

Candidate number: 1022056

# Disruptive Children: Desegregation, Student Resistance, and the Carceral Turn in New York City Schools

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Thesis Submitted for the degree of Doctor of Philosophy in History at the  
University of Oxford

Supervised by  
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Trinity Term, 2021

Word Count: 99,792

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### Short Abstract

This thesis seeks to understand the origins, development, and consequences of the carceral turn in American public education. Specifically, it considers how and why New York City came to deploy a vast force of police officers and security personnel, install sophisticated surveillance equipment, and put into place a set of highly punitive disciplinary policies that govern student behavior. Drawing from more than 40 different archives as well as 20 original oral histories, it maintains that school policing and student discipline have historically served as tools of social control and racial dominance, emerging with the very founding of organized education in America, and expanding most rapidly and dramatically as a direct response to the prospect of desegregated schooling and the attendant rupture in American life. In the wake of this conflict, the carceral apparatus was not only linked with, but institutionalized into, the public education system. Opposition to school desegregation, panic over the issue of juvenile delinquency, and white fears of Black criminality were mutually constitutive and jointly reinforcing – coming to a head in the mid-twentieth century and continuing to build upon each other throughout the ensuing decades towards a comprehensive system in the schools of exclusion, punishment, and arrest. On the level of both individual institutions and the education system as a whole, as more Black students enrolled in schools and flipped the demographics from predominantly white to predominantly Black, city and school officials increasingly met even ordinary student problems with carceral responses. City schools instituted sweeping disciplinary policies, forged partnerships with the municipal police department, and created security forces of their own as part of a larger system of student criminalization that both reflected and exacerbated existing social and racial hierarchies, stifled student organizing, and expanded the reach and power of the carceral state.

### Long Abstract

Over the course of the last half-century, an ever-expanding number of students has become ensnared in the nexus of the American education and carceral systems through a combination of zero tolerance disciplinary policies, school surveillance, and extensive deployment of police to handle student misconduct. In this system, students in even the earliest grades are frequently suspended, expelled, “pushed out,” or arrested over small, often highly discretionary infractions, such as talking back or being “disruptive.” Most of the offenses, if committed by adults, would not be considered criminal at all.

The scope and severity of school policing and discipline are particularly acute in New York City, which boasts both the largest school system and police department in the country. Indeed, New York City’s School Safety Division on its own constitutes one of the largest police forces in the entire country, exceeding the size of the municipal police departments of Washington, D.C., Boston, Dallas, and Detroit.

This thesis seeks to understand the origins, development, and consequences of the carceral turn in American public education. Specifically, it considers how and why New York City came to deploy an overwhelming force of police officers and security personnel, install sophisticated surveillance equipment, as well as put into place a set of highly punitive disciplinary policies that govern student behavior. While this is a story of national importance that took place across the country, education is primarily a local story. New York City is particularly notable in that it is a seemingly progressive Northern city that historically has helped forge a disturbing model for the country. Due in part to the city’s singular density and sharp segregation, New York’s battles over crime, delinquency, and desegregation were among the most pointed and influential in the nation.

Methodologically, this thesis combines approaches from the disciplines of carceral and educational studies, with elements of social, legal, political, urban, and institutional history. It connects a wealth of secondary literature on schooling, policing, and New York City with a vast array of primary sources rarely brought into conversation. While focusing a great deal on the voluminous records of the New York City Department of Education (previously referred to as the Board of Education), this thesis explores resources from more than 40 different archives, including previously confidential police records, and the papers of parent organizers, student organizers, grassroots community advocacy groups, teachers' unions, city officials, policing officials, corrections officials, mayors, city councilmembers, school administrative records, congressional records, and student, local, national, and Black newspapers, as well as more than 20 original oral histories. By drawing on this substantial and diverse selection of primary sources, this thesis attempts to reckon with this history as honestly and thoroughly as possible, giving serious credence and voice to the records, actions, and observations of ordinary parents and students as well as to those of government officials at the highest levels.

This thesis maintains that school policing and student discipline have historically served as tools of social control and racial dominance, emerging with the very founding of organized education in America, and expanding most rapidly and dramatically as a direct response to the prospect of desegregated schooling and the attendant rupture in American life. In the wake of this conflict, the carceral apparatus was not only linked with, but institutionalized into, the public education system. Opposition to school desegregation, panic over the issue of juvenile delinquency, and white fears of Black criminality were mutually constitutive and jointly reinforcing – coming to a head in the mid-twentieth century and continuing to build upon each other throughout the ensuing decades towards a comprehensive system in the schools of

exclusion, punishment, and arrest. On the level of both individual institutions and the education system as a whole, as more Black students enrolled in schools and flipped the demographics from predominantly white to predominantly Black, city and school officials increasingly met even ordinary student problems with carceral responses. New York City schools instituted sweeping disciplinary policies, forged partnerships with the municipal police department, and created security forces of their own as part of a larger system of student criminalization that both reflected and exacerbated existing social and racial hierarchies, stifled student organizing, and expanded the reach and power of the carceral state.

Student discipline and school policing evolved and expanded over time to enforce an ever restrictive and pernicious status quo. Expectations of absolute student deference to authority persisted during white supremacist hysteria over post-emancipation Black education; the Cold War-era delinquency scare; the post-*Brown v. Board of Education* school desegregation and civil rights battles; the War on Drugs; gang panics, and beyond. Throughout these social and political convulsions, any form of student insubordination in the schools – even rudeness – increasingly subjected children to the possibility of suspension, expulsion, and even arrest. Indeed, the title of this thesis, *Disruptive Children: Desegregation, Student Resistance, and the Carceral Turn in American Public Education*, is inspired by the so-called “disruptive child clause.” Championed in 1967 by the United Federation of Teachers, the city’s then-relatively new, overwhelmingly white, integration-skeptical teachers’ union, the proviso would grant teachers the right to remove any students they regarded as troublesome for infractions as minor – and discretionary – as “profanity,” “obscenity,” and “deliberate and open defiance of authority.” The very notion of the “disruptive child” represented to many students and parents an all-too-apt designation for how the education system regarded children who challenged school authority and convention,

whether through organized protest, obstreperous behavior, or the simple fact of being Black in a majority-white school.

Through the disruptive child clause effort and similarly subjective and punitive regulations, city officials used school police and disciplinary policies to determine in a larger sense who “belonged” in schools – which students were deemed worthy of an education and which ones in need only of control and punishment. For many children, school police have long served as the earliest representatives of the criminal justice system, not just regulating their lives but teaching them from the youngest age a lesson about how justice, power, and race operate. Though school policing and disciplinary crackdowns were often promoted as necessary for ensuring student safety, such carceral expansions typically corresponded not to any demonstrable rise in crime but rather to incidents of racial unrest and challenges to the prevailing social order within the school system. When Black community leaders demanded that New York fulfill its promise of desegregated education, the city began formalizing its deployment of school police; when parents in Brooklyn formed a movement for community control and advocated greater oversight of their children’s education, the city once again expanded its disciplinary powers; when young people agitated for students’ rights and an end to police in school, the city instead deployed additional officers; when Black students protested degrading weapons searches, the city installed more metal detectors and surveillance equipment. These carceral turns only exacerbated the very inequalities, injustices, and grim conditions that precipitated the initial predicaments, locking schools into a vicious cycle of crises begetting further crises. In this way, city officials did not respond to crises so much as manufacture them.

In the latter half of the twentieth century, carcerality became a principal operational and ideological paradigm through which New York City education officials ran the schools. School

buildings became correctional-style fortresses policed by an army of security agents and plainclothes officers and enhanced by ever more expensive and intrusive forms of surveillance and security hardware. Under this model, discipline and law enforcement became the solution to a widening array of student problems – social, economic, behavioral, emotional, interpersonal, health-related, or otherwise – no matter how complex and regardless of individual and structural circumstances. Law enforcement was treated as a kind of catchall remedy for all the social ills that plagued the most vulnerable children in New York City – a blunt and brutal instrument trained only for punishment.

While many city officials promoted the sort of “get tough” ethos that distinguished a great deal of carceral expansion nationally, quite often the growth of New York’s school security apparatus was promoted not as a conservative crackdown, but rather as a liberal reform. Such reforms, however, were not only incremental and inadequate in the face of large-scale structural problems plaguing the school system, they also were actively harmful. Even as New York’s expanding squadron of security officers were purported to bring a sense of respectability and professionalism to the school safety system, the unit was plagued with scandal and impropriety almost as soon as it was established: the city violated hiring regulations and previously confidential materials reveal that the officers were trained in a highly aggressive manner that left extraordinary room for bias and brutality. Predictably, but no less painfully, school police and security maintained a well-documented pattern of targeting Black students, students with disabilities, student activists, and any other students deemed problematic and “disruptive.”

But even as so many city officials eagerly embraced this carceral turn, the rise of school policing and student discipline in New York City and elsewhere did not go unchallenged. From the earliest days, Black parents, community members, and often teachers recognized the perils of

such punitive approaches and organized to stop them – fervently, repeatedly, and with great sophistication and perseverance. Many students, meanwhile, fought not for reform but for the wholesale abolition of school police and student discipline.

This thesis asserts that while schools have maintained racial dominance and social control through policing and discipline since the founding of formal education and juvenile justice systems, the carceral turn in public education came largely in response to the prospect of school desegregation beginning after World War II. While affirming the importance of the “get tough” movement of the 1980s and 1990s, as well as the larger punitive turn of the 1970s, and student protests and racial conflict of the late 1960s, this thesis suggests an earlier periodization for the carceral turn in public schools, and thus challenges our understanding of its origins. Indeed, it was the mere idea of Black students desegregating schools that was deemed a dangerous disruption to the status quo and a threat to public safety.

By focusing on schooling and the criminalization of students, this thesis treats schools not as passive, trickle-down recipients of the larger carceral turn in American life. Instead, this thesis urges us to understand the carceral turn in public schools as its own distinct process, with education officials actively forging their own logics of race, youth, and criminality. Indeed, schools were a particularly early and central locus of carcerality, and this thesis suggests the possibility that desegregated education and the battles over race, delinquency, and policing in the schools could be understood as a key factor contributing to the broader carceral turn. Beyond that, it further advances the idea that historians of education ought to consider schools as carceral, as well as welfare, institutions.

The narrative of *Disruptive Children* proceeds largely in chronological order, beginning with the very establishment of public education in the seventeenth century, concentrating on

New York City during the post-World War II period and into the latter half of the twentieth century, then ending where many believe school policing began, in the mid-1990s.

Chapter One explores the ways in which the policing, discipline, and carceral control of young people have been foundational to American schooling since the country's earliest days, advancing our understanding of the educational system as a fundamentally carceral mechanism, designed in no small part to exercise racial, social, and economic control. This chapter differs from subsequent ones by expanding both timeline and geography in order to challenge the commonly accepted periodization of school policing and the carceral turn in public education as an exclusively modern phenomenon, and to reflect the way events in New York influenced, and were influenced by, developments nationally. In tracking this long history, this chapter links typically distinct bodies of scholarship, including the criminalization of education during slavery and into reconstruction; the development of houses of refuge; the advent of compulsory education and the rise of the truant officer; the creation of the juvenile court system; the professionalization of policing; Progressive Era education reform and "child saving" efforts, and early school-police partnerships. Through this history, this chapter also challenges the popular periodization of school policing and the carceral turn in public education as a purely twentieth-century phenomenon.

Chapter Two traces the emergence of more formal school police forces amidst a widespread panic over juvenile delinquency as well as the ongoing and pitched battle over desegregated education in post-World War II New York City. Rather than considering these as discrete phenomena, this chapter argues that opposition to desegregation, delinquency panic, and fears of Black criminality were not only related but interdependent and mutually constitutive, leading to explicitly punitive and implicitly racist policing and discipline in schools. It begins by

reviewing the extent of the national and local delinquency panic and exploring the ways in which these fears were motivated in no small part by fears of school desegregation – the idea that youth deviancy was a disease of the Black slums that could infect and threaten the safety of white children in mixed schools. Indeed, white parents and city officials leveraged delinquency panic and fears of Black criminality to forestall desegregation and introduce increasingly formal and punitive forms of school policing and student discipline. The latter half of the chapter examines in detail one case of school violence in New York City that prompted the convening of a highly political and influential grand jury that used its pulpit to advocate for formal police presence in the city's schools.

Chapter Three examines the highly dramatic and consequential battles over race and municipal authority that captured New York City schools during the late 1960s. Though there is a wide-ranging body of scholarship on the struggles of this period, this chapter concentrates on a largely overlooked yet critical aspect of this conflict: the centrality of school policing and student discipline. It begins by examining the movement for community control, which arose out of the broken promises of desegregation and the over-disciplining of Black children in their neighborhoods and schools. This largely parent-led campaign for community control gave way eventually to an even more revolutionary movement for high school students' rights led by the children themselves, whose efforts were met by a powerful backlash in which school and police officials targeted organizers for punishment and arrest, and increased harsh punitive measures.

