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By

Rachel Ellen Lissy

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Committee in charge:

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Abstract

From Rehabilitation to Punishment: The Institutionalization of Suspension Policies in Post-World War II New York City Schools

By

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Doctor of Philosophy in Education

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Professor Daniel Perlstein, Chair

The disproportionate suspension and criminalization of black students, referred to in the literature as "disproportionality" "over-representation" and in a nod to the achievement gap, as the "discipline gap," has become the subject of increased concern and analysis in recent years. In this dissertation, I apply concepts from Historical Institutionalism to the formation of exclusionary and criminalizing disciplinary policies in post-war New York City. First, I identify and illuminate how actors, in framing the problem of school disorder, deployed competing logics of discipline. Next I explore how the context, in particular tensions regarding school integration, influenced the framing of school disorder and contributed to the rising salience of logics that individualized school disorder and decontextualized it from the conditions of racism. Finally, I examine how school personnel engaged with and deployed these logics in their participation in the expansion and institutionalization of punitive, exclusionary and criminalizing disciplinary policies. This analysis demonstrates that punitive and criminalizing disciplinary policies were never neutral, but rather emerged out of a context of fraught racial politics that favored policies and actors that individualized, criminalized and racialized school disorder. Ultimately I demonstrate that the policies undergirding contemporary disproportionality in discipline were contested, contingent with pressure for integration and supported by educators and school personnel. This complicates existing explanations for the discipline gap that conceptualize the disproportionate punishment, exclusion and criminalization of black students as "unintended" and "unconscious." It also highlights the organizational and ideological forces embedded in the institutional environment of schools that may pose challenges to reform efforts.

CHAPTER 1: THE “DISCIPLINE GAP”

On February 6, 1958 the New York City Board Of Education released the following statement:

Resolved, that it is the policy of the Board of Education that any pupil who shall be charged with a violation of a law involving violence or insubordination shall be forthwith suspended from regular school attendance. Such suspension shall not be revoked unless the pupil is found not guilty by a court of competent jurisdiction. In establishing this policy, which is a departure from previous policy, the Board recognizes that in such cases under existing condition, no instruction can be provided for such pupils.¹

Prior to the policy change, a student could only be suspended by an Assistant Superintendent and only after a hearing had taken place. Moreover, no student could be legally suspended from school without an alternative school placement being arranged. In the past, the state's compulsory schooling laws required principals to continue to accept the students awaiting suspension hearings. By contrast, the Board's new policy allowed for what the *New York Times* described as the "wholesale suspension of troublesome pupils from the schools without any provision for their future care."² For the first time, the policy gave the power to remove a student to individuals at the school site, the very individuals who had much to gain from the removal of demanding or challenging pupils. The Board openly acknowledged that the policy might result in children being sent "right out into the street."³ This policy marked a stunning departure from official prior practice in a number of ways. First, the suspension policy change indicated a dramatic shift from disciplinary policies based in the doctrine of *in loco parentis*.⁴ In 1930, less than 3 decades earlier, then Superintendent O'Shea claimed emphatically that:

No principal has the right to suspend a student, nor has any local school board that power. I alone have the authority to make suspensions...we try to run our schools under different principles from those of forcible suspension and harsh measures... and try not to resort to such awful measures if we can help it.⁵

The Board of Education President at the time seconded O'Shea's statement explaining that "if occasionally a child is found to lack [character] it is the business of the system to get to work to provide it."⁶ The belief that it is "the business of schools" to shape the moral character of

1. Edith Asbury Evans, "Schools to Expel Pupils Accused of Breaking Law," *New York Times*, February 7, 1958.

2. Gene Currivan, "Education in Review: City and State Enter Upon New Program to Care for Unruly Youth in the Schools," *New York Times*, February 16, 1958.

3. Ibid.

4. Carl F. Kaestle, "Social change, discipline, and the common school in early nineteenth-century America," *Journal of Interdisciplinary History* (1978): 1-17.

Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999).

5. "O'Shea Won't Oust Communist Pupils," *New York Times*, March 14, 1930.

6. Ibid.

students, especially the children of poor immigrants, was a central tenet of American schools. The doctrine of *in loco parentis* empowered schools to act as surrogate parents who played an active role in moral development. Forcible suspensions, without any oversight, were anathema to this belief as they denied errant students access to the civilizing influence of the schools altogether. This is not to say that every student was served unfailingly in America's public schools. Rather, informal practices were used to ignore truancy, push students off of school rolls, or tacitly encourage students to drop out. However, official and institutionally endorsed suspensions were relatively rare and subject to district-level approval.

In addition, the new 1958 policy endorsed collaboration between schools and law enforcement. Under the new policy, principals were allowed to immediately suspend any student who was arrested, whether inside or outside of school. Principals were likewise encouraged to suspend students awaiting trial, on probation or returning from custodial institutions. Practically any involvement with police or court officials was grounds for suspension. Historically, law enforcement and school systems had operated separately. Police were expected to use force and punishment to protect private property, maintain order and enforce the law. Teachers and schools, on the other hand, acted as surrogate parents and were tasked with ensuring the moral development of students, under the doctrine of *in loco parentis*. Only four months earlier, Superintendent Jansen had dismissed the suggestions that police officers be stationed in every public school as "unthinkable."⁷ At the time, Superintendent Jansen argued cooperation between police and schools was undemocratic and would weaken student morale.⁸ By contrast, the new policy explicitly encouraged coordination between criminal and educational systems.

Within a day of the policy announcement the *New York Times* reported on the suspension of at least 644 students.⁹ By the end of the school year the Board of Education would report on 1,323 students suspended between February and June. With only 219 suspensions reported in the first half of the 1957-1958 school year, the total suspensions in the second half of school year represented more than a 600% increase in student suspensions.¹⁰ Thus began an upward trend that would continue uninterrupted for the next half century. In this dissertation I unravel the events surrounding the development, implementation and institutionalization of the "principals' suspension" in New York City. In doing so, I challenge and complicate existing explanations for the "discipline gap."

The "Discipline Gap"

In the past half-century, suspensions, once thought "awful measures," have become a nearly ubiquitous disciplinary tool. In 2008-2009, 73,000 suspensions were reported in the NYC public schools.¹¹ That represents a 5,000% increase over 50 years, a startling statistic given that the population of the New York City schools has increased by less than 10%. Likewise, in the past half century, collaboration between law enforcement agencies and schools, previously seen

7. "Judge Says NY Schools Need Police," *The Washington Post*, November 27, 1957.

8. George Sokolsky, "These Days ... New York's Troubles," *The Washington Post and Times Herald*, sec. A., February 6, 1958.

9. Edith Asbury Evans, "644 Suspension Open Crime Drive by City's Schools," *New York Times*, February 8, 1958.

10. Ibid.

11. Johanna Miller et al., *Education Interrupted* (New York Civil Liberties Union, 2011), http://www.nyclu.org/files/publications/Suspension_Report_FINAL_noSpreads.pdf.

as "unthinkable," has become widely accepted. In New York City, 5,000 unarmed school safety officers and 192 armed police officers were stationed in the city's schools in 2013.¹²

Data released by the Office of Civil Rights (OCR) of the Department of Education indicates that trends in New York City are echoed nationally.¹³ The growing use of suspensions and expulsions has been accompanied by a new set of policy responses that not only exclude and segregate but criminalize as well. Police and law enforcement personnel have become increasingly involved in responding to behavior that in the past would have been addressed by school personnel such as principals and guidance counselors.¹⁴ The presence of "School Resource Officers" in school buildings has been accompanied by the use of surveillance cameras, metal detectors, pat-downs, summonses and drug-sniffing dogs. In this dissertation, in order to understand the ideas, structures and actors influencing these trends, I examine the circumstances surrounding the transformation of New York City's disciplinary policy in the late 1950's.

Whether policy responses segregate, exclude or criminalize students perceived as disrupting classroom order, one pattern remains constant: students of color, especially black boys, are disproportionately impacted by all of these trends.¹⁵ Recent suspension rates for black

12. Samantha Pownall, *A, B, C, D, STPP: How School Discipline Feeds the School to Prison Pipeline* (NYCLU, 2013),

<http://www.nyclu.org/publications/report-b-c-d-stpp-how-school-discipline-feeds-school-prison-pipeline-2013>.

13. Ed.Gov, "Civil Rights Data Collection," <http://ocrdata.ed.gov>.

14. Robin L. Dahlberg, *Arrested Futures: The Criminalization of School Discipline in Massachusetts Three Largest School Districts* (ACLU of Florida, Advancement Project, and Florida State Conference of the NAACP, 2012), http://www.aclu.org/files/assets/maarrest_reportweb.pdf; ACLU Advancement Project, *Still Haven't Shut Off the School-to-Prison Pipeline* (2011), http://b.3cdn.net/advancement/be89ef01bcb350c7fc_z5m6btbgo.pdf; US Human Rights Network, *Test, Punish, and Push Out: How "Zero Tolerance" and High-stakes Testing Funnel Youth into the School-to-Prison Pipeline* (2010)

<http://www.ushrnetwork.org/resources-media/test-punish-push-out-how-zero-tolerance-high-stakes-testing-funnel-youth-school>; American Civil Liberties Union and ALCU of Connecticut, *Hard Lessons: School Resource Officers and School Based Arrests in Three Connecticut Towns*

https://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf; Florida State Conference of the NAACP, Advancement Project, and NAACP Legal Defense and Educational Fund, Inc., *Criminalizing the Classroom: The Overpolicing of New York City's Public Schools* (2007),

<http://www.aclu.org/racial-justice/criminalizing-classroom-over-policing-new-york-city-schools>; NAACP Legal Defense & Educational Fund, *Arresting Development: Addressing the School Discipline Crisis in Florida* (Florida State Conference NAACP, 2006), http://b.3cdn.net/advancement/e36d17097615e7c612_bbm6vub0w.pdf;

Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse* (2005), http://b.3cdn.net/advancement/5351180e24cb166d02_mlbrqxlh.pdf; Judith A. Browne, *Derailed! The Schoolhouse to Jailhouse Track* (2003, Advancement Project),

http://b.3cdn.net/advancement/c509d077028b4d0544_mlbrq3seg.pdf; Advancement Project and the Civil Rights Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance School Discipline* (July 2002, Harvard University), <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies/crp-opportunities-suspended-zero-tolerance-2000.pdf>

15. Russell J. Skiba, Michael, A. Nardo, and Reece L. Peterson, "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment," *The Urban Review* 34, no. 4 (2002): 317–42; Russell J. Skiba, and Reece L. Peterson, "School Discipline at a Crossroads: From Zero Tolerance to Early Response," *Exceptional Children* 66, no. 3 (2000): 335–96; Anne Gregory, Russell J. Skiba, and Pedro A. Noguera, "The Achievement Gap and the Discipline Gap," *Educational Researcher* 39, no. 1 (2010): 59; Carla Monroe, "Why Are 'Bad Boys' Always Black? Causes of Disproportionality in School Discipline and Recommendations for Change," *The Clearing House* 79, no. 1 (2005): 45-50; Pedro A. Noguera, "Schools, Prisons, and Social Implications of Punishment: Rethinking Disciplinary Practices," *Theory into Practice* 42, no. 4 (2003): 341–50; Ronnie Casella,

students have increased from 11.8% in the 1970's to a rate of 24.3% in 2013. By contrast, suspension rates for white students have grown from 6% in the 1970's to 7.1% in 2013.¹⁶ The gap in suspension rates between white and black students has more than tripled in the past 30 years from 5.8% points to 17.2% points.¹⁷

Research also indicates that black students are more likely to be experience disciplinary responses that involve the criminal justice system. Nationally, schools with large populations of students of color are more likely to have a significant police presence on school grounds.¹⁸ Multiple studies have found the presence of police on school campuses to correlate directly with dramatic increases in the number of arrests and referrals to juvenile court systems. Furthermore, these studies document the involvement of police and school-based law enforcement personnel in addressing non-violent behaviors previously handled within school.¹⁹ Students of color have been disproportionately affected by these trends. Statewide and district level studies have repeatedly found black students are more likely to be arrested when compared to their white peers.²⁰ A recent report found black students in New York City fourteen times more likely to be arrested for school-based incidents than their white peers.²¹ Furthermore, these studies (be they in Delaware, Florida, New York City, Los Angeles or Philadelphia) have consistently found the overwhelming majority of these arrests to be for minor, non-violent behaviors. The tendency of these policies to steer students out of schools and into the criminal justice system has been dubbed "the school-to-prison pipeline" and has recently inspired documentaries,²² Senate hearings,²³ and conferences.²⁴ A search for "school to prison pipeline" generates nearly 2 million results on Google.

"Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record* 105, no. 5 (2003): 872-92.

16. The Office of Civil Rights only started collecting suspensions statistics in the late 1960's. As such, national comparisons do not exist between current suspension rates and those from the 1950's. In New York City between 1959 and 1969 (the year the OCR began collecting suspension data), the number of suspension increased from less than 1300 to more than 14,000.

17. Daniel J Losen, and Tia Elena Martinez, "Out of School and Off Track: The Overuse of Suspensions in American Middle and High Schools," *Civil Rights Project/Proyecto Derechos Civiles* (2013).

18. Jeremy D. Finn, and Timothy J. Servoss, "Misbehavior, Suspensions, and Security Measures in High School: Racial/Ethnic and Gender Differences," *Journal of Applied Research on Children: Informing Policy for Children at Risk* 5, no. 2, Article 11.

19. Florida Department of Juvenile Justice, "Delinquency in Florida's Schools: A Seven Year Study," last modified November 2011, <http://www.djj.state.fl.us/docs/research2/2010-11-delinquency-in-schools-analysis.pdf?sfvrsn=0>.

20. Justice Center, Council of State Governments, "Breaking Schools' Rules: A Statewide Study Of How School Discipline Relates To Students' Success And Juvenile Justice Involvement" <http://csgjusticecenter.org/youth/breaking-schools-rules-report/>; Jamie Dycus, *Hard Lessons: School Resource Officer Programs And School-Based Arrests In Three Connecticut Towns* (New York: American Civil Liberties Union, 2008), https://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf.

21. Samantha Pownall, *A,B,C,D, STPP: How School Discipline Feeds the School to Prison Pipeline* (NYCLU, 2013), <http://www.nyclu.org/publications/report-b-c-d-stpp-how-school-discipline-feeds-school-prison-pipeline-2013>.

22. Tavis Smiley, "Education under Arrest Reports PBS," PBS. <http://www.pbs.org/wnet/tavissmiley/tsr/education-under-arrest/>; Cevin Soling. *The War on Kids*. Documentary, 2009.

23. *US Senate Judiciary Sub-Committee on the Constitutions, Civil Rights and Human Rights Hearing On the School-To-Prison Pipeline*, December 2012.

24. *National Leadership Summit on School-Justice Partnerships: Keeping Kids in School and Out Of Court, March 11-13, 2012*, New York City.

Contemporary Explanations for the Discipline Gap

These patterns (referred to as "disproportionality", "over-representation", or the "discipline gap") have become subject to increased concern and analysis in recent years. This concern has emerged in part because of contemporary scholarship demonstrating that these policy responses are, at best, ineffective and at worst, profoundly damaging. The American Psychological Association, the American Bar Association, the Council of State Governments and the American Pediatric Association have all issued reports challenging the effectiveness of these disciplinary policies in improving school safety. A longitudinal study of one million students in Texas performed by the Council for State Governments Justice Center linked suspension to a litany of negative outcomes.²⁵ Adolescents who had been suspended were more likely to be suspended again; to drop out; to be held back; and to become involved in the juvenile justice system.²⁶ The presence of police in schools has, likewise, been shown to have similarly negative results on school safety and student behavior.²⁷ An array of research has demonstrated no evidence to support claims that any of these disciplinary responses have salutary effects on other students who remain in school. Schools with higher suspensions rates have lower academic performance and lower graduation rates. Students do not report feeling safer in schools where police personnel are present or harsh disciplinary practices are used.²⁸

Furthermore, research has also challenged previously dominant explanations for disproportionality that focus on the behavior of black students. For much of the Twentieth Century the dominant explanation for disproportionality was actually quite simple: black students were arrested, suspended, expelled and referred to special education at higher rates than white students because they were more likely to come to school lacking necessary skills, habits and discipline. In short, they misbehaved more.²⁹ Explanations for *why* black students supposedly misbehave more have changed over time. Early Twentieth Century explanations drew upon the "science" of eugenics and emphasized the innate intellectual and moral inferiority of black children.³⁰ During the 1930's and 1940's explanations for disorder and delinquency in black schools and communities focused on individual psychology and personality "maladjustment."³¹

25. Fabelo, *Breaking Schools' Rules*, 2011; Skiba, *The Color of Discipline*, 2002.

26. Ibid.

27. Justice Policy Institute, *Measured Responses: Why Increasing Law Enforcement in Schools is Not an Effective Public Safety Response to the Newtown Tragedy* (December 2012), <http://www.justicepolicy.org/uploads/justicepolicy/documents/schoolsafetyfactsheet.pdf>; Philip J. Cook, Denise C. Gottfredson, and Chongmin Na, "School Crime Control and Prevention," *Crime & Justice* 39 (2010): 313-372.

28. U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* (Washington, D.C., 2014).

29. John Francis Devine, *Maximum Security: The Culture of Violence in Inner-City Schools* (University of Chicago Press, 1996); Janelle, L. Dance, *Tough Fronts: The Impact of Street Culture on Schooling* (Routledge-Palmer New York, 2002); Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (W. W. Norton & Company, 1999); Daniel Patrick Moynihan, Lee Rainwater, and William L. Yancey, *The Negro Family: The Case For National Action* (Cambridge, MA: MIT Press, 1967).

30. Paula S. Fass, *Outside in: Minorities and the Transformation of American Education* (Oxford University Press, USA, 1991); David B. Tyack, *The One Best System: A History of American Urban Education* (Harvard Univ. Pr., 1974).

31. Sol Cohen, "The Mental Hygiene Movement, the Development of Personality and the School: The Medicalization of American Education," *History of Education Quarterly* 23, no. 2 (1983): 123-49; Daryl Michael

During the late 1950's and 1960's, the theory that there was something unique about the behavior and psychology of black students became increasingly popular. These theories drew upon sociological research regarding the "culture of poverty" and were perhaps most clearly (and notoriously) articulated in 1965's Moynihan report. Daniel Patrick Moynihan presented delinquency, disorder and violence in (and out) of schools as a product of the "tangle of pathology" that characterized the "crumbling, disorganized, dysfunctional...Negro family."³² More recently, John DiIulio argued that Black communities (and schools) were increasingly occupied by "thickening ranks of juvenile 'super-predators'" who were "radically impulsive, brutally remorseless" and undeterred by "the stigma of arrest, the pains of imprisonment or the pangs of conscience."³³ The theory that black students are more prone to misbehavior continues to inform contemporary scholarship. Most notably, recent research draws upon neuropsychology and emphasizes the impact of trauma and neglect on brain development and "executive functioning."³⁴

More recently, scholars have offered explanations for the discipline gap that focus not on the behavior of students, but on the behavior of teachers. According to these scholars, the discipline gap is the result of teachers' bias or cultural insensitivity.³⁵ Teachers, bring "deficit thinking"³⁶ into schools, and label student behaviors that deviate from white middle class rules, codes and social behaviors as abnormal, pathological and deficient. Proponents of this explanation often point to research by Skiba et al. demonstrating that black students are more likely to be disciplined for less serious "discretionary" offenses and "subjective" behaviors, like loitering and disrespect, while white students were referred for more objective infractions such as smoking, vandalism and cutting class.³⁷

Scott, *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (The University of North Carolina Press, 1997).

32. William Graebner, "The End of Liberalism: Narrating Welfare's Decline, from the Moynihan Report (1965) to the Personal Responsibility and Work Opportunity Act (1996)," *Journal of Policy History* 14, no. 2 (2002): 171.

33. John DiIulio, "The Coming of the Super-Predators," *Weekly Standard* 1, no. 11 (1995): 23-29.

34. Susan J. Ko, Julian D. Ford, Nancy Kassam-Adams, Steven J. Berkowitz, Charles Wilson, Marleen Wong, Melissa J. Brymer, and Christopher M. Layne, "Creating Trauma-Informed Systems: Child Welfare, Education, First Responders, Health Care, Juvenile Justice," *Professional Psychology: Research and Practice* 39, no. 4 (2008): 396; Anne P. DePrince, Kristin M. Weinzierl, and Melody D. Combs, "Executive Function Performance and Trauma Exposure in a Community Sample Of Children," *Child Abuse and Neglect* 33, no. 6 (2009): 353-361; Paul Tough, "What It Takes To Make A Student," *New York Times Magazine*, December 2006, 44-51.

35. Anne Gregory, Russell J. Skiba, and Pedro A. Noguera, "The Achievement Gap and the Discipline Gap," *Educational Researcher* 39, no. 1 (January 1, 2010): 59-68; Karega, M. Rausch, and Russell Skiba, "Discipline, Disability, and Race: Disproportionality in Indiana Schools," *Education Policy Brief. Bloomington, IN: Center for Evaluation and Education Policy* (2006); Anita Woolfolk Hoy, and Carol S. Weinstein, "Student and Teacher Perspectives on Classroom Management," *Handbook of Classroom Management: Research, Practice And Contemporary Issues* (2006): 181-222; Irwin A. Hyman, and Donna C. Perone, "The Other Side Of School Violence: Educator Policies And Practices That May Contribute To Student Misbehavior," *Journal of School Psychology* 36, no. 1 (1998): 7-27; Russell J., Skiba, Michael, A. Nardo, and Reece L. Peterson, "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment," *The Urban Review* 34, no. 4 (2002): 317-42; Rosa Hernandez Sheets, and Geneva Gay, "Student Perceptions of Disciplinary Conflict in Ethnically Diverse Classrooms," *NASSP Bulletin* 80, no. 580 (May 1, 1996): 84-94; Ann Arnett Ferguson, *Bad Boys: Public Schools in the Making of Black Masculinity* (University of Michigan Press, 2001), 41.

36. Richard H. Milner, and Blake F. Tenore, "Classroom Management in Diverse Classrooms," *Urban Education* 45, no. 5 (2010).

37. Fabelo, *Breaking Schools' Rules*, 2011; Skiba, *The Color of Discipline*, 2002.

Another group of scholars has focused on the role of policies in creating disproportionality. In particular, recent scholarship has focused on the impact of "zero tolerance" policies that were created to impose mandatory, pre-determined punishments (suspensions or expulsions) for violent or unsafe behaviors. Zero tolerance policies were mandated by the 1994 federal Gun-Free Schools Act. The law, largely seen as a response to school shootings, linked federal funding to the establishment of district policies mandating the expulsion of any student found with weapons or drugs on school property. These policies, scholars argue, contributed to the discipline gap by forcing school personnel to impose draconian punishments for certain infractions, regardless of context or circumstance.³⁸ Critics argue zero tolerance policies disproportionately impact students of color who are more likely to be caught with weapons in urban schools where police searches, metal detectors and surveillance cameras are a daily reality.³⁹

The influence of this research is evident in recent debates and policy developments related to the disproportionate punishment, criminalization and educational neglect of students of color. In January of 2014, the Department of Justice issued guidelines for states and districts to address the "disparate impact" of their discipline policies.⁴⁰ That same year in June, the Council of State Governments released a more than 400 page report with recommendations for policy makers, school leaders, guidance personnel, teachers and community members.⁴¹ These publications echo contemporary explanations that characterize the discipline gap in one of two ways: 1) as the outcome of neutral policies applied by biased actors in "unintended" ways⁴² or 2) as the outcome of biased policies applied by unthinking actors with "disparate impact."⁴³ How social problems are understood informs the policy solutions proposed. The first explanation leads to policy responses that focus on school personnel uncovering "implicit bias"⁴⁴ and "honestly assessing beliefs and attitudes" through "probing data" for "patterns of practice," engaging in "difficult conversations" and seeking professional development in "cultural competency."⁴⁵ The

38. Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record* 105, no. 5 (2003): 872–92; Aaron Kupchik, and Torin Monahan, "The New American School: Preparation for Post-industrial Discipline," *British Journal of Sociology of Education* 27, no. 5 (2006): 617–31; Ivan Eugene Watts, and Nirmala Erevelles, "These Deadly Times: Reconceptualizing School Violence by Using Critical Race Theory and Disability Studies," *American Educational Research Journal* 41, no. 2 (2004): 271–99; Carla Monroe, "Why Are 'Bad Boys' Always Black? Causes of Disproportionality in School Discipline and Recommendations for Change," *The Clearing House* 79, no. 1 (September 2005): 45–50; Russ Skiba, and Reece Peterson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?" *The Phi Delta Kappa* 80, no. 5 (1999): 372–82.

39. Kupchik and Monahan, 2000; Watts & Everelles, 2004.

40. U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* (Washington, D.C., 2014).

41. Emily Morgan, Nina Salomon, Martha Plotkin, and Rebecca Cohen, *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System* (The Council of State Governments Justice Center, New York, 2014).

42. Cecil R. Reynolds, Russell J. Skiba, Sandra Graham, Peter Sheras, Jane Close Conoley, and Enedina Garcia-Vazquez, "Are Zero Tolerance Policies Effective In the Schools? An Evidentiary Review and Recommendations," *The American Psychologist* 63, no. 9 (2008): 852-862.

43. Losen and Martinez, *Out of School and Off Track*; Skiba, *Dark Side*, 1999.

44. Phillip Carter, Michael Fine, and Sol Russell, *Discipline Disparities Series: Overview* (Bloomington, IN: The Equity Project at Indiana University 2014), <http://rtpcollaborative.indiana.edu/briefing-papers>.

45. Morgan, E., Salomon, N., Plotkin, M., and Cohen, R., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System* (New York: The Council of State Governments Justice Center, 2014).

second explanation leads to the rewriting of policies to clarify roles, increase accountability and replace suspensions with "restorative approaches."

In this dissertation, using the transformation of New York City's disciplinary policies in the late 1950's, I challenge these explanations for the origins and persistence of the discipline gap. Viewing the discipline gap as an "unintended consequence" of policies treats these policies as neutral and instrumental. Calling consequences unintended portrays the discipline gap as an unfortunate accident occurring "behind the backs" of unknowing and unthinking actors. Likewise, focusing on the biases and prejudices that individual teachers bring into schools overlooks the ways in which the schools themselves shape and construct teacher practices and beliefs. My analysis of the ideas and events surrounding the development of punitive policies in New York City illustrates that the institutionalization of these disciplinary policies was influenced by the context of fraught racial politics surrounding school desegregation. Furthermore, I argue that school personnel--teachers and principals--were not mere spectators in this process. Rather, they were active participants in the institutionalization of punitive policies even as this participation was influenced and informed by the institutional context of schools.

Theoretical Frame: *Historical Institutionalism*

Historical Institutionalism, like other forms of institutionalism, offers an approach to understanding how social life is constrained and enabled by institutions.⁴⁶ Institutional theorists are particularly interested in theorizing the role institutions play in shaping how organizational forms emerge, persist and occasionally change. In contrast to rational choice systems approaches that view organizations as strategic contexts in which individuals seek to maximize efficiency and personal gain, *Institutionalists*, view organizations as situated within and informed by "institutions." Institutions are defined by Scott as "cognitive, normative and regulative structures and activities that provide stability and meaning to social behavior."⁴⁷ Institutions shape the behavior and beliefs of actors and organizations such that social activity becomes predictable and standardized. Institutions, like the family, religion, the market, the bureaucratic state and the corporation, put the "order" in "social order." Institutionalization is the process by which a set of structures and relationships becomes "infused with value"⁴⁸ and internalized. Accordingly actors, rather than being self-interest maximizing agents, operate within a "structured terrain of opportunity and constraint."⁴⁹ This terrain informs how actors assimilate knowledge, make sense of their experience and perceive of problems and solutions.

Institutions are both material and symbolic. They are comprised of regulative systems such as laws, rules, resources and governance structures as well as cultural-cognitive forces such as norms and logics. Logics are the belief systems that dominate in an institutional field.⁵⁰ Logics

46. Steinmo identifies at least 3 approaches to institutional analysis: 1) Rational Choice, 2) Sociological Institutionalism 3) Historical Institutionalism. Sven Steinmo, "Historical institutionalism," *Approaches and methodologies in the social sciences* (Cambridge: Cambridge University Press, 2008).

47. Scott W. Richard, ed., *Institutional Change and Healthcare Organizations: From Professional Dominance to Managed Care* (University of Chicago Press, 2000), 33.

48. Charles E. Bidwell, "Analyzing Schools as Organizations: Long-Term Permanence and Short-Term Change," *Sociology of Education* (2001): 100-114.

49. Colin Hay and Daniel Wincott, "Structure, Agency and Historical Institutionalism," *Political Studies* 46, no. 5 (1998): 201-211.

50. Logic is one term used by *institutionalists*. Lounsbury prefers "field frames." Some scholars just use "ideas." Others consider logics the "cultural" part of institutional life.

inform the ideas, assumptions, identities and categories that "furnish guidelines for actors as to how to behave."⁵¹ Logics are often unarticulated and taken-for-granted. They provide reflexive scripts for action, sense-making and identity development. Thus, institutions structure social life not only by enforcing rules and establishing norms but also by creating and reinforcing perceptions and beliefs about those rules and norms. Based on these perceptions actors act and their actions "produce, enact and occasionally transform"⁵² the regulative, normative and cultural-cognitive forces comprising institutions. The logics of an institutional environment act in concert with the regulative and normative structures to constrain actors in ways that tend to "reproduce behaviors consistent with existing institutional logics."⁵³ Accordingly, logics mediate the relationship between actors and structures within an institution.

Historical Institutionalism is particularly focused on using the conceptual tools of institutional theory to explore the transformation and institutionalization of political systems, social movements, policies and laws over time. In creating policies, laws and systems, actors inherit a world fraught with institutions and ideas about institutions. Consequently, their action is limited not only by rules, laws, political systems and resources but also by their perceptions about "what is feasible, legitimate, possible and desirable."⁵⁴

As Hall highlights in his influential *Policy Paradigms*, policies may purportedly be responding to the "national interest" but how that "interest" comes to be defined is a highly contested and power-laden process.⁵⁵ Policies represent theories about problems and possible solutions. These theories are developed within a particular institutional context, that influences not only the rules and resources in the environment but also how problems are conceived and solutions proposed, selected and implemented. Analyzing policy changes as "embedded within a nexus of already existing institutional arrangements"⁵⁶ foregrounds that policies reflect the negotiation of values, interests, fears and hopes in a particular historical moment. The development of policies is viewed not as "an efficient process that moves toward unique solutions" but rather as a "form of collective puzzlement"⁵⁷ that is inevitably "partial and circumscribed;"⁵⁸ "indeterminate and context specific;"⁵⁹ "incoherent and jury-rigged."⁶⁰ This is because, in creating policies, there is often more than one--if not many--feasible alternatives available to actors or groups of actors.

51. Rao Hayagreeva, Philippe Monin, and Rodolphe Durand, "Institutional Change in Toque Ville: Nouvelle Cuisine as an Identity Movement in French Gastronomy," *American Journal of Sociology* 108, no. 4 (2003): 795-843.

52. Ibid.

53. Ibid.

54. Hay and Wincott, 1998.

55. Peter A. Hall, "Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking In Britain," *Comparative Politics* (1993): 275-296.

56. Heinz-Dieter Meyer, and Brian Rowan, *The New Institutionalism In Education* (NY: SUNY Press, 2012), 207.

57. Paul Pierson, "The Study of Policy Development," *Journal of Policy History* 17, no. 1 (2005): 34-51; Daniel Béland, "Ideas and Social Policy: An Institutional Perspective," *Social Policy and Administration* 39, no.1 (2005): 1-18.

58. Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no.4 (2002).

