as he was—Darlene Brown, Lena Carper, Sadie Emmanuel, Marguerite Emerson, Shirley Fleming, Zelma Henderson, Shirley Hodison, Maude Lawton, Alma Lewis, Iona Richardson, and Lucinda Todd—as plaintiffs in a lawsuit challenging school segregation brought by the Topeka chapter of the NAACP. Reflecting the paternalism of the times, as the only man, Brown saw his name attached to the case as shorthand for all the plaintiffs. The case’s full title was *Oliver Brown et al. v. Board of Education of Topeka, Kansas*.

They lost their case in the U.S. district court, which handed down a ruling upholding segregation based on *Plessy v. Ferguson*, asserting that the two schools were substantially equal. Though the U.S. district judge tacitly admitted that segregation in general was having detrimental effects on black children, he saw no legal reasons to rule against the Board of Education’s segregationist practices. And, technically speaking, the judge was right. But the plaintiffs in *Brown v. Board of Education* were not claiming that the building, staff, or curriculum were grossly inferior to that offered to white students. Instead, they were staking a more radical claim—that, even if the two schools were completely identical in quality, *segregation itself* would still be fundamentally unconstitutional because it created inherent inequality between blacks and whites. The plaintiffs were determined to keep fighting their case, even if they had to go to the U.S. Supreme Court. And so they did.

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When the case first appeared on their docket in the spring of 1953, the Justices were not yet clear how to frame the central question, but the sudden death of Chief Justice Fred M. Vinson, and his replacement by Chief Justice Earl Warren, meant that the Justices would have to rehear oral argument that fall. The question before the Court was whether or not segregation was an inherent violation of the Equal Protection Clause of the Fourteenth Amendment. Was “separate but equal” inherently unequal? On May 17, 1954, the Court announced a unanimous decision—a rarity for the Court, and even more so in matters of race and equality. Speaking for all his colleagues, Chief Justice Warren announced that segregation itself inherently unconstitutional as a denial of equal protection of the laws; the Justices silently set aside *Plessy v. Ferguson* as no longer being good law.

Though everyone recognized that *Brown v. Board of Education* was a landmark decision, translating it into the lives of everyday people posed the challenge and the greater difficulty. Attitudes about race that undergirded segregation had been deeply embedded into the psyche of many Americans for generations since the late nineteenth century. Though the implications of *Brown v. Board of Education* were broad, the fight over dismantling segregation created an especially impassioned battlefield with public school systems at its core. This great legal battle went beyond the question of segregation that arose in a Kansas school. The goal of desegregation—both the courageous activism of the plaintiffs and their lawyers in the NAACP Legal Education Fund—was to change the nation’s fundamental social paradigms when it came to future issues of segregation and race. Indeed, everyone recognized that the nation’s children *are* its future. If kids are exposed to other races early on, they perhaps will be less likely to carry on the prejudices of their parents. Similarly, the opponents of desegregation resented the indoctrination of their children in what they saw as a radical and dangerous mixing of races that were better off kept apart.

Passions against desegregation of schools ran so deep that lawmakers and state and local government officials, and not just in the South, were willing offer open defiance to Court’s ruling.

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Senator Harry F. Byrd, Sr. (D-VA), for example, launched what he called “Massive Resistance”—a series of state-level loophole laws designed to block implementation of desegregation, even going so far as shutting down entire school districts rather than allow integration. In early 1956, Southern Democrats in Congress (19 Senators and 82 Representatives) drafted a “Declaration of Constitutional Principles”—informally called the “Southern Manifesto”—denouncing the Court’s decision in *Brown v. Board of Education* as a “clear abuse of judicial power.” (Notable among the three non-signatories in the Senate was future president Lyndon B. Johnson and Albert Gore, Sr., father of the future Vice President; Estes Kefauver of Tennessee was the third.)