Chapter Four outlines the expansion, professionalization, and bureaucratization of New York City's school security apparatus from the late 1960s into the 1980s. Even as the city endured a catastrophic fiscal crisis and schools saw profound cuts to essential resources, school police and security systems gained untold power, personnel, and financial backing. With school

discipline delegated to security agents, all student misconduct, no matter how minor, could be – and often was – treated as criminal. During this period, student suspensions rose so dramatically that student pushout became a nationally recognized trend.

Finally, the epilogue describes the climax of this battle – how New York became the first major city in the nation whose municipal police department subsumed its school security division.

## Introduction

One Thursday morning, on February 6, 1969, a 17-year-old Black junior named Edward Perry was walking through the hallways of Franklin K. Lane High School when a teacher chased after the boy and asked to see his program card. Such an encounter was hardly unusual. Lane, an overcrowded, majority Black and Puerto Rican school situated along a mostly white stretch of Jamaica Avenue that straddles the Brooklyn-Queens border, had in recent years developed a “climate of discrimination against minority group students,” according to reports. And among the most exasperating daily indignities Black and Puerto Rican students faced were the constant program card checks, in which teachers and other school officials would demand to inspect the children’s schedules to ensure that they were not wandering the halls or cafeteria without permission. Though program card violations were only minor breaches of school regulations, they could often lead to serious punishment and even suspension.<sup>1</sup>

Edward was a capable student with a B average and spotless personal record. So perhaps that morning he was afraid of possible discipline – or maybe he simply wanted to avoid confrontation – as he declined to show his program card to the teacher, Seymour Bochner, who was white. “This teacher came running after me and asked me for my program card,” Edward later testified. “I just stood there. He asked for my program card again and I didn’t say anything. The teacher kept stepping in front of me and asking for my program card. So I just ran past him.”

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<sup>1</sup> “Conditions at Lane High School, October-November 1969,” Metropolitan Applied Research Center, Inc., November 25, 1969, Box 1, Folder 3, Kenneth B. Clark/Metropolitan Applied Research Center (MARC) Reports, Schomburg Center for Research in Black Culture, Manuscripts, Archives, and Rare Books Division. New York Public Library, New York, N.Y. (hereafter MARC Reports; also hereafter: Schomburg); Alfred E. Clark, “‘Missing’ Brooklyn Youth Was in Jail,” *New York Times*, March 22, 1969; Bernard Mackler, “The Punitive Use of Suspensions and Transfers in the New York City Schools,” in *Schools Against Children: The Case for Community Control*, ed. Annette T. Rubinstein (New York: Monthly Review Press, 1970), 156-157.

Bochner, however, contended that Edward had “jostled” him, and filed a complaint. As a result, the boy was not just reprimanded or punished, but taken from school in handcuffs and arrested on a charge of “harassment.” With just \$1 of lunch money in his pocket, Edward could not afford the \$25 bail, which left him incarcerated in Rikers Island Penitentiary. Neither the school, nor the arresting officers, nor the court notified his mother, who filed a missing person report when her son failed to return home and even borrowed a friend’s car to go searching for the boy herself. The warden at Rikers said a slip of paper in Edward’s handwriting had been turned in with two telephone numbers and a note reading: “Tell someone I am here and to bail me out because no one knows I am here.” That too was ignored. The boy was only returned home after his sister tracked down his location and the family posted bail. By then, Edward had spent five days in jail. “Nobody contacted me,” his mother, Jessie Perry, a hotel cleaning woman, said. “Not the school, the police or anybody.”<sup>2</sup>

Such was life at Franklin K. Lane. Perhaps no other school in the country saw more tension, violence, repression, and resistance during the fevered years of the late 1960s. What took place there represented a kind of exemplar of New York City’s battles over race, class, policing, discipline, desegregation, community control, and student rights that by then had been building for decades. As far back as 1954, the school, originally planned for 4,000 students, enrolled only 2,400 – overwhelmingly middle-class Germanic families from the surrounding area – and boasted high academic performance and a well-liked staff. Then came desegregation, and the ensuing project of school rezoning, which cut off some whiter areas, such as Glendale, and extended Lane’s catchment deeper into overwhelmingly low-income Black neighborhoods in Brooklyn, including Bedford-Stuyvesant and Ocean Hill-Brownsville. By 1958, Lane was 24.1%

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<sup>2</sup> Clark, “‘Missing’ Brooklyn Youth”; Mackler, “Suspensions and Transfers,” 156-157.

Black and Puerto Rican – a figure that increased to 50.2% in 1966, and 66% in 1969, as enrollment swelled beyond 5,000.<sup>3</sup>

The demographic transformation aroused strong tensions – and brazen racism – within Lane and the surrounding area. Local white community groups, such as the Cypress Hill-Woodhaven Improvement Association, formed, with the encouragement of some chapter members of the city’s dominant teachers’ union, the United Federation of Teachers (UFT), for the express purpose of opposing school desegregation and the perceived disorder at Lane and other local schools.<sup>4</sup> “VICTIMS OF JUNGLE SAVAGERY AWAKE! ARE YOU NEXT?” reads a flier posted around the neighborhood in January of 1969. “In 1967 Lane High School Was only 40% jungle. Now due to LIBERAL TREACHERY your school is 65% JUNGLE CONTROLLED.” Accompanying the text is a minstrel-style sketch as egregious as any propaganda distributed in the Antebellum South: five Black Lane students, drawn more simian than man, setting fire to a petrified, besuited white man and preparing to eat him. One carries a sign that declares “AFRICAN CULTURE FOR LANE HIGH”; another bears a placard reading “EAT WHITEY.” Across the bottom of the page runs the question: “WILL CANNIBALISM BE PRACTICED IN THE SCHOOL CAFETERIA?”<sup>5</sup> The origins of the flier remain uncertain, but its language was mimicked in another distributed just a week later by the National Youth Alliance, a radical right wing political group with ties to the American Nazi Party that gained

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<sup>3</sup> Peter Kihss, “Franklin K. Lane: Microcosm of the Problem,” *New York Times*, January 26, 1969.

<sup>4</sup> MARC, “Lane,” 1, 29-31; Vincent J. Cannato, *The Ungovernable City: John Lindsay and His Struggle to Save New York* (New York: Basic Books, 2001), 456; Joseph Lelyveld, “City High Schools Affected,” *New York Times*, February 9, 1970.

<sup>5</sup> “VICTIMS OF JUNGLE SAVAGERY AWAKE!” January 29, 1969, Box 6, Folder: FK Lane, Annie Stein Papers, Rare Book and Manuscript Library, Columbia University, New York, N.Y. (hereafter: Stein Papers; also hereafter: Columbia).

some popularity in the late 1960s. This time, the leaflet, publicizing a rally headlined by the notorious Newark City Councilman Anthony Imperiale, decried the “reign of terror against the civilized student” and encouraged supporters to “smash jungle savagery.” The image attached shows a lynched man hanging from a tree.<sup>6</sup>

Such displays of racial animus came not only from more fringe radical groups but also from students, teachers, and powerful administrators within Lane. “Black and Puerto Rican students have been flagrantly discriminated against by the police, by certain teachers and by certain school administrators,” reads a previously confidential report from 1969 by the Metropolitan Applied Research Center (MARC), about happenings at Lane. “They have been harassed in the school and on the streets, subject to suspensions, arrests and injuries.” According to the report, racist epithets were often graffitied in the bathrooms and on classroom doors; teachers regularly used the n-word and several played active roles in local white extremist groups; some students were spotted carrying Nazi flags and literature, and someone draped a Confederate banner atop the school flagpole.<sup>7</sup> Gangs of white boys often beat up their Black classmates on the grounds of protecting the white girls. “The colored’s always pushing the white girls around, so 15 of us white guys took on 16 of them Friday to show we’re not punk,” one young man told a reporter from the *Times*.<sup>8</sup>

In this environment, Black and Puerto Rican students were relegated to worse classes, disciplined harshly, and ultimately treated as threats.<sup>9</sup> The school’s principal, Morton Selub,

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<sup>6</sup> National Youth Alliance flier, February 1, 1969, Box 6, Folder: FK Lane, Stein Papers.

<sup>7</sup> “Conditions at Lane,” MARC Reports.

<sup>8</sup> Paul L. Montgomery, “Lane High School Consolidating Sessions to Tighten Security,” *New York Times*, November 4, 1969.

<sup>9</sup> “Conditions at Lane,” MARC Reports; Richard Johnston, “Police Become Reminder of Tension at Troubled Lane High School,” *New York Times*, April 1, 1969.

openly stated his desire to slash the percentage of Black and Puerto Rican students in the school, saying “proportions should be closer to 50%” – a figure often cited by the UFT and white parents as a dangerous demographic “tipping point.”<sup>10</sup> One article in the *New York Times* described a 50/50 racial split as “the perfect ethnic mix, it is sometimes said, for an explosion.”<sup>11</sup> The school’s teachers’ union chapter also explicitly called for 1,100 Black students to be transferred out of Lane, blaming them for a “rash of extortion, vandalism, larceny and numerous acts against other students.”<sup>12</sup> Black students understood well what this meant. “It is quite clear that they don’t want us here,” Romana Kerr, a sophomore, told the *New York Amsterdam News*, the most prominent Black newspaper in the city.<sup>13</sup> Any display of racial pride, from carrying Pan-African flags to wearing dashikis, seemed to inspire a reflexive panic by teachers and administrators, who, despite the changing student body, remained almost entirely white. “In the eyes of many teachers,” read an article in the *Times*, such students “surrender the status of children for that of ‘hard-core militants.’”<sup>14</sup>

Indeed, Black students from the time, and particularly student organizers, observed an unmistakable pattern of hostility and intimidation by their teachers, who made a habit of singling them out for uniform violations and other infractions that, though minor, often nonetheless led to suspensions. “The discipline was always for talking back or being unruly – totally subjective things so they could really nab whoever they wanted whenever they wanted,” Ira Schwartz, a

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<sup>10</sup> “Conditions at Lane,” MARC Reports.

<sup>11</sup> Lelyveld, “Schools Affected.”

<sup>12</sup> “Union Asks School to Shift Negroes,” *New York Times*, January 14, 1969.

<sup>13</sup> George Todd, “Charge Drugs, Obscenities Rampant At HS,” *New York Amsterdam News*, November 8, 1969.

<sup>14</sup> Lelyveld, “Schools Affected.”

student organizer at Lane, recalled in an interview.<sup>15</sup> Some students reported that they were even made to swear that they would not be “politically active” or urged to “repent” as a condition of their reinstatement.<sup>16</sup>

What’s more, in January of 1969, Lane’s UFT chapter chairman lobbied the teachers to threaten a strike if the city did not station a fleet of police inside the building. “We feel we’re a target school for a black take-over,” said the school’s UFT chapter chairman, Harold Saltzman, justifying the action.<sup>17</sup> Indeed Saltzman claimed that white children were the true victims of racial discrimination and violence at the school. “These whites,” he wrote, in a memoir of his time at Lane, “had been on the receiving end of a wave of terror that matched anything thrown by Southern whites at black people in the post-1954 era.”<sup>18</sup> Ultimately, Saltzman managed to rally his constituents, who voted 179-30 to threaten the strike.

Soon after, despite hesitation even from the police department, the city assigned more than seven uniformed officers to roam both in and outside the school. “It’s like a precinct,” multiple students told the *Amsterdam News*. Another remarked, upon exiting the building, “It’s like leaving a prison.”<sup>19</sup> Some students said teachers seemed emboldened by the presence of police. “As soon as they get the cops behind them, they show how racist they are,” one Lane student regarded by teachers as “militant” told the *New York Times*.<sup>20</sup> Ira Schwartz, the former student organizer, recalled that during this period, he was arrested by one police officer assigned

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<sup>15</sup> Ira Schwartz, interview by author, August 25, 2020; Willie Baptiste, interview by author, November 20, 2019; MARC, “Lane,” 2.

<sup>16</sup> “Conditions at Lane,” MARC Reports, 2.

<sup>17</sup> Maurice Carroll, “Teachers Demand Police Patrol Inside a School,” *New York Times*, January 10, 1969.

<sup>18</sup> Harold Saltzman, *Race War in High School* (New Rochelle: Arlington House, 1972), 45.

<sup>19</sup> George Todd, “‘Lane HS Now Like Prison,’ Says Coed: Trouble At Lane HS Brings Cop Patrol,” *New York Amsterdam News*, January 18, 1969.