59. Sven Steinmo, "Historical Institutionalism," *Approaches and Methodologies in the Social Sciences* (2008): 118.

60. Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no.4 (2002): 700.

Policies are contested, in part, because they involve meaning making. How social problems and possible policies are defined and made meaningful is a crucial step in their selection, implementation and institutionalization. Snow argues, actors are "not merely carriers of extant idea and meaning that grow automatically out of structural arrangements, unanticipated events, or existing ideologies." Actors are "signifying agents" they "actively engage in the production and maintenance of meaning." Institutional scholars have dubbed this "signifying" work "framing." Actors "frame" events, issues or policies to "render them meaningful."

Logics are resources in the framing process. This is because institutions are comprised of multiple and sometimes contradictory logics. At particular moments and under particular conditions, internal contradictions may surface or a previously dominant logic may become less salient.⁶¹ In such moments, actors can "exploit the mutability of the existing logic ... to generate momentum for change."⁶² Logics are both constraining and enabling of action. In moments of instability actors can strategically draw upon particular logics to frame experiences in ways that mobilize action. The development and deployment of alternative logics is a key step in organizational change. Institutional theory thus provides a set of conceptual tools for understanding how actors, organizations and logics interact in ways that both constrain and enable change.

Methodology

In this dissertation, I apply concepts from Historical Institutionalism to the formation of exclusionary and criminalizing disciplinary policies in New York City. I focus my analysis on the "organizational field" of education in New York City in the 1950's. Drawing on DiMaggio and Powell, I use the term "organizational field" to encompass all of the organizations and actors that in aggregate constitutes a recognized area of institutional life.⁶³ In this analysis the organizational field includes the New York City school system and its personnel and stakeholders along with political, professional, community and civic actors and organizations concerned with matters of education. I focus on New York City not only because post-war New York City had the largest urban black population in the United States,⁶⁴ but also because of New York City's self-identification as a bastion of liberalism with a commitment to racial equality.⁶⁵ Because of this, New York City is an illustrative case for exploring the intersection of competing logics and impulses in American racial and educational history. New York City's social policy placed enormous faith in institutions and expertise to solve social problems through transforming individuals--but these efforts at transformation were both informed and undermined by logics of white supremacy and black inferiority.⁶⁶ Residential and educational segregation, police brutality

61. This process may be influenced by exogenous shocks in the environment such as major events like war, natural disaster or economic collapse, but it can also be the outcome of slower and less visible shifts.

62. Rao, Hayagreeva, Philippe Monin, and Rodolphe Durand, "Institutional Change in Toque Ville: Nouvelle Cuisine as an Identity Movement in French Gastronomy," *American Journal of Sociology* 108, no. 4 (2003): 795-843.

63. Walter W. Powell, and Paul J. DiMaggio, eds., *The New Institutionalism In Organizational Analysis* (University of Chicago Press, 2012), 87.

64. Ibid.

65. Joshua B. Freeman, *Working-Class New York: Life and Labor since World War II* (New York: New Press, 2000); Gerald Markowitz, and David Rosner, *Children, Race, and Power: Kenneth and Mamie Clark's Northside Center* (New York: Routledge, 2000).

66. Paula S. Fass, *Outside in: Minorities and the Transformation of American Education* (USA: Oxford University Press, 1991); David B. Tyack, *The One Best System: A History of American Urban Education* (Harvard

and poverty structured the lives of black citizens in New York City.⁶⁷ These dynamics were not unique to New York City and were shared by black communities throughout the country. However, New York City's historical commitment to social welfare, and articulated support for racial equality make its struggles and failures important. The patterns of oppression may have been the same, but looking at New York City--and the schools in particular--helps highlight the ideas and logics that were used to justify and legitimize these policies and structures in a context of supposed racial liberalism.

Using an array of primary and secondary sources, I identify three main logics of discipline in the organizational field of late 1950's education in New York City. Primary sources include newspaper articles from the mainstream and black press, press releases from civic, community and educational organizations, proposals and statements from professional associations, letters, and grand jury presentments. I supplement my analysis of these archival sources with secondary sources including historical scholarship focused on social welfare, education and civil rights struggles in New York City. Using these data sources I identify and illuminate how, in framing the problem of school disorder, competing logics of discipline were deployed by actors. Next I explore how the context, in particular tensions regarding school integration, influenced the framing of school disorder and contributed to the rising salience of punitive logics. Finally, I examine how school personnel engaged with and deployed these logics in their participation in the expansion and institutionalization of punitive, exclusionary and criminalizing disciplinary policies.

Contributions to Existing Literature

Analyzing the development of late 1950's disciplinary policy in New York City using the conceptual tools of Historical Institutionalism offers contributions to both contemporary and historical scholarship regarding the "discipline gap." First, as I highlighted in the introduction to this chapter, contemporary explanations tend to focus on either the practices and beliefs of individual actors or on the pressure exerted on schools by institutional forces. Locating the origins of the discipline gap exclusively in the tendencies teachers or students bring into schools obscures the ways in which these practices are "deeply embedded in the culture and structure of American schooling."⁶⁸ However, focusing entirely on structural forces such as policies is misleading in that it treats teachers and students as mere "passive recipients"⁶⁹ and "transmission belts of external inexorable forces."⁷⁰ Historical institutionalism offers conceptual tools for understanding how the behavior of actors and organizations is located in an institutional context

Univ. Pr., 1974); Michael B. Katz, *Improving Poor People: The Welfare State, the "Underclass", and Urban Schools as History* (USA: Princeton, 1995); Daniel Hiram Perlstein, *Justice, Justice: School Politics and the Eclipse of Liberalism* (USA: Peter Lang, 2004); Sonia Song-Ha Lee, *Building a Latino Civil Rights Movement: Puerto Ricans, African Americans, and the Pursuit of Racial Justice in New York City* (NY: UNC Press Books, 2014).

67. Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York; Oxford: Oxford University Press, 1987); Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (USA: Random House LLC, 2008); Tom. J. English, *The Savage City: Race, Murder and a Generation on the Edge* (USA: Random House, 2011).

68. Daniel Perlstein, "Minds Stayed on Freedom: Politics and Pedagogy in the African-American Freedom Struggle," *American Educational Research Journal* 39, no. 2 (2002): 249.

69. Neil Fligstein, "Social Skill and the Theory Of Fields," *Sociological Theory* 19, no. 2 (2001): 105-125.

70. Michael Burawoy, "The Written and the Repressed in Gouldner's Industrial Sociology," *Theory and Society* 11, no. 6 (1982): 847.

that both structures reproductive behavior and provides opportunities for agency.⁷¹ Agency, then, is not the exercising of free will, but rather the transformative power of knowledgeable actors mobilizing and deploying logics within structurally defined limits and alternatives.⁷² By applying this perspective to the formation of discipline policy I highlight the interaction between contexts, actors and ideas in the formation of the discipline gap.

In addition, this research contributes to scholarship regarding the historical origins of punitive and criminalizing policies. The periodization of the emergence of the policies undergirding the discipline gap is rather imprecise. Some scholars link punitive policies to the students-rights movement,⁷³ others suggest it is connected to the "punitive turn"⁷⁴ towards law and order based policies that occurred during the 1970's, still others link the discipline gap to the War on Drugs and the rise of zero tolerance policies.⁷⁵ In this dissertation, I offer evidence that punitive, exclusionary and criminalizing discipline policies emerged in the 1950's. This supports Kafka's finding that the bureaucratization of disciplinary policy in Los Angeles actually began prior to late 1960's movements for students' rights. In her history of zero tolerance policies she demonstrates that starting in the 1950's teachers, especially in large urban centers "where large scale migration was rapidly changing social, racial and cultural contours of the classroom,"⁷⁶ grew wary of the reliability and effectiveness of the doctrine of *in loco parentis*. Rather than being forced to relinquish their custodial authority over students Kafka suggests that teachers gladly shifted this responsibility to bureaucratic systems and structures. This also suggests that rather than being driven by court rulings, urban drug violence or school shootings, these policies have their origins in the late 1950's a time when challenges and shifts in the racial order brought about by the Civil Rights movement, school desegregation and the transformation of northern cities and suburbs occupied New York City's (and the nation's) attention.

In Chapter 1, I examine the contentious debate surrounding policy responses to school discipline in the organizational field of late 1950's New York City schools. I argue that the contentiousness of this debate is evidence of instability in the organizational field regarding logics of school discipline. Previously dominant logics of discipline based in the "rehabilitative ideal" and emphasizing treatment and guidance were challenged by actors' invocation of punitive logics emphasizing authoritarian control and the rule of law. Furthermore, new structural logics of discipline emerged which depicted school disorder not as a problem of individual students but rather as a symptom of the unequal, undemocratic and segregated conditions in schools and society. Actors deployed, took hold of and promoted competing logics in advocating for their preferred policy responses. This analysis helps underscore that the Board of Education's policy resolution empowering principals to suspend students was contested, instantiated punitive logics and marked a significant departure from prior practice.

71. Sharon Hays, "Structure and Agency and the Sticky Problem of Culture," *Sociological Theory* 12 (1994)

72. Anthony Giddens, *Central Problems in Social Theory: Action, Structure, and Contradiction in Social Analysis* (CA: University of California Press, 1979); Hays, 1994; Scott, 2000, Hallett and Ventresca, 2006.

73. Richard Arum, *Judging School Discipline: The Crisis of Moral Authority* (Boston: Harvard University Press, 2005).

74. Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* (Minn.: Univ. of Minnesota Press, 2011).

75. Russ Skiba, and Reece Peterson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?" *The Phi Delta Kappa* 80, no. 5 (1999): 372–82.

76. Judith Kafka, *The History of "Zero Tolerance" in American Public Schooling* (Palgrave Studies in Urban Education, ERIC, 2011).

In Chapter 2, I highlight how debates about discipline policy and school disorder overlapped with and informed resistance to proposed plans for integrating New York City schools. For foes of integration, school disorder highlighted the dangers of integration, the inferiority and criminality of black children, and the ineptitude of the school system in addressing social problems. This context created opportunities for actors to frame debates about school disorder in ways that linked with concerns held by opponents of school integration. Characterizing schools, especially "difficult schools," as crime-ridden validated actors' framing of their resistance to integration as concern for their children's safety. The Board of Education, in an attempt to alleviate these fears, created discipline policies that instantiated punitive logics and framed school disorder as the outcome of a small minority of violent and criminal students. This analysis demonstrates that punitive and criminalizing disciplinary policies were never neutral, but rather emerged out of a context of fraught racial politics that favored policies and actors that individualized, criminalized and racialized school disorder.

In the third chapter, I demonstrate that teachers and principals were not passive recipients of the district's policy change. Rather, they participated in its formation, implementation and eventual institutionalization. I highlight that this participation was influenced by the mobilization of teachers' groups against proposals to rotate teachers into the city's "difficult schools." Teachers based their resistance to proposals for more equitable staffing procedures from civil rights organizations in concerns about working conditions and school disorder. Accordingly, like foes of integration, teachers' groups seized upon the grand jury investigation to frame the problem of school disorder as rooted in individual students and unrelated to race. This framing enabled teachers to support the districts suspension policy by individualizing disorder and decontextualizing it from the conditions of racism. Logics served as malleable resources that obscured and legitimized policies that harmed black children disproportionately.

Ultimately this analysis demonstrates that the policies undergirding contemporary disproportionality in discipline were contested, contingent with pressure for integration and supported by educators and school personnel. This complicates existing explanations for the discipline gap that conceptualize the disproportionate punishment, exclusion and criminalization of black students as "unintended" and "unconscious." It also highlights the organizational and ideological forces embedded in the institutional environment of schools that may pose challenges to reform efforts.

CHAPTER 2:
IDEAS IN THE ARENA
COMPETING LOGICS AND SCHOOL DISCIPLINE POLICY IN POST-WAR NEW
YORK CITY

Part of understanding political development and institutional change is understanding which ideas win (or, in fact, which ideas are in the arena to begin with), why and with what consequences for whom.¹

Robert C. Lieberman, 2002

On the morning of September 19, 1957, seventeen-year old Maurice Kessler walked into an American History class at Thomas Jefferson High School in the East New York section of Brooklyn and tossed a bottle of lye. The bottle exploded, splattering 18 pupils and the teacher with corrosive liquid. The attack was aimed at 16 year old David Ozersky, whose face was described by other students as "melting off," was reported to be partially blinded in the attack.²

After being identified by two student hall monitors, Kessler was arrested and eventually found his way into the courtroom of Judge Samuel Leibowitz. A month earlier, Kessler had appeared in Brooklyn Adolescent Court to face "morals charges" brought against him by Ozersky who claimed that Kessler had attacked him sexually.³ The charges had been reduced to a misdemeanor and Kessler had been released into his mother's custody on \$1,000 bond.⁴ After the lye attack the Judge who had released Kessler said he "had no way of anticipating such a horrible event would occur,"⁵ but Ozersky's parents told reporters that they had pleaded with school authorities to keep Kessler away from their son's school building.⁶ Judge Leibowitz was outraged that these warning signs had been ignored. Leibowitz had long been critical of the city's handling of the "veritable procession of kids"⁷ in its criminal courts. Following a hearing on November 6 in which Kessler was ruled unfit to stand trial and sent to Bellevue mental hospital, Leibowitz called for a grand jury investigation into crime "in and about schools."⁸ In the following months, what came to be known as "the Kessler-lye-incident" served as what Kingdon dubs a *focusing event*⁹--an incident that puts a problem on the policy agenda. *Focusing events*

1. Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no. 4 (2002): 700.

2. Emma Harrison, "Boy Hurls Lye in Classroom; 20 Hurt, One May Be Blinded," *New York Times*, September 20, 1957; "Lye Hurlled by Vengeful Youth into Classroom: Target of Spite Attack Feared Blinded; Teacher and Score of Students Burned," *Los Angeles Times*, September 20, 1957.

3. Emma Harrison, "Boy Hurls Lye in Classroom; 20 Hurt, One May Be Blinded," *New York Times*, September 20, 1957.

4. "Lye Hurlled by Vengeful Youth into Classroom: Target of Spite Attack Feared Blinded; Teacher and Score of Students Burned," *Los Angeles Times*, September 20, 1957.

5. "Boy Hit With Lye May Retain Sight: His Physician Hopeful as He Responds to Treatment," *New York Times*, September 21, 1957.

6. Emma Harrison, "Boy Hurls Lye in Classroom; 20 Hurt, One May Be Blinded," *New York Times*, September 20, 1957.

7. National Archives and Records Administration, *Longines-Wittnauer with Samuel Leibowitz, 1954*, <http://archive.org/details/gov.archives.arc.95912>.

8. "Schoolboy, 17, Ruled Insane in Lye Attack," *Chicago Daily Tribune*, November 7, 1957.

9. John W. Kingdon, and James A. Thurber, *Agendas, Alternatives, and Public Policies*, Vol. 45 (USA: Little, Brown Boston, 1984).

attract media attention and create a consensus that "something must be done."¹⁰ In the case of the Kessler incident various theories would emerge about what, if anything, the incident symbolized and how, if at all, the city should best respond.

In the debate following the Kessler-lye-incident, actors drew upon multiple and competing logics of school discipline. Recall that logics are the belief systems that dominate in an organizational field and "furnish guidelines for actors." Drawing on Coburn's specification of "logics of instruction," I define "logics of school discipline" as encompassing:

...goals for [school discipline,] underlying epistemological assumptions about the nature of [disorder,] conceptions of teacher and student roles, schemas or scripts that organize [discipline] and specific [disciplinary] practices and materials that become bundled together and gain legitimacy in the environment at a particular historical moment.¹¹

Drawing on DiMaggio and Powell I use the term "organizational field" to encompass all of the organizations and actors that in aggregate constitute a recognized area of institutional life.¹² In this analysis the organizational field includes the New York City school system and its personnel and stakeholders along with political, professional, community and civic actors and organizations concerned with matters of education.

The Kessler-lye-incident surfaced competing logics of discipline guiding actions and policies within the organizational field of education in New York City. In response to the perceived problem of school disorder some actors drew upon logics of school discipline that emphasized treatment, psychology and guidance. Other actors drew upon logics of discipline that emphasized suspensions, expulsions, and corporal punishment. A third set of policy proposals viewed school disorder not as a problem of individual students but rather as a symptom of the unequal, undemocratic and segregated conditions in schools and society. Each of these policy proposals was rooted in fundamentally different assumptions about where the source of the problem lay and what must be done to address it. In this chapter, I argue that the contentiousness of this debate, and the local and national media coverage it inspired, is evidence of instability in the organizational field regarding logics of school discipline. In advocating for their preferred policy responses, actors deployed, took hold of and promoted competing logics evident in the organizational field.

In debating policy responses, actors were both constrained and enabled by the political ideas and cultural traditions including the logics in the environment. In seeking to generate public support for their perspective these groups engaged in what institutional theorists call "framing." They drew upon different logics and "strategically altered meanings in ways that resonate in a political environment."¹³ Logics in the environment gave actors "a repertoire of legitimating tactics for their favored policies."¹⁴ At the same time, however, both structural and

10. Daniel Béland, "Ideas and Social Policy: An Institutional Perspective," *Social Policy and Administration* 39, no.1 (2005): 1-18.

11. Cynthia Coburn, *Making Sense of Reading: Logics of Reading in the Institutional Environment and the Classroom* (CA: Stanford University, 2001), 12.

12. Walter W. Powell, and Paul J. DiMaggio, eds., *The New Institutionalism In Organizational Analysis* (University of Chicago Press, 2012), 87.

13. Richard W. Scott, and Gerald F. Davis, "Organizations and Organizing" in *Rational, Natural, and Open System Perspectives* (Upper Saddle River: Pearson, 2007), 2.

14. Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no. 4 (2002): 697-712.

symbolic forces in the organizational field limited the range of actions that seemed "feasible, possible and indeed desirable."¹⁵ In addition to highlighting key logics in the institutional environment, in this chapter, I also explore how actors used and were used by these logics in developing and advocating for particular policy responses.

I have grouped these logics into three main categories: punitive, rehabilitative and structural. I begin this chapter by reviewing the primary beliefs, assumptions and practices inspired and enacted by these logics. Then I explore how different actors and interest groups deployed these logics in framing the problem of school disorder and marshaling support for their preferred policy proposals. Finally, I examine the policy resolution that was ultimately adopted and the logics instantiated therein.

Logics of School Discipline

Shaping, influencing and controlling the behavior of students has always been a central goal of American schools. However, how best to realize this goal has regularly been a source of major debate. In debates about the best methods for controlling and influencing student behavior actors draw upon deeply rooted logics about the nature of childhood, behavior, education and control. In this next section I define three main "logics of discipline" underlying these debates and highlight how they overlap and compete.

Punitive Logics

Punitive logics hold that those responsible for maintaining order in society--elected officials, business leaders, educators, police officers and social administrators--have the authority and responsibility to enforce and assert laws, customs and values through indoctrination, coercion and punishment. They emphasize responsibility, order, sanctions, guilt and the obligations that come with the benefits of freedom in society. Punitive logics frame crime in general and juvenile delinquency in particular as the result of permissive and neglectful responses to disorder that fail to enforce laws and values. Advocates of punitive approaches have typically viewed disorder as originating from poor parenting, inferior cultures and moral and spiritual dissolution.¹⁶ They also argued that social policies exacerbated disorder when they failed to uphold the law and protect citizens from crime and violence. Punitive logics have deep roots in multiple American institutions. Most obviously, they are instantiated into legal institutions that punish and exclude through the routinized practices of criminal courts, penal institutions and police. Punitive logics are also evident in religious institutions that emphasize obedience to God and teach against "sparing the rod."

Punitive logic has a long history in American schooling, coming in and out of prominence at different historical moments. It informed school disciplinary practices in the

15. Colin Hay and Daniel Wincott. "Structure, Agency and Historical Institutionalism," *Political Studies* 46, no. 5 (1998): 956.

16. David Hogan, "Modes of Discipline: Affective Individualism and Pedagogical Reform in New England, 1820-1850," *American Journal of Education* 99, no. 1 (1990): 1-56; David M. Scott, *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (The University of North Carolina Press, 1997); James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Oxford University Press, 1988); Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999).

"district schools," precursors to America's first public or "common" schools.¹⁷ Indeed, one of the principal debates surrounding the form and function of common schools was between "Boston School Masters," who were holdovers from the "district schools" and "New England Pedagogues" such as Horace Mann.¹⁸ The "Boston School Masters" advocated the use of coercive disciplinary practices such as corporal punishment, exclusion and shaming. The application of punitive logics to school disciplinary practices was based in the belief that punishment (or the threat of punishment) was needed to prevent and deter unruly behavior in the classroom as well as society. Children were not markedly different from adults. "Coddling" delinquents by treating them as fragile or vulnerable only exacerbated disorder in that it created a permissive society. Therefore, the state had the authority to intervene between inferior parents and their unruly children by imposing its beliefs through direct instruction, coercion and, if necessary, punitive means. Punitive logics conceptualized teachers as representatives of the state whose authority must be observed.

Punitive logics influenced formal and informal disciplinary practices in New York City schools during the Progressive era when educational reformers challenged the merits of corporal punishment and coercive methods of control. They argued for more humane, child-centered and scientific approaches to classroom discipline.¹⁹ However, in her investigation of teachers' disciplinary practices during that time, Rousmaniere found that teachers continued to utilize corporal punishment and coercive techniques as a means of maintaining classroom order.²⁰ Indeed, throughout the 40's and 50's the conservative Teachers Alliance in New York City argued for the merits of corporal punishment as a deterrent that "would inspire sufficient awe to obtain obedience."²¹ The Teachers Alliance drew upon punitive logics in its criticisms of Progressive education for weakening the moral fiber of American students under the guise of self-expression. The Alliance accused "child-centered" and "naturalist" approaches of neglecting to teach "good moral, ethical or religious fundamental principles,"²² failing to "instill in students some clear idea of what their moral obligation is,"²³ and accordingly, "wiping out God." Progressive education, according to the head of the Teachers Alliance, was based on a misguided "idolatry of the word democracy." "Democracy," she argued, "has severe limitations in the school room" and "is not, and never can be, the complete guide to ethical norms."²⁴ Children, these critics argued, needed robust and assertive authority figures to distinguish right from

17. Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (Macmillan, 1983).

18. David Hogan, "Modes of Discipline: Affective Individualism and Pedagogical Reform in New England, 1820-1850," *American Journal of Education* 99, no. 1 (1990): 1-56.

19. Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (Macmillan, 1983); David B. Tyack, *The One Best System: A History of American Urban Education* (Harvard Univ. Pr., 1974); Richard E. Butchart, and B. McEwan, *Classroom Discipline in American Schools: Problems and Possibilities for Democratic Education* (NY: State Univ. of New York Pr, 1998).

20. Kate Rousmaniere, "Losing Patience and Staying Professional: Women Teachers and the Problem of Classroom Discipline in New York City Schools in the 1920s," *History of Education Quarterly* 34, no. 1 (1994): 49-68.

21. "For Corporal Punishment: Teachers at Meeting in Favor of Wider Disciplinary Power," *New York Times*, November 9, 1941.

22. Ruth D. Kellogg, "Suggested to Educators," *New York Times*, December 31, 1942.

23. Ibid.

24. "For Corporal Punishment: Teachers at Meeting in Favor of Wider Disciplinary Power," *New York Times*, November 9, 1941.

wrong. They were not innately moral beings, capable of constructing democratic communities but rather needed to be taught "citizenship" and "respect for authority and the rights of others."²⁵

Rehabilitative Logics

The notion that obedience and order were best achieved through affection and guidance rather than coercion and punishment also has a history dating back to America's first Common Schools.²⁶ Horace Mann, widely known as the "father of common schools," attacked proponents of corporal punishment. He argued that affectionate authority was not only more sensible and humane, but also more effective than the "whip and ferule"²⁷ because it developed the child's capacity for "self-government," making the teacher's authority eventually unnecessary and obsolete.

This belief gained popularity in the Progressive era when concerns about social disorder were combined with an increased faith in scientific expertise to solve social problems and transform individuals. As many historians have highlighted, social relations transformed dramatically during the Progressive era.²⁸ Industrialization, urbanization and immigration increased. Millions of immigrants from all over Europe arrived in the United States. Progressive era social reformers claimed that robust efforts at social reform, supported by muscular government intervention could meet the challenges created by the growing diversity, complexity and class tensions in American cities.²⁹

These reforms were based on what Feld terms, a "rehabilitative ideal" that professionals and experts could, through education, intervention and other forms of "benevolent social control" transform individuals.³⁰ Progressive era reformers viewed children as less blameworthy and more vulnerable and malleable. They enacted social policies designed to protect children and enhance their chances of success. In contrast to punitive interventions that focused on punishing individuals for past offenses, rehabilitative logics inspired reforms that were forward thinking. They focused on treatment and changing an individual's trajectory for the future.³¹

Rehabilitative logics legitimated interventions into the private lives of children and families by emphasizing the benevolence of the state and the scientific basis of reforms. Judges, teachers, social workers and psychologists were able to make decision in the "best interest" of children and families because of their objective expertise. During the first half of the Progressive

25. Richard Amper, "Schools Assailed by Christenberry: He Urges State Inquiry into City Teaching 'Negligence' that Aids Delinquency," *New York Times*, October 25, 1957.

26. Kaestle, *Pillars of the Republic*; Hogan, *Modes of Discipline*.

27. Hogan, *Modes of Discipline*, 52.

28. Tyack, *One Best System*; Michael B. Katz, *The Irony of Early School Reform: Educational Innovation in Mid-Nineteenth Century Massachusetts* (Teachers College Pr., 1968); Thomas S. Popkewitz, "Dewey, Vygotsky, and the Social Administration of the Individual: Constructivist Pedagogy as Systems of Ideas in Historical Spaces," *American Educational Research Journal* 35, no. 4 (1998): 535–70; Thomas S. Popkewitz, "Curriculum History, Schooling and the History of the Present," *History of Education* 40, no. 1 (January 2011): 1–19; Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999); Paula S. Fass, *Outside in: Minorities and the Transformation of American Education* (Oxford University Press, USA, 1991).

29. Thomas S. Popkewitz, "Dewey, Vygotsky, and the Social Administration of the Individual: Constructivist Pedagogy as Systems of Ideas in Historical Spaces," *American Educational Research Journal* 35, no. 4 (1998): 535–70; Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999).

30. Feld, *Bad Kids*.

31. *Ibid.*

era, this objectivity was influenced by the “science” of eugenics and assured by the use of testing and measurement. During the 1930’s however, the field of “mental hygiene” became influential. Mental hygiene saw "stress" and not genetics as the major source of personality maladjustment. An individual could be adjusted to society by reducing stress and increasing his/her ability to adapt. Mental hygiene proponents argued that schools were uniquely positioned to detect and "adjust" problems in childhood personality development.³² They called for schools to function as clinics and teachers to act as clinicians. Mental hygiene became especially popular following World War II amid criticism of theories, like eugenics, that focused on the innate inferiority of non-white races and cultures.

In New York City, during the twentieth century, rehabilitative logics were instantiated into policies associated with the politics of liberalism. Liberalism asserted that "state intervention in social welfare and the economy," could "free individuals from ethnic encumbrances and other ‘traditional’ social distinctions."³³ The state had a role in ensuring that individuals, unencumbered by status, would be able to pursue goals contingent only on their talent or ambition. Both Perlstein and Freeman identify New York City as uniquely committed to liberalism in the mid-twentieth century. New York City led the United States in public hospitals, mass transit, public housing, higher education and urban development projects.³⁴ Freeman describes New York City as a "laboratory for social urbanism committed to an expansive welfare state."³⁵ By the 1940's, this commitment became a source of pride for New Yorkers who saw their social policies as a model for the entire nation.

This commitment to state led social welfare was especially evident in policies concerned with children and education. During the first half of the twentieth century New York City pioneered policies that focused on intervening between children and their parents under the doctrine of *in loco parentis* or *parens patriae*. These policies viewed dependent or delinquent children, not as tiny adults or criminals, but rather as "wards of the state" deserving special treatment. In 1902, New York City was the first city in the nation to establish a Children's Court within its criminal court system.³⁶ New York City established compulsory school laws and created a Bureau of Attendance to carry out enforcement in 1914. The city created "All Day Neighborhood Schools" that served as community centers in poor neighborhoods. In 1931, following recommendations made in a report on "Retardation, Truancy and Problems of Personality and Conduct"³⁷ sponsored by the Board of Education, New York City opened a Bureau of Child Guidance (BCG) to provide free psychological services to the City's children. In addition to these publicly funded efforts a vast network of private social service agencies developed in New York City. These private agencies were typically run by religious organizations. In particular, Catholic and Jewish charities emerged to meet the needs of poor and uprooted immigrant populations from Italy, Ireland, Eastern Europe and Russia.

Following World War II, rehabilitative logics were applied to growing concerns about juvenile delinquency. Mental hygiene experts argued that juvenile delinquency was the result of

32. Ibid.

33. Daniel Hiram Perlstein, *Justice, Justice: School Politics and the Eclipse of Liberalism* (USA: Peter Lang, 2004).

34. Perlstein, *Justice, Justice*; Joshua B. Freeman, *Working-Class New York: Life and Labor since World War II* (New York: New Press, 2000).

35. Freeman, *Working Class New York*.

36. Chicago was the first American city to establish a separate youth court.

37. *Committee on the Study of Retardation, Truancy and Problems of Personality and Conduct* (1931, Series 554, New York City Department of Education Archives).

"maladjustment" linked to an array of factors: from working mothers and broken families, to comic books, rock music and the atom bomb.³⁸ A 1951 report by the City's Associate Superintendents called juvenile delinquency a "manifestation of illness" and argued that "a sound program cannot be built along punitive lines."³⁹ The report called upon the school system to treat the "delinquent as a sick child, rather than demand vengeance on the wrongdoer." Professionals emphasized the importance of using a "case study" model based in the "firm belief that every delinquent is an individual child responding to his own peculiar forces." The head of the city's Bureau of Child Guidance called for social workers and psychologists to work with "individuals case by case," and "explore the peculiar nature of each child's disorder."⁴⁰ Indeed, multiple reports published throughout the 30's, 40's and 50's called for the expansion of the Bureau of Child Guidance, the hiring of social workers and guidance counselors and the creation of special "clinical" schools and classrooms for maladjusted students.

Punitive v. Rehabilitative, or Punitive/Rehabilitative

Rehabilitative and punitive logics have been the two dominant logics in school discipline policy in America. Moreover, in the discourse of policy debates they have been consistently set in opposition to one another and presented as polarities. During the Common School era, the debate was between Boston School masters and New England pedagogues regarding corporal punishment. During the Progressive era, John Dewey and other educational progressives critiqued "traditional pedagogy" for its didactic and authoritarian approach. In post-war America, this debate was waged between "guidance" professionals and law enforcement officials. Representatives from social welfare organizations like the Children's Bureau argued that juvenile delinquency "was a complex social problem demanding expert treatment."⁴¹ By contrast, conservatives and law enforcement officials viewed this perspective as needlessly complicated. For example, Eliot Ness, the director of the social protection division in the FBI, suggested that police chiefs opposed social workers "because of their terminology and their difficulty in expressing "what they mean."⁴² Rather than complex and intricate explanations rooted in psychology and professional expertise, conservatives drew upon clearly defined notions of right and wrong and obedience to authority. An article in a Philadelphia paper about delinquency in New York City described this as a debate between defining delinquents as "Spoiled or Sick."⁴³

Conceptualizing these logics as contrapositives obscures their similarities. Rehabilitative and punitive logics of school discipline share certain assumptions about the role of schools and the nature of disorder. Tensions between rehabilitative and punitive logics emerged in debates regarding the means but not the ends of school discipline. Advocates of both saw the goals of school discipline as acculturating the disorderly into the American mainstream. They shared a general consensus regarding the type of student they were trying to create--conscientious,

38. *Report on the Superintendent's Committee on Delinquency in Secondary Schools* (Louis Hay Papers, Series 680, Box 2, Folder "Staff Training," New York City Department of Education Archives); James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Oxford University Press, 1988).