The white South generally bears a stereotype for racism. Though not necessarily fair, it has reasons for existing—including the South’s determined efforts to preserve slavery even at the cost of disunion and a destructive Civil War. Further, campaigns for “massive resistance” to enforcement of desegregation—including Arkansas Governor Orval Faubus’s using the state’s National Guard to block desegregation of his state’s schools in 1957—reinforced the bigoted and racist image of the white South. That September, when nine black students arrived to enroll in the Little Rock Central High School, they faced armed detachments from the Arkansas National Guard blocking their entrance into the building. Thus began a tense standoff between Governor Faubus and President Dwight D. Eisenhower, as the world watched. The President was obliged to enforce the Supreme Court’s ruling as an authoritative statement of federal constitutional law over any objections from individual states (or even from the President himself). That October, Eisenhower put the Arkansas National Guard under federal authority, removing them from Governor Faubus’s command, and ordered them back to barracks. At the request of the mayor of Little Rock, he then sent federal soldiers from the U.S. Army’s 101st Airborne Division to escort the “Little Rock Nine” into the high school, as reporters broadcast the scene around the world.

That dramatic scene was only the beginning of a long and fraught school-year, filled with political and legal challenges and

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the racist abuse heaped on the black students by screaming white onlookers.

While the world watched the ugliness of a Southern racism, a quieter but equally pernicious racism unfolded in the North, where segregation was not a matter of law but a matter of fact, taking shape for social and demographic reasons. Whites in Northern cities who were unhappy seeing growing numbers of African-Americans moving into their neighborhoods during the “Second Great Migration” started abandoning those neighborhoods—what came to be called “white flight.” White families who could afford to do so moved to the middle-class suburbs that grew in the postwar era, leaving their poorer black neighbors back in the inner cities. This racially-motivated dynamic then shaped how school districts were devised and how their borders were drawn. Children in black neighborhoods “naturally” would go to schools close-by, where there would be more kids who looked like them. Similarly, children in white neighborhoods went to their closest schools and naturally found more kids who looked like them. The schools were segregated not because of the law’s command, but because social, economic, and racial dynamics shaped the reality of school districts’ demography, and those who chose not to see the racial consequences of social and economic forces insisted that the districts were largely white or largely black because that was “just the way it was.”

So, even though *Brown v. Board of Education* may have changed everything in legal terms, it changed little in everyday life. Desegregation was one thing. The courts could outlaw segregated public facilities by law—even declare the practice unconstitutional. Integration, by contrast, was something else. Could the government compel races to interact in the name of a principle of equality?

The struggle to answer that question became part of the Civil Rights Act of 1964. A robust, organized Civil Rights movement had been developing for decades, and in the period following World War II it embraced integration as a means of achieving social as well as legal equality—to change the attitudes of the society as a whole when it came to matters of race. The pressure

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from that movement and its supporters pushed the federal government to devise the legal foundations for action. The government recognized that it had a constitutional duty to guarantee equal protection under the Fourteenth Amendment and voting rights under the Fifteenth. They even invoked Article One, Section 8, clause 13—the clause giving the federal government power to regulate interstate commerce (for example, could a black traveling salesman conduct his business if he was denied lodgings or food?).

The Civil Rights Act of 1964 outlawed discrimination based on race, color, religion, sex, or national origin. Yet, even though these were lofty and noble ideals, the question remained: how to implement the statute's vision in everyday life? The laws were established and on firm constitutional foundations, but the federal government could not enforce these laws in every instance throughout the United States. In various key areas of the national economy, states and local governments would have to work out how to enforce these mandates. Foes of segregation—*de facto* or otherwise—understood that, so long as social attitudes remained entrenched, there was a great risk that little might change in practice. Enforcing desegregation and integration in the public schools again became central points of contention.

At the core of the extraordinary changes wrought by the Civil Rights Revolution was a profound shift in national self-definition. Who and what are we as a nation? This question echoed throughout key episodes of American history. For example, were we a nation that condoned slavery? The Civil War and the Reconstruction Amendments that wrote its results into the Constitution answered that we were not. Now the question took a different form: are we a nation allowing institutional discrimination based on race as expressed through segregation? *Brown v. Board of Education* and ensuing cases, answered that question in the negative. As Congress and the American people debated what became the 1964 Civil Rights Act, the answer to that question expanded to reject discrimination based on religion, sex, and national origin. But the nation faced one more difficult question—did the U.S. Government have the power to compel by