<sup>20</sup> Lelyveld, “Schools Affected.”

to the school when he tried to remove a bumper sticker supporting the presidential campaign of the segregationist George Wallace from a teacher's car parked on nearby Elderts Lane. After resisting arrest, Ira was hauled to the Manhattan Detention Complex, where he was forced to spend the night in a cell with an adult man who threatened to kill him.<sup>21</sup>

Over the course of the last half-century, an ever-expanding number of students has become ensnared in the convergence of the American education and carceral systems through a combination of zero tolerance disciplinary policies, school surveillance, and extensive deployment of police to handle even trivial student misconduct. In this arrangement, students in even the earliest grades are often suspended, expelled, “pushed out,” or arrested over small, often highly discretionary infractions, such as talking back or being “disruptive.”<sup>22</sup> Nationally, at least 3.5 million students are suspended annually, starting in preschool.<sup>23</sup> (Although centralized national data were not available until much later, in New York City, suspensions have climbed from around 1,300 during the 1957-58 school year to 32,801 in 2018-19, even as enrollment has barely increased.<sup>24</sup>) Even more alarming are the numbers of those arrested and shuffled into the courts and prisons. During the 2011-2012 school year, for example, about 92,000 children were arrested in their schools, the U.S. Department of Education reported. Yet, most of the

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<sup>21</sup> Schwartz, interview by author.

<sup>22</sup> Heather Ann Thompson, “Why Mass Incarceration Matters,” *The Journal of American History* 97, no. 3 (December 2010): 710-11; Paul Hirschfield, “The Uneven Spread of School Criminalization on the United States,” *Criminal Justice Matters* 74, no. 1 (2008): 28-30.

<sup>23</sup> “School Climate and Discipline: Know the Data,” U.S. Department of Education; Valerie Strauss, “250 preschoolers suspended or expelled every school day, according to new analysis,” *Washington Post*, November 7, 2017.

<sup>24</sup> Leonard Buder, “Schools Ousted 1,021 Since Feb. 7,” *New York Times*, April 3, 1958; Alex Zimmerman, “Student suspensions fall sharply in New York City, reversing an unusual bump the year before,” *Chalkbeat*, November 1, 2019.

precipitating violations were relatively minor.<sup>25</sup> In New York City public schools in 2012, for example, 74% of the arrests were for misdemeanors or civil violations, according to a report by the state courts, infractions that in years past would generally have been handled by school officials, not police. Most of the offenses, if committed by adults, would not have been considered criminal at all.<sup>26</sup>

These punishments are frequently the entry portal into the carceral system for young people, and often the discipline is meted out by municipal police stationed in the school or called in during a conflict, or by school security personnel sometimes called “school resource officers.” According to the National Association of School Resource Officers, SROs by “federal definition” are career law enforcement officers who generally are armed, although jurisdictions do have the option to prohibit SROs from carrying firearms.<sup>27</sup> Forty-three percent of public schools nationwide employ police or other security personnel, according to a recent survey by the United States Department of Education, with 63% of high schools reporting that their guards and officers carry firearms.<sup>28</sup> Their duties can consist of everything from patrolling school premises, to conducting school entrance screenings, to issuing summonses, to conducting drug education and anti-delinquency education, to actually arresting students. (This thesis will focus primarily on their role in discipline and law enforcement.<sup>29</sup>)

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<sup>25</sup> U.S. Department of Education Office for Civil Rights, “Civil Rights Data Collection, Data Snapshot: School Discipline,” Issue Brief No. 1 (March 2014).

<sup>26</sup> New York City School-Justice Partnership Task Force, “Keeping Kids In School and Out of Court: Report and Recommendations,” (May 2013).

<sup>27</sup> “FAQ,” National Association of School Resource Officers, accessed October 2021, <https://www.nasro.org/faq/>.

<sup>28</sup> Simone Robers, et al, “Indicators of School Crime and Safety: 2014,” National Center for Education Statistics, U.S. Department of Education (Washington, D.C., 2015).

<sup>29</sup> For more on the educational capacities of school police, see, Max Felker-Kantor, “‘Kid thugs are spreading terror through the streets’: Youth, Crime, and the Expansion of the Juvenile Justice System in Los Angeles, 1973-1980,” *Journal of Urban History* 44, no. 3 (May 2018): 476–500.

Unsurprisingly, the brunt of this disciplinary burden is shouldered by the most vulnerable students – Black, Latinx, poor, and developmentally disabled – reflecting and reinforcing biases that persist throughout the criminal justice and education systems. Nationally, Black students are suspended and expelled at a rate three times greater than that of white students.<sup>30</sup> The disparity is consistent across the years and jurisdictions. During the 1999–2000 school year, for example, Black students comprised only 17% of San Diego’s students yet accounted for 50% of those suspended for the vague charges of “disruption” or “defiance.”<sup>31</sup>

The scope and severity of school policing and discipline are particularly acute in New York City, which boasts both the largest school system and the largest police department in the country. Patrolling the city’s roughly 1,700 schools are 5,322 unarmed officers with powers of arrest called “School Safety Agents,” as well as 189 uniformed police officers, all of whom are managed by the New York City Police Department School Safety Division, a division of the New York City Police Department (NYPD). These numbers are, by any measure, staggering. The Los Angeles School Police Department, which oversees the second largest school system in the country, employs only around 270 security personnel – around 5% the size of New York’s force despite having close to two-thirds as many students.<sup>32</sup> Indeed, New York City’s School Safety Division constitutes one of the largest police forces in the entire country, exceeding the size of the municipal police departments of Washington, D.C., Boston, Dallas, and Detroit.<sup>33</sup> The

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<sup>30</sup> “Data Snapshot: School Discipline.”

<sup>31</sup> Applied Research Center, “Profiled and Punished: How San Diego Schools Undermine Latino & African American Student Achievement,” Oakland, CA: Applied Research Center, 2002.

<sup>32</sup> “About Us,” Los Angeles School Police Department, accessed October 2021, <https://achieve.lausd.net/Page/15609>; “Digest of Education Statistics,” National Center for Education Statistics, accessed October 2021, [https://nces.ed.gov/programs/digest/d18/tables/dt18\\_215.30.asp?current=yes](https://nces.ed.gov/programs/digest/d18/tables/dt18_215.30.asp?current=yes).

<sup>33</sup> “The Largest Police Departments in the U.S.,” WorldAtlas, accessed October 2021, <https://www.worldatlas.com/articles/the-largest-police-departments-in-the-us.html>.

budget for school safety is commensurately large: while the 1968 budget for school safety was \$1.5 million (which would translate to just over \$11 million in 2019), by 2019 that allocation had skyrocketed to \$431 million, far outpacing the growth of the overall budget.<sup>34</sup>

In New York and elsewhere, this escalation has occurred without any convincing evidence that school police and the accompanying arsenal of equipment make schools any safer. Studies have even shown that these School Safety Agents routinely misuse their authority to enforce school rules, arrest students for trivial disobedience, and sometimes even engage in outright abuse.<sup>35</sup> Indeed, nearly one official complaint has been filed for every four school officers on the job in New York City.<sup>36</sup> In February of 2010, for example, a 7<sup>th</sup>-grade girl at Russell Sage Junior High School in Queens was unlawfully arrested for doodling on her desk with an erasable marker, searched without her consent, perp-walked through school, and handcuffed to a pole at the 112<sup>th</sup> police precinct for more than two hours.<sup>37</sup> And even though they comprised 66% of the more than 1,000,000 students registered, Black and Latinx students in New York City account for about 90% of school-based arrests – even more disproportionate than the overall city arrest rates.<sup>38</sup>

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<sup>34</sup> “NYPD-School Safety-Budget Explainer,” Children’s Defense Fund, accessed October 2021, <https://www.cdfny.org/wp-content/uploads/sites/3/2019/09/NYPD-School-Safety-Budget-Explainer.pdf>.

<sup>35</sup> Elora Mukherjee, “Criminalizing the Classroom: The Over-Policing of New York City Schools,” New York Civil Liberties Union and American Civil Liberties Union (March 2007); Chongmin Na and Denise C. Gottfredson, “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors,” *Justice Quarterly* 30, no. 4 (2013): 619-650.

<sup>36</sup> Aaron Sussman, “Learning in Lockdown: School Police, Race, and the Limits of Law,” *UCLA Law Review* 59, no. 788 (2012).

<sup>37</sup> *B.H. on behalf of her minor daughter D.B., et al, v. City of New York, et al*, 10 CV 0210 (RRM) (ALC), June 2010.

<sup>38</sup> Madina Touré, “Report: Black, Latino youths still getting arrested at disproportionate rates in NYC,” *Politico New York*, July 13, 2020; James P. O’Neill, “Crime and Enforcement Activity in New York City,” NYPD (January 1- December 21, 2020).

The proliferation of school-based police and security presence is financially incentivized. Between 1995 to 2016, The Federal Office of Community Oriented Policing Services, better known as COPS, paid close to \$290 million to schools in all 50 states to enhance their school policing programs, with most of that money going to hire personnel. Tens of millions more was spent on hardware through COPS and, more still, through other initiatives, including ones sponsored by the Department of Education's Safe and Drug-Free Schools and Community Act, the No Child Left Behind Act, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Assistance. In addition, state and local governments have offered countless more subsidies for school policing and surveillance apparatus.<sup>39</sup> The funding streams are so robust, the National Association of School Resource Officers highlights on its website that, "School-based policing is the fastest-growing area of law enforcement."<sup>40</sup> Nonetheless, extensive reviews of studies evaluating the effectiveness of school police show that the presence of such officers does not improve school safety or reduce school violence, and, in fact, students feel less safe with police in their schools. The presence of school police, however, has been shown to lead to more expulsions and suspensions.<sup>41</sup>

Quite often, this greater system of harsh disciplinary policies and school policing is referred to as the "school-to-prison pipeline." This term, which first came into use around 2003 and achieved a more substantial degree of mainstream popularity in the early 2010s, has served

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<sup>39</sup> Megan French-Marcelin and Sarah Hinger, "Bullies in Blue: The Origins and Consequences of School Policing," American Civil Liberties Union (April 2017), 10-12; Torin Monahan and Rodolfo D. Torres, "Introduction," in *Schools Under Surveillance: Cultures of Control in Public Education*, eds. Torin Monahan and Rodolfo D. Torres (New Brunswick, N.J.: Rutgers University Press, 2009), 1-18.

<sup>40</sup> "About NASRO," NASRO, accessed October 2021, <https://www.nasro.org/main/about-nasro/>.

<sup>41</sup> Humera Nayeb and Amy Meek, "What the Research Shows: The Impact of School Resource Officers (SROs)," Chicago Lawyers' Committee for Civil Rights (June 23, 2020).

as a succinct and resonant way of describing and bringing attention to the rise of school-based arrests and student pushouts.<sup>42</sup> But while, as the sociologists Kayla Crawley and Paul Hirschfield write, “empirical evidence does support a causal connection between school exclusion and arrests,” some scholars have begun to question the pipeline terminology, fearing that the metaphor may obscure – and perhaps even understate – as much as it illuminates this complex phenomenon.<sup>43</sup> In an article critically examining the pipeline metaphor, the education scholar Ken McGrew cautions that “there is no actual pipeline from school to prison,” and that we may be “mistaking a metaphor for an actual social phenomenon.”<sup>44</sup> The scholar Erica Meiners suggests that the relationship between schools and the criminal justice system is less a pipeline than a “persistent nexus or a web of intertwined, punitive threads.” The nexus metaphor, “while perhaps less ‘sexy,’” she writes, “is more accurate as it captures the historic, systemic, and multifaceted nature of the intersections of education and incarceration.”<sup>45</sup> In an incisive article, the anthropologist Damien Sojoyner argues that the terminology of the pipeline has blunted the possibility of truly transformative social change. This metaphor, he writes, is an “an easy and accessible narrative” that has been co-opted by “philanthropic organizations and national and state government offices... as a reformist attempt to assuage the demands of community and neighborhood organizing.” Instead, Sojoyner argues that anti-Blackness and carcerality are

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<sup>42</sup> Some scholars believe the pipeline terminology was popularized at a conference entitled “Reconstructing the School to Prison Pipeline: Charting Intervention Strategies of Prevention and Support for Minority Children,” held at Northeastern University on May 16–17, 2003. See: Ken McGrew, “The Dangers of Pipeline Thinking: How the School-To-Prison Pipeline Metaphor Squeezes Out Complexity,” *Educational Theory* 66, no. 3 (July 2016): 343.

<sup>43</sup> Kayla Crawley and Paul Hirschfield, “Examining the School-to-Prison Pipeline Metaphor,” *Oxford Research Encyclopedia of Criminology and Criminal Justice*, 2018.

<sup>44</sup> McGrew, “Pipeline Thinking,” 364-365.