39. *Assistant Superintendents Committee on Juvenile Delinquency and the Schools* (New York City Department of Education Archives, Series 621, July 1, 1951).

40. Milton Bracker, "School Discord Traced to Home," *New York Times*, May 25, 1955.

41. James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Oxford University Press, 1988).

42. *Ibid.*, 35.

43. "Juveniles 'Spoiled or Sick' Debated At Public Meeting," *Philadelphia Tribune*, April 8, 1958.

obedient, timely, patient and industrious. Furthermore, both logics assumed that problems of public disorder originated within the private failings of individuals, rather than flaws within the social structure or the organizational environment of schools.

This conceptualization of public problems legitimized robust state led interventions while affirming the virtues of the existing social order. Rehabilitative logics measured mental health based on an individual's willingness and ability to conform to societal norms.⁴⁴ Punitive logics viewed individual conformity and obedience as prerequisites for democratic participation and autonomy. Thus, while rehabilitative and punitive logics were discursively set against one another they actually shared foundational assumptions regarding the individual as the source of disorder, the superiority of white middle-class culture and the rectitude of the existing social order.

Structural Logics

In the twentieth century, an additional logic of discipline emerged that challenged many of the fundamental assumptions of both rehabilitative and punitive logics. Structural logics conceptualized disorder and delinquency as socially constructed, produced by neglect, inequality and oppression. From this perspective the solution to delinquency was neither increased punitive controls nor rehabilitative treatment, but freedom, opportunity and rights in society at large. This logic of discipline was highly influenced by social science research that theorized that disorder was not the result of individual pathology but rather a symptom of social pathology. For example, social scientists from the Chicago School published research suggesting that delinquency and disorder were caused by degenerative structural and physical forces that undermined the cohesion and capacity of poor and immigrant communities.⁴⁵ Slum conditions, associated with specific geographic neighborhoods, not inferior personalities or cultures created delinquency and disorder.⁴⁶ Accordingly, as Scott suggests, "sick societies produced sick people" and delinquents were, "normal boys seeking viable roles in a slum context."⁴⁷ During the Great Depression, social scientists increasingly directed their structural critiques at the pernicious inequalities, excesses and competitiveness of capitalism. Theorists from the Frankfurt School argued that capitalism was the cause of, and not the cure for, the suffering caused by poverty and unemployment. These "structuralists," according to Scott, claimed that "the solution to the problems of the poor, particularly delinquency, depended upon expanding the opportunity structure."⁴⁸

During the 1940's and 50's, social scientists expanded this critique by challenging the very veracity of the perceived "epidemic" of juvenile delinquency. For example, Merton and Erickson argued in their research that "delinquency depended on the reaction of society almost as much as it did the action of an adolescent."⁴⁹ They pointed to the impact of changes in policing practice, surveillance, reporting and the broadening definition of "criminal activity" on juvenile delinquency statistics. In addition, while psychologists and social workers maintained that

44. Daryl Michael Scott, *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (North Carolina: The University of North Carolina Press, 1997), 10.

45. Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (Random House LLC, 2008); Gilbert, *Cycle of Outrage*; Scott, *Contempt and Pity*.

46. Gilbert, *Cycle of Outrage*.

47. Scott, *Contempt and Pity*, 45.

48. *Ibid.*, 141.

49. Gilbert, *Cycle of Outrage*.

juvenile misbehavior was unrelated to race and class ("as likely in silk stocking and country club schools as the ghetto"⁵⁰), social scientists suggested that race and class shaped who was classified as delinquent. For example, criminologist Walter Reckless suggested that "economic and social status often determined whose name was on the police blotter."⁵¹

These logics influenced mid-century social policy debates in New York City. Following the Harlem Riot of 1935, Mayor Fiorello LaGuardia commissioned an investigation that resulted in a scathing report from black sociologist E. Franklin Frazier. Frazier linked the riot to systemic neglect and discrimination in the city's schools, hospitals, housing, labor unions and law enforcement. He argued that there were barely any services or supports available for black children "on the verge of delinquency." Seven years later in a 1942 report on Crime and Delinquency, the Citywide Citizens Committee for Children claimed that "hundreds of neglected and delinquent Negro children who should be given institutional care cannot be committed to institutions because of racial discrimination."⁵² Members of the committee, most notably, Justine Polier and Kenneth and Mamie Clark, critiqued the City's social welfare agencies for neglecting black and Puerto Rican children.⁵³ They argued that while the Great Migration and post-war immigration quotas had dramatically changed the demographics of the City's impoverished and uprooted citizens in need, the City's private social service agencies had not changed with the times. Catholic and Jewish charities receiving public funding refused to serve black and Puerto Rican children. Consequently, black and Puerto Rican children were either provided with no services at all or had to rely upon the city's public shelters, prisons and reformatories. This pattern led Richard Wright to quip that "blacks in New York City had as much access to psychiatric aid as the Negroes of Mississippi, in theory, have access to the vote."⁵⁴

Critics argued that this neglect actually facilitated the criminalization of black children. Denied alternative social welfare supports, courts tended to treat black children as delinquents and incipient criminals even when they were actually mentally ill, abused, dependent or neglected.⁵⁵ Polier told the *Amsterdam News*:

The colored delinquent has a very special problem. There are few agencies that will serve him....The first recourse of a colored child is the juvenile court. A white child may have been brought to attention of a non-legalistic agency long before he reached the juvenile court state. He has a chance to be adjusted before his offense was really serious...colored children are doubly handicapped. They are simply hauled into court. ⁵⁶

50. Milton Bracker, "School Discord Traced to Home," *New York Times*, May 25, 1955.

51. Gilbert, *Cycle of Outrage*, 140.

52. Ibid.

53. While this dissertation focuses on the impact of the city's social policy on the black community primarily I include Puerto Rican children in discussions of segregation and discrimination in schools and social services. As Sonia Song-Ha Lee, highlights in her book *Building a Latino Civil Rights Movement*, both Puerto Ricans and blacks in New York City were "racialized as non-white in parallel ways" and shared similar "political, social and economic conditions" in the post-war era. See: Sonia Song-Ha Lee, *Building a Latino Civil Rights Movement: Puerto Ricans, African Americans, and the Pursuit of Racial Justice in New York City* (UNC Press Books, 2014), 4.

54. Catherine A. Stewart, "' Crazy for This Democracy': Postwar Psychoanalysis, African American Blues Narratives, and the Lafargue Clinic," *American Quarterly* 65, no. 2 (2013): 380.

55. Gerald Markowitz, and David Rosner, *Children, Race, and Power: Kenneth and Mamie Clark's Northside Center* (New York: Routledge, 2000).

56. Michael Carter, "The Truth about Crime in New York's Harlem: Mugging Stories Phoney; New York Press Manufactures Crime Wave; Delinquency Higher Among Whites," *Afro-American*, May 8, 1943.

Accordingly, labeling a black child delinquent was often the only way to provide them with custodial care. For example, the Citywide Citizens Committee's claimed that "with few exceptions there is no place to which a Negro girl can be committed who is not yet a full-blown sex criminal."⁵⁷

Black community activists protested that this pattern of criminalization began on the streets of New York City with over-zealous and in some cases corrupt and brutal police practices. For example, following the Harlem riot of 1943 an article in the *Afro-American* newspaper suggested that "the number of patrolmen in Harlem" gave the impression "that Harlem is a hostile territory that has been recently conquered, but not yet pacified."⁵⁸ These concerns were captured in a pamphlet published in 1947 by black City Councilman and communist activist, Benjamin Davis, entitled "Lynching Northern Style: Police Brutality."⁵⁹

When applied to school discipline, structural logics situated the behavior of youth within the inferior and inadequate conditions in New York City's segregated schools. Reports on the conditions in Harlem schools published throughout the 40's and 50's described "bleak and dismal,"⁶⁰ schools operating on double and triple sessions. In 1949 an analysis of a project to provide counseling services to four schools in Harlem with high rates of delinquency, known as the Harlem Project criticized the "prison-like" facilities. Harlem Project researchers characterized many teachers as "punitive, resistant, unsympathetic and even hostile towards the predominant racial group."⁶¹ The report categorized 40% of teachers as inexperienced and 47% as indifferent and negative. In addition to cataloguing the structural and personnel deficiencies in schools, the report, deploying structural logics, argued that efforts at reducing delinquency rates failed because the "number of delinquency petitions depends on the attitude and activity of the police" not on the behavior of youth. Ultimately, the architects of the Harlem Project, including Clark and Polier, concluded that the project was ineffective because of "pervasive economic and social evils as result from segregation and prejudice"⁶² created a sense of "hopelessness and frustration [that] undermine the will to improve."⁶³ Rebellion and aggression," the report maintained, were to be expected from "children so repeatedly knocked about, rejected and punished."⁶⁴

Increasingly throughout the 1950's, activists deployed structural logics of school discipline emphasizing the psychological damage caused by racism. Most notably, Kenneth Clark's famous "Doll Study" was believed to illustrate the damage to black self-esteem and self-worth caused by segregation.⁶⁵ This study was submitted as evidence in the *Brown v. Board of Education* case and was widely perceived as essential to the Supreme Court's ruling outlawing segregation in American schools.⁶⁶ Inspired in part by the success of this strategy, structural

57. Ibid.

58. Ibid.

59. Martha Biondi, and Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Boston: Harvard University Press, 2009).

60. Sara Slack, "Back to School to be Cheated!" *New York Amsterdam News, City Edition*, August 31, 1957.

61. *Harlem Project: The Role of the School in Preventing Maladjustment and Delinquency* (1947-1949, Series 240, New York City Department of Education Archives, 150).

62. Ibid., 209.

63. Ibid., 17.

64. Ibid., 92.

65. Scott, *Contempt and Pity*.

66. Ibid.

logics of school discipline took on a "therapeutic cast"⁶⁷ in the 1950's. This trend by which Civil Rights activists used social psychology to craft emotional appeals for integration was in contrast to previous explanations that emphasized structural sources of poverty and inequality.⁶⁸ Perspectives on delinquency that merged social psychology with critiques of segregation argued that black delinquency was not just the construction of over-zealous policing and criminalizing courts. Delinquent behavior was real. However, it was the manifestation of psychic damage caused by oppression and segregation. Clark described juvenile crime as an "anti-social method of protest" that was the outcome of "overwhelming environmental deficiencies."⁶⁹ The solution, Clark claimed, was not just treatment but the "opportunity for full social expression."⁷⁰ Civil rights advocates were careful to highlight that integration--not treatment--was the ultimate solution to this pathology. Milton Galamison, the head of the Brooklyn chapter of the NAACP, claimed at a pro-integration rally in 1956 that, "none of the problems involved in the integration of Public Schools can be as serious as the problems created by segregation."⁷¹ Society, not individual black children, needed to be "adjusted" and "rehabilitated."

Framing the Kessler-Lye-Incident

Each of these three logics of discipline was evident in the organizational field of education in the late 1950's. Rehabilitative logics had dominated amongst experts and educational professionals for much of the previous half century.⁷² Punitive logics were evident in the persistence of practices, many of which were informal, that involved exclusion, coercion and corporal punishment. And, movements for civil rights and school integration deployed structural logics in portraying school disorder as the outcome of discrimination, poverty, neglect and segregation in society. The Kessler-lye-incident surfaced instability within and between logics of discipline in the organizational field of education in New York City.

“Allowing Misfits to Attend School with the Law-Abiding”

Following the Kessler-lye-incident, punitive logics were deployed primarily by non-education actors, such as politicians and judges, who were critical of school officials for allegedly ignoring or tolerating crime, violence and insubordination.⁷³ This perspective was articulated most vocally and consistently by Judge Leibowitz. Judge Samuel Leibowitz was known for his tough on crime approach and ability, according to the *New York Times*, to turn a trial into a "public spectacle."⁷⁴ Leibowitz was active in and associated with local conservative politics. He ran, unsuccessfully, for Mayor of New York City in 1954. During his campaign he was dubbed "Mr. Law and Order" by proponents who claimed that as mayor he would insure ""a

67. Sugrue, *Sweet Land of Liberty*, 219.

68. Ibid.

69. Michael Carter, "The Truth about Crime in New York's Harlem: Mugging Stories Phoney; New York Press Manufactures Crime Wave; Delinquency Higher Among Whites," *Afro-American*, May 8, 1943.

70. Ibid.

71. Adina Back, "Blacks, Jews and the Struggle to Integrate Brooklyn's Junior High School 258: A Cold War Story," *Journal of American Ethnic History* (2001), 47.

72. R. E. Butchart, and B. McEwan, *Classroom Discipline in American Schools: Problems and Possibilities for Democratic Education* (NY: State University of New York Pr., 1998).

74. Murray Schumach, "Samuel S. Leibowitz, 84, Jurist and Scottsboro Case Lawyer, Dies," *New York Times*, January 12, 1978.

wholesale exodus of criminals, racketeers, and grafters from the city."⁷⁵ School violence and the Board of Education's negligence, became, the *New York Times* claimed, Leibowitz's new "cause celebre."⁷⁶ Leibowitz was supported in his criticism by the grand jury, in particular, jury foreman A. George Golden who was likewise active in conservative politics. During his tenure as jury foreman, Golden began a campaign for governor on the ticket of the ultra-conservative United Taxpayers Party.

Leibowitz's grand jury investigation into "crime and lawlessness" in the city's schools was convened on November 7, 1957. In his charge to the grand jury Leibowitz stated that it was:

...just plain insanity to permit vicious young people to be in the company of innocent children and defenseless teachers. It is unjust and futile to demand that teachers perform functions as police officers, penitentiary guards and reformatory keepers...hoodlums must be expelled from schools.⁷⁷

He called upon the grand jury to investigate:

How many holdups, intimidations, and extortions have occurred on public school premises?" ... How many girls have been attacked in stairways by young sex degenerates?...Are police kept in the dark?⁷⁸

Two weeks later, the grand jury issued its first presentment in which it recommended that a uniformed New York City policeman be assigned to patrol the corridors, stairways and schoolyards of every school in the city.⁷⁹ Leibowitz described schools as "hotbeds of crime, violence and depravity" occupied by "wild animals"⁸⁰ and "hoodlums, rapists, thieves, extortionists, arsonists and vandals."⁸¹ He lambasted school officials for allowing "misfits to attend schools with the law-abiding."⁸² Leibowitz and the grand jury invoked punitive logics by drawing distinctions between children who were law-abiding and deserved protection and hoodlums who were criminals and deserved punishment. Furthermore, they blamed school officials for tolerating disorderly behavior. Leibowitz accused the Board of Education of "beclouding the issue."⁸³

Drawing on punitive logics, critics saw school disorder as indicative of the failure to uphold and enforce moral, spiritual and educational standards. Republican mayoral candidate Robert Christenberry, accused the schools not only of allowing "bandits" to terrorize "our little kids," but also of "sowing the seeds of delinquency" through a "hazy and befogged approach to

75. "Fusion for Leibowitz for Mayor," *New York Herald Tribune*, June 8, 1953.

76. Murray Schumach, "Samuel S. Leibowitz, 84, Jurist and Scottsboro Case Lawyer, Dies," *New York Times*, January 12, 1978.

77. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

78. Ibid.

79. Lawrence Fellows, "Policeman for Each City School Urged By Brooklyn Grand Jury," *New York Times*, November 26, 1957.

80. "School Jury Told to Call Officials," *New York Times*, December 5, 1957.

81. Emanuel Perlmutter, "Head of School Beset by Crime Leaps to Death," *New York Times*, January 29, 1958.

82. "School Jury Told to Call Officials," *New York Times*, December 5, 1957.

83. Lawrence Fellows, "Jansen Opposes Police in Schools," *New York Times*, November 27, 1957.

school fundamentals."⁸⁴ Implying school officials were negligent; he called for police to be stationed in schools "until unruly students were taught respect for authority and the rights of others."⁸⁵ Following the Kessler incident a Bronx magistrate told *The New York Times* "our school system is deteriorating,"⁸⁶

These concerns were given particular purchase by the launch of Sputnik in October of 1957. Russia's foray into space preceded America's and was widely seen as an indication of America's declining educational prestige. Leibowitz articulated these fears as well when he called upon the grand jury to investigate claims that the Board of Education was issuing "phony diplomas" to students who had not met graduation requirements. "While I instructed you not to delve into teaching matters," Leibowitz explained, "the issuance of...phony diplomas may have a direct bearing on encouraging disrespect for law and order, crime and juvenile delinquency."⁸⁷ Leibowitz suggested that America's declining prestige was not only academic and pedagogical but also moral and connected to classroom discipline.⁸⁸

The Solution: "Sorry Junior, Recess Is Over"

The grand jury argued that police in schools would serve as an effective deterrent. Following testimony from a teacher who claimed she was "knocked to the floor by a young thug who then ripped off her clothing, blackened her eyes, fractured her jaw and attempted to rape her"⁸⁹ the grand jury suggested that, "this criminal would never have dared to launch such a vicious assault upon a defenseless teacher if police were at hand."⁹⁰ In addition to their proposal for the placement of a police in schools, conservatives also reiterated their support for corporal punishment. A Bronx magistrate told a youth accused of threatening his teacher that "he should get a good spanking."⁹¹ In a previous interview Leibowitz emphasized that "punishment is psychology...the old strap in the legendary woodshed was a bit of psychology."⁹² A cartoon in the *World Telegram and Sun*, depicting a teacher wielding a large paddle and entitled "Sorry Junior, Recess is over," captured this perspective.⁹³

This framing actually obscured the ways in which their proposed solutions, in particular placing police in schools, were a dramatic and meaningful departure from previous practice. Historically, coercive forms of authority in schools were punitive—but they were also personal. Teachers who had a relationship with students were empowered to punish them as surrogate

84. Richard Amper, "Schools Assailed by Christenberry: He Urges State Inquiry into City Teaching 'Negligence' that Aids Delinquency," *New York Times*, October 25, 1957.

85. Ibid.

86. "Boy Hit with Lye may Retain Sight," *New York Times*, September 21, 1957.

87. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

88. In September of 1958, after a traveling to Russia, Leibowitz told the grand jury: "Soviet students fought to gain admission to public schools [there] while hoodlums here abuse their teachers to get out of school." "Students in Russia Cited by Leibowitz," *New York Times*, September 10, 1958.

89. George Golden, "Grand Jury Presentment," *December 7, 1957* (Section 354 File 15. New York City Department of Education Archives).

90. Ibid.

91. "Boy Hit with Lye may Retain Sight," *New York Times*, September 21, 1957.

92. National Archives and Records Administration, *Longines-Wittnauer with Samuel Leibowitz, 1954*, <http://archive.org/details/gov.archives.arc.95912>.

93 "Sorry Junior, Recess is Over," *New York Herald Tribune*, February 1958

parents. By contrast, the authority of a police officer was historically impersonal, based in uncaring and objective application of the law. The Police Commissioner himself acknowledged this distinction. He cautioned school officials that:

We are a law enforcement agency, not a rehabilitative or social agency...we do prevent crime, but as a policeman prevents crime and not as a social worker or a psychiatrist or a teacher or a clergyman. We do it by maintaining good order on the streets...by patrolling...by arresting...when a policeman even reports a case to a social agency for a rehabilitation process he is perpetrating a fraud. It's not the policeman's job. He's not paid to do it. He's not trained for it.⁹⁴

Conservatives, intentionally or not, obscured this distinction by equating the “paddle” with the “patrol wagon,”⁹⁵ the policeman with the “old strap.”

In advocating for more punitive disciplinary responses, actors attacked rehabilitative logics as ineffective and inadequate guides for action. For example, advocates of punitive policies were especially critical of “mental hygiene” for its insistence on treating children as less culpable and thus deserving of special consideration by the courts. Leibowitz accused educators deploying the language of mental hygiene of obfuscating the issue of school disorder through “psychiatric mumbo jumbo.”⁹⁶ They linked school disorder to the school system’s adoption of a “soft in the head”⁹⁷ approach that “coddled”⁹⁸ delinquents. Rehabilitative approaches were depicted as naive and out of touch. “What good,” Leibowitz demanded, “is a shiny, new modern building if a poor innocent kid is compelled to go into a hell hole with a psychopath?”⁹⁹

In an article in the *New York Times* exploring the causes of juvenile delinquency one judge maintained that treating juveniles as vulnerable and in need of “fatherly advice and gentle treatment...simply because it seems wrong to punish them in their tender years”¹⁰⁰ led youth to “thumb their noses,” “scoff at courts” and develop “prevailing disrespect for law and constituted authority.” “Youth,” he concluded, “must be made to feel the consequences of his misdeeds.” This notion was frequently echoed in the debates surrounding the Kessler lye incident. In a presentment in support of corporal punishment the grand jury critiqued:

So-called 'do-gooders' [for] tinkering with our educational system to the point where the level-headed educator and, indeed, the national defense leaders are alarmed over the failure and the softness of our youths.¹⁰¹

Drawing on punitive logics, conservatives deployed language and imagery that emphasized consequences, responsibility, rights and respect for authority. They identified their

93. Gertrude Samuels, “‘Number 1’ Project for the City,” *The New York Times Magazine*, June 29, 1958.

94. National Archives and Records Administration, *Longines-Wittnauer with Samuel Leibowitz, 1954*, <http://archive.org/details/gov.archives.arc.95912>.

96. Ibid.

97. Ibid.

98. Ibid.

99. “School Jury Told to Call Officials,” *New York Times*, December 5, 1957.

100. Compiled by Frances Rodman, “Juvenile Delinquency: A Variety of Views: Causes Cures,” *New York Times*, May 29, 1955.

101. “Child Discipline Favored by Jury: Schools Panel Supports Use of Force -- Teacher Hurt in Classroom Scuffle,” *New York Times*, March 28, 1958.

policy proposals as rooted in seemingly fundamental laws and values. Punitive logics were used to frame school disorder as the outcome of weak-minded and incompetent school officials' failure to compel obedience and protect innocent children through indoctrination, punishment or exclusion.

“Intricate and Complex”

The response to the grand jury's proposal for the placement of police officers in schools among education officials and professional organizations was largely critical. The city's largest teacher organization, the Teachers Guild, called the grand jury's recommendation for policemen in the city schools, "inept and damaging."¹⁰² The United Parents Association (UPA) issued a statement claiming "it will be a sad day when policemen must be stationed in American public schools"¹⁰³ and calling the proposal a "useless approach to a sensitive and complex problem."¹⁰⁴ The Public Educational Association (PEA) declared the grand jury's recommendation "ridiculous" and announced its "vigorous support for Jansen's courageous rejection." Even the city's police commissioner questioned the wisdom of the proposal claiming police in schools was "neither practical nor morally desirable."¹⁰⁵ Retired Board of Education president James Marshall wrote a letter to the *New York Times* in which he questioned how, if policeman are placed in schools, "one can successfully train children to self-discipline and self-responsibility needed for democratic living?"¹⁰⁶

Critics drew upon rehabilitative logics that emphasized professional expertise and depicted school disorder as a manifestation of "sick children" and insufficient mental hygiene resources. "A small group," the Guild explained in a statement, "creates big problems." Using the language of psychology and mental hygiene the Guild described maladjusted pupils with "low frustration tolerance," "poor impulse control" and a tendency to "act out conflicts in a hostile manner."¹⁰⁷ However, the Guild maintained, they were unequipped to provide the necessary treatment and guidance because of staffing shortages and "penny-pinching budgets."¹⁰⁸

In addition, the Board of Education and teachers' groups emphasized that the reason "misfits" were attending school with the "law abiding" was actually beyond their control. The state's compulsory schooling laws required schools to accept students, regardless of their level of "maladjustment," unless alternative placement was arranged. A student could only be suspended by the Assistant Superintendent and only after a hearing had taken place. School hearings were notoriously backlogged and spaces in the city's "600" schools for "socially maladjusted students" were insufficient. Principals had to continue to accept students even if they were awaiting suspension hearings, placed on probation by the children's courts or awaiting disposition of their cases. Charles Cogen, the head of the Teachers Guild, chastised the grand jury for using the

102. *Statement by the New York Teachers' Guild* (January 27, 1957. Series 1, Box 7, File 8. United Federation of Teachers Archives).

103. *United Parents Association, January 29, 1958* (Series 386.3, Box 1, File 3. New York City Department of Education Archives).

104. Gene Currivan, "Proposal for a Policeman in Every School Is Strongly Resisted by the Board," *The New York Times*, December 15, 1957.

105. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

106. James Marshall, "Letter to the Editor," *The Herald Tribune*, December 11, 1957.

107. New York Teachers Guild, *Guild Program for Special Schools at High School Level* (June 1957. Series 680, File 2. New York City Department of Education Archives).

107. "Schools Join City in Drafting Plan to Halt Violence," *New York Times*, February 4, 1958.

schools as a "scapegoat" for a "complex problem."¹⁰⁹ Cogen charged that judges were often the ones sending delinquent children back to schools because "both public and private residential treatment institutions are filled to overflowing."¹¹⁰ In a letter to Judge Leibowitz, Superintendent Jansen described the delinquency problem as "intricate and complex" with "no single dramatic solution."¹¹¹ The Board of Education frequently reiterated the notion that "the problem and its solution are the joint responsibility of the entire community."

The Solution: "Operation More"

Drawing on rehabilitative logics teachers organizations such as the New York Teachers Guild (the Guild) and the Teachers Union (TU); advocacy organizations such as the Public Educational Association (PEA) and the United Parents Association (UPA); and former and current members of the Board of Education all voiced their support for increased resources for guidance and mental hygiene based approaches. Experts in education and mental hygiene renewed calls for "a clinical approach"¹¹² focused on "treatment and understanding, rather than a mere reliance on stern disciplinary measures."¹¹³ They argued that the city's changing demographics, compulsory schooling laws, inadequate school budget and personnel shortages following World War II required increased resources for guidance and treatment. The Teachers Guild released a statement emphasizing that, "a policeman in schools is no substitute for a school budget"¹¹⁴ and renewed calls for the creation of two new "special clinical schools"¹¹⁵ for maladjusted students that would "remove, treat and innovate."¹¹⁶ Rose Shapiro of the Teachers Union suggested that the money it would require to place police in schools instead be spent to pay for more teachers, remedial reading teachers, guidance counselors and psychological services.¹¹⁷ Likewise, the PEA called for "more guidance counselors, more money for the Bureau of Child Guidance, more teachers and smaller classes especially in underprivileged neighborhoods"¹¹⁸ Cogen argued that, "when a child is being educated he has no time or interest in causing trouble." However, Cogen explained, "schools cannot educate because class sizes are too large, teachers are overloaded and not enough social workers, psychologists, remedial

109. Charles Cogen, *To Kings Country Grand Jury* (November 27, 1957. Series 1, Box 9, File 43. United Federation of Teachers' Archives).

110. Ibid.

111. William Jansen, *Letter to Judge Samuel Leibowitz* (December 23, 1957. Series 354, File 15. New York City Department of Education Archives).

112. *Assistant Superintendents Report on Juvenile Delinquency* (1951, Series 354. New York City Department of Education Archives).

113. *Teachers Guild Submits Detailed Plan for Problem High School Students* (June, 24, 1957, Series 1, Box 9, United Federation of Teachers Archives).

114. *Statement by New York Teachers Guild Officers* (January 30, 1958. Series 1, Box 7, Folder 8, United Federation of Teachers Archives).

115. Gene Currivan, "Proposal for a Policeman in Every School Is Strongly Resisted by the Board," *The New York Times*, December 15, 1957.

116. New York Teachers' Guild, *Guild Program for Special Schools at High School Level* (June 1957. Series 680, File 2. New York City Department of Education Archives).

117. Gene Currivan, "Proposal for a Policeman in Every School Is Strongly Resisted by the Board," *The New York Times*, December 15, 1957.

118. *Progressive Education Association to Charles Silver* (1957, Series 1, Box 19, File 15. United Federation of Teachers' Archives).

teachers and guidance personnel have been employed."¹¹⁹ Board of Education member, Cecile Sands, dubbed efforts to provide these services "Operation More." This approach suggested not only that children were redeemable but also that the state was capable of intervening, transforming and adjusting its citizens. Moreover, the very language of "Operation More" implied that the solution to problems of school disorder could be found through the expansion of existing interventions. Rehabilitative logics were deployed to call for more of the same, rather than propose radical shifts in policy or new reforms. These actors assumed that schools could effectively provide therapy and treatment for "maladjusted" pupils if they had the necessary resources for dramatically expanding guidance personnel and therapeutic capabilities.

In proposing these reforms, professionals attempted to distinguish their expertise and specialized knowledge from the "lay judgments"¹²⁰ and "half-baked nostrums"¹²¹ of the grand jury. Professional groups criticized punitive responses to the behavior of youth as "a reversion to unscientific and barbaric methods."¹²² For example, former schools Superintendent James Marshall, wrote a letter to the *Herald Tribune* claiming that "the suggestion that children ought to be paddled into learning is against all principles of child psychology" and "increasing discipline would only increase delinquency." The head of the Teachers Union dismissed the grand jury's call for corporal punishment as a "throwback to the miserable school days of David Copperfield."¹²³ Professionals, attempted to demonstrate that punitive logics were unsophisticated and unreliable guides for school disciplinary policy by asserting their expertise and depicting advocates of punitive policies as misguided and unsophisticated. For example, a school official questioned by the grand jury told the *New York Post*: "I think if I used the proper terminology to describe the situation or answer questions they wouldn't have known what I was talking about."¹²⁴ In an article in the *New York Times* published shortly after the Kessler-lye-incident, a teacher in a "difficult school" wrote that "the typical student in the 'tough' school,' is not evil." Rather, "he is difficult and he is different."¹²⁵

Leibowitz charged that calling for special schools was akin to "another grain of salt on the dunes of the Sahara desert."¹²⁶ He dismissed claims that schools were hamstrung by the state's compulsory schooling laws, claiming that "that alibi just doesn't hold water."¹²⁷ Likewise, when Jansen described the grand jury's proposal for police in schools as "unthinkable," the grand jury issued a presentment claiming that what was "unthinkable" was the notion that:

...school children whose presence in class is compelled by law, must continue to be subject to acts of violence by vicious students simply because the Board of Education is

119. Gene Currivan, "Proposal for a Policeman in Every School Is Strongly Resisted by the Board," *The New York Times*, December 15, 1957.

120. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

121. Ibid

122. "Teachers Appeal to Police to Curb Unruly Students," *New York Times*, December 11, 1942.

123. "Child Discipline Favored by Jury: Schools Panel Supports Use of Force -- Teacher Hurt in Classroom Scuffle," *New York Times*, March 28, 1958.

124. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

125. Charles G. Spiegler, "A Teacher's Report on a 'Tough' School," *New York Times*, November 24, 1957.

126. "Judge Says NY Schools Need Police," *The Washington Post*, November 27, 1957.

127. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

unable to act by furnishing the necessary safeguards¹²⁸

Despite their differences, both the educational establishment and the grand jury presented delinquency in schools as a problem of select and specific individuals. Accordingly, while professional groups objected to the proposal for police in schools they did not dispute the basic premise of the grand jury investigation: that there were dangerous and disruptive students in the city's schools. Conservatives emphasized removal and punishment of individual "hoodlums," "misfits" and "bandits." Professionals emphasized removal and treatment of the "maladjusted" and "troubled." Thus, both conservatives and professionals framed disorder as emerging at the level of the individual.