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No government can get inside a citizen's head and force them to feel or think a specific way, and no government should try to do so. But in the process of defining what sort of nation we want to be—what values or ideals define us—the government has the power at least to encourage behavior in conformity with certain ideals. In 1964, the central means to encourage such a shift in social attitudes was the public school system. Integrating that system would mean that children of different races, religions, ethnic origins, and sexes would interact, and see one another as fellow human beings, a key step in preventing racial and other forms of bigotry from taking hold. In practical terms, achieving an integrated public school system would mean moving pupils around—black children from predominantly black schools would be sent to previously predominantly white schools and vice versa. Because school districts had long been determined by geographical proximity to a child's residence, a child might end up being sent across town from his or her home to reach a new school. It wasn't practical or safe to expect small children to travel that far by themselves, or to expect parents to be able to drive them. If the state expected these children to attend more distant schools, the state had to provide the transportation—school buses. The word “busing” came to mean using school buses to move students to schools outside their normal district in the name of integration.

Proponents and opponents of such uses of busing squared off in the debates over the 1964 Civil Rights Act. For those who opposed integration, the idea of busing struck at what they deemed a parent's intimate and sacred right to guide his or her children's well-being. Opponents of the Act gained traction in the public arena by charging that enacting the statute would bring busing. Senator Hubert Humphrey (D-MN) was a leading sponsor of the Act; he tried to calm such criticisms by stating, “if the bill were to compel [busing], it would be a violation [of the Constitution], because it would be handling the matter on the basis of race and we would be transporting children because of race.” He even introduced two amendments to the Act designed to

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outlaw busing.

Despite such assurances, however, once the statute became law, the Department of Health, Education and Welfare would indeed mandate that Southern school districts use busing as a means of achieving racial balance. The battle over busing and integration moved from the federal stage to myriad local school boards throughout the nation, which found themselves falling afoul of the mandated integration goals set by their states in response to the 1964 Act. The expected legal challenges began percolating up through the lower courts, with the ultimate goal of the U.S. Supreme Court.

In May 1965, one such case from Gary, Indiana, came before the Justices. Lower courts had affirmed the rights of state and local authorities to implement integration through redistricting, consolidation of grades, and busing. The Justices declined to review the lower court's decision in the Gary case, declaring, “There is no affirmative constitutional duty to change innocently arrived-at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils.” They rebuffed a similar challenge coming from Kansas. The Constitution, they explained, neither required nor forbade school boards from acting as they were doing.

Lawyers and officials in Trenton, New Jersey, were closely watching what the Court decided in the Indiana and Kansas cases. In fact, various individuals and groups had filed legal challenges to busing and integration in New Jersey state and federal courts that would have been affected had the Justices decided to hear the Indiana and Kansas cases. New Jersey State Education Commissioner Frederick Raubinger had ruled for the Garden State that *de facto* school segregation was to be eliminated “where reasonable means exist to do so.” The towns of Englewood, Orange, and Plainfield were among those ordered to address racial imbalances. Most towns awaited direction from the courts before considering integration plans.

One New Jersey town, however, took on such challenges on its own account.

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The Township of Teaneck, in Bergen County, resembled many suburban communities throughout the nation. Once predominantly white, it saw an influx of minorities that had grown large enough to start challenging the status quo. Those made uncomfortable by a growing African-American component of the town's population began using discriminatory housing practices to shift the incoming African-American residents into the northeast corner of the town. Whites moved to neighborhoods in the rest of the town, and the demography of Teaneck displayed *de facto* segregation, with some 3,000 black families kept more or less separate from 41,000 white families.

Children in the "black neighborhood" went to the William Cullen Bryant elementary school, where by 1964 African-Americans comprised some 54% of the student body. The rest were scattered throughout the eight other elementary schools in town.

Not everyone was happy with this situation. Black and white parents started talking about integration even before the enactment of the 1964 Civil Rights Act. Among them were Archie and Theodora Lacey, a black couple who had moved to Teaneck from New York City in 1961. At first, they were welcomed and they found Teaneck a perfect place to settle and raise their family. Soon, however, they noticed that their white neighbors on either side of their home had moved away. They also were alarmed to learn how the Bryant school was becoming nearly-half black, a marker indicating the "white flight" that threatened their hopes to live in an integrated community.