<sup>45</sup> Erica R. Meiners, *Right to Be Hostile: Schools, Prisons, and the Making of Public Enemies* (New York: Taylor & Francis Group, 2007), 31-32.

foundational to schooling. “Rather than a school to prison pipeline,” he writes, “the structure of public education is just as and maybe even more so culpable in the enclosure of Black freedom, which in turn has informed the development of prisons.”<sup>46</sup> This is a connection that Black students have been drawing for decades: recall the children at Lane comparing their school to a “precinct” and a “prison.”<sup>47</sup>

Indeed, the formulation of the “school-to-prison pipeline” phraseology seems to imply that schools are institutions of benevolence and welfare, and that problems only arise when students are banished from them and into the criminal justice system. But for many students, schools themselves have come to mirror carceral institutions in their physical settings, procedures, pedagogies, and attitudes towards children. Instead of the pipeline metaphor then – and absent any perfect terminology – I will aim to refer as much as possible to the specific individual issues at hand, whether the presence of school police, the installation of surveillance hardware, or the formulation of disciplinary policies. But in discussing this broader history, I will rely on the expression the “carceral turn” in American public education, borrowing a term from carceral studies meaning, as the scholar Noah De Lissovoy writes, “the tendency toward authoritarianism and punishment in the state and civil society.”<sup>48</sup>

The implications of this carceral turn in schools are profound and far-reaching. Schools are often the first and most significant institution of public life that a child enters. So, when students pass through metal detectors, undergo body scans or bag checks, and encounter police patrolling the hallways simply to go to class, they absorb the lesson early on that the education

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<sup>46</sup> Damien M. Sojoyner, “Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline,” *Berkeley Review of Education* 4, no. 2 (2013).

<sup>47</sup> Todd, “Lane HS Now Like Prison.”

<sup>48</sup> Noah De Lissovoy, “Conceptualizing the Carceral Turn: Neoliberalism, Racism, and Violation,” *Critical Sociology* 39, no. 5 (2012): 740.

and criminal justice systems are inextricably linked and that their own right to be in school is tenuous. The physical security structures are often so harsh and so intrusive – including barbed-wire fencing, barred windows, and fingerprinting – they seem designed not to protect but to intimidate. Rather than acting as reassuring symbols of safety, they become what the scholars Torin Monahan and Rodolfo D. Torres call “architectures of visibility and containment.”<sup>49</sup>

For the most part, scholarship on school policing, student pushout, and the carceral turn in public education has come from the fields of sociology, criminology, and education studies. Though these scholars have admirably and often quite meticulously described these systems of student punishment as they manifest in the present, very few have explored their origins and historical development. Nonetheless, these social scientists have put forth a number of theories and claims regarding the roots of these phenomena.<sup>50</sup> Perhaps the premise most widely promulgated by popular journals and believed by the public is that these systems evolved as an effort to ensure “school security” during the 1990s through the Gun-Free Schools Act and other measures, following a number of highly publicized deadly school shootings. In this view, the conventional idea of the “school-to-prison pipeline” was as an unintended, if unfortunate, consequence of a well-meaning attempt to ensure student safety.<sup>51</sup> (Indeed, among the first references to the “pipeline” terminology came in a 2003 article in Kentucky’s *Courier-Journal* newspaper, citing a report entitled “Unintended Consequences,” by a team of policy advocates,

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<sup>49</sup> Monahan and Torres, *Schools Under Surveillance*, 1.

<sup>50</sup> The scholars Paul Hirschfield and Chase Burton have both reviewed much of this historiographical progress in their work. See, Paul J. Hirschfield, “Preparing for prison? The criminalization of school discipline in the USA,” *Theoretical Criminology* 12, no. 1 (2008); Chase S. Burton, “Schools and Delinquency in the Early 20th Century: Rethinking the Origins of School Policing,” *British Journal of Criminology* 57, no. 3 (May 2017).

<sup>51</sup> For examples, see works by Nancy Heitzeg and Christopher Mallett; Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* (Minneapolis: University of Minnesota Press, 2011), 30.

who, the article says, “worry that zero tolerance policies may have created a ‘school-to-prison pipeline.’”<sup>52</sup>)

Other scholars, including some historians, have suggested earlier roots, citing the neoliberal movement for “school accountability” of the 1980s and 1990s. They reason, as the writer Annette Fuentes does, that officials at underfunded, poorly performing schools “have strong incentives to remove the lowest-performing students from their classroom” in order to meet dictates for standardized testing and attendance numbers.<sup>53</sup> More still have identified schools as yet another realm of American life that took a punitive turn amidst the get-tough, “governing through crime” era that took hold during the 1970s and 1980s.<sup>54</sup>

An increasingly popular narrative among some scholars reaches back even further, identifying the rise of student protest in the late 1960s – and subsequent legal and bureaucratic repercussions – as the origin point of school policing and punitive disciplinary policies.<sup>55</sup> Though still under-researched, this account posits that, as the legal scholar Jonathan Simon puts it, student unrest, youth culture, and drug crimes were “framed as a major source of threat to the safety and educational mission of schools.”<sup>56</sup> A related legal theory asserts that the student rights movement of this period brought about a marked increase in educational litigation challenging

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<sup>52</sup> “Soaring Suspensions,” *Courier-Journal*, February 22, 2003.

<sup>53</sup> Annette Fuentes, *Lockdown High: When the Schoolhouse Becomes a Jailhouse*, (Brooklyn: Verso, 2011), 78; Monahan and Torres, *Schools Under Surveillance*, 1–18; Anthony S. Bryk et al, *Charting Chicago School Reform: Democratic Localism as a Lever for Social Change* (Boulder, CO: Westview Press, 1999).

<sup>54</sup> Christopher Agee, “Crisis and Redemption: The History of American Police Reform since World War II,” *Journal of Urban History* 46, no. 5 (2017): 954; Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford: Oxford University Press, 2007), 207.

<sup>55</sup> See, Gordon Crews and M. Reid Counts, *The Evolution of School Disturbance in America: Colonial Times to Modern Day* (Westport: Praeger, 1997), 86-87; Judith Kafka, *The History of “Zero Tolerance” in American Public Schooling* (New York: Palgrave MacMillan, 2011), 77.

<sup>56</sup> Simon, *Governing Through Crime*, 207.

unfair and capricious punishment. The rulings in these cases not only established more standardized disciplinary procedures but also “produced skepticism about the legitimacy of school disciplinary practices,” as the sociologist Richard Arum writes. The hypothesis follows that this “adversarial legalism,” as it is sometimes called, emboldened some students to defy authority and made administrators wary of further litigation, opting instead to outsource and bureaucratize discipline.<sup>57</sup>

Compared to the wealth of social science scholarship on the carceral turn in American schooling, there has been relatively little historical writing on the subject – a surprising scholarly lacuna, given the rich histories of education and the carceral state. While the vast and varied literature on the history of American schooling includes a great deal of authoritative work on the inequities and injustices of American education – from efforts to suppress Black literacy during slavery to battles over desegregation, busing, and community control – the scholarship on student discipline has remained relatively limited.<sup>58</sup> Much of the work has understandably centered on perhaps the most severe form of physical discipline: corporal punishment.<sup>59</sup> Though this scholarship has explored the legality and consequences of this practice, it has done little to place it within the larger system of classroom control. Other scholars – most notably the economists Samuel Bowles and Herbert Gintis – consider the ways in which schools organized their internal structures and norms to best suit the hierarchical needs of the capitalist labor

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<sup>57</sup> Richard Arum, *Judging School Discipline: The Crisis of Moral Authority* (Cambridge: Harvard University Press, 2003), 5-6.

<sup>58</sup> William J. Reese and John L. Rury, *Rethinking the History of American Education* (New York: Palgrave Macmillan, 2008).

<sup>59</sup> Timothy Garrison, “From Parent to Protector: The History of Corporal Punishment in American Public Schools Rights of Parents: Part Two: The Rights of Parents,” *The Journal of Contemporary Legal Issues* 16, no. 1 (Spring 2007): 115-119; Jacob Middleton, “The Experience of Corporal Punishment in Schools, 1890–1940,” *History of Education* 37, no. 2 (March 2008): 253–275.

market, “disciplining children in the interest of producing a properly subordinate adult population.”<sup>60</sup> On the subject of school security and policing, the historical literature has been limited mainly to truant and attendance officers.<sup>61</sup> Significant as these works have proven, they only seem to raise further questions about the origins and development of the school disciplinary apparatus and its collaboration with the criminal justice system.

The growing field of carceral history, while mostly overlooking the role of schools specifically, nonetheless offers numerous works that speak to the subject in important ways by considering “the historical drivers of the carceral state,” write the historians Kelly Lytle Hernández, Khalil Gibran Muhammad, and Heather Ann Thompson in their introduction to a special issue of *The Journal of American History*. Among their findings is that while “mass policing and incarceration began their staggering booms during the 1970s, the roots of the carceral state run much deeper in U.S. history,” serving from inception as “the expression of liberty by the negation of it.”<sup>62</sup> In another article discussing the need to historicize mass incarceration, Thompson recognizes the importance of school policing history specifically, calling it part of the “process of criminalizing urban space via urban schools,” and seems to invite further scholarship. In response to student organizing in the late 1960s, Thompson writes, “school district officials across the country not only embraced more punitive policies but also

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<sup>60</sup> Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life* (New York: Basic Books, 1976), 37.

<sup>61</sup> David Tyack and Michael Berkowitz, “The Man Nobody Liked: Toward A Social History of the Truant Officer, 1840-1940,” *American Quarterly* 29, no. 1 (Spring 1977): 31-54.

<sup>62</sup> Kelly Lytle Hernandez, Khalil Gibran Muhammad, Heather Ann Thompson, “Introduction: Constructing the Carceral State,” *The Journal of American History* 102, no. 1 (Spring 2015): 20-21.

began employing security staffs to enforce them.”<sup>63</sup> On the topic of policing specifically, Marilynn S. Johnson, in her history of the NYPD, details how common forms of police brutality are tolerated and even encouraged by both the public and the police in mistaken belief that “tough, aggressive street policing is effective and essential to public safety,” without sufficiently appreciating how such tactics ultimately undermine not only police-community relations but “the efficacy of law enforcement.”<sup>64</sup> Beyond that, Jonathan Simon writes of police forces in Northern cities that “perhaps no other organized sector of US political society put up a more violent and sustained resistance to the whole premise of equal citizenship for minorities.”<sup>65</sup>

Several excellent books on the history of the juvenile justice system also show how, as the legal scholar Barry Feld observes, “ambivalence about young people” transformed the legal apparatus “from rehabilitation to retribution and from support to suppression.”<sup>66</sup> Still, as the historian Geoff K. Ward finds, “American juvenile justice routinely prioritized rehabilitative intervention in the lives of white children and youth” while criminalizing their Black counterparts.<sup>67</sup> In part of one chapter of her book *From the War on Poverty to the War on Crime*, the historian Elizabeth Hinton demonstrates how “the American juvenile justice regime during [the mid-1970s] sustained new forms of supervision in urban public schools” in part by

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<sup>63</sup> Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *The Journal of American History* 97, no. 3 (2010): 710-711.

<sup>64</sup> Marilynn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 203), 4.

<sup>65</sup> Jonathan Simon, “Policing after Civil Rights: The Legacy of Police Opposition to the Civil Rights Movement for Contemporary American Policing,” in *The SAGE Handbook of Global Policing* (Thousand Oaks: SAGE Publications, 2016), 376.

<sup>66</sup> Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999), 6.

<sup>67</sup> Geoff K. Ward, *The Black Child-Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012), 3.

“classifying low-income black youth as delinquent *before* they had committed any legal violation.”<sup>68</sup> Another related area of scholarship on the criminalization of Black children, including work by scholars such as Tera Eva Agyepong, critically shows what the historian Carl Suddler calls the “persistence of race as a decisive factor in American notions of crime and delinquency,” forcing Black youth to long “bear the burden of a justice system that denied their innocence and presumed their criminality.”<sup>69</sup> Other works that speak more specifically to the criminalization of students, from scholars such as Victor Rios, Erica Meiners, and Monique Morris, reveal the need for more expansive examination of the historical roots of this phenomenon.<sup>70</sup>

More recently, a small but meaningful body of scholarship has begun to emerge specifically seeking to historicize school policing and discipline and suggesting a longer history of the carceral turn in public education. First and most foundational was the trailblazing work of the education historian Judith Kafka, whose book *The History of “Zero Tolerance” in American Public Schooling* traces the bureaucratization and centralization of disciplinary policies in Los Angeles schools from the 1950s to the 1970s. Kafka shows how student discipline transformed from an “educative process for which educators had a moral obligation to a system of punishment in which educators had bureaucratic authority,” and ultimately became an “institutionalized component of American public schooling.” Kafka sees this transformation as

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<sup>68</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), 222.

<sup>69</sup> Tera Eva Agyepong, *The Criminalization of Black Children: Race, Gender, and Delinquency in Chicago’s Juvenile Justice System, 1899–1945* (Chapel Hill: University of North Carolina Press, 2018); Carl Suddler, *Presumed Criminal: Black Youth and the Justice System in Postwar New York* (New York: NYU Press, 2019), 124-125.

<sup>70</sup> Victor Rios, *Human Targets: Schools, Police, and the Criminalization of Latino Youth* (Chicago: University of Chicago Press, 2017); Meiners, *Right to Be Hostile*; Monique Morris, *Pushout: The Criminalization of Black Girls in Schools* (New York: The New Press, 2016).