"The Boomerang of Neglect"

By contrast, civil rights activists drew upon a different logic of discipline in framing their response to school disorder. They viewed the Kessler-lye-incident as indicative of profound, systemic and longstanding discrimination, neglect and brutality against the city's black and Puerto Rican citizens. These groups foregrounded what conservative and professional accounts of the incident de-emphasized: Kessler was black and his victim, David Ozersky, was white. Following the incident, newspaper accounts referred to Kessler as "husky," "maniacal,"¹²⁹ and "vengeful,"¹³⁰ but his race was rarely mentioned. This silence exemplified the belief among "enlightened" northerners that policy should be race-blind.¹³¹ Ignoring race and racism as factors in juvenile delinquency reflected, in part, the tendency of northerners to maintain their racial liberalism by disregarding racial differences altogether.¹³² Civil Rights groups argued, by contrast, that the perceived problem of school disorder could not be understood without considering discrimination, segregation and neglect in the city's social services, schools, policing, employment and housing. In doing so they drew upon environment logics of discipline that situated school disorder within a larger context of inequality and oppression.

This third perspective was articulated by a range of liberal and civil rights groups including national activist groups like the NAACP, and Urban League, as well as local community groups such as the Emergency Citizens Committee of Harlem Residents,¹³³ Parents in Action against Educational Discrimination¹³⁴ and City-Wide Citizens Committee on Harlem.¹³⁵ In addition, influential activists like Representative Adam Clayton Powell Jr., Kenneth and Mamie Clark and Judge Justine Wise Polier consistently linked school disorder to racist social policies. The Clarks and Polier were also involved with the Citizens Committee for

127. George Golden, "Grand Jury Presentment," December 7, 1957 (Section 354 File 15. New York City Department of Education Archives).

129. "\$100,000 Bail Set for Youth in Lye Attack," *Los Angeles Times*, September 21, 1957.

130. "Lye Hurlled by Vengeful Youth into Classroom: Target of Spite Attack Feared Blinded; Teacher and Score of Students Burned," *Los Angeles Times*, September 20, 1957.

131. Sugrue, *Sweet Land*; Perlstein, *Justice, Justice*.

132. Diane Ravitch, *The Great School Wars: A History Of The New York City Public Schools* (JHU Press, 2000).

133. Edith Evans Asbury, "State Offers Aid to Resolve Crisis in City's Schools," *New York Times*, February 9, 1958.

134. Edward Hausner, "Parents Picket City Hall Over Delay in Integration," *New York Times*, September 20, 1957.

135. Gerald Markowitz, and David Rosner, *Children, Race, and Power: Kenneth and Mamie Clark's Northside Center* (New York: Routledge, 2000).

Children (CCC) an integrated social policy organization that issued numerous statements about the schools crisis and the city's treatment of juvenile delinquency. This perspective occasionally found its way into articles in the *New York Times* and *Herald Tribune* but it was mostly expressed in the black press and in statements issued by community organizations and liberal groups.

In response to the outcry following the Kessler incident the CCC issued a statement in October accusing "the community" of being "less than candid when it expresses shock and surprise at these youthful acts of violence." "Most of those who commit delinquent acts," the CCC highlighted "have shown again and again that they need help."¹³⁶ An article in the *New York Amsterdam News*, one of the city's black newspapers, entitled "Lye-Thrower Called Problem since Time He Was Eight," suggested that this was certainly the case for Maurice Kessler. Indeed, in a series of hearings set to determine Kessler's sanity, it came to light that Kessler had been known by school officials to be "mentally unstable"¹³⁷ for nearly a decade. Records indicated he "threatened to kill everybody" in 1948. At the time of the attack, Kessler was truant and not enrolled in any of the city's schools. Despite Kessler's history, on more than one occasion, he had been released into his mother's custody or placed on probation.

For Civil Rights activists the reason that these "danger flags"¹³⁸ were ignored was actually quite simple. Kessler was black and as such the social, educational and custodial supports open to him were minimal, under-resourced and over-crowded. Indeed, in 1951 Kessler had been institutionalized but he was released in 1952. His release was not indicative of any improvement in his mental health however, because, due to over-crowding, stays in state-run custodial institutions were limited to 18 months.¹³⁹

From their perspective, the Kessler-lye-incident was just another illustration of what the *Amsterdam News* had dubbed the city's "Boomerang of Neglect."¹⁴⁰ Clark, Polier and the CCC, reiterated calls by educational professionals for increased resources for schools, the Juvenile Aid Bureau, the Youth Community Board and the Bureau of Child Guidance. The CCC also called for increased "coordination" amongst the city's private and public social services and suggested the expansion of "work camps" and employment opportunities to address the "endlessness of days" facing the city's youth.¹⁴¹

However, the CCC also took issue with the grand jury's depiction of school disorder as indicative of an outbreak or explosion of juvenile crime and violence. In their October statement they claimed:

It is not even possible to state with any degree of certainty whether juvenile delinquency has really increased as much as statistics seem to indicate. Delinquency totals may well

136. *Citizens Committee for Children: Statement on Juvenile Delinquency* (October 1957, Series 354, Box 3, Folder 15, Archives of the New York City Department of Education).

137. "Youth in Lye Case is Called Insane," *New York Times*, October 22, 1957.

138. "Lye-Thrower Called Problem since Time he was Eight," *New York Amsterdam News, City Edition*, October 12, 1957.

138. "Judge calls Jansen in Lye Hurling Case," *New York Times*, October 8, 1957.

140. "The Boomerang of Neglect," *New York Amsterdam News, City Edition*, November 27, 1943.

141. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

reflect greater diligence of an increase police force in period round-ups of children who seem to be "up to no good," rather than more youth crime.¹⁴²

In January of 1958, the Juvenile Delinquency Evaluation Project (JDEP) released a report supporting the CCC's accusations. The JDEP, whose head Robert MacIver was critical of city policies, claimed that analysis of court referrals suggested that "many arrests" of juveniles were "unnecessary."¹⁴³ As such, actors drawing on structural logics expressed distrust and skepticism regarding the expertise of public officials, most notably law enforcement.

For example, at a panel discussion on juvenile delinquency in November of 1957, Ralph Ferrer, a street worker for the City's Youth Board (and the only black panelist) described police "chasing, beating and swearing"¹⁴⁴ at teenagers. Similarly, Councilman Earl Brown accused city officials of "chasing after juvenile gangs" and employing "methods of control little better than the jungle-type activities of the little gangsters themselves."¹⁴⁵ This critical perception of law enforcement was in stark contrast to the grand jury's characterization in a presentment of "the kindly policeman on the corner" who is "usually a father himself."¹⁴⁶ Black community groups disputed the grand jury's characterization of police as "kindly." MacIver told the *New York Times* that in black communities, "where punitive methods predominate, those subjected to them regard the police as their natural enemy" and "come to look upon them as a threat."¹⁴⁷

The CCC likewise drew on structural logics by attributing delinquency in part to "discrimination" and "impossible housing conditions." They concluded their October statement with a call for support of the "Sharkey-Brown-Isaacs Bill" a pending bill which would outlaw discrimination in private housing. In an article about school disorder and juvenile delinquency in the *Amsterdam News*, Brown attacked the city's housing policies. He accused the city of deliberately constructing "subsidized housing in already overcrowded neighborhoods such as Harlem."¹⁴⁸ Instead of relieving overcrowding these publicly funded housing projects exacerbated segregation and, Brown argued "embalmed thousands of low income families in a low status area," thereby "ruining any chance they may have for bettering themselves."¹⁴⁹ Brown described the city's attempts to help the "millions of low income folk in this town" as "sometimes stupid and always tepid."¹⁵⁰

The Solution: Integration

Civil rights activists echoed calls by teachers and school officials for improved school facilities, smaller class sizes, increased guidance services and more recreational and counseling

142. Ibid.

143. "Caution Stressed On Youth Arrests: Study Group Tells Wagner Police Still Overemphasize Courts in Delinquency," *New York Times*, January 19, 1958.

144. "Youth Board Workers Say Cope Unfriendly," *New York Amsterdam News*, November, 23, 1957.

145. Councilman Earl Brown, "Juvenile Delinquency," *New York Amsterdam News, City Edition*. April 5, 1958.

145. George Golden, "Grand Jury Presentment," *December 7, 1957* (Section 354 File 15. New York City Department of Education Archives).

147. Harrison Salisbury, "Lethargy of Public Found At Root of Youth Problem," *New York Times*, March 30, 1958.

148. Councilman Earl Brown, "Juvenile Delinquency," *New York Amsterdam News, City Edition*. April 5, 1958.

149. Ibid.

150. Ibid.

facilities. However, they emphasized that these changes were necessary, but not sufficient for addressing the needs of black children and the problems of school disorder. For these activists, “operation more” would not address the systemic problems endemic in the city’s schools and social services that “produced” black delinquents. For example, Clark argued that “the real problem is a hypocritical bureaucracy protective of its kingdom...the real jungle is in the offices of the bureaucrats, not on the streets to which we consign the youngsters.”¹⁵¹ Accordingly, Clark framed the problem as structural and systemic and challenged the effectiveness of solutions that located the problem of school disorder in individual students.

Contrary to reports issued by school professionals that maintained the ability of schools to smooth the rough edges of inequality, civil rights activists suggested that the contradictions between New York City's democratic ideals and the actual social and economic conditions in black communities were too great for segregated schools to reconcile. Milton Galamison, President of the Brooklyn chapter of the NAACP, called upon parents to respond to the “alarmist school crime publicity” by forming a “vanguard to push school and housing integration.”¹⁵² In generating support for this policy solution, activists attempted to highlight the gap between New York City's reputation for liberalism and democratic opportunity and the actual practices and conditions in the city's segregated schools. Civil rights activists Ella Baker told the Mayor that “it seems mandatory that NYC, the world's leading city, should reflect the highest degree of democracy in its public school system.”¹⁵³ The *Amsterdam News* charged that segregation “denies the spirit of the democratic way of life.”¹⁵⁴ Polier decried in the *New York Times* that:

The rule seems to be, do what you can with what you have--like the doctors in South Africa who have to operate without sterilized instruments. And this in a community that prides itself on its culture, progress and technology.¹⁵⁵

In the months following the Kessler-lye-incident various theories and proposals were offered in public statements, editorials and newspaper articles regarding the sources of and solutions to school disorder. In generating support for their perspective and preferred policy solution actors attached meaning to the Kessler-lye-incident through framing processes. Drawing on punitive logics, actors framed the problem of school disorder as emerging from unruly pupils and permissive school personnel. Drawing on rehabilitative logics, actors framed the problem of school disorder as rooted in the behavior of “sick” and “maladjusted” children in need of guidance and therapy. Drawing on structural logics, actors framed the problem facing schools as a reflection of deficiencies and inequities in the city’s schools, social services, housing and policing. All of these actors argued that current practices were inadequate and insufficient. In doing so they generated momentum for change. Indeed, despite their disagreements, there was general consensus following the Kessler incident that *something* must be done to address the problems of school disorder.

151. Harrison Salisbury, "Lethargy of Public Found at Root of Youth Problem," *New York Times*, March 30, 1958.

152. Malcolm Nash, "Stuyford Leaders Blast Papers, Jury Foreman, for 'Vicious' Stories," *New York Amsterdam News, City Edition*, February 8, 1958.

153. Sara Slack, "Don't Forget, N. Y. has its' Own School Problem," *New York Amsterdam News, City Edition*, September 28, 1957.

154. "Some City Schools Held Segregated," *New York Times*, April 25, 1954.

155. Harrison Salisbury, "Lethargy of Public Found at Root of Youth Problem," *New York Times*, March 30, 1958.

“Tragedy Breeds More Tragedy”

On January 22, 1958 the Grand Jury issued a presentment recounting a litany of recent incidents including two that occurred at PS 210 in Crown Heights: the rape of a 13 year old girl by a young boy, and the assault of a student in the lunchroom by "thugs" armed with a "knife and shovel handle."¹⁵⁶ School officials were quick to point out that a police officer was actually present inside PS 210 when these incidents occurred. "This proves conclusively," they argued, "that the proposed policy...would not prevent all criminal activity."¹⁵⁷ The grand jury dismissed this objection. Instead, following the incidents they subpoenaed the principal of PS 210, George Goldfarb, to testify three times. On the morning of January 28, 1958, Goldfarb left school early for his third appearance before the Grand Jury at the Kings Country Courthouse. Instead of heading downtown however, Goldfarb went home, made his way to the roof of his six-story apartment building, and jumped to his death. Goldfarb, a 33 year veteran of the city's school system, was described in a *New York Times* editorial as a "sensitive, gentle man...beset by grief over disorder."¹⁵⁸ Goldfarb's suicide invigorated waning media coverage and led to a volley of statements between the Board of Education and the grand jury.

Goldfarb left no note, but in a statement the next day Board of Education President Charles Silver claimed, "no doubt the recent unfortunate events plus the subsequent pressures on him contributed in a great measure to his decision."¹⁵⁹ In a cryptic indictment of the grand jury investigation, Charles Silver stated that Goldfarb's suicide illustrated "that tragedy can breed more tragedy through hastily conceived action, regardless of how worthwhile the motives."¹⁶⁰ Silver was more direct the next day when he and Superintendent Jansen charged that Goldfarb had committed suicide because the grand jury had threatened to indict him. Foreman George Golden vigorously denied this accusation, stating, "we have treated every official with respect and courtesy" and calling Silver's remarks "lies made to befuddle the public."¹⁶¹ Golden's accusation prompted the Board of Education to issue its first official statement regarding the Grand Jury investigation. In a strongly worded statement, the Board of Education supported Silver and Jansen's claims and challenged the Grand Jury's tactics, legality and integrity. The Board of Education re-iterated its objection to an "overall policy of having police at all schools." Finally, the statement "assured" the people of New York that "it will not tolerate intimidation of its staff or the students of our schools either by teen-age hoodlums or by misguided persons."¹⁶²

The Grand Jury issued its own statement reaffirming its recommendation that police be placed in all schools or at the very least the "troubled schools." This "emergency measure," the statement asserted, was temporary until "such time as the Board of Education takes the necessary steps to remove hoodlums, rapists, thieves, extortionists, arsonists and vandals from the

156. George Golden, "Grand Jury Presentment," December 7, 1957 (Section 354 File 15. New York City Department of Education Archives).

157. *Press Release Board of Education* (January 23, 1958, Series 386.1 Box 1 File 3. New York City Department of Education Archives).

158. "Crime in Schools," *New York Times*, January, 31, 1958.

159. Emanuel Perlmutter, "Head of School Beset by Crime Leaps to Death," *New York Times*, January 29, 1958.

160. *Ibid.*

161. Emanuel Perlmutter, "Head of School Beset by Crime Leaps to Death," *New York Times*, January 29, 1958.

162. "Three Statement about Violence in the City's Schools," *New York Times*, January 31, 1958.

schools."¹⁶³ Leibowitz (never one to remain silent) released his own remarks in which he "thank[ed] God for our people who...have brought to light through our newspapers this horrible, miserable mess that is now called our public school system."¹⁶⁴

“A Departure from Previous Policy”

Following Goldfarb's suicide, the Board of Education announced a number of policy changes. First, on January 31 the *New York Times* reported on the assignment of police to 41 schools considered "difficult."¹⁶⁵ Reversing its earlier policy, these assignments were apparently made without prior requests or approval from school principals. Then, on February 4, on the heels of a meeting between Jansen, Board officials and Mayor Wagner, the Board of Education released a statement of "policy and action in the matter of juvenile delinquency and the schools."

The Board's statement invoked rehabilitative logics of school discipline in describing "a hard core of young people who require special attention, guidance, treatment and in some cases, custodial and corrective care." The Board of Education, the statement clarified, "recognizes and accepts its responsibilities to these children." The Board announced plans to expand its attendance, counseling and guidance staff and open six additional "special schools" for disruptive students, thus doubling the number of "600" schools. In addition, the statement called upon the Governor and the state to "secure... additional correction facilities for those who require removal from normal society." The Board's statement concluded by assuring teachers that they would "give immediate consideration to the problem of what to do with offenders currently in schools."¹⁶⁶ This statement (and the policy actions that it describes) instantiated rehabilitative logics and reflected the diagnostic and prognostic frames offered by professional groups and teachers. It described disruptive students as sick and in need of treatment and special attention. It called for the expansion of treatment and clinical services. This initial response by the Board of Education was not sufficient to diffuse public concern.

Representing the Teachers Guild, Cogen expressed skepticism regarding the Board's ability to follow through with these proposed reforms absent additional funds. Cogen suggested that, "the fact that the city Budget Director was not a part of the midnight conference on the school crisis seems to indicate that the Mayor is standing pat on his previous orders to cut the budget." Accordingly, Cogen argued, "until the Mayor changes his mind about the school budget there is little hope for a better system." The grand jury, likewise, issued a presentment in response to the Board's proposals warning that teachers and principals need more than "mere promises of support."¹⁶⁷

In the face of ongoing criticism, on February 7, 1958 the Board of Education issued a policy resolution that struck a much different tone:

Resolved, that it is the policy of the Board of Education that any pupil who shall be charged with a violation of a law involving violence or insubordination shall be forthwith suspended from regular school attendance. Such suspension shall not be revoked unless

163. Ibid.

164. Ibid.

165. "Police to Patrol 41 Schools Here," *The New York Times*, January 31, 1958.

166. *Board of Education Statement* (February 4, 1958. Series 386, Box 1, Folder 4. New York City Department of Education Archives).

166. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

the pupil is found not guilty by a court of competent jurisdiction. In establishing this policy, which is a departure from previous policy, the Board recognizes that in such cases under existing conditions, no instruction can be provided for such pupils.¹⁶⁸ In this connection the Board points out that it has a duty to protect the innocent from the violent and that it is the duty of other public agencies to provide for custody of pupils having violent tendencies.

Despite previous calls for increased resources for guidance and special schools, the actual and immediate policy changes announced by the Board on February 7th instantiated punitive logics of school discipline. First of all, the very language of the policy statement emphasized punitive terminology such as "violation of law," "not guilty by a court of competent jurisdiction" and "protect the innocent." Indeed, the CCC released a statement pointing out that "guilt" is not even passed upon by the city's Children's Court system. Children's Courts utilized a unique language designed to reduce the stigma of criminal prosecutions and honor children's vulnerability. Judges found youths to be "delinquent" rather than "guilty" and issued "dispositions" rather than "sentences."¹⁶⁹ Consequently, no child under the age of 16 could ever be found guilty or not guilty by "a court of competent jurisdiction." Likewise, the language of the Board of Education's policy lumped together laws involving "violence *and* insubordination" when "insubordination" was not actually a *criminal* offense. There were no *laws* involving insubordination.

Officials framed the policy as protecting "the innocent from the violent" by "remov[ing] from our schools those pupils who endanger the welfare of the other children,"¹⁷⁰ but it was noticeably not limited to acts of violence, or even criminal acts. One Board member described the inclusion of "insubordination" as "a general category to cover cases of discipline not involving violence."¹⁷¹ In a broadcast to principals on February 7, Jansen broadened the policy's scope even further. Jansen instructed principals:

Where children have been convicted in court but have been sent back to school because there is no room in appropriate institution, if such children continue to be guilty of misconduct,--suspend them. Those who have returned from institutions, perhaps prematurely, and who continue to be severe troublemakers or frequent truants, should also be suspended. Any student with a record of serious misbehavior who continues misbehaving, may also be suspended....Cases which are awaiting court action involving violence or insubordination should be suspended.¹⁷²

Reflecting punitive logics, Jansen's broadcast authorized principals to suspend students based on any involvement whatsoever with police or the courts. Principals were allowed to immediately suspend any student who was arrested, whether inside or outside of school. A

168. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

169. Feld, *Bad Kids*.

170. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

171. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

172. William Jansen, *Broadcast to Principals* (February 14, 1958. Series 65, File 2, Archives of the New York City Department of Education).

student could be suspended *after* his sentence had been carried out or *prior* to being found guilty. The policy encouraged and endorsed cooperation between law enforcement and school personnel. The suspension policy took any involvement in the court system (including "status offenses" such as loitering and curfew violations for which adults could not be arrested) as evidence of criminality.

The policy echoed punitive logics that characterized disorderly pupils as youthful offenders rather than sick or vulnerable children. The Civil Liberties Union expressed concern that the policy allowed for "indiscriminate blanket application" and "automatic suspension without consideration of other factors." This was contrary to the "case study" approach in which experts used discretion and explored each child's unique situation. Indeed, in his broadcast, Jansen did encourage principals to take into consideration one specific aspect of the child's circumstance--"the attitude of the parents." Jansen encouraged principals' not to suspend students whose parents "demonstrate a very strong spirit of full cooperation."¹⁷³ Jansen's statement implied that schools should be *more* disposed to working with students with involved and cooperative parents, a stark departure from the notion that schools should compensate for "inadequate" parenting. The policy change announced by Jansen formally allowed school personnel to suspend first, and let the system find placement later.

Finally, the policy assertively defined the problem as one of individual students. None of the Board of Education's policy actions directed at juvenile delinquency addressed structural conditions such as teacher quality, class size, school facilities or integration. In announcing the policy, city officials repeatedly emphasized that the "number of children who create problems is less than one percent" and "the problem is mainly concentrated in a few schools."¹⁷⁴

Conclusion

Policies create organizational forms that, once established, become "normatively and cognitively held in place, and practically taken for granted as lawful."¹⁷⁵ However, historical institutionalism illuminates, that prior to their establishment policies were highly contested ideas selected from a range possibilities. Examining the debates, arguments and counter proposals that emerge in the formation of policies challenges the assumed "rightness" and inevitability of adopted policies. This analysis is important because, as Alvesson and Deetz argue:

Viewing organizations and their processes as "natural" objects and functional responses to "needs" protects them from examination as produced under specific historical conditions (which are potentially passing) and out of specific power relations.¹⁷⁶

Exploring the contested nature of policy-making indicates the road(s) not taken and raises questions regarding which ideas become institutionalized and why.

173. Ibid.

174. *Board of Education Statement* (February 4, 1958. Series 386, Box 1, Folder 4. New York City Department of Education Archives).

174. John David Skrentny, "Pragmatism, Institutionalism and the Construction of Employment Discrimination," *Sociological Forum* 9, No. 3 (1994): 345.

175. Mats Alvesson, and S. Deetz, "Critical Theory and Postmodernism Approaches to Organizational Studies," *The Sage Handbook of Organization Studies* (2006): 255.

In this chapter I identified three main logics of discipline that were present in the organizational field of education in New York City in the late 1950's. I demonstrated how, in response to perceived problems of school disorder, actors drew upon punitive, rehabilitative and structural logics of school discipline. Actors strategically deployed these logics in framing their policy proposals. Moreover, they depicted their opponents' logic as inadequate and ineffective. Previously dominant rehabilitative logics of school discipline were destabilized by conservatives, who framed them as naive and "soft-in-the-head," and civil rights activists who argued they were inefficient in addressing the damage caused by segregation, discrimination and neglect. Ultimately, I argue that punitive logics were instantiated in formal discipline policy. In the next two chapters I investigate how and why punitive logics "won."

CHAPTER 3:

“THIS HORRIBLE, MISERABLE MESS THAT YOU CALL A SCHOOL SYSTEM:” SCHOOL DISORDER, DISCIPLINE POLICY AND RESISTANCE TO INTEGRATION

*I have observed that 'crime waves' usually come at critical times in the development of colored people. The crime wave is an excuse for continued denial of rights. Why give rights to a half-ape who is sub-human?*¹

Kenneth Clark, 1943

In post-war New York City, headline-grabbing incidents of juvenile delinquency were not unknown prior to Kessler's attack and Goldfarb's suicide. For example, in 1942 Irving Goodman, a math teacher at a junior high school in Williamsburg, Brooklyn, was shot and killed by two former students after he admonished them for smoking cigarettes in the bathroom.² In June of 1944, eight black youths shot a man on a Brooklyn subway train when he objected to their running through the cars yelling "this is D-day for the colored folks, white trash get off!"³ In 1948, the Brooklyn Council on Social Planning described the shooting of a teacher's home with rifle bullets as indicative of "an emergency" in juvenile delinquency.⁴ In 1955, images of juvenile delinquency in New York City were captured for national consumption by the movie *Blackboard Jungle*.⁵ Based on Evan Hunter's book purportedly chronicling his experience working in a vocational high school in the Bronx, *Blackboard Jungle* depicted urban schools as lawless places where teachers were terrorized by unruly, vicious and violent students. The movie's release and subsequent success inspired concern about the deteriorating state of New York City schools. Indeed, school officials blamed *Blackboard Jungle* when in 1955 five boys entered a history classroom at Evander Childs High School in the Bronx and attacked two students with a "bayonet scabbard."⁶ Each one of these incidents garnered local press coverage and sparked debates about school discipline policies and placing police in schools. However, throughout this time no major discipline policy changes were made. Indeed, a report by the Assistant Superintendents Committee on Juvenile Delinquency, published in 1951, decried the fact that even though there are "few problems in which more has been written... recommendations, though mentioned often, are rarely carried out."⁷

By contrast, the Kessler-lye-incident inspired more than just media coverage and public outrage. The policy resolution announced by the Board of Education in February of 1958 made dramatic changes to the city's discipline policy. For the first time it gave principals the power to suspend, allowed for the "wholesale suspension of troublesome youth without provision for

1. Michael Carter, "The Truth about Crime in New York's Harlem: Mugging Stories Phoney; New York Press Manufactures Crime Wave; Delinquency Higher Among Whites," *Afro-American*.

2. "Two Boys Kill Teacher in School after 'Showing off' by Smoking," *New York Times*, October 3, 1942.

3. "Passenger on BMT Train Shot for Objection to Rowdy Acts of 8 Young Negro Hoodlums," *New York Times*, June 12, 1944.

4. "'Emergency' Found in Juvenile Crimes," *New York Times*, May 2, 1948.

5. Richard Brooks, *Blackboard Jungle* (Drama, 1955).

6. "Youth Gang Invades High School; Two Pupils Beaten in Classroom," *New York Times*, March 29, 1955.

7. *Assistant Superintendents' Committee on Juvenile Delinquency and the Schools* (July 1, 1951, Series 621 New York City Department of Education Archives).

future care"⁸ and encouraged increased cooperation between school and police officials. This begs the question, why did the Kessler incident inspire changes that previous incidents had not? And why did these changes initiate a shift towards punitive, criminalizing and exclusionary practices? These questions are especially intriguing because rehabilitative logics dominated New York City's social policy for the first half of the twentieth century. New York City pioneered social programs incorporating guidance, mental hygiene, recreation and "child-saving."⁹ Furthermore, evidence suggested juvenile crime rates were not markedly greater than early Twentieth Century when these reforms dominated.¹⁰ Moreover, according to Diane Ravitch, Board of Education officials generally attributed the success of the schools from the late 1920s through the mid-1940s to "the incorporation of the principles of social work and psychology."¹¹ Beyond the school system New York City was known for its liberalism and commitment to social welfare.¹² In 1957, just one week before the grand jury investigation into crime and lawlessness in the city schools was convened, Mayor Wagner, running for re-election as a Democratic and Liberal candidate, won in a landslide. Wagner received nearly 3 times the votes of his competitor Republican Robert Christenberry. The candidate from the United Taxpayer Party, grand jury foreman George Golden's party, received only 3% of the vote. Wagner won in all but two districts in the city. Given this, conservatives advocating for punitive disciplinary responses, such as Leibowitz, Golden and Christenberry, represented a political minority. Yet, how were they so influential? Why was their framing of the problem the one adopted in the Board of Education's policy resolution?

Over the past decade historical institutionalism has focused on understanding how and why change happens in organizations. One key finding is that change is contingent--it involves the interaction of actions, perceptions and a particular institutional context (that favors certain actions and perceptions). In this chapter I focus on the impact of context, specifically tensions over school integration, on the change in discipline policy in 1958. First proposed in 1956, New York City's school integration efforts sparked highly contentious debates that pitted supporters in black community and civil rights groups against opponents in middle and working class white communities and groups representing conservative politics and real estate interests.

School disorder was viewed by both sides of the integration debate as highly salient to their position. For foes of integration, disorder highlighted the dangers of integration, the inferiority and criminality of black children, and the ineptitude of the school system in addressing social problems. For supporters, disorder was a symptom of neglect, overcrowding, understaffing and the psychic damage caused by segregation, prejudice and discrimination. This context created opportunities for actors to frame debates about school disorder in ways that linked with concerns held by opponents of school integration. This is called "frame bridging" whereby actors link "ideologically congruent but structurally unconnected frames regarding a particular issue or problem" in order to mobilize support from "individuals who share common

8. Board of Education "Policy Resolution", (February 6, 1958. Series 386, Box 1, Folder 4. New York City Department of Education Archives).

9. Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999).

10. Gilbert, *Cycle of Outrage*.

11. Diane Ravitch, *The Great School Wars: A History Of The New York City Public Schools* (JHU Press, 2000).

12. Joshua B. Freeman, *Working-Class New York: Life and Labor since World War II* (New York: New Press, 2000).

grievances and attributional orientations."¹³ School disorder was framed by actors in ways that overlapped with their opposition to integration. Characterizing schools, particularly "difficult schools," as crime-ridden only validated the excuse of the anti-integrationists. They framed their resistance to integration as concern for their children's safety. The Board of Education, in turn, attempted to alleviate these fears. Initially the Board offered policy solutions that drew upon rehabilitative logics. But, absent additional funding and faced with continuing criticism from conservatives, the Board shifted towards "tough" discipline policies that instantiated punitive logics and framed school disorder as the outcome of a small minority of violent and criminal students.

In this chapter I argue that the context of pressure for integration led actors to cultivate and legitimize fears of school disorder that the Board of Education's efforts could not allay. Instead, the district's punitive and criminalizing discipline policies provided a race-blind tool for validating fears about black youth while obscuring the impact of systemic discrimination, dehumanization and neglect. This analysis demonstrates that punitive and criminalizing disciplinary policies were never neutral, but rather emerged out of a context of fraught racial politics that favored policies and actors that individualized, criminalized and racialized school disorder. Furthermore, this analysis highlights the ways in which conversations about disorder, crime and integration overlapped in explicit and implicit ways. As such, these areas of educational policy—race, crime, discipline—provided (and continue to provide) fertile ground for frame-bridging.

“A Time of Beginning”

The Supreme Courts May 1954 *Brown v Board* ruling famously argued that, "separate educational facilities are inherently unequal." Activists in New York City seized upon the Brown ruling as an opportunity to challenge the segregation in New York City schools. In response to pressure from these groups, including public accusations by Kenneth Clark that "Jim Crow" schools existed in New York City, in the spring of 1955 the Board of Education created a Commission on Integration (the "Commission"). The Commission was comprised of civic and educational leaders, state and local officials, school board members and school based personnel. Board of Education President Silver voiced his optimism about the potential of the public schools of New York to demonstrate that "the spirit of the Supreme Court decision will be carried forward in the classroom."¹⁴

After a year of research and analysis the Commission published a set of recommendations in May of 1956. The Commission identified numerous instances in which schools had been deliberately zoned to maintain racial homogeneity and proposed zoning shifts to facilitate desegregation. The Commission also proposed changes to teacher assignment practices based on seniority. It was well documented that segregated schools carried an unfair burden of inexperienced teachers, teacher shortages, and non-certified teachers and substitutes. The Commission recommended that the city intervene to establish a more equitable distribution of experienced teachers in the city's so-called "difficult schools." While not all of the city's 200

13. David Snow, E. Burke Rochford, Steven K. Worden, and Robert D. Benford, "Frame Alignment Processes, Micromobilization and Movement Participation," *American Sociological Review* 51, no. 4 (1986): 467.

14. Leonard Buder, "City's Schools Open A Major Campaign To Spur Integration," *New York Times*, July 24, 1956.

difficult schools were segregated, every one of the 77 segregated schools (meaning more than 85% black or Puerto Rican)¹⁵ in New York City was labeled difficult.