Theodora Lacey visited the new Superintendent of the Township's Board of Education to express her concerns and found a kindred spirit. Harvey B. Scribner had never been especially involved in the Civil Rights movement, but he had a history of embracing controversial ideas—radical, even—when it came to education. When he died in 2002, his obituary in *The New York Times* summed him up as "a no-nonsense former teacher . . . compiling a record of innovation and gentlemanly leadership." Born in Maine, he considered his time after high school working for a shop-owner on Matinicus Island, some 20 miles off the coast, as his *real* education. To make ends meet, he worked nights

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and weekends at grocery stores and factories. His formal training as an educator began with an aborted year at a teacher-training academy and a job in a one-room schoolhouse in Unity, Maine. *The Times* laid out the rest of his education this way: “in 1946, he received a bachelor’s degree from Farmington State Teachers College in Maine and became a school administrator. In 1951, he received a master’s degree in education at the University of Maine. He received his doctorate in education from Boston University in 1960.”

In 1954, his penchant for reform asserted itself when he headed up the school system in Dedham, Massachusetts. A controversial federally-financed system for measuring student performance was being considered, based on how well pupils could teach one another. His support for the innovation, according to *The Times*, earned him a description by a local resident as standing “for all things that Communists stand for.”

When in 1961 he arrived in Teaneck, he was sympathetic to Theodora Lacey and the neighbors who agreed with her. He proposed a voluntary busing scheme the next year—two years before the Civil Rights Act that would bring the concept of integration to the rest of the country in earnest. The Teaneck experiment fell flat, however. Only the Laceys and a dozen other black families and only one white family volunteered to participate. The status quo was just too entrenched. Lacey and Scribner realized that *mandatory* busing was the only thing that would do it—but they knew such a move was fraught with controversy and would meet stiff resistance. By 1964, the Laceys were inviting neighbors to informal meetings at their home to work through the concerns and fears the community was having. The Civil Rights Act had cleared the U.S. House of Representatives on February 10th and was scheduled to be before the Senate that spring. Seeing the proverbial handwriting on the wall, the group organized by Scribner and Lacey began discussing a bold plan for school integration.

In September 1964, under this plan, children attending the sixth grade in the other eight schools would be bused to the Bryant school and consolidated into that one building. The other

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grades at Bryant would then be distributed throughout the other eight. Logistics aside, the plan was simple enough on paper. Getting the Board of Education to approve it would be the test. Scribner and Lacey understood that their plan would generate strong opposition from other parents.

It is easy to dismiss opponents of integration as a bunch of white racists. And some of that opposition was no doubt motivated by racism. White parents would object to their children being bused to the black side of town where Bryant school was located. But black parents also voiced racism. Many had worked hard to afford to escape the inner city and considered the quality of their children’s education just fine as it was. Though divisions largely traced the racial divide between blacks and whites, other minorities were also attracted to the township and some black parents were as uncomfortable with them as their white counterparts were. Some opponents of busing cited also the added financial burden to taxpayers that would result from busing—would more buses need to be purchased, drivers paid, insurance required, administration to keep everyone straight, and so forth? Others were simply uneasy with the general concept of government interference in something that seemed as personal and intimate as their choices about educating their children. Never mind that the government *required* they educate them in the first place and had been drawing up district lines all along. In reality, such resistance was probably inspired in varying degrees by all of the above.

Wherever it came from, opponents of busing created their own grassroots coalition, the Neighborhood School Association of Teaneck. They gathered 5,267 signatures on a petition opposing the plan and they promised legal action if the Board of Education adopted busing.

Everything came down to what the Board would decide. The meeting at which they would vote on the plan had been set for May 13, 1964 in the Bryant school’s auditorium. The *Trenton Evening Times* reported that some 1,400 people packed into the room. Most were white, with a handful of black faces scattered in the crowds. Over the next four hours, residents spoke for or

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against the measure in a highly contentious proceeding. Support came from civil rights advocates, educators, ministers, and parents. Theodora Lacey was nervous, but took the microphone and spoke her mind. “I was trying to change young white students’ ideas of prejudice toward the Negro,” she told reporter Aaron Morrison in 2014. “So, I spoke my heart out. I laid it out on the line what we had to do.”