“informed by racial conflict and prejudices, but it also extended beyond race,” with school officials taking “decreasing responsibility for the socialization of all youth” amidst the diversification and differentiation of the student population.<sup>71</sup> While Kafka focuses primarily on disciplinary policy, the education scholar Kenneth Noble more recently published a revealing dissertation on early school-police partnerships that emerged in the 1950s and 1960s. Using comparative case studies of Flint, Michigan’s Police School Liaison (PSL), Tucson, Arizona’s School Resource Officer (SRO), and Cincinnati, Ohio’s Police-Attitude Project, Noble argues that “educators collaborated with municipal law enforcement to reduce juvenile delinquency, but did so in ways that challenged students’ rights and continued to marginalize minority and low-income urban youth.”<sup>72</sup> Marking another critical recent intervention, the legal and social policy scholar Chase Burton plumbs the archives of two early-twentieth century municipal partnerships between schools and police in California to show how “modern school policing does not mark a departure from, or a collapse of, the Progressive project of education but rather is a logical extension of it,” indicating a potential “long ‘pre-history’ of the ‘school-to-prison pipeline.’”<sup>73</sup> This field is thankfully set to expand even further with exciting new works forthcoming from scholars including Dara Walker, Deirdre Dougherty, Walter Stern, Menika Dirkson, Matt Kautz, Mahasan Chaney, and Max Felker-Kantor, among others.<sup>74</sup>

Building off this important and growing body of literature and applying the insights of carceral studies to the field of education history, this thesis seeks to understand the origins,

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<sup>71</sup> Judith Kafka, “From Discipline to Punishment: Race, Bureaucracy, and School Discipline Policy in Los Angeles, 1954-1975,” (PhD diss., University of California, Berkeley, 2004), 2, 16.

<sup>72</sup> Kenneth A. Noble, “Policing the Hallways: The Origins of School-Police Partnerships in Twentieth Century American Urban Public Schools,” (PhD diss., University of Florida, 2017), 8.

<sup>73</sup> Burton, “Schools and Delinquency,” 546.

<sup>74</sup> I am currently working with many of these scholars to compile a special journal section about education and the carceral state.

development, and consequences of the carceral turn in American public education. Specifically, it considers how and why New York City schools, the largest education system in the country, came to deploy a vast force of police officers and security personnel, as well as put into place a set of highly punitive disciplinary policies that govern student behavior. While this is a story of national importance that took place across the country, education is primarily a local story.

Focusing on New York City, which has been particularly understudied in this realm, allows for a more intimate, textured portrait of municipal evolution that takes into account federal legislation and national trends without disregarding the stories of the government officials and everyday people who shaped this history on a human level. Of course, no one place is ever wholly representative, but New York City is particularly notable in that it is a seemingly progressive Northern city that helped forge a disturbing model for the country. Due in part to the city's singular density and sharp segregation, New York's battles over crime, delinquency, and desegregation were perhaps the most pointed and influential in the nation. As New York Senator Jacob Javits said during a series of desegregation demonstrations in his home state: "When people demonstrate in New York, they are not demonstrating for New York Senators alone. It is fair to say that they are demonstrating for the Nation and the world."<sup>75</sup>

In exploring this history in New York City, this thesis maintains that school policing and student discipline have historically served as tools of social control and racial dominance, emerging with the very founding of organized education in America, and expanding most rapidly and dramatically as a direct response to the prospect of desegregated schooling and the attendant rupture in American life. It was in the wake of this conflict that the carceral apparatus was not

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<sup>75</sup> Matthew F. Delmont, *Why Busing Failed: Race, Media, and the National Resistance* (Oakland: University of California Press, 2016), 53.

only linked with but institutionalized into the public education system. And while the sociologist Paul Hirschfield wisely cautions that “the criminalization of school discipline, however prevalent, should not be subsumed under a singular social project or process,” school desegregation should likewise not be understood as an isolated undertaking so much as an exceptionally complex social, cultural, economic, political, and legal struggle that reshaped the school system and society at large in untold ways.<sup>76</sup> Opposition to school desegregation, panic over the issue of juvenile delinquency, and white fears of Black criminality were not only linked but mutually constitutive and jointly reinforcing – coming to a head in the mid-twentieth century and continuing to build upon each other throughout the ensuing decades towards a comprehensive system in the schools of exclusion, punishment, and arrest. On the level of both individual institutions and the education system as a whole, as more Black students enrolled in schools and flipped the demographics from predominantly white to predominantly Black, city and school officials increasingly met even ordinary student problems with carceral responses. New York City schools instituted sweeping disciplinary policies, forged partnerships with the municipal police department, and created security forces of their own as part of a comprehensive system of student criminalization that both reflected and exacerbated existing social and racial hierarchies, stifled student organizing, and expanded the reach and power of the carceral state.

Student discipline and school policing evolved and expanded over time to enforce an ever restrictive and pernicious status quo. Expectations of absolute student deference to authority persisted during white supremacist hysteria over post-emancipation Black education; the Cold War-era delinquency scare; the post-*Brown v. Board of Education* school desegregation and civil rights battles; the War on Drugs; gang panics, and beyond. Throughout these social and political

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<sup>76</sup> Hirschfield, “Preparing for prison?,” 95.

convulsions, any form of student insubordination in the schools – even rudeness – increasingly subjected children to the possibility of suspension, expulsion, and even arrest. Indeed, the title of this thesis, *Disruptive Children: Desegregation, Student Resistance, and the Carceral Turn in New York City Schools*, is inspired by the so-called “disruptive child clause.” Championed in 1967 by the United Federation of Teachers, the city’s then-relatively new, overwhelmingly white, integration-skeptical teachers’ union, the proviso would grant teachers the right to remove any students they regarded as troublesome for infractions as minor – and discretionary – as “profanity,” “obscenity,” and “deliberate and open defiance of authority.” Though the city eventually came to an agreement that such cases could be reviewed by a “special panel,” the notion of the “disruptive child” represented to many students and parents an all-too-apt designation for how the education system regarded children who challenged school authority and convention, whether through organized protest, obstreperous behavior, or the simple fact of being Black in a majority-white school. For such children, their very existence and insistence upon decent, equitable schooling was regarded as a kind of disruption.

Through this and similarly subjective and punitive policies, city officials used school police and disciplinary policies to determine in a greater sense who “belonged” in schools – which students were deemed worthy of an education and which ones were in need of only control and punishment. For many children, school police have served as the earliest representatives of the criminal justice system, not just regulating their lives but teaching them from the youngest age a lesson about how justice, power, and race operate. By now, for example, scholars have well established that delinquent behavior is fairly similar across demographics. The vastly unequal meting out of discipline and school-based arrests then teaches us a great deal about the formation of racial hierarchy and who has access to the full rights and privileges of

citizenship. Indeed, in the logics they deployed regarding desegregation and student safety, school officials sought to forge in equal parts myths of Black criminality and parallel fictions of white innocence and vulnerability.

Though school policing and disciplinary crackdowns were often promoted as necessary measures for ensuring student safety, such carceral expansions typically corresponded not to any demonstrable rise in crime but rather to incidents of racial unrest and challenges to the prevailing social order within the school system. When Black community leaders demanded that New York fulfill its promise of desegregated education, the city began formalizing its deployment of school police; when parents in Brooklyn formed a movement for community control and advocated greater oversight of their children's education, the city once again expanded its disciplinary powers; when young people came together to agitate for students' rights as well as an end to police in school, the city instead deployed additional officers; when Black students protested degrading weapons searches, the city installed more metal detectors and surveillance equipment. And very often, schools cracked down on students not in response to broader movements but to individual racial conflicts and conflagrations that gained mainstream attention. No matter how isolated the incidents or how complex the contributing circumstances, the city made a habit of leveraging such moments into expansions of the disciplinary and carceral apparatus within schools. But these carceral turns only exacerbated the very inequalities, injustices, and grim conditions that precipitated the initial predicaments, locking schools into a vicious cycle of crises begetting further crises. In this way, city officials did not respond to crises so much as manufacture them.

In the latter half of the twentieth century, carcerality became a principal operational and ideological paradigm through which New York City education officials ran the schools. Vast

swaths of students – the majority, in fact – were deemed criminally suspect. Incidents of misbehavior were treated as major offenses and adjudicated in a highly legalistic manner. School buildings became correctional-style fortresses policed by an army of security agents and plainclothes officers and enhanced by ever more expensive and intrusive forms of surveillance and security hardware. Under this model, discipline and law enforcement became the solution to a widening array of student problems – social, economic, behavioral, emotional, interpersonal, health-related, or otherwise – no matter how complex and regardless of individual and structural circumstances. Much like the scholar Angela Davis wrote of prisons, schools would increasingly “disappear human beings in order to convey the illusion of solving social problems.”<sup>77</sup>

While New York City saw a marked increase in school policing and student discipline over time, this advance did not always follow a steady linear trajectory. As always, this evolution was shaped by the specific and sometimes highly peculiar circumstances, media outlets, hostilities, crises, clashes, politics, and personalities that define New York City life. And perhaps the most critical feature of New York City municipal politics that shaped debates over school discipline and policing has been the popular insistence upon its purported colorblind liberalism. While many city officials promoted the sort of “get tough” ethos that distinguished a great deal of carceral expansion nationally, quite often the growth of New York’s school security apparatus was promoted not as a conservative crackdown, but rather as a liberal reform. Officials justified these changes as necessary measures intended to maintain child welfare and foster peaceful relations between students, faculty, and security personnel. Such reforms, however, were not

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<sup>77</sup> Angela Y. Davis, “Masked Racism: Reflections on the Prison Industrial Complex,” *Color Lines* (Fall, 1998).

only incremental and inadequate in the face of deep-rooted structural problems plaguing the school system, they were, in fact, actively harmful.

In many ways, the origination and formalization of school policing and security forces within New York City schools can be understood as liberal reforms gone wrong. Though school police and security officers were brought into the education system under the guise of student protection, they quickly proved just as capable of enacting violence as their municipal peers. Even as New York's trained squadron of security officers were ostensibly meant to bring a sense of respectability and professionalism to the school safety system, the unit was plagued with scandal and impropriety almost as soon as it was established. As the city ramped up the number of its security personnel, it did so with little care and oversight, violating hiring regulations and training officers in a highly aggressive manner that left extraordinary room for bias and brutality. Despite impassioned warnings from students, parents, and community leaders, school police and security officers repeatedly committed acts of violence, harassment, retaliation, and intimidation against students, often with little consequence, all while proving dubious, at best, at actually improving school safety. Indeed, school and police officials often defined crime, disorder, and disruption at their convenience, evincing the biases and dim realities of an unequal and unjust school system. Perhaps predictably, but no less painfully, school police and security maintained a well-documented pattern of targeting Black students, students with disabilities, student activists, and any other students deemed problematic and "disruptive." It was sorely obvious that many of these students had been neglected and failed by the city's threadbare social welfare system. Nonetheless, law enforcement was treated as a kind of catchall remedy for all of the social ills that plagued the most vulnerable children in New York City – a blunt and brutal instrument trained only for punishment.

But even as so many city officials eagerly embraced this carceral turn, the rise of school policing and student discipline in New York City and elsewhere did not go unchallenged. From the earliest days, Black students, parents, community members, and often teachers recognized the perils of such punitive approaches and organized to stop them – fervently, repeatedly, and with great sophistication and perseverance. It is nearly impossible to delineate the range of ways that ordinary people fought back against this emerging system that they saw as oppressive. There were marches and sit-ins; class-action lawsuits and policy drives; studies and presentations; threats and arguments; speeches and publications; years-long organized campaigns and spontaneous daily acts of resistance. Some people were motivated by the horrors of witnessing firsthand police violence and misconduct; others by students’ rights; some by a desire for more culturally relevant curriculum and pedagogy; more still by the fear that suspensions trapped children in a bleak cycle of crime and punishment that was virtually impossible to escape. Long before any government studies, parents and community leaders assiduously documented student suspensions and arrests and disciplinary biases, often calling for greater community oversight and procedural protections. Many students, meanwhile, did not call for reform but rather for wholesale abolition of school police and student discipline. And though these campaigns and movements extended over generations and did not always fight for the same specific goals, they were united in their shared understanding that school policing and student discipline were actively harming their communities, and in their desire to contest the legitimacy of this punitive system. In doing so, these organizers revealed the flagrant injustices governing student life and shattered any myth that the carceral turn in public education resulted from some sort of unintended historical accident. The resistance was real, it was forceful, and it was constant. And yet, time and again, city and school officials did everything they could to ignore and quash it.

This history of race, resistance, and the carceral turn in New York City schools offers several potentially crucial interventions in and contributions to the literatures on carceral and educational history, as well as to the burgeoning field of study on the history of school policing and student discipline. Advancing and complicating the scholarship on the subject, this thesis asserts that, while schools have maintained racial dominance and social control through policing and discipline since the founding of a formal education system, the carceral turn in public education came in response to the prospect of school desegregation beginning after World War II. While affirming the importance of the “get tough” movement of the 1980s and 1990s, as well as the larger punitive turn of the 1970s, and student protests and racial conflict of the late 1960s, this thesis suggests an earlier periodization for the carceral turn in public schools, and thus challenges our understanding of its origins. Indeed, it was the mere idea of Black students desegregating schools that was deemed a dangerous disruption to the status quo and a threat to public safety.