The plan was initially heralded as evidence of New York City's exceptionalism. Former Board of Education member Arthur Levitt described the plan as "set[ting] a pattern for desegregating schools that will serve as a model for the whole nation."¹⁶ An article in *The Washington Post* celebrated that "nowhere has racial bias been more thoroughly attacked" than in New York City. "Integration," the article maintained, may be "a dirty word in the South," but "in New York City the dirty words are "discrimination" and 'segregation.'"¹⁷ In a speech before the Urban League, Board president Charles Silver called "the interracial classroom... a sacred hallmark of democracy!"¹⁸ He also described the spring of 1957 as "a time of beginning."¹⁹

“Ill-Advised and Unnecessary”

Despite this initial optimism, both the re-zoning recommendation and the teacher assignment plans were immediately met with vociferous criticism. Opposition to the Commission's re-zoning recommendations was expressed most vocally by lower and lower-middle class white homeowners, especially those living in areas of Brooklyn and Queens "with expanding black populations or adjacent to non-white neighborhoods."²⁰ They argued re-zoning efforts violated the concept of the "neighborhood school" which served children and families in "an area contiguous to the school building." They viewed their status as homeowners who paid property taxes as akin to an investment in their local schools. Accordingly, many opponents of integration organized into "Taxpayers Associations," and emphasized their investment in property taxes. "Taxpayers Associations" were supported by real estate groups that benefited from the linkage between neighborhoods and schools (as well as from more pernicious practices such as "block-busting," "red-lining," and "residential covenants"). Spokesmen for these organizations often threatened to leave the school system for private schools, parochial schools or the suburbs.²¹

This resistance was based in ideas instantiated into housing policies that the separation of racial and ethnic groups into homogenous neighborhoods was preferable and natural for all involved. The Queens-based Committee for the Preservation of the Neighborhood Schools and Equity invoked this idea when it expressed concern that integration efforts amounted to "a plot to pit races against each other."²² Likewise, the chairman of the Joint Committee of Teachers Organizations, one of the teachers' groups opposed to re-zoning, stated at a public hearing that the Commission's recommendations will, "produce new hostilities, conflicts, resentments and separations of people" and result in "an obvious race consciousness that does not now exist."²³ An article in the *New York Times* cited "sociologists" who suggested that "suburban Queens

15. Ravitch, *Great School Wars*, 253.

16. Leonard Buder, "City's Schools Open A Major Campaign To Spur Integration," *New York Times*, July 24, 1956.

17. Robert Baker, "Integration Difficulties Embarrass New York: New York Integration 'Matter of Time,'" *The Washington Post*, August 25, 1957.

18. Charles Silver, "Address to National Scholarship Service and Fund for Negro Students" (April 30, 1957. Series 386.3, Box 6, File 3. New York City Department of Education Archives).

19. Ibid.

20. Freeman, *Working-Class New York*.

21. Ravitch, *Great School Wars*, 254.

22. Peter Kihss, "Jansen Will Face Critics in Queens," *New York Times*, March 23, 1957.

23. *Teachers Union News* (January 26, 1957. New York City Department of Education Archives).

residents may have moved from the heart of the city either consciously or partly to get away from integrated patterns in the more congested sections."²⁴

Opponents of integration expressed vague concerns about "racial tensions" and "integrated patterns," but they were also explicitly fearful of blacks or Puerto Ricans. In a letter to the Board of Education a parent put it bluntly: "we don't want our children integrated with blacks."²⁵ This opposition was based on longstanding logics of white supremacy and black inferiority. Freeman describes how white New Yorkers claimed that black and Puerto Rican integration "would lead to physical and cultural decay." Freeman describes how resistant whites pointed to neighborhoods like Brownsville, where the influx of black New Yorkers was linked to increases in crime, property damage and slum conditions as evidence of this inevitable decay. Such perceptions overlooked the impact of "city policy, urban renewal, the dynamics of a dual housing market, the greed of landlords, the consequences of poverty and discrimination and the cumulative effects of aging buildings and disinvestment."²⁶

White ethnics, in particular, justified resistance to school and neighborhood integration by pointing to their own experiences overcoming discrimination and assimilating into American society. They ascribed to what Scott dubs an "objective theory of social mobility."²⁷ They claimed that given time, new black and Puerto Rican migrants would experience social mobility and assimilation like previous immigrant groups. "Forced" integration would upend this natural process. For example, a speaker at an integration hearing in January asserted that "segregation in Negro areas did not differ in kind from the groupings of Irish, Italian, Jewish and other immigrant groups and these [groups] did not complain that they were segregated."²⁸ Accordingly, anti-integration neighborhood and taxpayer groups criticized integration plans as "forced" and "unnatural." The newly formed Federation of Civic Councils of the Borough of Queens stated they were for "'natural' but against 'forced' integration."²⁹ The Queens Chamber of Commerce President called the Commission's plan "ill-advised and unnecessary"³⁰ and noted that, "Queens' schools have had neighborly, unforced integration for many years."³¹

Finally, opposition to the integration recommendations led whites to challenge the Board of Education's competency and management. The president of the Queens Chamber of Commerce described the integration recommendations as "a program of questionable merit."³² Parents' groups accused the Board of Education of orchestrating an inept social engineering effort at the expense of their children's education. These fears were stoked by rumors about busing plans that would send children from Queens into the Bronx across the Whitestone Bridge³³ or from Staten Island to Harlem.³⁴ An erroneous map of the city's busing plan,

24. Peter Kihss, "Jansen Will Face Critics in Queens," *New York Times*, March 23, 1957.

25. Adina Back, "Exposing the 'Whole Segregation Myth': The Harlem Nine and New York City's School Desegregation Battles," *Freedom North: Black Freedom Struggles outside the South 1980 (1940)*: 72.

26. Freeman, *Working Class New York*, 1988, 134.

27. David M. Scott, *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (The University of North Carolina Press, 1997).

28. *Teachers Union News* (January, 26, 1957. New York City Department of Education Archives).

29. Peter Kihss, "Jansen Will Face Critics in Queens," *New York Times*, March 23, 1957.

30. "Integration Splits Chamber in Queens," *New York Times*, May 23, 1957.

31. "Segregation, Queens Style: C. of C. Not Against Us, They Say, Just Integration," *New York Amsterdam News, City Edition*, April 13, 1957.

32. *Ibid.*

33. Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Boston: Harvard University Press, 2009).

published in a local press, showed buses crisscrossing all over the city to force integration.³⁵ One of the city's black newspapers suggested that criticizing school officials allowed integration foes to attack the integration plan while avoiding accusations of racism. In an article entitled "Segregation Queens Style," *The Amsterdam News* dismissed the Queens Chamber of Commerce protestations that they were "not against us...just integration."³⁶

A number of historians have explored the complicated roots and functions of white resistance to school integration in New York and other Northern cities. In her history of the New York City Schools, Ravitch describes white resistance to integration as "an expression of 'middle-class status anxiety'."³⁷ Freeman echoes this finding and situates this resistance within post-war economic instability brought about by de-industrialization and the exodus of manufacturing jobs. He suggests this context made the status of lower and middle class families fragile and tenuous. Thus, their attachment not only to their property values but also to the credentials provided to their children by public schools was especially strong. Perlstein and Back underscore how McCarthyism and the Cold War made class-based movements and affiliations suspect, while ethnic and neighborhood ties were strengthened. Working class whites were thus more likely to align with their middle-class neighbors based on ethnicity than with working class blacks through labor unions.³⁸ These factors led previously "liberal working and middle class whites" to conceptualize black advance as a threat to "their own foothold on prosperity."³⁹ Finally, a number of historians have illuminated the complex network of city, state and federal policies that actively enabled, endorsed and incentivized residential and school segregation.⁴⁰

Whatever the sources of their resistance, opponents of school desegregation efforts acted strategically to mobilize resistance. They attacked the Commission's recommendations at public hearings and community gatherings.⁴¹ In mobilizing support and articulating their resistance opponents framed integration as an unnecessary threat to their children's safety brought about by misguided, meddling and inept school officials.

"A Condition Which the School Cannot Deal With Directly"

By the fall of 1957, the protests by foes of integration and teacher rotation were having an effect. Faith in the Board's initial "determination to eradicate all racially segregated schools" was beginning to fade. Earlier that summer the Board of Education had released the long awaited

34. Gerald Markowitz, and David Rosner, *Children, Race, and Power: Kenneth and Mamie Clark's Northside Center* (New York: Routledge, 2000).

35. Robert Baker, "Integration Difficulties Embarrass New York: New York Integration 'Matter of Time,'" August 25, 1957.

36. "Segregation, Queens Style: C. of C. Not Against Us, They Say, Just Integration," *New York Amsterdam News*, City Edition, April 13, 1957.

37. Ravitch, *Great School Wars*, 259.

38. Daniel Hiram Perlstein, *Justice, Justice: School Politics and the Eclipse of Liberalism* (USA: Peter Lang, 2004); Adina Back, "Exposing the 'Whole Segregation Myth': The Harlem Nine and New York City's School Desegregation Battles," *Freedom North: Black Freedom Struggles outside the South 1980 (1940)*: 72.

39. *Ibid.*, 8.

40. Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York; Oxford: Oxford University Press, 1987); Douglas S. Massey, *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press, 1993); Ansley T. Erickson, "Building Inequality the Spatial Organization of Schooling in Nashville, Tennessee, after Brown," *Journal of Urban History* 38, no. 2 (2012): 247-270.

41. "School Integration Assailed in Queens," *New York Times*, March 8, 1957; "Jansen Will Face Critics in Queens," *New York Times*, March 23, 1957; "Integration Splits Chamber in Queens," *New York Times*, May 23, 1957.

for response to the Commission's recommendations. The Board of Education's integration proposal, entitled "Report on Integration," made limited changes to both zoning and teacher assignment practices.⁴² Though it rhetorically claimed to be a "Report on Integration," the Board's report actually acquiesced to the resistance of white parents and teachers' groups. In announcing the report, Superintendent William Jansen reassured parents in Queens that he had "no intention of bussing children simply because of their color."⁴³ Jansen expressed support for the concept of the "neighborhood school" and maintained that the "homogenous character of some school neighborhoods is an effect of segregated residential patterns, a condition which the school cannot deal with directly."⁴⁴ Despite its initial statements of support, many Board of Education officials were concerned about exacerbating "white flight" and alienating white parents. In her analysis of desegregation efforts in Brooklyn, historian Adina Back argues that the Board of Education's actions reflected its "deep seated ambivalence about school integration."⁴⁵

Following publication of the Board of Education's report, integration supporters argued the Board had acted in bad faith by providing a "watered down version" that was essentially a "white wash."⁴⁶ After months of the Board's postponements and "reservations," Kenneth Clark, a member of the Commission, accused Superintendent Jansen of "deliberately confusing, delaying, distorting, and sidetracking the reports of our Commission."⁴⁷ Urban League Executive Director Edward Lewis accused Jansen of "literally scuttling integration." Lewis continued:

...say what he might, he thinks Negroes are inferior. Mr. Jansen will tell you that he is quite liberal and in favor of integration but I'm actually saying that on the record he is not taking steps to actually implement this program. He finds all kinds of excuses, saying how difficult it is. He is not doing his job.⁴⁸

On September 19, 1957, civil rights groups organized a march of black and Puerto Rican parents outside City Hall to protest the city's failure to act on the issue of integration. The parents identified themselves as "Parents in Action against Educational Discrimination" and called upon the city to address the "substandard conditions existing in schools attended by our children."⁴⁹ They demanded that Superintendent Jansen retire, claiming that "he does not have the vision to do the job."⁵⁰ In a meeting with Mayor Wagner, representatives of the group requested "an equal

42. Robert Baker, "Integration Difficulties Embarrass New York: New York Integration 'Matter of Time,'" August 25, 1957.

43. Peter Kihss, "Jansen Will Face Critics in Queens," *New York Times*, March 23, 1957.

44. Benjamin Fine, "Jansen Program for Integration Leads to Dispute; Neighborhoods Are Stressed in School Zone Program Urged by Superintendent," *The New York Times*, July 27, 1957.

45. Back, 43.

46. Robert Baker, "Integration Difficulties Embarrass New York: New York Integration 'Matter of Time,'" August 25, 1957.

47. Gerald Markowitz, and David Rosner, *Children, Race, and Power: Kenneth and Mamie Clark's Northside Center* (New York: Routledge, 2000).

48. Sara Slack, "Back to School to be Cheated!" *New York Amsterdam News, City Edition*, August 31, 1957.

49. Ibid.

50. "N.Y. Parents ask School Head to Retire: Action taken in Integration Row," *The Chicago Defender*, September 28, 1957.

share of experienced teachers, no part-time sessions and smaller classes, a standard curriculum for every grade [and] more remedial teachers."⁵¹

This was the context in the fall of 1957 when Maurice Kessler entered the classroom in East New York. Indeed, the September 20th article describing the incident, "Boy Hurls Lye in Class,"⁵² appeared side-by-side on the front page of *The New York Times* with "Parents Picket City Hall over Delay in Integration."⁵³ In the fall of 1957, two issues dominated the city's attention: juvenile delinquency and school desegregation. In debates about school discipline policy the two issues became increasingly intertwined. This inter-relationship is especially evident in the discourse and actions of the grand jury investigation established by Judge Leibowitz in November of 1957.

"This Horrible, Miserable, Mess"

In New York City the very establishment of a grand jury investigation implied wrongdoing on the part of public officials. Grand juries served two functions in New York State. Predominantly they heard evidence from a prosecutor regarding specific crimes and decided whether or not there was sufficient cause for an indictment. Occasionally, a grand jury could be formed at a judge's request to investigate issues of public concern including graft, corruption, organized crime or the misdeeds of specific public officials. The idea was that as public officials, prosecutors could become embroiled in corruption themselves and thus might not pursue necessary investigations into more organized or politically connected crimes. The grand jury was intended as a protection and safeguard. Throughout the first half of the twentieth century grand jury investigations in New York City inquired into a range of issues including the conduct of prison officials, graft in the purchase of coal for city departments and crime and delinquency in the Bedford-Stuyvesant neighborhood of Brooklyn. Given their mandate to investigate public officials, grand jury investigations also served as powerful political tools for criticizing the policies of the current administration. Grand jury investigations were given broad powers to issue subpoenas and indictments and publish "presentments"-- official reports – on issues of public concern.

In convening the grand jury into "crime and lawlessness" in the City's schools, Leibowitz implied that school officials, in particular educational administrators, might be guilty of criminal acts. The grand jury investigation was not intended to be a broad ranging exploration of the problems of juvenile delinquency. Rather the *raison d'etre* for the grand jury was to investigate, and possibly indict, school officials, including the superintendent and the Board of Education. Indeed, a month into its service, Leibowitz challenged the grand jury to investigate whether school officials could be indicted "for the misdemeanor offense of endangering the life of a minor"⁵⁴ because of their negligence and indifference.

51. Edward Hausner, "Parents Picket City Hall over Delay in Integration," *New York Times*, September 20, 1957.

52. Emma Harrison, "Boy Hurls Lye in Classroom; 20 Hurt, One may be Blinded," *New York Times*, September 20, 1957.

53. Edward Hausner, "Parents Picket City Hall over Delay in Integration," *New York Times*, September 20, 1957.

54. "Leibowitz Scores School Officials: Informs Jury they may Indict," *The New York Times*, December 7, 1957.

The grand jury that investigated "crime and lawlessness" in Brooklyn schools was all white, headed by a real estate agent and, as the *New York Times* noted, "composed mainly of business men and merchants."⁵⁵ A. George Golden, chairman of the Property Owners of Greater New York and member of the Real Estate Square Club, was appointed the jury's foreman. During his service as foreman Golden ran for governor of New York on the United Taxpayers Party ticket. In addition to opposing integration, the United Taxpayers Party's platform included calls for an end to liberal policies such as the construction of low-income housing and rent control. At a meeting of the Property Owners of Greater New York attended by Golden one of Golden's running mates, Vito Battista, openly celebrated the public platform provided by the grand jury investigation. He told supporters, "they didn't believe us in the campaign but now they hear it from the grand jury!"⁵⁶ Thus, both Leibowitz and the grand jury were previously affiliated with real estate, community and political groups opposed to integration efforts.⁵⁷

Throughout the 40's and 50's outcry and panic over the so-called "epidemic" of juvenile delinquency had generated attention in politics and the press. In 1954, the *New York Times* published 50 articles about the supposed epidemic of juvenile delinquency.⁵⁸ In 1955, almost 200 bills concerning juvenile delinquency were pending in Congress.⁵⁹ That same year Senator Estes Kefauver led televised hearings for the Senate Sub-Committee on Juvenile Delinquency. In New York City concern over juvenile delinquency generated reports,⁶⁰ special programs,⁶¹ conferences and dozens of news articles. This pre-Kessler coverage focused primarily on the influence of mass media, comic books, absent social welfare services and broken homes. For example, officials attributed the murder of teacher Irving Goodman by two students in 1942 to wartime delinquency and "the charged spirit of the times."⁶² Following the "gang invasion" at Evander Child's the board of education president blamed "the problem of commercialized violence."⁶³

By contrast, the grand jury investigation placed blame squarely on the school system for its inability to contain unruly youth and protect "innocent" students. Leibowitz called district

55. "School Joins City in Drafting Plan to Halt Violence," *New York Times*, February 4, 1958.

56. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

57. Leibowitz's history represents the unique nature of Northern race-blindness. Prior to taking the bench, Leibowitz's reputation as an effective litigator unassociated with causes of racial justice led to his selection as the attorney for the "Scottsboro Boys," nine black youth falsely convicted of raping two women in a freight car in Alabama. In 1935 Leibowitz pleaded their case before the United States Supreme Court, arguing that the guilty ruling was illegitimate based on the all-white make-up of the jury. The Supreme Court agreed and overturned their convictions. All 9 defendants were re-convicted after a new trial but the rape charges against 5 defendants were eventually overturned. Leibowitz's representation of the Scottsboro Boys should not be seen as a reflection of racial liberalism. Rather, Leibowitz was recruited to take the case precisely because of his conservative reputation. The fact that he was not associated with the Civil Rights movement or the political left was seen as an asset.

58. James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Oxford University Press, 1988).

59. *Ibid.*

60. "Assistant Superintendents Report on Juvenile Delinquency" (1951, Series 354. New York City Department of Education Archives).

61. *Harlem Project: The Role of the School in Preventing Maladjustment and Delinquency* (1947-1949, Series 240, New York City Department of Education Archives).

62. "'Show-Off' Killers Whimper in Court," *New York Times*, October 4, 1942.

63. "Pupil Aid Asked On Delinquency: Silver, Over Schools' Radio, Calls for Students' Advice on Combating Problem," *New York Times*, March 31, 1955.

level officials "utterly incapable,"⁶⁴ and blamed them for "this horrible, miserable mess that is now called our public school system."⁶⁵ Golden accused the President of the Board of Education of spouting "lies made to befuddle the public"⁶⁶ and "mislead[ing] the public with catchphrases."⁶⁷ Leibowitz dismissed Jansen's expertise, claiming "I don't know how much [the Mayor] can learn from him."⁶⁸ He warned the members of the Board of Education that they were "not a law unto itself" and accused them of thinking they were "so powerful with their connections and clques."⁶⁹ The grand jury's criticism of the school system and characterization of schools officials as out of touch, inept and untrustworthy elites echoed and affirmed critiques made in opposition to integration. The thought was: How could school officials be trusted to undertake complex re-zoning efforts if they were "unable to...furnish the necessary safeguards"⁷⁰ for the "1,000,000 kids under their guardianship?"⁷¹ Both movements questioned the competence of school officials. Punitive logics, because they implied that "tough" responses led by assertive authority figures were needed to deter disorderly behavior, enabled the grand jury to link school disorder to critiques of school officials.

For the grand jury, the key evidence that the "school system [was] deteriorating" was to be found not in low graduation rates, crumbling school facilities or unqualified teachers. Rather, the grand jury investigation depicted the principal problem with the city's schools as "violence and depravity which have become so commonplace in recent years."⁷² This language echoed that of opponents of integration who emphasized fears of crime and disorder in framing their opposition to re-zoning plans. For example, one Associate Superintendent of Schools, a foe of busing, suggested that "mass busing of children would do violence to the concept of the neighborhood schools, and should with good reason be opposed by the community."⁷³ The "violence" that integration opponents argued would be done to "neighborhood schools" was more than metaphorical. White parents argued that the presence of black students would lower educational standards, "contaminate"⁷⁴ their children with deviant behavior and terrorize their purportedly peaceful insular neighborhoods. They argued that integration would "involve dangerous bus transport."⁷⁵ It would bring disorderly and dangerous students to mostly white schools or force law-abiding white students to attend dangerous schools in black communities.

64. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

65. "Three Statements about Violence in the City's Schools," *The New York Times*, January 31, 1958.

66. Emanuel Perlmutter, "Principal's Death Is Laid to Threat by a Grand Juror," *The New York Times*, January 30, 1958.

67. George Golden, "Grand Jury Presentment," *December 7, 1957* (Section 354 File 15. New York City Department of Education Archives).

68. Edith Evans Asbury, "Education Board Denounces Jury on School Crime," *The New York Times*, January 31, 1958.

69. "Leibowitz Scores School Officials: Informs Jury they may Indict," *The New York Times*, December 7, 1957.

70. George Golden, "Grand Jury Presentment," *December 7, 1957* (Section 354 File 15. New York City Department of Education Archives).

71. "School Jury Told to call Officials," *The New York Times*, December 5, 1957.

72. George Golden, "Grand Jury Presentment," *December 7, 1957* (Section 354 File 15. New York City Department of Education Archives).

73. Gene Currivan, "New City Schools Spur Integration," *New York Times*. December 4, 1957.

74. Joshua B. Freeman, *Working-Class New York: Life and Labor since World War II* (New York: New Press, 2000).

75. "Integration Splits Chamber in Queens," *New York Times*, May 23, 1957.

A number of sensational and gruesome murders and gang incidents during the 1950's, supposedly related to "racial tensions," played into these fears.⁷⁶ In a letter to the Board of Education, one parent wrote, "Clean up the Jungle Homes and you won't have the Blackboard Jungle Children; sending them to other schools won't change their stripes."⁷⁷

Leibowitz and the grand jury affirmed these perceptions by describing schools as "hotbeds of crime, violence and depravity" occupied by "wild animals,"⁷⁸ "psychopaths" and "hoodlums, rapists, thieves, extortionists, arsonists and vandals."⁷⁹ In calling for police officers to be stationed in school, the grand jury claimed "we are faced almost every day with examples of criminal occurrences in our public schools."⁸⁰ As such, the grand jury emphasized that there was something different in scale and kind about the current nature of school disorder. For example, in their presentment regarding the incidents at PS 210 the grand jury was careful to clarify that "these are not instances of childish misbehavior but acts of criminal violence in the basest degrees."⁸¹ Depicting school disorder as caused by "hoodlums," "wild animals" and "extortionists" engaging in "criminal violence in the basest degree," attached disorder to students and not settings. Accordingly, crime and violence would follow black students re-zoned to attend white schools.

The grand jury emphasized that these criminals would put innocent children at risk. "We love our children," one presentment concluded, "and want them protected." Golden told the *World Telegram and Sun*, "if I had little children going to school today, a girl of 13 or so, for example, I would absolutely take them out of the public school system."⁸² In choosing a "girl of 13 or so" as his hypothetical child Golden gestured towards a common trope in white supremacy—that of black masculinity posing a threat to "innocent" white women. Golden went on to suggest that schools were so unsafe that parents should consider boycotting them.

Drawing on punitive logics, the grand jury investigation characterized school officials as incompetent, school buildings as dangerous and school children as criminals. This framing of the problem of "school disorder" reinforced and reflected concerns about school safety and juvenile crime voiced by foes of integration. The grand jury explicitly drew upon issues of school crime and school integration by targeting "difficult schools" involved in desegregation struggles in their presentments. For example, after being rebuffed repeatedly by school officials regarding their recommendation for placing police in all schools, the grand jury shifted tactics and began calling for police to be placed only in the "troublesome, more difficult schools"⁸³. "As an example, the grand jury cited testimony from the principal of JHS 258 regarding the positive impact of

76. Jack Roth, "4 Youths Convicted In Boy's Murder; 3 Others Cleared," *New York Times*, April 16, 1958; Jack Roth, "Gang Chief Denies Plan for Murder," *New York Times*, February 26, 1958; "Boy, 16, is Killed in Gang Ambush at Bronx School," *New York Times*, September 22, 1959.

77. Adina Back, "Exposing the 'Whole Segregation Myth': The Harlem Nine and New York City's School Desegregation Battles," *Freedom North: Black Freedom Struggles outside the South 1980 (1940)*: 72.

78. "School Jury Told to Call Officials," *The New York Times*, December 5, 1957.

79. Emanuel Perlmutter, "Head of School Beset by Crime Leaps to Death," *New York Times*, January 29, 1958.

80. George Golden, "Grand Jury Presentment," December 7, 1957 (Section 354 File 15. New York City Department of Education Archives).

81. Ibid.

82. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

83. George Golden, "Grand Jury Presentment," December 7, 1957 (Section 354 File 15. New York City Department of Education Archives).

having a police officer stationed in her school. The grand jury described JHS 258 as located in a "high delinquency" area. To anyone familiar with integration struggles in New York City, JHS 258 was not just any school. Located on the border between Crown Heights and Bedford Stuyvesant, JHS 258 was the site of the first major campaign for school desegregation in New York City.

The school at the center of the grand jury's January presentment, PS 210, was located on the border between Crown Heights and East New York. Like JHS 258, PS 210 was also involved in integration efforts. *The New York Times* described PS 210 as located in the "transitional" neighborhood of Crown Heights where an "unmistakable downtrend" had led to "once fashionable homes [being] converted into multiple dwellings to house an influx of low-income residents."⁸⁴ The grand jury singled out PS 210 as an example of school disorder and lawlessness and concluded that "the demand for police in difficult schools must be met."⁸⁵

By utilizing "frame bridging", the grand jury was able to link debates about discipline policy with debates about school integration policy. Highlighting disorder in schools associated with desegregation efforts or in "transitional neighborhoods" reinforced and legitimized opposition to integration based in concerns about school safety. At the same time, drawing on punitive logics the grand jury was able to frame the problem of school disorder as disconnected from race and instead tied to individual students and misguided policy responses.

"Fostering Hysteria, Fear and Suspicion"

Integration supporters asserted that it was not a coincidence that the grand jury had chosen to focus on PS 210 in Crown Heights. In a statement calling for the New York City Bar Association to investigate the grand jury, the Citizens Committee for Children described PS 210 as "a school in a difficult area with a changing population and a tough integration problem."⁸⁶ Following the suicide of the school's principal, George Goldfarb, the CCC suggested that the grand jury had targeted PS 210 precisely because of the school's involvement in integration efforts. The CCC described PS 210 as a school that, despite its challenges, parents, teachers and children spoke about "with pride."⁸⁷ The CCC highlighted that the PTA at PS 210 was led by a white president and a black vice president working together "on a program to strengthen the school." The CCC accused the grand jury of "destroying the work of many years" by branding the school "crime-ridden" and convincing the "community of a crime wave in schools." In fact, the CCC argued, according to the Deputy Police Commissioner "youth crime has leveled off" and "most crimes are committed during the summer months while school is out."⁸⁸ Accordingly, the CCC accused the grand jury of "fostering hysteria, fear and suspicion" by highlighting "each incident of delinquency during December...as an example of lawlessness" in the city's schools.⁸⁹

84. Leonard Buder, "Junior High Beset by Crime," *The New York Times*, January 29, 1958.

85. George Golden, "Grand Jury Presentment," *December 7, 1957* (Section 354 File 15. New York City Department of Education Archives).

86. Citizens Committee for Children, *To the Head of Municipal Affairs of the New York City Bar Association, Citing World Telegram and Sun Article November, 7, 1957* (February 7, 1958. Series 354, Box 19, Folder, 15. New York City Department of Education Archives).

87. *Ibid.*

88. *Ibid.*

89. *Ibid.*

Milton Galamison, a leader of the school integration movement in New York City, articulated a similar critique. He described PS 210 as "a very good school" and told *The Amsterdam News*:

There hasn't been more violence...but rather...when violence occurs in any school attended by Negroes the tendency is to exaggerate them in the press. When it occurs in white schools or white neighborhoods they are treated differently.⁹⁰

Galamison accused the grand jury and the local press of "maligning the community"⁹¹ through "vicious attacks" and "publicity [that] has injured the Negro people and attempts to further integration in education and housing."⁹² He called for activism to "counteract racist propaganda in the press in relation to the alleged violence in the schools" and urged parents to "form a vanguard to push school and housing integration."⁹³ Integration supporters worried that the grand jury's depiction of "difficult schools" as dangerous would bolster resistance to re-zoning efforts--especially those focused on schools bordering black neighborhoods. A group of ministers in Bedford-Stuyvesant accused the grand jury of using "innuendo" to "place a racial connotation on recent unfortunate events in our borough."⁹⁴ Likewise, the NAACP released a statement questioning:

...the manner in which the grand jury investigating the public schools of Brooklyn has exploited the natural concern of the people of this city for the welfare of their children. What purported to be an investigation of the schools has turned out to be an attack upon the city's entire educational system with thinly veiled overtones of racial prejudice.⁹⁵

"Federal Troops to Brooklyn"

Civil rights activists were not the only actors to suggest a link between integration efforts and the supposed "crime wave" in Brooklyn schools. Following Goldfarb's suicide, Southern politicians and newspapers opposed to de-segregation offered an alternative interpretation. They seized on the events in New York City as evidence of New Yorkers' hypocrisy and naiveté regarding integration. This introduced another contextual factor into debates about discipline policy and school disorder. Suddenly, New York City's school system was the subject of national scrutiny. Arkansas Governor Orval Faubus claimed that the violence at PS 210 suggested that "the people are not being told one-tenth of the truth about the racial problems going on outside the south."⁹⁶ Given the outrage expressed by Northerners over the desegregation of Little Rock High School in September of 1957, Faubus saw the "Brooklyn school violence" as indicative of

90. Malcolm Nash, "Stuyford Leaders Blast Papers, Jury Foreman, For 'Vicious' Stories," *New York Amsterdam News, City Edition*, February 8, 1958.

91. Ibid.

92. Ibid.

93. Ibid.

94. "Schools Join City in Drafting Plan to Halt Violence," *New York Times*, February 4, 1958.

95. "Schools to Halt Ousters on April 1," *The New York Times*, February 14, 1958.

96. "Faubus Scores School Violence," *New York Times*, February 1, 1958.