Then the moment of reckoning arrived. The vote was taken as the anxious crowds fell silent. The plan passed by a seven to two margin. The *Trenton Evening Times* reported that, after the result was announced, “hundreds of spectators jumped to their feet, shook their fists in anger and shouted insults at the board members.”

Harvey Scribner received death threats, as did some of the plan’s other vocal supporters. As the start of the school year approached that September, when the changes would take effect, some parents had memories of Little Rock crossing their minds. As concerned as they may have been, however, others appreciated the history that was being made. Charelle Hanley didn’t really understand why her mother had picked out a red sweater and was fussing so over her appearance. “As she’s buttoning the top button my mother says to me, ‘The eyes of the nation are watching you.’ And I’m thinking, ‘What the heck is she talking about?’” she told Aaron Morrison in 2014. “The impact of it didn’t strike me. In my mind, I was just going to school.”

In 1985, Scribner recounted that first day of school in a speech that was later reported by *The Record of Bergen County*. “I remember the walkie-talkie on the desk,” he said. “I remember the first report, ‘The buses just came in, everything was peaceful.’ I was literally crying.”

As happy as Scribner was that the children had arrived without incident, he knew that this was not the end of the story, by any means. He watched with trepidation as neighboring New Jersey towns faced strong protests to similar busing plans. The *Newark Star Ledger* for September 10, 1964, reported how parents staged a classroom sit-in boycott of a consolidation plan in Orange. There had been threats of a similar protest in Teaneck, but it never

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materialized. Neither did rumors that some Teaneck parents would keep their children home in protest.

The Neighborhood School Association of Teaneck did make good on their threat of legal action that December. But the Appellate division of the District Court threw out the group’s lawsuit, asserting that the Board of Education acted within its legal rights in adopting the busing plan.

At least one teacher in the township was not happy about the situation. June Handler told Aaron Morrison in 2014 how, during a parent-teacher conference, the teacher asked, “Do you know that your daughter, at lunchtime, sits with the black boys?” and “How would you like it if your daughter married a black man?” Handler didn’t really care about the race of who her daughter sat with—or married for that matter—so long as they were nice people. The teacher evidently left Teaneck at the end of the school year.

As the adults fussed and fought, the children were largely oblivious to the history that they were making—too caught up in being in a new school environment to understand or care about the issues that were vexing their parents. Yet history was indeed what they were all making. What made Teaneck different from any other community at the time was that the township had voluntarily integrated, without the need for court orders as elsewhere. True, this result did not come without a great deal of acrimony and even ugliness. But the residents chose on their own to confront these challenges.

It needed a push by another grassroots campaign, but in 1965, a new Board of Education was elected that reaffirmed the Township’s integration scheme. The success of Teaneck began even siphoning off residents from neighboring Englewood who moved there for the good schools.

In 1968 Harvey B. Scribner left Teaneck for Vermont before becoming Schools Chancellor of New York City in 1970. He advocated decentralizing control of the city’s 32 local school districts, putting control in the hands of neighborhood boards. It proved an uphill and frustrating battle, and he left with tenure in 1973. He passed away on December 23, 2002 at age 88.

The legacy of busing is difficult to gauge. We could argue that, as an experiment in changing social attitudes on race, it has had limited success at best. Neighborhoods in urban areas tend to remain *de facto* segregated with the influx of new immigrant groups. Racism, both overt and tacit, remains a feature in the American sociopolitical landscape. The spread of private, parochial, magnet, and charter schools has meant the creation of alternatives tending to sustain segregation. Since the 1980s, busing has been on the decline and, as of the early 1990s, most school systems no longer are under court supervision to address racial imbalances.

Yet citizens of Teaneck, setting aside the angst that attended the desegregation experiment, nonetheless remember with pride in their past and hope for their future that their New Jersey town was the first in the nation to try that experiment voluntarily. 

On the 50th anniversary of the Teaneck Board of Education's vote, NorthJersey.com staff writer Aaron Morrison interviewed several of the students, parents, and faculty involved:

<http://www.northjersey.com/news/50-years-later-teaneck-recalls-integration-of-its-schools-1.1013640>