By focusing on schooling and the criminalization of students, this thesis also helps demonstrate how the carceral system not only grew during the course of the twentieth century, but also became increasingly entangled with other institutions of public life outside of what might traditionally be considered part of the criminal justice system. At the same time, it would be wrong to think of schools as passive, trickle-down recipients of the larger carceral turn in American life. Instead, this thesis urges us to understand the carceral turn in public schools as its own distinct process, with education officials actively forging their own logics of race, youth, and criminality. Indeed, schools were a particularly early and central locus of carcerality, and this thesis suggests the possibility that desegregated education and the battles over race, delinquency, and policing in the schools could be understood as a factor contributing to and

motivating the broader carceral turn. Beyond that, it further advances the idea that historians of education might consider schools as carceral, as well as welfare, institutions.

Methodologically, this thesis combines approaches from the disciplines of carceral and educational studies, with elements of social, legal, political, urban, and institutional history. It connects a wealth of secondary literature from the aforementioned historians of schooling, policing, and New York City with a vast array of primary sources rarely brought into conversation. While focusing acutely on the extensive records of the New York City Municipal Archives, this thesis explores resources from more than 40 different archives, including previously confidential police records, and the papers of parent organizers, student organizers, grassroots community advocacy organizations, teachers' unions, city officials, policing officials, corrections officials, mayors, city councilmembers, school administrative records, congressional records, and student, local, national, and Black newspapers, as well as more than 20 original oral histories. By drawing on this substantial and diverse selection of primary sources, this thesis attempts to reckon with this history as honestly and thoroughly as possible, giving serious credence and voice to the records, actions, and observations of ordinary parents and students as well as to those of government officials at the highest levels.

Beyond that, this thesis requires so many primary sources because the carceral turn in New York City schools was a complex process involving numerous actors and institutions. And perhaps the most central institution to the story – the New York City Police Department – makes hardly any of its records accessible to outsiders. Although it is the largest police force in the country, the NYPD, unlike many major law enforcement agencies, does not maintain an even remotely comprehensive publicly accessible archive, and it is notorious for actively stymieing efforts at further inquiry. Given its size and prominence, there are actually precious few accounts

of the department written by historians, as opposed to former police officials.<sup>78</sup> Many historians have begged off exploring the department's history as a result. Early on in my research, I emailed for advice a scholar who had previously written a history of integration and identity within the NYPD. He wrote back a telling note: "I really wish I could point you in the direction of some useful sources. Any academic who does research on the NYPD (or, really, most police institutions) undoubtedly encounters enormous roadblocks. They don't call it the blue wall of silence for nuthin'." The scholar has since moved on to other topics.<sup>79</sup>

Beyond an exhaustive examination of these and many other sources, however, this thesis affirms and abides by what the legal scholar Dorothy E. Roberts calls "an abolitionist framework." Such a theoretical framework, she writes, is "aimed at shaking the racist foundations of the criminal justice system by highlighting its racial origins and antidemocratic impact. This framework rejects the current conceptualization of racial bias as an aberrational malfunction, recognizing instead how the system refashions past regimes of racial control to continue to sustain white supremacy."<sup>80</sup> This thesis also draws inspiration from scholars of Critical Race Theory, such as Gloria Ladson-Billings and William F. Tate IV, who assert that student "inequalities are a logical and predictable result of a racialized society," and that white supremacy is endemic to our legal system and therefore immune to reform.<sup>81</sup> At the same time, this thesis demonstrates how the carceral turn in education ultimately harms all students.

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<sup>78</sup> See, among others: Bruce Chadwick, *Law & Disorder: The Chaotic Birth of the NYPD* (New York: St. Martin's Press, 2017); Andrew T. Darien, *Becoming New York's Finest: Race, Gender, and the Integration of the NYPD, 1935-1980* (New York: Palgrave MacMillan, 2013).

<sup>79</sup> Email to author, June 18, 2019.

<sup>80</sup> Dorothy E. Roberts, "Constructing a Criminal Justice System Free of Racial Bias: An Abolitionist Framework," *Faculty Scholarship at Penn Law* 576 (2008): 263.

<sup>81</sup> Gloria Ladson-Billings and William F. Tate IV, "Toward a Critical Race Theory of Education," *Teachers College Record* 97, no. 1 (Fall 1995): 47; Kimberlé Williams Crenshaw,

The narrative that follows proceeds generally in chronological order, beginning with the very establishment of public education in the seventeenth century, concentrating on the post-World War II period and into the latter half of the twentieth century, then ending where many believe this school policing began, in the mid-1990s. While functioning as a case study of one city's school system, this thesis will also show the ways in which the municipal battles in New York City reflected and intersected with trends, movements, and episodes in localities across the country and on the national level as well. And although many different types of students proved “disruptive” to the status quo in New York City schools during this era – from political activists to religious minorities, to immigrants, to children with disabilities, to lesbian, gay, bisexual, and transgender students, to girls who challenged gender norms – this thesis primarily focuses on the ways in which city and school officials responded to the presence, fears, and organizing of Black students, as they were the central targets of this carceral turn in public schools.

Chapter One explores the ways in which the policing, discipline, and carceral control of young people have been foundational to American schooling since the country's earliest days, advancing our understanding of the educational system as a fundamentally carceral mechanism, designed in no small part to exercise racial, social, and economic control. This chapter differs from subsequent ones by expanding both timeline and geography in order to challenge the commonly accepted periodization of school policing and the carceral turn in public education as an exclusively modern phenomenon and to reflect the way events in New York influenced, and were influenced by, developments nationally. In tracking this long history, this chapter links typically distinct bodies of scholarship, including the criminalization of education during slavery

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*Critical Race Theory: The Key Writings That Formed the Movement* (New York: The New Press, 1995).

and into reconstruction; the development of houses of refuge; the advent of compulsory education and the rise of the truant officer; the creation of the juvenile court system; the professionalization of policing; Progressive Era education reform and “child saving” efforts, and early school-police partnerships. Through this history, this chapter also challenges the popular periodization of school policing and the carceral turn in public education as a purely twentieth-century phenomenon. While municipal officials often touted anti-delinquency measures in the schools as preventative and in the best interest of children (in fact, the title of this chapter, “The best police for our cities,” comes from a speaker at a 1842 convention of New York school administrators discussing schools as the best means of thwarting future crime), these efforts purporting to rescue wayward youth were frequently the exact mechanisms that put them into the hands of police. And though slave holders, juvenile court judges, education reformers, and police officials all had distinct ideologies and motivations, they often worked in complementary ways to policing and the power of the criminal-legal system to maintain social control and racial dominance in the schools. Indeed, many poor and immigrant students were considered potentially delinquent, but Black children were nearly always labeled as irredeemably criminal and unsuited for any role in public education.

Chapter Two traces the emergence of more formal school police forces amidst a widespread panic concerning the issue of juvenile delinquency as well as the ongoing and pitched battle over desegregated education in post-World War II New York City. Rather than considering these as discrete phenomena, this chapter argues that opposition to desegregation, delinquency panic, and fears of Black criminality were not only related but interdependent and mutually constitutive, leading to explicitly punitive and implicitly racist policing and discipline in schools. It begins by reviewing the extent of the national and local delinquency panic and

exploring the ways in which these fears were motivated in no small part by fears of school desegregation – the idea that youth deviancy was a disease of the Black slums that could infect and threaten the safety of white children in mixed schools. The struggle for desegregated education, meanwhile, became in many ways a conflict over whether Black students would be allowed decent schooling or consigned to a dismal cycle of poverty, crime, discipline, and disengagement. Indeed, white parents and city officials leveraged delinquency panic and fears of Black criminality to not only forestall desegregation but to introduce increasingly formal and punitive forms of school policing and student discipline. The latter half of the chapter examines in detail one case of school violence in New York City that prompted the convening of a highly political and influential grand jury that used its pulpit to advocate for a particularly penal set of policies that spread through schools across the city.

Chapter Three examines the highly dramatic and hugely consequential battles over race and municipal authority that captured New York City schools during the late 1960s. Though there is a wide-ranging body of scholarship on the struggles of this period, this chapter concentrates on a largely overlooked yet critical aspect of this conflict: the centrality of school policing and student discipline. It begins by examining the movement for community control, which arose out of the broken promises of desegregation, and showing how, for many parents and community leaders, issues of faculty representation, culturally relevant curriculum, and student discipline were all fundamentally intertwined. Indeed, long before the issue of school suspensions reached the national stage, parent-led community groups in New York City organized against over-disciplining in their neighborhoods by demonstrating through data the carceral consequences of such punishments and banding together to protect their children. The issue was highly divisive and often pitted Black parents and teachers against the city's

overwhelmingly white teachers' union, which advocated for much stricter discipline. Soon, this mostly-parent led campaign for community control gave way to a movement for high school student rights led by the children themselves. Far more revolutionary than their parents, these students fought not for reform but an unequivocal end to school police and student discipline. And though they secured many important victories, this chapter argues, these students were met by a powerful backlash in which school and police officials not only targeted organizers for punishment and arrest but also put into place increasingly harsh punitive measures.

Chapter Four outlines the expansion, professionalization, and bureaucratization of New York City's school security apparatus from the late 1960s into the 1980s. During this period, even as the city endured a harrowing fiscal crisis and schools saw profound cuts to some of their most essential resources, school police and security systems gained untold power, personnel, and financial resources. Between 1968 and 1987, New York City's school security force grew from 700 security officials with a budget of \$1.5 million to 2,200 officers with a budget of \$43 million. And, despite vociferous community resistance, the city escalated its security measures with serious negligence, as it hired numerous unsuitable officers and trained its force in ways that allowed for dangerous levels of violence and bias against students. Much of this buildup was promoted not as a punitive crackdown so much as a liberal reform intended to protect children without the intervention of traditional municipal police. Nonetheless, with school discipline delegated to security agents, all student misconduct, no matter how minor, could be – and often was – treated as criminal. Beyond that, amidst intense fears over student drug use and gang participation, municipal police sustained a sizeable presence of undercover officers in schools. During this period, student suspensions rose so dramatically that student pushout became a nationally recognized trend.

The narrative then concludes where most accounts of the carceral turn in public schooling begin, as the epilogue considers a series of key municipal and federal actions in the 1990s that helped usher in the modern era of school policing and student discipline. It then returns to Franklin K. Lane High School – the site of so much historic conflict and strife – to understand the ways in which this carceral turn has persisted for generations of students.

## Chapter 1 – “The Best Police for Our Cities”: The Carceral Roots of Public Schooling

On New Year’s Day in 1825, New York City police officers brought “[s]ix unhappy wretched girls and three boys, clothed in rags and with squalid countenances,” to Madison Square Park in Manhattan, to the New York House of Refuge, a former military arsenal surrounded by farms and fields of wildflowers that had just been converted into the first juvenile reform school in the United States.<sup>1</sup> The children were among the country’s earliest youth offenders to be separated deliberately from their adult counterparts, and, the name implied, cared for in a safe haven. The refuge, its founders professed, aimed to rescue young “guilty unfortunates” from “repulsive” and “deplorable” adult prisons.<sup>2</sup> Until then, critics had long bemoaned that children, “novices in guilt,” were incarcerated with adults and exposed to “one great school of vice and desperation.”<sup>3</sup> This fledgling American attempt to “rehabilitate” young people brought approbation from leading social observers, including Alexis de Tocqueville and Dorothea Dix.<sup>4</sup>

Founded by the Society for the Reformation of Juvenile Delinquents, the House of Refuge promoted itself as a place of learning, at least superficially: teachers were assigned to various wards and visiting committee members regularly reviewed the curricula of reading and religious lessons for the children, who ranged in age from 19 to just five years old.<sup>5</sup> On

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<sup>1</sup> B.K. Peirce, *A Half Century with Juvenile Delinquents* (New York: D. Appleton and Company, 1869), 72, 74, 78.

<sup>2</sup> *Documents Relative to the House of Refuge, Instituted by the Society for the Reformation of Juvenile Delinquents in the City of New-York, in 1824* (New York: Mahlon Day, 1832), 13, 16.

<sup>3</sup> Peirce, *Delinquents*, 38.

<sup>4</sup> *The Greatest Reform School in the World: A Guide to the Records of the New York House of Refuge*, 4-6, New York State Archives, Albany, N.Y., 1989; Victoria Getis, *The Juvenile Court and the Progressives* (Urbana: University of Illinois Press, 2000), 30.

<sup>5</sup> *Documents Relative to the House of Refuge*, 244.