Northern hypocrisy. He remarked, "I would hate to think what the metropolitan press would have done to us if the Brooklyn school violence had happened in Little Rock."⁹⁷

Following Faubus' statement debates about the cause of school violence in Brooklyn made their way onto the Senate floor. Georgia Senator Herman Talmadge offered New York Senator Jacob Javits all Georgians' "deep sympathy" for the citizens of Brooklyn in the "difficulties they are experiencing in maintaining the integrity and independence of their public schools."⁹⁸ *The Atlanta Constitution* described southern Senators like Talmadge as "needling northern liberal Senators who are always quick to point their finger at race relations in the South."⁹⁹ Senator Talmadge linked the school crime to interventionist government action. "Left alone to manage their own school affairs," he stated, "I am confident that Georgians and Virginians will see that there will be no rapes, riots, assaults or suicides to mar the good name and tranquility which our schools now enjoy."¹⁰⁰ Talmadge suggested:

...the President of the United States send Federal troops to Brooklyn to preserve order in the public schools there in the same manner that he did to force a new social order upon the public schools of Little Rock, Arkansas.¹⁰¹

"Less than One Percent"

In the midst of ongoing criticism from civil rights activists, the grand jury and southern politicians, city officials issued a series of statements and policy proposals designed to reassure the public. On January 31, Mayor Wagner stepped into the fray and held a news conference. Wagner told reporters that the "City was as safe to live in as any city in the United States, that its schools were run by dedicated men and women and that 97 percent of its children were 'good youngsters.'"¹⁰² Wagner announced that Deputy Mayor Theobald (soon to be School Superintendent) would be working with Jansen to analyze the problem of school disorder and propose next steps. Theobald shared preliminary analysis with reporters that showed "the problem is mainly concentrated in a few schools" and the "overwhelming number of the city's schools have no such troubles."¹⁰³

Elsewhere in the pages of *The New York Times* evidence emerged that the pressure from the press and the grand jury was having an impact. In a separate article the *Times* reported on the assignment of police to 41 schools considered "difficult" (including PS 210 and JHS 258).¹⁰⁴ Reversing its earlier policy, these assignments were apparently made without prior requests or approval from school principals. Indeed, the principal of Westinghouse High School protested against his school's inclusion, telling the *New York Times* he considered the assignment

97. Walker Anders, "Blackboard Jungle": Delinquency, Desegregation, and the Cultural Politics of 'Brown.'" *Columbia Law Review*, 110, No.7 (2010): 1935.

98. "Talmadge Pledges no NY in Dixie," *The Atlanta Constitution*, March 1, 1958. Javits dismissed Talmadge's sympathy as "crocodile tears."

99. Talmadge Pledges no NY in Dixie," *The Atlanta Constitution*, March 1, 1958.

100. Ibid.

101. Ibid.

102. Edith Evans Asbury, "Education Board Denounces Jury on School Crime," *The New York Times*, January 31, 1958.

103. Ibid.

104. "Police to Patrol 41 Schools Here," *The New York Times*, January 31, 1958.

"undesirable" and worried that "the designation of our school as one which requires constant police surveillance" would lower student morale.¹⁰⁵

Three days later, following a late night meeting, the Board released a set of policy recommendations designed to "cut crime" in the city's schools. The policy statement began with criticism of "publicity given to recent incidents within and near our schools [that] has made it appear our children are lawless and irresponsible." "The fact is," the statement reiterated, "the number of children who create problems is less than one percent of our total school population." The policy statement called for increased funds from the state to double the number of "600" schools for the maladjusted, expand custodial facilities and hire personnel for the Bureau of Attendance and the Bureau of Child Guidance. "Pending the availability of these facilities" the statement assured teachers that the Board of Education "will give immediate consideration to the problem of what to do with offenders who are currently in schools and, if necessary recommend changes in existing laws."¹⁰⁶ The Board's actions reflected not only the effects of the grand jury investigation on policy (in this case, stationing police in difficult schools) but also its language. The Board referred to students as "offenders" and framed their proposal as designed to "cut crime." This suggests that the grand jury's framing of school disorder was having an influence on the rhetoric of school officials.

The grand jury issued a presentment in response expressing "great interest" in the Board's proposals but warning that teachers and principals needed more than "mere promises of support." Further, the grand jury dismissed the Board's assurance that the number of children creating problems was less than one percent as "not too comforting a thought." "This would mean," the grand jury highlighted, "that there are nearly 10,000 seriously aggressive and disruptive children in our public schools today who constitute a menace to the well-being of the remaining 99 percent."¹⁰⁷

"Crackdown" on "School Crime"

Under continuing pressure, on February 6, 1958 the Board of Education followed through on its promise. The Board of Education released the aforementioned policy resolution calling for the immediate suspension of "any pupil who shall be charged with a violation of a law involving violence or insubordination." The resolution challenged the state's existing compulsory schooling laws by suggesting that, "under existing conditions, no instruction can be provided for such pupils."¹⁰⁸ The next day, in an announcement to principals, Superintendent Jansen expanded upon this power and called on principals to suspend students awaiting court action, convicted in court, returning from institutions, on probation or "with a record of serious misbehavior who continue misbehaving." That same day, the Board of Education also released a statement expressing "concern over the extent to which recent happenings might have shaken public confidence in the school systems." In order to "make sure the general impression of our schools is an accurate and fair one" the Board announced plans to hire a public relations counselor.

105. Edith Evans Asbury, "Clash on Schools Head for Parlay," *The New York Times*, February, 2, 1958.

106. Leonard Buder, "Action to Cut School Crime in City Is Outlined by State," *The New York Times*, February 26, 1958.

107. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

108. Ibid.

The reaction of the New York City schools was swift and unflinching. The very next day, the *New York Times* reported the suspension of at least 644 students.¹⁰⁹ This figure included 544 from vocational high schools, junior high schools and elementary schools. The academic high schools reported an additional 100 suspended but only a third of academic high schools actually shared their figures, so this number was likely understated. The Board of Education originally claimed that the academic high schools were delayed in reporting totals because of late afternoon sessions, but the total numbers from academic high schools were actually never released. Over the next few months, the suspension total rose from 726¹¹⁰ in late February to 849¹¹¹ at the end of March. By the end of the school year education officials reported more than 1300 students suspended under the new policy.¹¹² With only 219 suspensions reported in the first half of the 1957-1958 school year, the total suspensions in the second half of school year represented more than a 600% increase in student suspensions.

In announcing the policy the Board asserted its "duty to protect the innocent from the violent."¹¹³ Jansen told reporters that the policy "brings forcibly to the attention of the public the fact that we have some children in our schools that should not be there."¹¹⁴ Specifically, the Board claimed it is "the duty of other public agencies to provide for custody of pupils having violent tendencies."¹¹⁵ Indeed, although the suspension policy extended to "insubordination" and "continuing misbehavior," in defending the policy the board emphasized its application to acts of crime and violence. Accordingly, it drew upon punitive logics and characterized suspended students as guilty offenders rather than vulnerable children. Descriptions of the policy in the press echoed this framing by describing the policy as a "crime drive" directed at "pupils accused of breaking [the] law."¹¹⁶ The *New York Times*, likewise, deployed punitive logics in describing the policy as a "get-tough,"¹¹⁷ "crackdown"¹¹⁸ that "put some teeth into" previous policies that were "pampering delinquents"¹¹⁹. In a letter to the *New York Times*, a teacher working in a "difficult school" in Harlem described the Board's "new policy aimed at ridding the system of disruptive influences,"¹²⁰ as a "Spartan casting out process."¹²¹

109. Edith Evans Asbury, "644 Suspension Open Crime Drive by City's Schools," *The New York Times*, February 8, 1958.

110. Leonard Buder, "726 Pupils Ousted Jansen Discloses," *New York Times*, February 27, 1958.

111. Leonard Buder, "Jansen Extends Suspension Plan," *The New York Times*, March 29, 1958.

112. John Theobald, "Report on Suspended Pupils," (January 13, 1959. Series 281, Box 34, File 618. United Federation of Teachers' Archives).

113. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

114. Edith Evans Asbury, "644 Suspension Open Crime Drive by City's Schools," *The New York Times*, February 8, 1958.

115. Edith Evans Asbury, "Schools to Expel Pupils Accused of Breaking Law," *The New York Times*, February 7, 1958.

116. Ibid.

117. Gene Currivan, "Education in Review: City and State Enter Upon New Program to Care for Unruly Youth in the Schools," *New York Times*, February 16, 1958.

118. Leonard Buder, "'Village' Residents Oppose Plan for School for Suspended Pupils," *New York Times*, February, 28, 1958.

119. "Violence in the Schools," *New York Times*, March 18, 1969.

120. Leonard Buder, "Four Schools for Suspended Pupils to be Opened within Ten Days," February 19, 1958.

121. Thomas Seligman, "Dealing with Incurables; School Expulsion Order said to By-Pass Fundamental Problem," *The New York Times*, February 12, 1958.

“Abject Surrender”

The immediate response following the suspension policy change from groups in support of integration was overwhelmingly critical. The Teachers Union, Civil Liberties Union, CCC and PEA (Public Education Association) all issued statements questioning the policy's legality and lack of due process. The CCC accused the Board of Education of undermining "the basic premises of education "by abandoning children "who have been subject to long neglect," "dumping them on the streets," and "making them idle," "prey to gang recruitment" and "fellow-outlaws."¹²² The CCC allowed that "there are a substantial number of children in our schools who are so troubled that they ought not to be there," but the "answer to the problem is not the one offered by the Board of Education."¹²³ The United Parents Association (UPA) concurred, stating that "sending idle delinquents into the streets cannot be considered an answer."¹²⁴ The PEA suggested that the policy was "almost certainly illegal," and the Civil Liberties Union (CLU) described the policy as "excessively harsh."¹²⁵ The Teachers Union sent a telegram to the Mayor deploring Jansen's "ostrich attitude" and describing school authorities as "supine" to "a sensation-seeking grand jury."¹²⁶

These groups based their objections on slightly different grounds. In the next chapter, I will explore how teachers associations drew primarily on rehabilitative logics in framing their objections. They did not necessarily object to the removal of students but rather took issue with the Board's inability to provide resources for their treatment and rehabilitation. Civil rights and pro-integration, on the other hand, saw the policy as a direct threat to black students and integration efforts.

Amidst the Board of Education's ongoing resistance not only to re-zoning, but also to providing any additional services for the segregated schools, black community groups found the policy especially galling. An Emergency Citizens Committee of Harlem Residents called the suspension policy an "arbitrary edict" that "maligns ethnic minorities."¹²⁷ Representative Adam Clayton Powell Jr., called the suspensions a "form of Nazism"¹²⁸ and stated in an address that the "current outbreak of crime and violence in the New York City public schools" was the result of "the stupidity and indifference" of Mayor Wagner, Dr. Jansen and Board President Silver.¹²⁹ Galamison described the suspension as "another instance in which an accusing finger was pointed at Negro students and Negro communities."¹³⁰

122. Alice Keliher, *Statement Issued by the Education Section, Citizens Committee for Children* (February 10, 1958, Section 354, Box 3, Folder 15, New York City Department of Education Archives).

123. *Ibid.*

124. Edith Evans Asbury, "644 Suspensions Open Crime Drive in New York City," *The New York Times*, February 8, 1958.

125. *Ibid.*

126. "Schools Join City in Drafting Plan to Halt Violence," *The New York Times*, February 4, 1958.

127. Edith Evans Asbury, "State Offers Aid to Resolve Crisis in City's Schools," *New York Times*, February 9, 1958.

128. Paul Bart, and Louis Kraar, "Crisis in New York: Mass Suspensions may Curb Crime in Schools but Spur it on Streets," *The Wall Street Journal*, February 11, 1958.

129. Edith Evans, Asbury, "Harriman Offers to Aid on Schools: Wagner Accepts," *New York Times*, February 10, 1958.

130. Malcolm Nash, "1,500 to Meet in Protest over School Inequality," *New York Amsterdam News, City Edition*, February 22, 1958.

Integration supporters accused the Board of Education of "abject surrender" to the grand jury investigation's efforts "to delay integration by placing the school crimes blame on non-white students and citizens."¹³¹ Councilman Earl Brown charged that:

Nothing the city has done in recent times proves its inability to deal basically with its social problems [more] than its wanton, irresponsible suspension of some 700 children from the schools with no provisions for their care and education during suspension. The city threw the kids out of their classrooms as a political, face-saving measure. Its action was about as helpful to itself and the kids as a shot of heroin to a dope addict. No cure, but a compounding of evil.¹³²

In response to these accusations, both the Board of Education and the grand jury asserted their actions were race-blind. Asked by *The Amsterdam News* if school officials had considered the role integration or racial tensions in their policy response, Wagner dismissed the premise as "too ridiculous to discuss."¹³³ "We didn't even discuss the racial issue at all," he responded, "it just didn't come up." Instead, "we regarded the entire school picture with the problem coming from the general school picture."¹³⁴ Jansen reiterated this point claiming that "we didn't look upon the problem as a racial one; instead we studied the entire school picture of delinquency and difficult children."¹³⁵

Similarly, the grand jury issued a presentment denying the relevance of race in its investigation. "Delinquency," the presentment stated, "is not a monopoly of any given race, nor is it dependent on geography."¹³⁶ This claim was undermined by the grand jury's prior recommendation that police officers be placed only in "difficult schools." These "difficult schools" were explicitly linked to geographic communities, many of which were segregated or "transitional."¹³⁷ Nonetheless, the grand jury also claimed, "the problem in our schools of disruptive children is not a result of conflict between racial groups."¹³⁸ Rather, the grand jury claimed that its efforts to "reach all corners," act with "honesty and dispatch" and conduct "impartial and democratic probing" could not have occurred "where doors and windows are shut tight and the atmosphere polluted with air that breathes race hatred."¹³⁹ The grand jury asserted their efforts to "expose the harsh facts to public view" as evidence of a commitment to racial equality. "Bigots," they argued, "can find no comfort from our findings."¹⁴⁰

These statements exemplified the tendency of many northerners to claim that in order to not be racist, law and policy should disregard race altogether.¹⁴¹ In this way of thinking, if

131. Ibid.

132. Councilman Earl Brown, "Juvenile Delinquency," *New York Amsterdam News, City*, April 5, 1958.

133. Sara Slack, "Say Race is not Cause of School Trouble," *New York Amsterdam News*, February 8, 1958.

134. Ibid.

¹³⁵ Ibid.

¹³⁶ George Golden, "Grand Jury Presentment," February 20, 1958, (Section 354 File 15. New York City Department of Education Archives).

135. Emanuel Perlmutter, "Head of School Beset by Crime Leaps to Death," *New York Times*, January 29, 1958.

138. George Golden, "Grand Jury Presentment," February 20, 1958, (Section 354 File 15. New York City Department of Education Archives).

139. Ibid.

140. Ibid.

141. Ravitch, *Great School Wars*.

policies disregarded race, they were not racist. Punitive responses, based in race blind notions of right and wrong, applied the law without bias or prejudice. "Impartial" investigations that uncovered "harsh facts" and applied policies "objectively" were race blind and thus not racist. Indeed, the Board of Education refused to name schools from which students were suspended for fear that "Southern newspapers and publications" would publicize a "racial breakdown of suspensions."¹⁴² The Board considered this "policy of silence"¹⁴³ evidence of its racial liberalism and willingness to defy the racist Southern press.

However, civil rights activists, drawing on structural logics, argued that black children were disproportionately affected by the "tough" suspension policy. The Emergency Citizens Committee of Harlem Residents maintained that, "ethnic minorities... because of their present social and economic conditions and because of enforced residential segregation are in the majority of those schools affected."¹⁴⁴ *The Amsterdam News* critiqued the Board of Education as "coy" about releasing numbers and described Bedford-Stuyvesant as a neighborhood where "many students were suspended." Councilman Earl Brown dismissed the grand jury's denials of racism. Rather he described race as "the 'sleeper' in Judge Leibowitz and his grand jury's tirades about the schools."¹⁴⁵ Brown argued that "a satellite jockey who had lived on the moon for 10 years could tell that the 'certain people' Leibowitz's grand jury foreman talks about in his press statements are Negroes."¹⁴⁶

"Substantially Nothing"

By September of 1958, just one year following Kessler's attack, New York City's disciplinary policies had transformed dramatically. At the start of the school year in 1958, Jansen's successor, Superintendent Theobold, made the principals' power to suspend pupils permanent. Theobold explained that "it's important that the principal have the authority to say to a youngster: 'young man you get out of here. We cannot have you disturb the other youngsters.'¹⁴⁷ Theobold also increased the number of schools for "unruly and maladjusted" from 6 to 9. In addition, the policy ushered in what the grand jury celebrated as "a new era of close cooperation between school officials and the police department."¹⁴⁸

By contrast, a year following the "Parents in Action against Educational Discrimination" protest held outside City Hall the day of Kessler's attack, little had changed in the struggle for school integration. In September of 1958 nine parents in Harlem staged a boycott of their local schools to protest the board's inaction on school integration. The parents, known in the black press as the "Harlem Nine," refused to send their children to their designated segregated junior high schools. The Board of Education brought charges against the parents for violating the city's Compulsory Education Law. The case found its way into the courtroom of Judge Justine Wise Polier. In "Skipwith v. New York City Schools", Polier ruled in favor of the parents. Polier upheld the parents "constitutionally guaranteed right to elect no education for their children

142. "Board of Ed. Coy on Pupils Suspended by Boro Schools," *New York Amsterdam News, City Edition*, February 15, 1958.

143. Ibid.

144. Edith Evans Asbury, "State Offers Aid to Resolve Crisis in City's Schools," *New York Times*, February 9, 1958.

145. Councilman Earl Brown, "Getting off the Hook," *New York Amsterdam News*, February 22, 1958.

146. Ibid.

147. Leonard Buder, "Theobold Backs Principals Power," *The New York Times*, September 6, 1958.

148. "Jobs at 15 Urged for Some Pupils," *New York Times*, March 22, 1960.

rather than subject them to a discriminatorily inferior education."¹⁴⁹ Polier based her ruling, in part, on statistical evidence regarding the preponderance of inexperienced and substitute teachers in segregated schools. She argued that the "substandard education" provided to black children limited their ability to test into the city's prestigious academic high schools. She lambasted the Board of Education for doing "substantially nothing to rectify a situation that it should never have allowed to develop."¹⁵⁰ Parents, Polier's ruling implied, could violate compulsory schooling laws because what the city offered to black children did not qualify as "school." Proponents of integration celebrated Polier's ruling as a major indictment of *de facto* segregation.

That same fall, in an expose entitled, "Undercover Teacher," journalist George Allen gave credence to some of these criticisms. In a 12 part series in the conservative *World Telegram Sun*, Allen shared his experiences teaching at PS 210, the school where George Goldfarb served as principal before his highly publicized suicide.¹⁵¹ The goal of his investigation, Allen claimed "was to find out if PS 210 deserved the headlines they received early this year" and "if the education system of the world's richest city was guilty of the long roster of failings with which it has been charged."¹⁵² With no experience teaching, Allen was given a ten minute orientation and then charged with teaching an "adjustment class" full of the "worst kids in school." Allen described classroom instruction at PS 210 as "a farce based on a philosophy that aims at 'just keeping them quiet.'"¹⁵³ "Teachers," he wrote, "know they are unable to do the job the public is led to believe they are doing."¹⁵⁴ While Allen raised concerns about organizational and personnel issues in the schools, much of his outrage and frustration was directed at his students. A month into teaching, after being praised by his supervisor "simply because I could quiet some unruly pupils," Allen proclaimed:

I wanted to taste the rewards of being able to impart learning to students who sought knowledge. But I couldn't. The make-up of the class was against it. The register contained 24 Negro, one student of foreign descent and 5 of Puerto Rican parentage.¹⁵⁵

Faced with the "grinding frustration"¹⁵⁶ of not being able to "impart learning,"¹⁵⁷ Allen blamed the "make-up" of his class, rather than the nonexistent instructional materials, apathetic teachers, poor supervision or inappropriate curriculum. Ideas about the inherent inferiority and in-educability of black students proved more powerful than those about the possibilities and responsibilities of democratic schooling. Likewise, a series purported to be about "the education system of the richest city in the world" was later described in a laudatory review as being about

149. Jennifer De Forest, "Tilting at Windmills? Judge Justine Wise Polier and a History of Justice and Education in New York City," *History of Education Quarterly* 49, no. 1 (2009): 68–88.

150. Hasan Kwame Jeffries, and Patrick D. Jones. "Desegregating New York: The Case of the 'Harlem Nine,'" *OAH Magazine of History* 26, no. 1 (2012): 51–53.

151. Later reports would mistakenly claim he jumped off the roof of the school building.

152. George Allen, "'Don't Let 'Em See you're Afraid' Writer Told by School Official," *New York World Telegram Sun*, November 13, 1958.

153. *Ibid.*

154. George Allen, "False Theory Makes Instructors Live a Lie," *New York World Telegram Sun*, November 25, 1958.

155. *Ibid.*

156. George Allen, "'Don't Let 'Em See you're Afraid' Writer Told by School Official," *New York World Telegram Sun*, November 13, 1958.

157. George Allen, "False Theory Makes Instructors Live a Lie," *New York World Telegram Sun*, November 25, 1958.

"how young hoodlums had cowed the school staff."¹⁵⁸ The Grand Jury issued a statement praising the series for performing a "public service" by "unearthing crime conditions"¹⁵⁹ in the city's schools.

As the integration battle raged on over the next decade, whites resistant to integration consistently portrayed their position as rooted in fear for the safety and wellbeing of their children. Portraying black children as "hoodlums" who "cowed the school staff," served to legitimize their fears and bolster resistance to integration. Thus, whites resistant to integration benefited from the portrayal of black children as the major source of the school systems' troubles. The problem was not that segregated schools barely qualified as schools; the problem was that black children barely qualified as students.

Conclusion

Political scientist, Theda Skocpol offers this maxim: "politics create policies, policies also remake politics."¹⁶⁰ In this chapter I have argued that the politics of school integration and New York City impacted the formation of school discipline policies. Specifically, I have argued that using frame bridging actors linked together debates about school discipline with resistance to integration. Integration opponents, in this case represented by the grand jury investigation into "crime and lawlessness," drew upon punitive logics in characterizing schools as dangerous, students as criminals and school officials as incompetent. This framing reinforced integration resistance that invoked concerns about safety and disorder while undermining faith in the Board of Education to solve social problems. In an effort to allay these fears, the Board of Education adopted discipline policies that instantiated punitive logics. These findings reveal that policies related to both integration and school discipline influenced one another. Concerns about school disorder influenced debates about integration, at the same time concerns about integration influenced discipline policy. School officials shifted from policies based entirely in rehabilitative logics to more punitive policies that individualized and criminalized problems of school disorder.

Reflecting Skocpol's maxim, these policies in turn "remade politics." These discipline policies institutionalized the notion that school disorder was caused by youthful offenders not vulnerable children. Furthermore it disconnected this behavior from the conditions of racism thereby attaching disorder to individual students rather than neglect in social services, police brutality, segregation or overcrowded, poorly staffed, under-resourced schools. Banks underscores that "greater or lesser institutionalization of a particular set of cultural meanings equals' greater or lesser impact on perceived reality."¹⁶¹ Instead of allaying fears, punitive discipline policies legitimized and rationalized the abandonment and segregation of black children. Crime calls for punishment, not compassion. Dubois's assertion, that "nothing in the world is easier in the United States than to accuse a black man of crime,"¹⁶² was literally and figuratively creeping its way into the city's segregated schools.

158. "Broun Prize Awarded," *New York Times*, February 17, 1959, 17.

159. "Kings Jury Praises Series on Schools," *New York Times*, February 20, 1959.

158. Colin Hay, and Daniel Wincott, "Structure, Agency and Historical Institutionalism," *Political Studies* 46, no. 5 (1998): 201-211.

159. David Baker, *The Schooled Society: The Educational Transformation of Global Culture* (CA: Stanford University Press, 2014).

162. Muhammad Khalil Gibran, *The Condemnation of Blackness* (USA: Harvard University Press, 2010), 272.

CHAPTER 4:

FROM REHABILITATION TO PUNISHMENT: THE ROLE OF EDUCATORS IN THE INSTITUTIONALIZATION OF NEW YORK CITY'S "PRINCIPALS' SUSPENSION"

"The fusion of social control with greater humaneness is a tenuous one which typically dissolves, leaving the machinery of social control firmly entrenched--even if it is ineffective--after the spirit of humanitarianism has departed"

E. Ryerson, Best Laid Plans: America's Juvenile Court Experiment, 1978

"Every school official blesses the day when the uncontrollable pupil can be legally separated from the school. There is no other real means of relief."¹

Principal of George Washington High School, NY, November, 1957

In Chapter 1 of this dissertation, I detailed how educational professionals in New York City drew primarily upon rehabilitative logics in their initial response to the Kessler lye incident and the subsequent grand jury investigation. Teachers groups advocated for policies that portrayed students perceived as disorderly and delinquent as "sick children" in need of treatment. They called for the expansion of programs that reflected the school's ameliorative and interventionist capabilities such as smaller class sizes, after school and community programs and for increasing the number of social workers, guidance counselors, psychologists and psychiatrists available to support and intervene in schools. The New York Teachers Guild (the Guild) proposed the district establish special "clinical schools" for "mentally and emotionally disturbed children"² that would combine the best practices of education and "mental hygiene."

In this chapter, I explore how professionals working within the city's school system shifted their support towards more exclusionary, criminalizing and punitive policies. In particular, I focus on how groups representing the majority of the city's teachers and principals came to be the most vocal proponents for the expansion and elaboration of the Board's policy resolution allowing for the "wholesale suspension of troublesome pupils" "without provision for their future care."³ In the first half of this chapter I explore how resistance to proposals for rotating experienced teachers into "difficult schools" influenced how teachers' groups framed the problems of school disorder and delinquency. To legitimize and build support for their resistance to district mandated teacher rotation, teachers suggested that it was "difficult students," above all, who created "difficult schools." Drawing on rehabilitative logics, teachers' groups renewed calls for special schools and increased treatment. At the same time, however, these rehabilitative logics allowed teachers to individualize the behavior of difficult students and decontextualize it from the conditions of racism. In the second half of this chapter, I highlight how this conceptualization of difficult children enabled teachers' groups to support the suspension policy.

1. Gene Currivan, "City Help is Asked on Unruly Pupils: High School Principals Say: Either Oust Them or Set Up Adequate Controls 'No Other Means' Impartial Board Urged," *New York Times*, November 17, 1957.

2. *The Guild Proposal for the Establishment of Special Schools on the High School Level* (New York Teachers' Guild, Series 680, Box 2, New York City Department of Education Archives).

3. Gene Currivan, "Education in Review: City and State Enter Upon New Program to Care for Unruly Youth in the Schools," *New York Times*, February 16, 1958.

Moreover, I argue that in their support teachers' groups invoked a combination of rehabilitative and punitive logics.

A number of historians have examined the ways in which movements for teacher professionalism in New York City conflicted with and challenged movements for civil rights, integration and educational equity. Much of this research has focused on the contentious debates surrounding the community control movement in Ocean Hill and Brownsville in the late 1960's. Perlstein claims that the imperatives of this movement towards professionalism "encouraged teachers to concern themselves with questions of educational quality [and] working conditions" while also "discourage[ing] teachers from identifying with the poor minority children in their classrooms."⁴ In this chapter, I examine how this tension impacted discipline policy. In addition, I highlight that teachers did not necessarily perceive their drive for what they saw as increased professionalism to be in conflict with civil rights. Rather, they described their resistance to teacher rotation and support for exclusionary discipline policies as a reflection of their commitment to their students' safety and success. Logics within the organizational environment that individualized and decontextualized disorder enabled this rationalization. This analysis highlights the importance of understanding the ideas that shape teachers participation and implementation of discipline policies.

"Neighborhoods with Plenty of Nothing"

During the 1950's New York City's teachers were represented by a patchwork of organizations. This landscape of smaller teacher organizations was in part a product of Cold War anti-communist purges which had broken up the previously dominant Teachers Union. By the late 1950's the Teachers Union's ranks had been decimated by policies that allowed for the firing of teachers who were accused of affiliating with communism or were unwilling to sign required loyalty oaths. Teachers broke into groups by level (e.g. High School Teachers Association), by borough (e.g. Bronx Borough-Wide Association of Teachers) as well as by religion or ethnicity (e.g. Jewish Teachers Associations). The Teachers Guild became the city's chapter of the American Federation of Teachers (AFT) while the city's much smaller and more conservative Association of Classroom Teachers (ACT) affiliated with the National Education Association (NEA).⁵ Many members of the Teachers Guild had split off from the Teachers Union in the 1940's and embraced a more moderate "social democratic" ethos. Social democrats eschewed the broad critiques of the social order associated with radicals and communism. By contrast, they argued that American society could be made more equitable without transforming its political and economic structure. They viewed social problems such as racism and inequality as the result of distortions or violations of American ideals that could be ameliorated by the actions of organized labor and the development of laws that protected the rights of individuals.

This ethos was informed by Guild members' own experiences as immigrants and the children of immigrants in New York City.⁶ The Teachers Guild was overwhelmingly Jewish and white. They credited education and programs that discouraged discrimination through procedural protections that rewarded "merit" with their own economic advancement. They

4. Daniel Perlstein, *Justice, Justice: School Politics and the Eclipse of Liberalism* (USA: Peter Lang, 2004).

5. For more on the difference between the NEA and AFT see Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900-1980* (Cornell University Press, 1990).

⁶ Perlstein, *Justice, Justice*; Joshua B. Freeman, *Working-Class New York: Life and Labor since World War II* (New York: New Press, 2000).

advocated for policies that reflected this. Accordingly, rather than challenging the social order through militant activism as did the Teachers Union, the Guild was more focused on elevating the status of teachers by improving wages and working conditions. These efforts would culminate in the formation of the UFT (which combined the Guild and the HSTA) and the establishment of collective bargaining rights in 1962. In 1957 the Guild and HSTA were still organizing and building momentum for the coordination of New York City teachers into a professional labor union. This context is important because the organizing efforts that preceded the establishment of collective bargaining rights in New York City coincided with late 1950's policy debates regarding integration and juvenile delinquency.

New York City's integration recommendations thrust teachers' groups into the integration debate. The Commission devoted an entire section to challenging how teachers were assigned to schools. In particular, the Commission focused on the staffing of so-called "difficult schools." At the time, "difficult schools" also known as "special service" schools were not defined according to any official criteria.⁷ Rather the label was unofficially applied to schools in, what the *New York Times* dubbed, neighborhoods "that have plenty of nothing."⁸ In 1956, the Guild described difficult schools as located "in neighborhoods of great mobility," with "lower economic status and/or language and cultural handicaps," and where "there is a lack of community feeling [or] spirit."⁹ In addition to overcrowding and "archaic and unsanitary"¹⁰ facilities, difficult schools were widely reported to be staffed by inexperienced and in some cases unqualified substitute teachers. The district's staffing policy provided teachers with greater choice in school assignments based on their experience and seniority. The result was that experienced teachers "shunned" difficult schools for more coveted assignments in "good" schools. Staffing difficult schools was made even more difficult by post-war teacher shortages in New York City.¹¹ These shortages were exacerbated by stagnant non-competitive wages. The result was that in difficult schools inexperienced and unqualified teachers taught multiple sessions of overcrowded classes in dilapidated buildings with minimal resources.

For the Commission the conditions in difficult schools were relevant to the issue of integration because black and Puerto Rican children were overwhelmingly assigned to difficult schools. In 1958, 200 of the city's 800 schools were labeled difficult and 77 were considered segregated schools ("segregated" designated schools with at least 85% black or Puerto Rican students). Every one of these 77 segregated schools was labeled "difficult." Furthermore, many of the difficult schools were located in "transitional" neighborhoods undergoing demographic change. These schools were becoming increasingly segregated as time passed. For the Commission the practice of "cramming"¹² the city's new and inexperienced teachers into the difficult schools contributed to educational neglect and inequality. Indeed, in a report contrasting conditions in majority white and majority black New York City schools the Public Education

6. Criteria for difficult schools were the subject of policy debate. In 1963 the Guild would propose the label be applied to schools based on staffing, facilities, overcrowding, IQ tests results and certain neighborhood indicators of poverty and crime.

7. Gertrude Samuels, "The Schools, the Children, the Dilemma," *The New York Times Magazine*, February 16, 1958.

8. *A Corrected Statement of Facts Regarding 'Difficult Schools'* (New York Teachers' Guild, 1956. Series 1, Box 6, Folder 18, United Federation of Teachers Archives).

9. *Ibid.*

10. Perlstein, *Justice, Justice*; Ravitch, *Great School Wars*.

11. "School Board and Jansen Are Attacked by Urban League on Integration Reports," *The New York Times*, July 28, 1957.

Association identified teacher quality as the most glaring inequity.¹³ The Commission highlighted that unlike residential segregation patterns which school officials were quick to emphasize they had no control over, school officials had direct control over teacher assignment practices. As resistance to re-zoning grew integration proponents further emphasized the teacher rotation recommendations. They called for the Board of Education to exercise its authority and rotate experienced teachers into the "difficult schools."

Exile to Siberia

The Teachers Guild joined the majority of teacher organization in opposing the Commission's proposal for teacher rotation. Under the umbrella of the "Joint Committee of Teachers Organizations," the Guild joined the Teachers Alliance, the High School Teachers Association and the Bronx Boro-Wide Association of Teachers¹⁴ in opposing the rotation plans. Indeed, the Teachers Union was the only organization to support the rotation recommendation. This support was consistent with the Teachers Union's commitment to anti-racism and community-based struggles. By contrast, the Guild's opposition to teacher rotation reflected its commitment to procedural protections, professional autonomy and social democratic values. Indeed, debates surrounding the Commission's rotation recommendations created openings for teachers' groups, like the Guild, to assert their expertise, define their roles and capabilities and specify necessary working conditions. In her analysis of the clash between teachers unions and civil rights groups in New York City, Perillo argues that resistance to the Commission's teacher rotation proposal "offered a golden opportunity [for teachers' groups] to recruit more people to their organizations."¹⁵

For example, the Guild depicted the Commission's proposal for teacher rotations as an affront to teacher professionalism and a regression to Progressive Era policies that placed "teachers at the mercy of the school administration."¹⁶ In *Blackboard Unions*, Marjorie Murphy describes "involuntary transfers" as an "extremely important teacher grievance" that illustrated for teachers the "degree of control the superintendent was able to exert" and the willingness of school administrators to "put the good of the system above teachers' personal needs."¹⁷ The Guild framed the Commission's proposal for teacher reassignment not only as a challenge to teacher autonomy but also as undermining procedural protections that the Guild considered objective and fair. Teachers *earned* assignments to well-resourced schools in middle class communities through seniority. Accordingly, just as homeowners saw re-zoning as a threat to property, teachers saw forced transfers as a threat to seniority rights. Teachers groups articulated their opposition to the Commission's recommendation at a public meeting in January 1957. The Joint Committee of Teachers Organizations argued that "forced transfers" would "lower teacher morale, disrupt school services and bring an avalanche of resignations and retirements."¹⁸

12. Jonna Perrillo, *Uncivil Rights: Teachers, Unions, and Race in the Battle for School Equity* (University of Chicago Press, 2012).

13. Benjamin Fine, "Teachers Oppose Integration Plan: Disagree With Civic Units on Reports Calling for Zoning Revisions and Rotation General Tenor of Comments," *New York Times*, January 18, 1957.

14. Perillo, *Uncivil Rights*, p.4

15. Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900-1980* (Cornell University Press, 1990).

16. Ibid.

17. Ibid.

Teaching in "difficult schools" they argued, was akin to being exiled to "Siberia."¹⁹ The Guild called the teacher assignment plan a "serious blow," "awful mistake" and "dangerous step."²⁰

The Guild claimed that the teacher rotation proposal was a "dangerous policy" that would "destroy teachers' moral" and be "inevitably harmful to students as well."²¹ This was because, they argued, working conditions in the difficult schools were so poor they made teaching "well-nigh impossible."²² "Without improved conditions," Cogen argued, "the most experienced teacher will be unable to do any real teaching at all."²³

"Large Numbers of Difficult Children"

In resisting the Commission's proposal the Guild minimized the impact that a teacher might have on educational quality. Instead, they emphasized the influence of working conditions and resources. By contrast, in describing the challenges facing teachers in difficult schools, teachers' groups emphasized the impact that a student, in particular a "difficult student," might have on educational quality. While teachers' groups, including the Guild, the HSTA and the ACT, issued a number of proposals that called for additional clerical staff, preparation periods, duty free lunches and improvements to facilities, materials and equipment, above all teachers' groups linked the "impossible" conditions in difficult schools to the presence of "difficult children." In a statement opposed to the Commission's teacher rotation proposal, the Association of Classroom Teachers stated there is "no need to set up a research project to determine why schools are difficult to staff." "Schools are difficult to staff," they asserted because "seriously disturbed pupils create problems which cannot be dealt with in the classroom."²⁴ Similarly, in an article entitled, ""Why Teachers in N.Y. City Shun Difficult Schools" Guild President Charles Cogen defined difficult schools "in the first place" as schools with ""large numbers of difficult children." Difficult children, Cogen explained:

...are unruly, talk out in class whenever they please, refuse to stay in their seats, use obscene language to teachers, ring false fire alarms in school buildings and, in general, refuse to obey the necessary rules and regulations...criminal behavior among these pupils has included assault, robbery, extortion, sex offenses, destruction of property and arson.²⁵

While Cogen decried that "difficult schools," were overcrowded, "dilapidated, unattractive, unsanitary" and staffed by over-burdened teachers, he claimed that it was above all, "bad behavior children" that created "an impossible situation" where the "possibility of success...does

18. Ibid.

19. Benjamin Fine, "Teachers Attack Draft Proposal," *New York Times*, February 7, 1957.

20. *New York Teachers' Guild Press Release, 1957* (Series 1, Box 7, File 8. United Federation of Teachers Archives).

21. *New York Teachers' Guild Press Release, 1957* (Series 1, Box 7, File 8. United Federation of Teachers Archives).

22. Charles Cogen, "Why Teachers in N.Y. City Shun 'Difficult' Schools," *New York Herald Tribune*, September 4, 1957.

23. *Recommendations of the Association of Classroom Teachers of New York City* (Series 281, Box 40, File 699, New York City Department of Education Archives).

24. New York Teachers Guild, *Helping Solve the Difficult School, Staffing and Integration Problems* (September 1957, Series 1, Box 10, File 13, United Federation of Teachers' Archives).

not exist."²⁶ Cogen concluded by chiding the Board of Education for its "quack remedy of forced transfers of teachers," and suggested that a plan for improving conditions in difficult schools will "cost money...but it will be cheaper than jails and wasted lives."²⁷

Based on this conceptualization of the problem, the Guild repeatedly called for the creation of special schools for "maladjusted" pupils. Removing students was, the Guild maintained, central to improving working conditions and providing educational opportunity. Indeed in their "Program for the Establishment of Special Schools on the High School Level," the Guild called these "Special Pilot Schools" "the only real solution to the problem"²⁸ of difficult schools. In calling for the establishment of special schools, the Guild deployed rehabilitative logics in describing both the problem posed by "difficult" children and the solution offered by "clinical schools." The proposal described "disturbed children" as having, "a strong need for immediate pleasure and impulse gratification, an absence of guilt and anxiety, an inability to develop sufficient self-control" and "given to acting out their conflicts in a hostile manner." These students could not be educated in the existing schools because:

...the low frustration child does not talk the language of either normal well-adjusted children or their teachers. The usual verbal injunctions, or motivations, namely, "job," "college," "please parents," "do well," "be good," "have people like you" don't apply.²⁹

The Guild called for the special schools to be "carefully designed to treat and educate these children" and staffed by teachers "trained in both education and social group work." The Guild described in great detail plans for the curriculum, staffing, evaluation, parental involvement and supervision of these schools. Invoking rehabilitative logics the Guild cautioned that "it is essential that neither parents nor children be made to feel that transfer and/or admission to one of the special pilot schools is a punitive measure."³⁰

"The Frustration Quotient is Abnormally High"

This was the context in the fall of 1957 when Kessler attacked Ozersky and Leibowitz launched the grand jury investigation into crime and lawlessness in Brooklyn schools. As I detailed in chapter one the grand jury investigation thrust the issue of school disorder onto the policy agenda and created a sense that, "something must be done." Like opponents of integration, teachers' groups drew upon concerns about school disorder to mobilize support and legitimize their resistance to "forced transfers." Following the Kessler incident the Guild released statements reiterating that "troublesome and troubled students" created schools where ""the frustration quotient is abnormally high."³¹ In response to the grand jury's charges the Guild repeatedly drew attention to their "Program for the Establishment of Special Schools on the High School Level," originally released in June. On November 27, 1957 the Guild attached this

25. Charles Cogen, "Why Teachers in N.Y. City Shun 'Difficult' Schools," *New York Herald Tribune*, September 4, 1957.

26. Ibid.

27. New York Teachers Guild. *Guild Program for Special Schools at High School Level* (June 1957. Series 680. File 2. New York City Department of Education Archives).

28. Ibid.

³⁰ Ibid.

29. *New York Teachers Guild Press Release, 1957* (Series 1, Box 7, File 8. United Federation of Teachers Archives).

proposal to a letter to the grand jury and "urged" the grand jury to "support our program in your next presentment." Leibowitz dismissed the proposal calling special schools "another grain of salt on the dunes of the Sahara desert."³² Nonetheless, in December, the Guild seized on the attention generated by the grand jury investigation and re-issued a "final draft" of their proposal for "special pilot schools." In January the Guild released a statement renewing calls, based in rehabilitative logics, for "smaller class size, guidance personnel and well paid teachers."³³ "A policeman in schools," the Guild stated, "is no substitute for a school budget."³⁴

As with groups resistant to integration teachers' groups framed their response to disorder in ways that resonated with resistance to proposals for teacher rotation and their with of the "difficult children" creating "difficult schools." The Guild also presented the problems in difficult schools as originating from the disorder individual students brought to school. Teachers would teach in "difficult schools" only if conditions were improved and the conditions could only be improved if the "difficult children" who "contaminate other young people"³⁵ were removed. Teachers' failure--not students--was depicted as the outcome of the school system's terrible working conditions. Teachers suffered in overcrowded, poorly funded schools where the "frustration quotient was abnormally high;"³⁶ but students, on the other hand, had "low frustration tolerance."³⁷

"Regardless of the Ethnic Population of the School"

This position on teacher rotation, difficult children and difficult schools put teachers' groups in conflict with civil rights and liberal groups that supported integration and teacher rotation. Recall that these groups deployed structural logics in understanding school disorder. For civil rights activists like Clark, schools contributed to and even created "difficult students." Children, they claimed, were perceived as "difficult" because they were crammed into overcrowded classrooms; taught by ill-prepared, often biased substitutes or rookie teachers; and housed in crumbling buildings in segregated slums. Moreover, structural logics suggested that segregation, irrespective of teacher working conditions, was to blame for damaging the psyches of black children. According to Clarke, "difficult children" were precisely the children with "damaged psyches" most affected by segregation in the first place. Therefore, placing them in special schools would only isolate and stigmatize them further. While the Guild emphasized the demoralizing and disorganizing impact of "difficult children," the Teachers Union cautioned school officials against focusing too much on "wayward pupils and what to do about them."³⁸ The Union sent a telegram to Mayor Wagner calling attention to systemic and structural deficiencies. It warned Wagner, "not to forget the overwhelming majority of the children in our

30. "Judge Says NY Schools Need Police," *The Washington Post*, November 27, 1957.

31. "Press Release" (February 13, 1958. Series 1, Box 7, Folder 8, United Federation of Teachers Archives).

32. Statement by New York Teachers Guild, *Guild Program for Special Schools at High School Level* (June 1957. Series 680, File 2. New York City Department of Education Archives).

33. New York Teachers Guild, *Guild Program for Special Schools at High School Level* (June 1957. Series 680, File 2. New York City Department of Education Archives).

34. *Press Release: Staffing Difficult Schools* (1957, Series 1, Box 7, Folder 8, United Federation of Teachers Archives).

35. New York Teachers Guild, *Guild Program for Special Schools at High School Level* (June 1957, Series 680, File 2. New York City Department of Education Archives).

36. "Schools Join City in Drafting Plan to Halt Violence," *The New York Times*, February 4, 1958.

schools who are being cheated daily of their educational birthright by short-sighted, penny-pinching budgets."³⁹

Urban League president Lester Granger argued that teachers' "frantic efforts" to avoid teaching in difficult schools was indicative of their hostility towards black and Puerto Rican children. In August, when only 25 of the city's 40,000 teachers responded to Jansen's call for volunteers to work in the difficult schools, Granger accused the Board of Education of "cramming" 1,150 of the city's 1,450 new teachers into the predominantly Black schools of Harlem and Bedford Stuyvesant.⁴⁰ In a speech at a conference of United Neighborhood Houses, Granger derided the Guild's positions as evidence of racism. He called teachers' groups' resistance to the teacher assignment plan a "disgraceful abdication of professional responsibility."⁴¹ In a keynote the *New York Times* described as "bitterly worded" Granger charged:

It is more than a mere coincidence that these difficult schools are invariably those with heavy concentrations of mainland and territorial children of dark complexion. Call them Negroes, or call them Puerto Rican, the school that these children attend are those which too many school teachers seek to avoid--and their avoidance in far too many cases is viewed by superintendents and principals with a tolerant eye.⁴²

In response to these criticisms teachers' groups insisted that the issues of school segregation and difficult schools were "separate and distinct." Cogen accused the Commission and the Board of Education of "artificially link[ing] the separate problems of desegregation and improving instruction in the "difficult" schools." Cogen claimed that "though the two problems overlap, they are not identical."⁴³ Rather, the needs of difficult schools "arise from complex socio-economic causes--not racial causes."⁴⁴ As evidence, Cogen pointed to the fact that not all of the city's 200 difficult schools were segregated. Teachers groups likewise maintained that the problem of "difficult children" was unrelated to race. "Regardless of the ethnic population of the school," the Association of Classroom Teachers maintained, "it will be a first rate school when: classes are small enough, when disruptive pupils are removed and/or isolated and when necessary ⁴⁵special services are provided."

Accordingly, in a press release, Cogen described Granger's "accusations of racial bias" as "harsh and unwarranted." Quoting Granger's own speech Cogen claimed teachers were "with you 100% when you describe the 'background of poverty, disorganized family life and unwholesome neighborhood conditions' of many of the colored children. " However, Cogen argued a "similar background prevails among white children in underprivileged neighborhoods."⁴⁶ Cogen claimed "we need to understand [and] apply proper and adequate guidance and remedial procedures for

37. Ibid.

38. "School Board and Jansen Are Attacked by Urban League on Integration Reports," *The New York Times*, July 28, 1957.

39. Murray Illson, "Race Bias is Laid to City Teachers," *The New York Times*, November 17, 1957.

40. Ibid.

41. Ibid.

42. Charles Cogen, "Why Teachers in N.Y. City Shun 'Difficult' Schools," *New York Herald Tribune*, September 4, 1957.

⁴⁵ *Recommendations of the Association of Classroom Teachers of New York City* (Series 281, Box 40, File 699, New York City Department of Education Archives).

43. Ibid.

"all the underprivileged children in our city, colored and white." He argued, that "the essence of the remedy for unequal opportunity for all children involves smaller classes, more remedial teachers, and more teachers of regular grades, better school buildings and many other items."⁴⁷ Thus, drawing on rehabilitative logics, Cogen rhetorically blended the needs of black students with those of "all students." In doing so, Cogen obscured the specificity of the black experience in New York City. He dismissed the conceptualizations of school disorder that drew on structural logics and linked it to discrimination in housing, social services and policing and the "psychic damage" of segregation.

Thus, in debates about teacher rotation plans, teachers' groups portrayed the problems of school disorder as unrelated to race and rooted in the "maladjustment" of individual students. Drawing on rehabilitative logics, teachers' groups disconnected the behavior of difficult children from the conditions in difficult schools and disconnected the conditions in difficult schools from racism and segregation. This framing of the problem of school disorder enabled teachers' groups to support the district's suspension policy while obscuring the disproportionate and harmful impact of these policies on students of color in particular.

"A Salutory Effect"

As I explored in previous chapters, on February 7, 1958, the Board of Education announced a transformative policy resolution allowing principals to suspend any student "with a record of serious misbehavior who continues misbehaving,"⁴⁸ Two days later after announcing the policy change, the Governor of New York State, Averill Harriman, announced the allocation of additional state funding for special schools and custodial institutions. The next day New York City schools' Superintendent William Jansen began expressing confidence that the school disorder "emergency" had passed. Jansen claimed publicly that no more suspensions were expected to occur. "Everybody who was to be suspended went Friday,"⁴⁹ Jansen told reporters. The state's designation of additional funds for special schools for "unruly" pupils and custodial institutions for the "maladjusted" had supposedly solved the problem of dangerous and disruptive students in schools.

An editorial in the *New York Times* posited that this was the Board's intent all along. The editorial reported on speculation in "some quarters" that the policy change was intentionally "put forth as measure of pressure on the Board of Estimate" and the state to provide funding.⁵⁰ The possibility of hundreds of delinquent teens left roaming the streets in "wolf packs" was, the argument went, intended to compel action by state and city officials who had thus far failed to furnish enough funds for sufficient facilities.⁵¹ A Manhattan Children's Court judge, accordingly, suggested that the policy step "was surely taken by the board in heartache and indignation."⁵²

44. Ibid.

45. William Jansen, *Broadcast to Principals* (February 14, 1958, Series 65. File 2, Archives of the New York City Department of Education).

46. Wayne Phillips, "Schools to Start Hearings for Suspended Students," *The New York Times*, February 11, 1958.

47. Gene Currihan, "Education in Review: City and State Enter Upon New Program to Care for Unruly Youth in the Schools," *New York Times*, February 16, 1958.

48. A similar tactic was used by Galamison in 1964 to protest school segregation. Galamison encouraged students in the city's "600" schools for "maladjusted and unruly pupils" to boycott school. Galamison was roundly criticized for this tactic and accused of using children as "pawns."

49. Gertrude Samuels, "The Schools, the Children, the Dilemma," *The New York Times Magazine*, February 16, 1958.

The policy was set to expire on April 1, at which point the principals would once again be required to obtain administrative permission and ensure alternative placements before suspending students. Jansen expressed hope that by then the "emergency will have passed."⁵³ The schools' *in loco parentis* responsibility was to be restored.

However, the Board of Education found it was harder than expected to roll back the policy. According to the *New York Times* the High School Teachers Association (HSTA) and High School Principals Association (HSPA) both "vociferously opposed"⁵⁴ a return to former procedures. The HSPA claimed that "waiting for the Assistant Superintendents permission causes delays that weaken effectiveness" and involves "months of red tape" during which time "incorrigible pupils are interrupting classwork, harassing teachers, contemptuous of the principal [and] the idol of his admiring classmates."⁵⁵ The HSTA joined their supervisors in the HSPA in voicing unqualified support for the policy change. The HSTA called for the "state legislature to rid city schools of all goons and juvenile delinquents" and warned that the "delinquency crisis extends beyond the 644 suspended students."⁵⁶

The Guild likewise expressed support for the suspension policy. It issued a statement "commending the Board for its emergency action of expelling students who are a threat to the safety of other children and the school staff."⁵⁷ The Guild's Policy Consultation Committee described the policy as recognizing "the necessity and wisdom of giving the power of suspension to the one in immediate charge of the school."⁵⁸ The Committee sent "kudos!" to the Superintendent for the policy change arguing that the "prompt exclusion of insubordinate, disruptive or violent pupils" would have a "salutary" effect.⁵⁹ The Policy Committee also expressed support for the policy's endorsement of cooperation between police and schools by suggesting that a "report be sent to schools any time a pupil is arrested, apprehended, detained or committed."⁶⁰

However, the Guild also used the policy to reiterate calls for increased funding and resources. They described the policy as providing, "shocking evidence that the city has not provided schools which can meet the needs of our time." The Guild issued statements describing the policy as "regressive,"⁶¹ "negative and defensive" and brought about by "tragic gaps"⁶² and "basic deficiencies" in the school system. The suspended students were described in a press release as "unfortunate children" who "will be social cast-offs, left to roam the streets, or jammed into overloaded detention centers to "do time."⁶³ Thus, in its initial statements the Guild qualified its support for the suspension policy and derided its more punitive impulses. The Guild supported it as a "stopgap"--a temporary measure that was necessary "until some effective

50. Leonard Buder, "Jansen Extends Suspension Plan," *The New York Times*, March 29, 1958.

51. Edith Evans Asbury, "School Aides Ask for Ouster Right," *New York Times*, February 16, 1958.

52. Ibid.

53. Ibid.

54. *NYTG Policy Consultation Committee Letter to William Jansen* (February 17, 1958. Series 2, Box 16, File 7, United Federation of Teachers Archives).

55. Ibid.

56. Ibid.

57. Ibid.

58. Edith Evans Asbury, "644 Suspension Open Crime Drive by City's Schools," *The New York Times*, February 8, 1958.

59. *New York Teachers Guild Press Release* (February 6, 1958. Series 1, Box 7, File 8, United Federation of Teachers Archives).

60. Ibid.

solution to the over-all problem could be worked out."⁶⁴ In a letter to Guild president Charles Cogen, a member of the Guild captured this perspective:

Some of my chapter members wanted me to let you know that though they deplore the conditions which lead to juvenile delinquency, they are convinced that every teacher in the city is doing a better job as an educator because the delinquents have been suspended.⁶⁵

"The Guild," Cogen responded, "has taken exactly the same position."⁶⁶

The Guild seized on the school disorder "crisis" to lobby for improved resources, additional personnel and proposed programs. In a letter to a member of the Philadelphia Federation of Teachers, Guild organizer David Selden described the only "silver lining" to the "mass suspensions" as "a problem is recognized by people who can solve it."⁶⁷ Selden's "silver lining" evinced his faith in existing systems and experts to solve problems. The Guild asserted its expertise and lobbied for its preferred solutions. In a letter to members, Guild Vice President Rebecca Simonson announced the Guild's plans to launch an "independent investigation into juvenile delinquency." She called specifically for input from chapter leaders working in difficult schools. "Teachers haven't been asked," she wrote, "but nothing can stop us from telling."⁶⁸ The Guild issued a statement highlighting that "no provisions have been announced to end teacher shortages, reduce class sizes, or hire more social workers, guidance counselors or psychologists."⁶⁹ "It is no solution," the Guild concluded, "to the breakdown of the school system to hide the cast-off children in cast-off schools."⁷⁰

"Cast Off Children"

In the aftermath of the suspension policy, evidence emerged that contrary to recommendations by the Guild the "cast off"⁷¹ children were not receiving "special attention"⁷² in "suitable institutions."⁷³ In a series of articles later published as a book titled *The Shook-Up Generation*, Pulitzer Prize winning journalist Harrison Salisbury claimed there was "evidence some school administrators utilized the [suspension] procedure to dump bothersome cases" and

61. Leonard Buder, "Jansen Extends Suspension Plan," *The New York Times*, March 29, 1958.

62. Mollie Dewitt, *Letter to Charles Cogen* (February 12, 1958, Series 1, Box 19, File 15, United Federation of Teachers Archives).

63. Charles Cogen, *Letter to Mollie Dewitt* (February 15, 1958, Series 1, Box 19, File 15, United Federation of Teachers Archives).

64. David Selden, *Letter to Margaret Root, Philadelphia AFT* (February 13, 1958. Series 1, Box 6, File 19. United Federation of Teachers Archives).

65. Rebecca Simonson, *Letter to Guild Members* (February 18, 1958, Series 1, Box 21, File 32, United Federation of Teachers Archives)

66. *New York Teachers' Guild Press Release* (February 6, 1958. Series 1, Box 7, File 8, United Federation of Teachers Archives).

67. *Ibid.*

68. *Ibid.*

69. Edith Evans Asbury, "School Aides Ask for Ouster Right," *New York Times*, February 16, 1958.

70. Wayne Phillips, "Schools to Start Hearings for Suspended Students," *The New York Times*, February 11, 1958.

that "the rule seems to be when in doubt, dump."⁷⁴ He also quoted sources claiming that principals referred "troublesome children to the Bureau of Child Guidance in the safe knowledge that the Bureau's enormous case load will mean months of delay before youngsters can be processed." Representatives from the Bureau of Child Guidance described a doubling of the number of referrals following the policy change without any increase in personnel or funding.⁷⁵

There was also evidence that the Board of Education was falling short in meeting its legal responsibility to provide educationally for all suspended students. In the days following the suspension, Jansen extended the typical 30-day deadline between a student's suspension and his/her hearing before the Assistant Superintendent.⁷⁶ He insisted, nonetheless, that the Board of Education would comply with the state law requiring that "immediate steps" be taken for commitment or ongoing education of suspended pupils. In a March report, however, the CCC raised multiple concerns about the city's handling of the suspended pupils.⁷⁷ The CCC's report critiqued the Board of Education for secretive hearings that lacked "established procedures to prevent precipitous action." In particular, the CCC argued that the hearings were "oriented towards the so-called offense--has the child been disruptive?" instead of the needs and best interests of the child. As a result, the CCC claimed that it was clear that many suspended children "would not have been removed from school if more had been known about them and their families." The CCC's criticism suggested that the actual implementation of the policy reflected punitive logics--it was more focused on assigning guilt and punishing offenses than "treating the delinquent as a sick child"⁷⁸ in need of guidance and support.

"Cast Off Schools"

The CCC's report also turned attention to the hasty establishment of "700" schools to house the suspended pupils. These schools were modeled on the existing "600" schools but would exclusively serve the recently suspended pupils. Just one year earlier, a report by the Juvenile Delinquency Evaluation Project (JDEP) had described the city's "600" schools as deeply flawed. The report advised that, "no expansion of the system be considered"⁷⁹ and warned specifically against using special schools as "a device to relieve the regular schools of particularly disturbing children." The Guild's proposal for the establishment of pilot schools at the high school level had actually echoed the JDEP's critiques. The Guild had criticized the structure, curriculum, staffing, supervision and intake and referral procedures for the existing "600" schools. Nonetheless on February 19, the Board announced plans to open four "700" schools in the next ten days. Given overcrowding in the city's schools it was hard for the city to find housing for these schools. The Board opened "700" schools in abandoned school buildings,

71. Harrison Salisbury, "School Violence Reflects Instability in Adult World," *New York Times*, March 28, 1958.

72. *Comments on School Suspensions Made from Jean Thompson, Director, Bureau of Child Guidance at Progressive Educational Association Coordinating Committee* (March 13, 1958, James Marshall Papers, Series 354, Box 13, File 15. New York City Department of Education Archives).

73. Wayne Phillips, "Schools to Start Hearings for Suspended Students," *The New York Times*, February 11, 1958.

74. *Statement by the Citizens Committee for Children Regarding Suspensions* (March 24, 1958, James Marshall Papers, Series 354, Box 12, File 15, Archives of the New York City Department of Education).

75. *Report on the Superintendent's Committee on Delinquency in Secondary Schools* (July 1951, Series 680, Box 2, Folder: "Staff Training." New York City Department of Education Archives).

76. *Report on the 600 Schools by the Juvenile Delinquency Evaluation Project* (May 1957, Series 1, Box 6, Folder 18, United Federation of Teachers Archives, emphasis in original).

including one in Greenwich Village that was 91 years old and had been recently abandoned because it was considered a fire trap. The CCC claimed that in their rush to open "700" schools the Board of Education failed to establish admission criteria or procedures; staffed the schools with inexperienced teachers and inadequate supervisory staff; provided insufficient guidance services; failed to transfer students' records to their new school and made no plans for identifying students who were sent there erroneously and belonged in a "normal school setting."⁸⁰

In April of 1958, just two days after the suspension policy was originally set to expire, the Mayor released the budget for the upcoming school year. The Mayor's budget provided 10 million dollars less than the amount requested by the Board of Education. The city's teachers' groups were uniformly critical. The Teachers Union described teachers as "stunned" by the mayor's failure to provide any money for teacher salary adjustments.⁸¹ The HSTA characterized the proposed budget as a "severe slashing" that showed "a lamentable lack of educational statesmanship." Speaking on behalf of the Guild, Cogen stated that the "Mayor's austerity budget will not provide the sort of educational system that New York City needs." Both the Teachers Union and the CCC decried the budget as emblematic of the administration's hypocrisy. Rose Russell of the CCC criticized a "discrepancy between public statements of city officials about the paramount importance of good education and the amounts appropriated."⁸² "We cry about serious delinquency," a CCC member told the Board, "yet we fail to provide what is needed at the point of prevention."⁸³

“Hostile, Angry and Vicious”

Despite evidence that additional resources for guidance, smaller class sizes or "clinical schools" was not forthcoming, the Guild nonetheless joined the HSTA and HSPA in calling for the policy to be made permanent. In framing their support for the suspension policy teachers' groups drew upon both rehabilitative and punitive logics. In chapter 1, I argued that, despite their positioning in debates about school disorder as polarities, both rehabilitative and punitive logics conceptualized individuals as the source of social disorder. In supporting the suspension policy both rehabilitative and punitive logics allowed teachers to attach disorder to individual students who needed to be removed from schools, whether for treatment or punishment.

Drawing on rehabilitative logics, the Guild described the suspended students as "children who have gone through shattering experiences" and called for the Board to "work out a constructive and therapeutic program for...troubled and disruptive pupils." Likewise, the HSPA emphasized the importance of providing "suitable institutions to house and rehabilitate the hard core of offenders whose suspension has been authorized." The emotionally disturbed student, the HSTA stated "must receive special attention."⁸⁴ These groups emphasized interventions that targeted towards individual students. In so doing, they decontextualized student behavior from the conditions in the city's schools. For example, a principal told *The New York Times Magazine*:

77. *Statement By the Citizens Committee for Children Regarding Suspensions* (March 24, 1958, James Marshall Papers, Series 354, Box 12, File 15, Archives of the New York City Department of Education).

78. "Mayor Releases Budget," *New York Times*, April 3 1958.

79. Rose Russell, "Letter to the Editor," *The New York Times*, August 13, 1958.

80. Rose Shapiro, "Budget for Education," *The New York Times*, August 13, 1958.

81. Edith Evans Asbury, "School Aides Ask for Ouster Right," *New York Times*, February 16, 1958.

Despite the problems, I wouldn't be here if I weren't thrilled with being a teacher and a principal. But when a junior high school teacher has to face thirty-five children, and tries to reach each one of them in forty-five minutes, frustration results. So many of these children are hostile, angry and vicious because they are rejected in their homes. We feel they need help--and we need help."⁸⁵

This principal was able to recognize how organizational conditions in schools bred frustration for teachers. When it came to students, however, she attributed their hostility and anger entirely to their home environment. In doing so she drew upon mental hygiene theories that linked "maladjustment" to poor maternal bonding and parental neglect.

Moreover, whereas in the past rehabilitative logics had signified a "call to action" for educators to intervene between children and their parents, in supporting the suspension policy teachers drew upon rehabilitative logics to argue that the problems of classroom disorder caused by these disruptive pupils were beyond the scope of their abilities or professional responsibilities. For example, the HSPA asserted:

The high schools are educational institutions. They are not police station or psychiatric wards and its high time that we recognize this. A pupil is entitled to every aid and service we can give, until he deprives other pupils of their education. At that point he should be removed from school no matter what his age.⁸⁶

The Guild described delinquency as the result of "deep rooted causes, which are for the most part, beyond the control of the schools."⁸⁷ Rehabilitative logics were invoked by teachers' groups to position "difficult" children outside the purview of schools and teachers. Furthermore, teachers and principals maintained that although they might not have the expertise to teach these "difficult" children they should be trusted with the power to identify and exclude them.

"Strengthening the Principal's Power"

Indeed, the Guild, HSTA and HSPA suggested that the power to suspend students was necessary for schools to maintain order. As such, professional groups also invoked punitive logics in emphasizing the authority of the principal and teachers. The HSPA argued that "strengthening the principal's power" would have a "wholesome psychological effect...on both parents and pupils."⁸⁸ The Guild claimed that the knowledge that "prompt exclusion from classes awaits the pupil who is insubordinate, disruptive or violent" would have a "deterrent effect upon other pupils" and as a result "the authority of teacher and principals will be restored and respected."⁸⁹ The HSTA derided previous procedures for "weaken[ing] the hands and the

82. Gertrude Samuels, "The Schools, the Children, the Dilemma," *The New York Times Magazine*, February 16, 1958.

83. Gene Currivan, "City Help Is Asked On Unruly Pupils: High School Principals Say: Either Oust Them or Set Up Adequate Controls 'No Other Means' Impartial Board Urged," *New York Times*, November 17, 1957.