September 1, 1825, for example, the Refuge's "Ladies' Committee" noted delightedly that several girls had "committed to memory passages in Scripture."<sup>6</sup>

Records and memoirs of the Refuge reveal, however, that for the bulk of the day, the children engaged not in such academic studies but in arduous manual labor. The boys crafted brushes, rat traps, and shoes, while the girls sewed uniforms and washed laundry. All work had to be carried out in utter silence, at the risk of brutal punishment. Often, the children were leased out as indentured servants to farms, blacksmiths, households, and other workplaces. Those who stepped out of line were fed only bread and water, sent to bed "supperless," or worse – "locked" away by their teachers in "the Fourth Hall," in solitary confinement.<sup>7</sup> Some children endured physical beatings "of great severity" that left deep welts. All the children were served wormy bread with rancid butter and few vegetables, causing an outbreak of scurvy.<sup>8</sup> In his autobiography, Austin Reed, born a free Black person in 1820s New York, wrote that he and other boys were viciously flogged with a device made of knotted cat gut called a "Cat-o-nine-tails" until their backs flayed and looked "like a piece of raw beef." The abuse generally came at dubious provocation.<sup>9</sup> Elijah Devoe, a former assistant superintendent at the Refuge, confessed

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<sup>6</sup> "Ladies' Committee Minutes (1825-1831, 1855-1893)," 13, Series A2057, Vol.1, Department of Correctional Services, Records of the New York House of Refuge, New York State Archives, Albany, N.Y. (hereafter: Refuge Archives).

<sup>7</sup> *New York Times*, "OUR CITY CHARITIES: The New York House of Refuge," January 23, 1860, 2; Austin Reed, *The Life and Adventures of a Haunted Convict, or the Inmate of a Gloomy Prison* (circa 1858), Yale Collection of American Literature, Yale University Library, Beinecke Rare Book & Manuscript Library, Yale University, New Haven, CT; "School Committee Minutes (1855-1916)," 359, Series A2058, Vol. 3, Refuge Archives; *Documents Relative to the House of Refuge*.

<sup>8</sup> "Care of Young Criminals: Improper Treatment at the House of Refuge," *New York Times*, May 14, 1880; Reed, *Haunted Convict*.

<sup>9</sup> Reed, *Haunted Convict*, 46, 57-91.

in a memoir to inflicting such torture himself. Schooling, he added, was an afterthought to labor, discipline, and “unreasonable” punishment.<sup>10</sup>

The conditions should have come as no surprise. The organization’s founding documents presaged that the House of Refuge would be such in name alone: the plans called for “the erection of new prisons for juvenile offenders,” who were described as “inmates” and “convicts.”<sup>11</sup> The Refuge, as its voluminous archives, various memoirs, and contemporaneous news reports demonstrate, was, in reality, a penal institution.<sup>12</sup> “[P]rison and penitentiary methods were used and are still in use,” David S. Snedden, an education professor at Teachers College of Columbia University, wrote in 1907 of the Refuge and the replicas it spawned across the country. “Only the most meagre educational advantages were afforded.”<sup>13</sup> Snedden agonized over the distinctly American fixation on retribution and punishment for young students. “There is no lack of money in our American states to build prisons,” he wrote, “but the reform schools are difficult to establish and support.”<sup>14</sup>

As thinking about juvenile justice and delinquency evolved around the turn of the twentieth century, the Refuge came under increased attack for, among other abuses, consigning its charges to forced labor, compulsory religious inculcation, and brutal discipline. These offenses were even more egregious because so many residents were guilty of nothing more than being poor. Michael Goodman, a 13-year-old boy from the Bronx, for one, was committed to the

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<sup>10</sup> Elijah Devoe, *The Refuge System, or, Prison Discipline Applied to Juvenile Delinquents* (New York: John M’Gown Printer, 1848), 17-18, 28-31, 33-36.

<sup>11</sup> Refuge Archives; John H. Griscom, M.D., *Memoir of John Griscom LLD* (New York: Robert Carter and Brothers, 1859), 172; *Documents Relative to the House of Refuge*, 10; Devoe, *The Refuge System*; Reed, *Haunted Convict*.

<sup>12</sup> Refuge Archives.

<sup>13</sup> David S. Snedden, *Administration and Educational Work of American Juvenile Reform Schools* (New York: Teachers College, Columbia University, 1907), 13-14.

<sup>14</sup> Snedden, *Juvenile Reform Schools*, 199.

Refuge as “incurable” after refusing to participate in exercise drills at school because, he said, he was hungry.<sup>15</sup>

In 1935, the New York House of Refuge closed its doors.<sup>16</sup> By then, even the superintendent of the notorious city penitentiary at Blackwell Island described the reliable trajectory of children from the Refuge to prison, calling it “as regular a succession as the classes in a college...from the house of refuge to the penitentiary, and from the penitentiary to the State Prison.”<sup>17</sup> This entanglement of the criminal justice and educational systems that defined the country’s first juvenile reformatory would prove foundational to all future forms of student control and policing. And as this chapter will detail, the carceral turn in New York City schools was built on a long history – both local and national – of racism, social control, and police intervention in education and juvenile justice that stretched back centuries. Indeed, the bonds between schooling and carceral control hardly ceased when the Refuge shuttered; it merely reconfigured and reemerged over time in other, often more insidious, forms.

There is a wealth of scholarship that speaks to this long history of carceral control of students. Most of these works, however, have tended to operate in silos, speaking primarily to their individual subjects – namely the histories of education and juvenile justice – without knitting together the skeins into a broader history. A great deal of the most critical literature began quite early, and outside of the academy, with writing from, among others, Frederick Douglass, Sojourner Truth, and Austin Steward, all formerly enslaved Black American

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<sup>15</sup> “House of Refuge Inquiry,” *New York Times*, March 7, 1911; “Hungry and Would Not Drill,” *New York Times*, July 14, 1895; Robert S. Pickett, *House of Refuge: Origins of Juvenile Reform in New York States, 1815-1857* (Syracuse, N.Y.: Syracuse University Press, 1969), 182-184.

<sup>16</sup> *A Guide to the Records of the New York House of Refuge*, 6.

<sup>17</sup> L. Maria Childs, *Letters from New York* (New York: C.S. Francis and Company, 1843), 192.

abolitionists and authors who vividly described their pursuits of literacy. These texts, though not general histories of education, are vital to understanding the criminalization of Black education during slavery, Reconstruction, Jim Crow, and beyond that is a critical and underexplored precursor to the contemporary policing of Black students.

These early first-person narratives also take on new meaning when they are brought into dialogue with scholarship on education history, such as the 1983 *Pillars of the Republic: Common Schools and American Society, 1780-1860*, by the historian Carl Kaestle, who synthesizes the rise of public schooling in both rural and urban settings. But Kaestle only modestly acknowledges the foundational influence of class and racial discrimination on the early education system.<sup>18</sup> In his 1974 *The One Best System: A History of American Urban Education*, the education historian David Tyack examines the years roughly from Reconstruction to World War II with vivid incorporation of individual voices across the socioeconomic and racial spectrum, as well as highlighting the use of education as a means of social control.<sup>19</sup> Michael B. Katz in his 1968 *The Irony of Early School Reform* similarly questions accepted conventional wisdom that school consistently benefited all students by revealing in his work inequities and class divisions in public education. But neither Tyack nor Katz addresses policing or the increasing nexus of the education and criminal justice systems.<sup>20</sup>

In a separate but related realm of scholarship, Anthony Platt's seminal *The Child Savers: The Invention of Delinquency* (1969) was among the first efforts to question the motives and

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<sup>18</sup> Carl Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983).

<sup>19</sup> David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge: Harvard University Press, 1974).

<sup>20</sup> Michael B. Katz, *The Irony of Early School Reform* (Cambridge: Harvard University Press, 1968).

success of the Progressives in creating the country's vaunted juvenile justice apparatus, and in *The Black Child-Savers: Racial Democracy and Juvenile Justice* (2012), Geoff K. Ward depicts unsparingly that system's undemocratic, racist structure. While utterly indispensable, however, neither situates his findings within the extensive history of American education.<sup>21</sup>

It has only been much more recently that an emerging group of scholars has sought to trace the historical roots of school policing and student discipline specifically. The education historian Judith Kafka is one of the first whose work begins bringing together many of these elements, primarily in the context of the modern Los Angeles school system. Kafka argues that discipline based on educative and civic goals "as a governing principle of schooling" has been deliberately "reformulated" over the centuries to serve instead as a "bureaucratized system of control and punishment" of students and communities.<sup>22</sup> In his journal article on the origins of school policing, the scholar Chase Burton lays out the ways public schools proved "fertile grounds for law enforcement activities." Burton focuses in particular on active coordination in the early 20<sup>th</sup> century between school officials and the police in Berkeley, California, to regulate the lives of students they adjudged prone to delinquency.<sup>23</sup>

Building upon this incipient field of scholarship and using a range of archival research, contemporaneous periodicals and government reports, and sundry secondary literature, this chapter advances our understanding of policing, discipline, and carcerality as fundamental to schooling since the founding of public education. While the technologies have advanced and security personnel have taken new titles and structures, this chapter shows how American

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<sup>21</sup> Anthony M. Platt, *The Child Savers: The Invention of Delinquency* (Chicago: University of Chicago Press, 1969); Ward, *Black Child-Savers*.

<sup>22</sup> Kafka, "From Discipline to Punishment," 23.

<sup>23</sup> Burton, "Schools and Delinquency."

educational institutions have always acted as instruments of communal control and law enforcement – reflecting and reinforcing social and racial hierarchies and patterns of discrimination. Indeed, the carceral turn in modern American education marks not a deviation from but rather an expansion of a long-held feature of public education. This carceral turn began with the very establishment of organized schools in the United States and efforts, still ongoing, to use access to education as a means of maintaining dominance over the underclass – immigrants, the impoverished, and, to the greatest extent, Black Americans. As this chapter will demonstrate, slave holders, educators, legislators, and ordinary citizens all held tight to the reins of the education, criminal justice, and juvenile justice systems to preserve their power and fortify the status quo. To understand this trajectory, the chapter links strands of history not usually connected, including the criminalization of education during slavery and into reconstruction, the establishment of houses of refuge, the development of the juvenile justice system, the professionalization of policing, and Progressive Era education reform. It establishes how historic approaches to discipline, education, race, economics, the legal system, policing, immigration, migration, and segregation together over centuries built the foundations of the carceral turn in education. In doing so, this chapter challenges the commonly accepted periodization of school policing and the carceral turn in public education as a purely 20<sup>th</sup> century phenomenon.

This chapter differs from those that will follow in that it covers a significantly longer period of time. This expansive scope represents an attempt to historicize more thoroughly what is generally considered an exclusively modern phenomenon, treating these past centuries not as a trivial “pre-history” but as the social and political foundation of the carceral turn in New York City schools. Still, this chapter does not focus as exclusively on New York City, as the ideology that informed this development was forged not just locally but nationally as well. The research

and analysis in this chapter delineate how the development of organized education layered with evolving disciplinary philosophies, the drive for Black educational rights, and the concurrent white backlash encouraged increasingly carceral responses that targeted Black youth in the very schools professing to care for them. In fact, many seemingly liberal reforms to the education and juvenile justice systems in New York City and beyond established the ideological and procedural underpinning to the modern carceral turn in public schools. From the earliest days of public schooling and through the Progressive Era, reformers looked to public education to curb delinquency, promote middle-class white norms, and sort children into productive roles in an increasingly diverse, perpetually hierarchical society. But some students were deemed not worthy of an education at all. And to many municipal officials, elites, and reformers, there was no productive role for Black children – there was simply the role of the criminal. Schools regarded these children as inherently suspect and pushed them away from decent schooling and towards punishment, expulsion, and even arrest, often under the pretense of protecting “innocent” children and fixing “delinquent” ones. And frequently, that process included significant police involvement.

### **“Due Subjection”: Race, Delinquency, and the Criminalization of Black Schooling**

Studying historical attitudes towards juvenile delinquency and school discipline is complicated by the unavoidable fact that delinquency, as many scholars, including Michel Foucault, have observed, is a social construct. Different people and governments define deviancy, criminality, and social norms differently.<sup>24</sup> Over time, delinquency in America has

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<sup>24</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977); Alfred J. Kahn, *Police and Children: A Study of the Juvenile Aid Bureau of the New York City Police Department* (New York: Citizen’s Committee on Children, 1951), 7, 22.

been attributed variously to the outgrowth of an agrarian society confronting industrialization; to the supposed criminal leanings of specific races and ethnicities; to poverty; to poor parenting, and to the mass media's corrupting influence. Delinquency has also been used to describe people who have broken the law and those presumed as being at risk to do so.<sup>25</sup> Many have even argued that certain young people are innately too unchildlike, too "other," or too disruptive to be considered children at all.<sup>26</sup> These discussions are part of fundamental debates over the function of collective education, the role of discipline, and questions about who is entitled to schooling and who is deemed unworthy. They also concern the license afforded to parents, teachers, and officials (including the police) in supervising the lives of young people. Although the arguments have not always involved race explicitly, race – and the country's original sin of slavery – is never far from the core of the story.