84. New York Teachers Guild, *Press Release* (April 15, 1958. Series 1, Box 7, File 15, United Federation of Teachers Archives).

85. Edith Evans Asbury, "School Aides Ask for Ouster Right," *New York Times*, February 16, 1958.

86. *NYTG Policy Consultation Committee Letter to William Jansen* (February 17, 1958. Series 2, Box 16, File 7, United Federation of Teachers Archives).

prestige of the high school principal."⁹⁰ The HSTA criticized the Board for threatening to rescind the principal's power to suspend by claiming that this "backsliding and rescinding on the suspension policy" was "creating a dismaying effect"⁹¹ on student behavior. Like the grand jury, the HSTA suggested that ambivalent responses to misbehavior would be interpreted by "goons and juvenile delinquents" as soft and permissive.⁹²

School personnel did not just call for the suspension policy to be made permanent; they also attempted to expand its scope and applications. The HSPA recommended that principals have the authority not just to suspend students but also to expel unruly or delinquent students 17 years or older.⁹³ The Guild proposed that, "the State Compulsory Education Law be amended so that the principal of a school may be authorized to discharge any pupil 16 years of age and over who is not benefiting from his instruction." In calling for the policy's extension these professionals groups also applied the suspension policy beyond its initial focus on pupils engaging in acts of crime or violence.⁹⁴ The HSPA argued for the right to suspend the "rebellious, bored, and resistant pupil."⁹⁵ Likewise in a letter to Superintendent Jansen the Guild called for the "prompt exclusion from classes" not only of pupils who are "violent" but also those that are "insubordinate," or "disruptive."⁹⁶

Furthermore, they argued that removing students from school was not just about protecting other students from harm or disruption it was also about protecting them from influence. Educators highlighted the "infectious" nature of disruptive behavior and the effectiveness of punishment as a deterrent. The Guild argued that suspensions have a "deterrent effect for students who otherwise might be induced to emulate the misbehavior of the delinquent."⁹⁷ Similarly, the HSPA claimed that "removing the incorrigibles" served "as a deterrent to the fringe of on-lookers who might follow their undesirable pattern"⁹⁸ The rebellious and disorderly student, the HSPA insisted, "can be a fuse to ignite or disrupt the entire school and should not be tolerated!"⁹⁹ The Guild suggested that "vesting the power of suspension in the principals has [a] salutary effect"¹⁰⁰ on the behavior of all students not just those suspended under the policy.

These statements invoked punitive logics. The principals' power and authority were defined by their ability to punish and exclude. Order and discipline were presumed to inhere to titles and positions rather than shared purpose or relationships. Students were characterized as rational actors who might be deterred by the threat of punishment. Drawing on punitive logics

87. "Jansen Gets Plea on Discipline Rule," *New York Times*, March 18, 1958.

88. Edith Evans Asbury, "School Aides Ask for Ouster Right," *New York Times*, February 16, 1958.

89. Ibid.

90. "Guidance Teams for Pupils Urged - Principals Want Each High School to Have 2 Social Workers, Psychologist," *New York Times*, March 8, 1958.

91. Gene Currivan, "Education in Review: City and State Enter Upon New Program to Care for Unruly Youth in the Schools," *New York Times*, February 16, 1958.

92. Gene Currivan, "Proposal for a Policeman in Every School Is Strongly Resisted by the Board," *The New York Times*, December 15, 1957.

93. *NYTG Policy Consultation Committee Letter to William Jansen* (February 17, 1958. Series 2, Box 16, File 7, United Federation of Teachers Archives).

94. Ibid.

95. Leonard Buder, "Plan Given to Aid Retarded Pupils," *New York Times*, June 15, 1956.

96. Gene Currivan, "Proposal for a Policeman in Every School Is Strongly Resisted by the Board," *The New York Times*, December 15, 1957.

97. *NYTG Policy Consultation Committee Letter to William Jansen* (February 17, 1958. Series 2, Box 16, File 7, United Federation of Teachers Archives).

regarding power, fear and authority professional groups argued that increasing the authority of principals to exclude students would act as a deterrent, increase student compliance and restore order to schools. This was a departure from previous statements by the Guild that portrayed punishment and the "kick 'em out approach"¹⁰¹ as "regressive."

“Both Actual and Incipient Incurrigibles”

Both rehabilitative and punitive logics enabled educators groups to position certain children outside the realm of the schools’ *in loco parentis* responsibilities. In calling for the suspension policy to be made permanent these professional groups repeatedly referred to students as "incurrigible" or "uneducable." Both terms implied that further efforts by the school system were futile. "Incurrigible" describes a person who is incapable of being reformed and impervious to punishment and correction. The HSPA called for "removing the incurrigibles"¹⁰² and referred to difficulties coping with "both actual and incipient incurrigibles."¹⁰³ Moreover, referring to students as "incipient incurrigibles" implied that incurrigibility was somehow inherent to certain pupils and could be recognized prior to any actual misbehavior. Similarly, teachers and administrators referred to "pre-delinquents,"¹⁰⁴ which implied that one could be "delinquent" without ever engaging in an act of delinquency. The HSTA, HSPA and Guild contrasted these "incurrigible" and "uneducable" students with "wholesome students" who "value learning." In a letter to Cogen in support of the policy, a teacher argued that "our educable children"¹⁰⁵ should be given "some undivided attention for a change." These groups suggested that sharp distinctions could be drawn between "educable" and "uneducable" children.

In arguing for the power to suspend pupils "without provision for their future care",¹⁰⁶ teachers and principals groups implied the policy would only affect a small percentage of "hard core delinquents." The HSPA decried that "one percent manages to interfere with the education of the remaining 99 percent."¹⁰⁷ The HSTA claimed that "the incurrigible must not be permitted to disrupt the high school education of the 99 percent who value it."¹⁰⁸ Using similar language, the Guild asserted the "insubordinate or disorderly student must be removed in order to safeguard the 99 percent or maybe more of fine, wholesome children of our schools."¹⁰⁹ This argument suggested that the harm caused by the policy to the city's children was diffuse and minimal.

“His Maladjustments Were Not All of His Own Making”

98. *New York Teachers Guild Press Release* (1957. Series 1, Box 7, File 8, United Federation of Teachers Archives).

99. Leonard Buder, "Plan Given to Aid Retarded Pupils," *New York Times*, June 15, 1956.

100. "Jansen Gets Plea on Discipline Rule," *New York Times*, March 18, 1958.

101. "Whelan Defends Delinquency Test," *New York Times*, February 3, 1960.

102. Mollie Dewitt, *Letter to Charles Cogen* (February 12, 1958, Series 1, Box 19, File 15, United Federation of Teachers Archives).

103. Gene Currivan, "Education in Review: City and State Enter Upon New Program to Care for Unruly Youth in the Schools," *New York Times*, February 16, 1958.

104. Gene Currivan, "City Help is Asked on Unruly Pupils: High School Principals Say: Either Oust Them or Set Up Adequate Controls 'No Other Means' Impartial Board Urged," *New York Times*, November 17, 1957.

105. Edith Evans Asbury, "School Aides Ask for Ouster Right," *New York Times*, February 16, 1958.

106. Policy Consultation Committee, *A Statement Relevant to Delinquency in Schools* (April 15, 1958, Series 1, Box 7, File 15, United Federation of Teachers Archives).

However, protests from the black community suggested that the policy was not applied to 100 percent of the city's schools but rather impacted the segregated "difficult schools" disproportionately. Indeed, following the policy change anecdotal evidence suggested that black students in "difficult schools" were disproportionately suspended.¹¹⁰ Articles in both the *Wall Street Journal* and the *New York Times* suggested that "Negro"¹¹¹ schools or schools involved with "racial tensions"¹¹² were the locus of most suspensions. *The Wall Street Journal* likewise claimed that "significantly the most violent opposition to the New York suspensions has come from Negro leaders." As I detailed in the previous chapter, leaders in the black community asserted that students in the overwhelmingly black communities of Bedford Stuyvesant and Harlem were the "victims"¹¹³ of the Board's "arbitrary edict,"¹¹⁴ which Adam Clayton Powell Jr. dubbed a "form of Nazism."¹¹⁵ The fact that the Board of Education refused to release details about the number of students suspended and the schools from which they were suspended from for fear the data would provide fodder to Southern newspapers gives credence to these concerns.¹¹⁶ A *New York Times Magazine* article provided one illustrative example of a "difficult" junior high school with 1,200 kids where the principal was "so harassed" that "with the School Board's recent decree authorizing principals to suspend such incorrigibles, this principal suspended a total of 53 pupils forthwith."¹¹⁷ Emphasizing the "99 percent" of "fine, wholesome children" obscured evidence suggesting that "difficult schools" were impacted disproportionality.

By ignoring disproportionality and context, teachers and principals were in effect, ignoring the specificity of the black and Puerto Rican experience. They were suggesting that "all schools" were the same even though evidence at the time demonstrated myriad ways in which segregated schools were categorically worse. They were likewise suggesting that "all children" received the same treatment from the city even though civil rights groups like the CCC and Urban League highlighted the systemic neglect and brutality of the city's social services, police and courts.

For black community activists in New York City, education professionals' support for the suspension policy, like their resistance to teaching in "difficult schools" was perceived as a reflection of their hostility towards black children. In their view the problem was not "difficult children" but the city's inability to fund schools. Children, they claimed, were perceived as "difficult" because they were crammed into overcrowded classrooms, taught by ill-prepared, often biased substitutes or rookie teachers, in crumbling buildings, in segregated slums. For

107. This evidence is solely anecdotal because the Board of Education refused to issue suspension numbers for fear it would serve as fodder for the Southern press.

108. Paul Bart, and Louis Kraar, "Crisis in New York: Mass Suspensions may Curb Crime in Schools but Spur It on Streets," *The Wall Street Journal*, February 11, 1958.

109. Gertrude Samuels, "The Schools, the Children, the Dilemma," *The New York Times Magazine*, February 16, 1958.

110. Edith Evans Asbury, "State Offers Aid to Resolve Crisis in City's Schools," *New York Times*, February 9, 1958.

111. Malcolm Nash, "1,500 to Meet in Protest Over School Inequality," *New York Amsterdam News*, February 22, 1958.

112. Paul Bart, and Louis Kraar, "Crisis in New York: Mass Suspensions May Curb Crime in Schools but Spur it on Streets," *The Wall Street Journal*, February 11, 1958.

113. "Board of Ed. Coy on Pupils Suspended by Boro Schools," *New York Amsterdam News*, City Edition, February 15, 1958.

114. Gertrude Samuels, "The Schools, the Children, the Dilemma," *The New York Times Magazine*, February 16, 1958.

example, an article in *The Amsterdam News*, entitled "Jim's Problem was the Kids 'Wanted to Try to Beat Me,'" highlighted the absence of guidance counselors in the city's "difficult schools" and claimed that "after hearing [Jim's] story one could gather that his maladjustments were not all of his own making."¹¹⁸ Integration supporter Kenneth Clark dismissed the Board and Guild's emphasis on opening additional schools for "maladjusted" pupils as well. He criticized educational professionals charging that:

All they can think of in a crisis is more "600" schools; the ones we have are poor enough, but they want more and more. Soon all the children will be in "600" schools and where will we be then?¹¹⁹

"Young Man, You Get Out Of Here"

In response to lobbying by the HSTA, the HSPA and the Guild, Superintendent Jansen announced on March 29, just 3 days before the policy was set to expire, that it would be extended until the end of the school year. Then, in September of 1958, Jansen's replacement, Superintendent Theobold, made the principals' power to suspend pupils permanent. In announcing the policy change, Theobold explained that "it's important that the principal have the authority to say to a youngster: 'young man, you get out of here. We cannot have you disturb the other youngsters.'"¹²⁰ The very language of Theobold's announcement reflects the influence of punitive logics. Only 7 months earlier city officials, including then Deputy Mayor Theobold, had described the suspension policy in terms suggesting it was a tragic act of desperation and called upon other public agencies to "provide custody."¹²¹ By contrast, the tone of Theobold's September announcement was assertive and unapologetic.

Theobold's announcement struck a more punitive than rehabilitative tone. First, he implied that vesting the power to suspend in principals was "important" and beneficial. Second, Theobold described the target population as "young man" thus invoking images of mature and thoughtful offenders rather than sick or vulnerable children. This characterization obscured not only that girls were also suspended¹²² but also that a "sizable" population of children under the age of ten were suspended under the new policy.¹²³ Third, Theobold's directive, "you get out of here!" reflected the "tough" rhetoric of the grand jury. Finally, in justifying the policy, Theobold, like the teachers' and principals' associations, foregrounded the needs of the "other youngsters." According to the *New York Times*, the Superintendent acknowledged that "risks" were involved and "mistakes" were possible however, he expressed "great confidence in the strength and ability of the principals to do what was right."¹²⁴ Like teachers' and principals' groups Theobold implied

115. Sara Slack, "Jim's Problem was the Kids 'Wanted to Try to Beat me,'" *New York Amsterdam News*, February 22, 1958.

116. Harrison E. Salisbury, "Well-Run Schools Solving Problems in City 'Jungles,'" *New York Times*, March 29, 1958.

117. Leonard Buder, "Theobold Backs Principals Power," *The New York Times*, September 6, 1958.

118. Edith Evans Asbury, "644 Suspension Open Crime Drive by City's Schools," *The New York Times*, February 8, 1958.

119. "Two Problem-Pupil Schools Open; Fire Warning Leads to Dispute; A Temporary Special School for Suspended Pupils Is Opened in Greenwich Village," *New York Times*, October 8, 2012.

120. *Comments on School Suspensions Made from Jean Thompson, Director, Bureau of Child Guidance at Progressive Educational Association Coordinating Committee* (March 13, 1958, James Marshall Papers, Series 354, Box 13, File 15. New York City Department of Education Archives).

121. Leonard Buder, "Theobold Backs Principals Power," *The New York Times*, September 6, 1958.

that professional expertise was a safeguard against hasty action and made procedural protections unnecessary.

Conclusion

In January of 1959, Theobold issued a report on the 1,323 pupils suspended under the district's new policy the previous year. The report described the "intensive screening conducted by teams of skilled experts" aimed at "salvag[ing] human resources" and "prevent[ing] troublesome elements from disturbing the great majority of well-adjusted children." The report accounted for all but 81 of the suspended students. Following suspension, 139 returned to their original school, 330 transferred schools, 566 were placed in "700" schools, 70 were placed in custodial institutions, 31 in mental institutions, 57 received employment certifications, 13 were deemed over-age, 12 enrolled in private schools and 24 moved from the city. "In the overwhelming majority of instances," the report concluded, "these children are doing well." However, the report noted that "the scarcity of special facilities" remained a "problem facing the city" and announced plans for the creation of an additional "600" school for the maladjusted.¹²⁵

The report's meticulous accounting suggested that all suspended students had been accounted for and that this chapter in the city's school system could be closed. However, the institutionalization of the authority of principals to suspend students without any oversight or provision for their future care allowed the list of suspended students to continuously expand. The "principals' suspension" became a frequently employed disciplinary tool.

Over the course of the next decade reported suspensions climbed steadily and dramatically from 1,330 students suspended in 1957-1958 to 14,000 students suspended in 1969-1970.¹²⁶ In a 1967 report the Board of Education would estimate that on any given day an average of nearly 1,300 students were suspended from school.¹²⁷ The overwhelming majority of these suspensions were "principal suspensions" (as opposed to "superintendents suspensions") first made legal under Jansen's reform. During the 1969-1970 school-years, 12,000-13,000 of the 14,000 suspensions were "principals' suspensions."¹²⁸ Enrollment of black and Puerto Rican students in "600" schools increased as well. Of the 2,700 students enrolled in the "600" schools in 1975, 2,550 were Black or "Hispanic."¹²⁹

As these punitive and exclusionary disciplinary responses became more common they became more institutionalized. They were "infused with values and meanings."¹³⁰ In 1964, Superintendent Gross described suspension as the "professional obligation" of principals.¹³¹ One year later, Superintendent Bernard Donovan redefined suspensions as "part of a continuous

122. John Theobold, "Report on Suspended Pupils," (January 13, 1959. Series 281, Box 34, File 618. United Federation of Teachers' Archives).

123. Leonard Buder, "Illegal Suspensions of Public-School Pupils Charged by Civil Liberties Union," *The New York Times*, February 19, 1971.

124. Richard Lubell, *Data on Suspended Children 1966-1967* (1967. Series 1, Box 97, File 32. United Federation of Teachers' Archives).

125. Leonard Buder, "Illegal Suspensions of Public-School Pupils Charged by Civil Liberties Union," *The New York Times*, February 19, 1971.

126. Lena Williams, "U.S. Judge Visits '600' Schools, Finds Things Bad and Good Too." *New York Times*, May 11, 1977.

127. Daniel Béland, "Ideas and Social Policy: An Institutional Perspective," *Social Policy and Administration* 39, no.1 (2005): 1-18.

128. *Board of Education Assistant Superintendents Report to Superintendent Regarding Needed Services* (March, 12, 1964, Series 2A, Box 35, Folder 7, United Federation of Teachers Archives).

educational guidance program for the child and his peers" and an "opportunity to plan educationally for the benefit of the child."¹³² The origins of the principal's authority to suspend--its roots in the city's discriminatory social services, its initial purpose to "dramatize" budget shortages and its hasty and ill-conceived roll out, all would be lost. Instead, the legitimacy and soundness of suspending students from schools would become taken-for-granted. These policies were not created "behind the backs" of educators, nor were they handed down from above to teachers who enacted them reflexively. Rather, as I have demonstrated in this chapter, teachers and principals were active participants in the institutionalization of exclusionary discipline policies.

Perillo highlights that the members of the overwhelmingly white teaching force in New York City were different from average New Yorkers:

They had the opportunity to witness racial inequality firsthand through teaching assignments, through civil rights groups reports that publicized inequities in minority schools, and through other teachers written accounts in such schools that were published in education journals and the union press....unlike many Northern whites, teachers were often compelled to confront their own role in creating racial inequalities.¹³³

This chapter demonstrates that rather than being compelled to confront their own role in creating racial inequalities, teachers in the Guild and HSTA (organizations that became the UFT) were able to maintain their professed racial liberalism and assert their race blindness even as they supported policies that harmed, neglected and criminalized students of color disproportionately.

In *The Racial Contract*, Mills writes "white misunderstanding, misrepresentation, evasion and self-deception on matters related to race are among the most pervasive mental phenomena of the past few hundred years."¹³⁴ He describes these "structured blindness's and opacities" as a "cognitive and moral economy psychically required for conquest, colonization, and enslavement."¹³⁵ This chapter suggests that both rehabilitative and punitive logics are "cultural resources" in this "cognitive and moral economy." By ignoring the specificity of the black experience and the impact of discrimination and oppression in the city's schools, social services, policing, housing and policing on student behavior allowed teachers and principals to maintain their racial liberalism while supporting policies that actively harmed and neglected black and Puerto Rican students disproportionately.

129. *Circular Number 16* (April 18, 1966. Series 2A, Box 35, Folder 14, United Federation of Teachers Archives).

130. Perillo, *Uncivil Teachers*, 3.

131. Charles Wade Mills, *The Racial Contract* (USA: Cornell University Press, 1997) 18.

132. *Ibid.*

CONCLUSION

In March of 2010, on the 45th Anniversary of “Bloody Sunday,” Secretary of Education Arne Duncan gave a speech at the Edmund Pettus Bridge in Selma, Alabama. In his speech, entitled “Crossing the Next Bridge,” Duncan outlined plans by the Office for Civil Rights to “reinvigorate civil rights enforcement” in schools and post-secondary institutions.¹ As part of this effort, Duncan delineated a specific effort to “review whether districts and schools are disciplining students without regard to skin color.” Citing statistic related to the discipline gap, Duncan remarked that these “facts testify to racial gaps that are hard to explain away to the usual suspects.” “Dr. King,” Duncan claimed, “would have been dismayed to learn of schools that seem to suspend and discipline only young African-American boys.”

Nearly 4 years later, in January of 2014, the Department of Education, in collaboration with the Department of Justice, unveiled “a guidance package” for school personnel to “develop and implement disciplinary policies without discrimination.”² Secretary Duncan and Attorney General Eric Holder announced their efforts at Frederick Douglass High School in Baltimore, Maryland.³ In his speech, Holder criticized the “significant and lasting negative effects” of “zero-tolerance” policies—however well-intentioned.” He called for schools “to provide pathways to success rather than pipelines to the criminal justice system.”⁴ Duncan, likewise, repeated critiques of the “over-reliance on exclusionary discipline” in schools and offered the Department of Education’s “Guiding Principles” as a resource.⁵ In an introductory letter to the “Guiding Principles” Duncan declared, “today I am calling on state, district and school leaders to reexamine school discipline.”⁶ In addition to offering recommendations for creating “positive school climates” and “developing clear, appropriate, and consistent expectations and consequences,” the “Guiding Principles” emphasized that “schools must understand their civil rights obligations and strive to ensure fairness and equity.”⁷

In announcing these reform efforts both Duncan and Holder made a direct link between the Civil Rights Movement and the “discipline gap.” In their speeches Holder and Duncan cited John Lewis, Thurgood Marshall, Frederick Douglass, and W.E.B. Dubois. Standing on Edmund Pettus Bridge, where Alabama state troopers beat and gassed peaceful protestors, Duncan had described addressing discipline disparities as “crossing the next bridge.” However, as I have illuminated in this dissertation, Duncan’s positioning of efforts to address the discipline gap as the “next” chapter in Civil Rights struggles obscures the origins of these disparities. Race, racism and racial politics directly related to civil rights struggles for educational equity are woven into the fabric of the

1. *Crossing the Next Bridge: Secretary Arne Duncan’s Remarks on the 45th Anniversary of ‘Bloody Sunday’ at the Edmund Pettus Bridge, Selma, Alabama* (Speeches and Testimony, May 2, 2011), <http://www2.ed.gov/news/speeches/2010/03/03082010.html>.

2. U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* (Washington, D.C., 2014).

3. <http://www.justice.gov/opa/speech/attorney-general-eric-holder-delivers-remarks-department-justice-and-department-education>.

4. Ibid.

5. <http://www.ed.gov/news/speeches/rethinking-school-discipline>.

6. *Guiding Principles: A Resource Guide*.

7. Ibid.

policies creating the discipline gap.

In this dissertation, I demonstrate that punitive and exclusionary disciplinary policies emerged alongside struggles for school integration in New York City. These policies were championed by actors who framed school disorder in ways that overlapped with resistance to integration. Characterizing black students as criminals and predominantly black schools as unsafe was crucial to mobilizing and legitimizing white resistance to school integration. This periodization of these policies is important because it challenges theories that link punitive policies to school shootings, urban crime waves and/or white backlash to the black power movement. Situating this “punitive turn” in discipline policy in the context of the late 1950’s links changes in discipline policy more closely with efforts by blacks for integration and equity than with outbreaks of juvenile crime and school violence. Criminalizing black children served to diffuse and undermine movements for integration. In addition, I argue that support for the discipline policy from school personnel was likewise linked to their resistance to teaching in the city’s segregated schools.

This analysis suggests that punitive policies applied disproportionately to black children are linked to segregation; to systemic more than individual acts of crime and violence. Confronting the actual policies—not just the outcomes—as part of a legacy of racism, segregation and neglect in our educational system is crucial to “crossing the next bridge.”⁸ Furthermore, understanding the relationship between the racial order and disciplinary policies underscores that these policies serve a function in protecting white privilege and continued access to superior and segregated schools. As Alexander argues in *The New Jim Crow* conflating blackness and criminality provides a “legitimate outlet...a convenient release valve” for continued racism in American society when “explicit forms of racial bias are strictly condemned.”⁹ Punitive and criminalizing disciplinary policies contribute to a larger project by which “black youth must be made--labeled--criminals”¹⁰ in order to justify mass incarceration and the continued exclusion of black Americans from economic, political and social power.

In his speech in Selma, Duncan asked: “Why does Bloody Sunday resonate so powerfully 45 years later?” In response to his rhetorical question Duncan stated:

I’ll tell you what I think. Bloody Sunday is not just a story of courage, of standing up for justice, of making America live up to its better self, it is a story of something else—a reminder of dreams yet to be fulfilled, of bridges yet to cross.¹¹

While Duncan’s response may be eloquent and inspiring, it obscures the fact that part of what made the events at Selma so noteworthy was the vicious and violent actions of the state troopers. Duncan highlights the bravery, but obscures the brutality. The state troopers who gassed and beat and terrorized the marchers were also Americans. Indeed, it is likely they saw their actions as “standing up for justice” and “making America live

8. *Crossing the Next Bridge: Secretary Arne Duncan’s Remarks on the 45th Anniversary of ‘Bloody Sunday’ at the Edmund Pettus Bridge, Selma, Alabama* (Speeches and Testimony, May 2, 2011), <http://www2.ed.gov/news/speeches/2010/03/03082010.html>.

9. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2012), 199.

10. *Ibid*, 200.

11. “Crossing the Next Bridge,” May 2, 2011.

up to its better self.” In order to transform violent, neglectful and exclusionary practices, we need to understand how and why individuals come to participate in them. What happened in Selma in 1965 was neither unintended nor unconscious. State troopers intentionally launched tear gas at human beings marching peacefully. At the same time, the actions of these agents of the state were shaped by the institutional context—the regulative, normative and cognitive forces that shape law enforcement and the racial order in this country.

This dissertation, likewise, challenges the notion that the participation of school personnel in harmful disciplinary policies and practices is “unintended” or “unconscious.” This insight is crucial because the Guidance Package released by the Department of Education to address the “discipline gap” suggests otherwise. Indeed, the phrase “unintended consequence” appears twelve times in the “Guiding Principles” eighteen page report.¹² In particular, the report refers repeatedly to the “unintended consequences” and “negative collateral consequences” that result from placing law enforcement personnel in schools. Accordingly, the report characterizes police officers arresting students as an unexpected or accidental outcome of their presence in school buildings. This language suggests that police officers making arrests is surprising or unexpected, rather than a central and routinized aspect of their job.

As a solution, the report recommends that schools “design relationships with particular care” and undertake “regular evaluation” of policies, practices and data as preventative of “discrimination and unintended consequences.”¹³ Indeed, data analysis is the primary solution offered by the Department of Education’s “Guiding Principles.” The report suggests that rigorous and regular analysis of disciplinary data will surface disproportionality and allow school personnel to “assess the impact their discipline policies and practices are having on students, especially students of color...to identify any unintended disparities and consequences.” In the face of disparities, the report recommends schools engage in “root cause analysis” and, if necessary undertake “cultural competence training to enhance staff awareness of their implicit and unconscious bias.” Thus, the “Guiding Principles” frame the discipline gap not only as “unintended” but also as occurring without the awareness or explicit participation of school personnel. The assumption is that, faced with evidence of disproportionality, school personnel will be driven to transform their practice. Not only does this solution ignore the fact that it is hard to recognize racial disproportionality in segregated schools where nearly all students are black but it also assumes that teachers are unwilling or unthinking participants in the implementation of discipline policy.

By contrast, in this dissertation I have demonstrated that teachers’ participation in the implementation and institutionalization of exclusionary and punitive discipline policies in New York City was active, deliberate and thoughtful. School personnel framed practices that harmed, excluded and segregated students in ways that aligned with their liberal ideals and professional expertise even in the face of overwhelming evidence to the contrary. Ascribing to liberal ideals, teachers’ groups presumed and accepted that the school system was fundamentally benevolent and equitable. Accordingly, they traced misbehavior to individual pathology. In turn, teachers in New York City drew upon punitive and rehabilitative logics that individualized school disorder to mobilize and

12. *Guiding Principles: A Resource Guide*.

13. *Ibid.*

rationalize support for policies that disproportionately harmed and neglected black students. This analysis highlights the importance of understanding the ideas that enable participation in punitive and exclusionary practices.

At the same time, however, *institutionalism* illuminates how this participation was situated and informed by the particular institutional context of schooling. In *The One Best System*, Tyack argues that, "what [is] needed is not another tale of classroom horror" chronicling the "racism and obtuseness" of uncaring teachers but rather an attempt to "interpret the broader political process and the social system of schooling that [make] such victimization predictable and regular--in short, systemic."¹⁴ In this dissertation, I shed light on the rules, relations, resources and beliefs that made (and continue to make) the punishment and exclusion of Black male students predictable and regular.

Duncan and Holder's efforts to reform school discipline and close the discipline gap have led to the re-evaluation of school discipline policies in many districts including Baltimore, Oakland, Los Angeles and New York City.¹⁵ These districts have undertaken efforts to reform their discipline codes, lessen suspensions for minor infractions, improve alternative education and implement approaches based in restorative justice. These efforts are important and they indicate emerging logics that challenge punitive and criminalizing practices. However, this dissertation highlights the structural and ideological forces that these reforms will be up against.

Perhaps nowhere are those forces more clearly evident than at Frederick Douglass High School in Baltimore, Maryland. Just over a year after Duncan and Holder jointly labored at discipline policy reform, Secretary Duncan was back at Frederick Douglass High School. This visit, on May 6 2015, came two days after media accounts suggested that students at Frederick Douglass High School "rioted" in response to the murder of Freddie Gray by Baltimore police. On this visit, Duncan was joined by Representative Elijah Cummings who described the students' actions as an expression of "pain [and] frustration."¹⁶ The coverage following Gray's death and the subsequent unrest highlighted "harrowing rates of unemployment, poor health, violent crime and incarceration"¹⁷ in the Sandtown community which Frederick Douglass High School serves. Rates of unemployment, poverty and crime are double the city average in Sandtown. More people are incarcerated in Sandtown than any other neighborhood in Baltimore.¹⁸ Residents describe police brutality as a "daily problem."¹⁹

In his speech at Frederick Douglass High School in 2014, Duncan had called upon school personnel to "strive to ensure fairness and equity." Imagining that school personnel can create restorative schools in an environment that is punitive and criminalizing ignores the ways in which the institutional environment of schools is

¹⁴ David Tyack, *The One Best System: A History of American Urban Education*. (Harvard University Press, 1974, 10.)

¹⁵ Patricia Leigh Brown, "Opening Up, Students Transform a Vicious Circle," April 3, 2013; Robert K. Ross and Kenneth H. Zimmerman, "Real Discipline in School," February 16, 2014.

¹⁶ "U.S. Cabinet Secretaries Visit Douglass High School," *Baltimoresun.com*. Accessed May 11, 2015, <http://www.baltimoresun.com/news/maryland/education/bs-md-ci-duncan-perez-visit-20150506-story.html>.

¹⁷ Jeremy Ashkenas Park, Larry Buchanan, Alicia Desantis, Haeyoun, and Derek Watkins, "A Portrait of the Sandtown Neighborhood in Baltimore," *The New York Times*, May 2, 2015.

¹⁸ Ibid.

¹⁹ Ibid.

situated within larger cultural, political and economic conditions. Ensuring fairness and equity in an environment that is neither fair nor equitable, places an enormous, if not impossible burden on school personnel. Furthermore, in this dissertation I suggest that teachers respond to this burden by shifting blame and responsibility for the failure of schools to function as democratic communities onto individual students. This framing of the problem of school disorder ensures that exclusionary discipline policies that remove and isolate children will persist. Closing the discipline gap requires retracing our steps and confronting the context out of which it emerged before we “cross the next bridge.” Above all, it requires challenging the ideas that made its formation appear natural and benign.