At the heart of the issue has been the question of control: who gets to exert it and who is subject to it. While America's post-colonization, Puritanical roots inform such stern historical and contemporary attitudes toward youth misconduct, the creation of official schools marked the first effort to gather children in a centralized location, where uniform regulations and demands

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<sup>25</sup> David B. Wolcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890-1940* (Columbus: Ohio State University Press, 2005), 12-17; Elahe Sohbat, "The Social Construction of Behaviour Problems in Schools," (PhD diss., Simon Fraser University, 2003), 80-88; Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010), 7, 12, 99; Thomas J. Bernard and Megan C. Kurlychek, *The Cycle of Juvenile Justice* (Oxford: Oxford University Press, 1992), 64-65; Anders Walker, "Blackboard Jungle: Desegregation, Delinquency, and the Cultural Politics of Brown," *Columbia Law Review* 110 (2010): 1912-1917; James Gilbert, *Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Oxford: Oxford University Press, 1986), 63-65, 144-145.

<sup>26</sup> Chase S. Burton, "Childsavers and Unchildlike Youth: Class, Race, and Juvenile Justice in the Early Twentieth Century," *Law & Social Inquiry* 44, no. 4 (2019): 1253; Kenneth B. Nunn, "The Child as Other: Race and Differential Treatment in the Juvenile Justice System," *DePaul Law Review* 51 (2001-2002); Refuge Archives.

governed their actions – and where violation of those codes provoked punishment, however unevenly applied. Indeed, Increase Mather, the Puritan clergyman and Harvard president, in 1679 denounced youthful waywardness as a product of indulged children “not kept in due subjection.”<sup>27</sup> During the country’s Colonial era and through the early 1800s, schooling was organized rather haphazardly: some locales had neighborhood classrooms, mutually funded by parents and the government, while others relied on family, the church, or paid itinerant instructors to teach the rudiments of reading, writing, math, and Scripture. For families of lesser means, often newer immigrants, charity schools taught their children to read and to become acculturated to middle-class American mores. It took time for a regulated, obligatory schooling structure to be built.<sup>28</sup>

Communal education was seized upon as a means of social control and of formally instilling in children not only knowledge, but also discipline and rectitude. New York became the first state to codify its educational system, when it founded its Board of Regents in 1784.<sup>29</sup> At the turn of the nineteenth century, as public, tax-funded education became more established, school was viewed increasingly as an antidote to criminality and depravity among the young. Speaking at a convention of early school administrators in Utica, N.Y., the Rev. Alonzo Potter actually went a step further. He said schools were both an alternative to a wayward life – “the most effective means of preventing pauperism, vice and crime” – and, critically, “the best police for

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<sup>27</sup> Winston Walker, *Ten New England Leaders* (New York: Silver, Burdett and Company, 1901), 190.

<sup>28</sup> Kaestle, *Pillars of the Republic*, 3-4, 13, 33, 55.

<sup>29</sup> Moses Stambler, “The Effects of Compulsory Education and Child Labor Laws on High School Attendance in New York City, 1898-1917,” *History of Education Quarterly* 8, no. 2 (Summer, 1968): 193-194.

our cities.”<sup>30</sup> In Potter’s estimation, schools bore the role not only of educating students, but also of regulating and policing them. He was not alone in this thinking. The language of schools as “police” and instruments of social control surfaced often at the earliest conventions mapping out New York’s public education system. The “Common Schools,” as they were called, needed to act as “an agent of preventative police” and a means to “suppress crime.”<sup>31</sup> Community leaders, worried that the forces of industrialization, urbanization, and migration would undermine the country’s assumed shared code of values, pushed for common schools to emphasize moral indoctrination even more than academic skills. The goal was to improve the collective good, importantly, however, without threatening the entrenched social order.<sup>32</sup>

Certain classes of student, however, have always been presumed altogether undeserving of this connection and enlightenment, and increasingly draconian efforts were established to exclude them from the education system. For the most part, Black children were notably prohibited from attending common schools, even in the North, and the very education of Black people was not just stifled, but often explicitly criminalized. Black children, the legal scholar Kenneth Nunn writes, have consistently been viewed as “others,” and have been “treated in ways that would be unthinkable if white children were involved.”<sup>33</sup> Access to education, for Black

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<sup>30</sup> Rev. Potter as quoted in Jonathan Messerli, *Horace Mann: A Biography* (New York: Knopf, 1972), 373.

<sup>31</sup> S.S. Randall, *History of the Common School System of the State of New York From Its Origin in 1795, to the Present Time. Including the Various City and Other Special Organizations, and the Religious Controversies of 1821, 1832, and 1840* (New York: Ivison, Blakeman, Taylor & Co., 1871), 146, 163, 361, 382, 384.

<sup>32</sup> Judith Kafka, *Zero Tolerance*, 20-21; Michael B. Katz, “The Origins of Public Education: A Reassessment,” *History of Education Quarterly* 16, no. 4 (Winter 1976): 399; Kaestle, *Pillars*, 33.

<sup>33</sup> Nunn, “Child as Other,” 681.

people and their children, was tightly controlled from the very start by the white elite.<sup>34</sup> Many slaveholders initially supported Black literacy as a means of “civilizing” slaves and converting them to Christianity. But most slaveholders ultimately came to fear that the ability to read provided slaves with a dangerous means of insurrection. They pointed to a series of rebellions, including the 1831 revolt in Virginia led by Nat Turner, the literate slave preacher, as proof.<sup>35</sup>

Consequently, many states, particularly in the South, made teaching slaves to read and write a crime. Louisiana, for example, imposed punishment of up to a year in prison for anyone caught educating a slave.<sup>36</sup> In 1831, North Carolina adopted the “Act to Prevent All Persons from Teaching Slaves to Read and Write,” defiance of which incurred a fine or imprisonment for a white person, but “thirty nine lashes on his or her bare back” for a free Black person or slave.<sup>37</sup> “[F]or God’s sake don’t let a slave be cotch with pencil and paper,” Elijah Green, a slave from North Carolina born in 1843, told an interviewer. “That was a major crime. You might as well had killed your master or missus.”<sup>38</sup> Frederick Douglass recounted that when Sophia Auld, the wife of his slave owner in Baltimore, taught him to read, she was rebuked by her husband, Hugh. “[L]earning would spoil the best nigger in the world,” Auld admonished his wife. In his

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<sup>34</sup> Hilary J. Moss, *Schooling Citizens: The Struggle for African American Education in Antebellum America* (Chicago: The University of Chicago Press, 2009).

<sup>35</sup> W.E.B. Du Bois, *Black Reconstruction in America: Toward a History of the Part Which Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (originally published 1935; New York: The Free Press, 1998), Chapter 15; Kaestle, *Pillars*, 195-198.

<sup>36</sup> Carleton Mabee, *Black Education in New York State from Colonial to Modern Times* (Syracuse: Syracuse University Press, 1979), 19; Carter Godwin Woodson, *The Education of the Negro Prior to 1861* (New York: G.P. Putnam’s Sons, 1915), 151-169; Kaestle, *Pillars*, 195-198.

<sup>37</sup> *Acts Passed by the General Assembly of the State of North Carolina at the Session of 1830-1831* (Raleigh, 1831), 11.

<sup>38</sup> Norman R. Yetman, *Life Under the “Peculiar Institution”: Selections from the Slave Narrative Collection* (New York: Holt, Rinehart, and Winston, 1970), 149.

autobiography *Narrative of the Life of Frederick Douglass*, Douglass recalled how the episode made him realize that reading was “the pathway from slavery to freedom.”<sup>39</sup>

In New York, while education for Black people was not legally prohibited, many slaveholders instituted their own bans. Sojourner Truth, the abolitionist, was an adolescent slave near Albany in the 1820s, and was never taught to read or write, nor even permitted to hear the Bible read aloud.<sup>40</sup> As a young slave in Bath, in western New York, Austin Steward tried to teach himself to read from a spelling primer, but he was caught, administered “a severe flogging,” and had his book “burned to ashes.”<sup>41</sup> To avoid Steward’s fate, or worse, many slaves learned to read and write furtively.

Some whites in the state actually started schools to educate Black children, although “the prejudices of a large portion of the community were against it.” Moreover, full control of the educational process lay in the hands of white people. The New-York Manumission Society, which promoted the gradual abolition of slavery, established the first school for Black students in New York City, in 1787, known as the African Free-School. The society intended for the school to educate Black children, in preparation for “when they should become free men and citizens.”<sup>42</sup> But, as they would in many New York City districts in the mid-twentieth century, Black parents

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<sup>39</sup> Frederick Douglass, *Narrative of the Life of Frederick Douglass, An American Slave, Written by Himself* (1845; reprinted, Boston: Bedford Books, 1993), 62-63.

<sup>40</sup> Sojourner Truth, *Narrative of Sojourner Truth: A Bondswoman of Olden Time* (Battle Creek, Michigan: Published by the author, 1878), 208.

<sup>41</sup> Mabee, *Black Education*, 19; Austin Steward, *Twenty-Two Years a Slave and Forty Years a Freeman* (Rochester: William Alling, 1857), 82-83.

<sup>42</sup> Charles C. Andrews, *The History of the New-York African Free-Schools, from Their Establishment in 1787 to the Present Time* (New York: Mahlon Day, 1830), 7, 10, 16; Woodson, *The Education of the Negro*, 147-148.

balked at having only white teachers and insisted that Black educators also lead their children's classrooms; in 1832, the Manumission Society acquiesced to their demands.<sup>43</sup>

On its surface, New York appeared to have a more egalitarian educational progression than many other parts of the country, even as white officials retained absolute control of Black education. In 1834, the African Free-Schools in New York were incorporated into the state's public school system as separate, segregated institutions, although they remained fully directed by white leaders.<sup>44</sup> The New York City Board of Education, created in 1842, took over all the institutions of the Public School Society in 1853, including the former African Free-Schools.<sup>45</sup> By the time the Civil War began, many Black children in New York City attended public school alongside white children.<sup>46</sup>

Yet white domination of Black education continued basically unfettered, consigning Black students to the social norms, priorities, and strictures imposed by outsiders promoting white, middle-class, Protestant ideals. That thinking, as Carl Kaestle notes, presumed "crime and vice" as fundamental Black traits and so educators deliberately "muted cultural differences." This embedded prejudice left Black students vulnerable to condescension, punishment, expulsion, or worse when they failed to mimic those unfamiliar standards.<sup>47</sup> The historian Carter Godwin Woodson observes that by establishing this order, "The education of the Negro, then, becomes the perfect device for control from without."<sup>48</sup>

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<sup>43</sup> Mabee, *Black Education*, 19-23.

<sup>44</sup> Woodson, *The Education of the Negro*, 313-315.

<sup>45</sup> David M. Ment (compiled by), "Guide to the Records of the New York City Board of Education" (Municipal Archives: New York City Department of Records, June 2008), 155.

<sup>46</sup> Gerald Markowitz and David Rosner, *Children, Race, and Power: Kenneth and Mamie Clark's Northside Center* (New York: Routledge, 2000), 93.

<sup>47</sup> Kaestle, *Pillars*, 4-6, 38-39, 171-179; Moss, *Schooling Citizens*, 13, 190-191.

<sup>48</sup> Carter Godwin Woodson, *The Mis-Education of the Negro* (The Associated Publishers, 1933), 35.

From these roots began what is a continuing race- and class-based sorting of children in American schools that systematically pre-judges Black (and, in distinct ways, immigrant) youth as inferior intellectually, inherently prone to delinquency, and undeserving of limited educational and social resources. This systemic prejudice, based in no small measure on the invidious and deliberate manipulation of statistics and evidence, supported the general criminalization and incarceration of Black youth and reflected the caste system that existed across American society. As the scholar Khalil Gibran Muhammad observes in *The Condemnation of Blackness*, “African American criminality became one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or acceptance of racial violence as an instrument of public safety.”<sup>49</sup>

For a brief period, from the late 1860s to the early 1870s, Reconstruction provided a much longed-for opening to elevate and expand education for Black students. That promise ultimately proved elusive. Upon emancipation, Black leaders collaborated with white congressional allies to demand, among other entitlements, equal rights to suffrage and equal access to education for children of all races. The nation, W.E.B. Du Bois argued, owed the slaves “for years of stolen tolls,” and the “smallest return thinkable was free elementary education to black children.”<sup>50</sup> The newly freed slaves understood that they would never attain political or economic power and independence if they remained illiterate, and by many estimates, 90% of the Black population after the Civil War could neither read nor write.<sup>51</sup>

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<sup>49</sup> Muhammad, *Condemnation*, 4; Nunn, “Child as Other,” 709; Philip A. Boyer, *The Adjustment of a School to Individual and Community Needs* (PhD diss., University of Pennsylvania, 1920), 34-36.

<sup>50</sup> W.E.B. Du Bois, *The Negro Common School* (Atlanta: University Press, 1901), 40.

<sup>51</sup> Henry Louis Gates, Jr., *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow* (New York: Penguin Press, 2019), 22.

Southern whites did not universally oppose educating Black children, yet most still insisted on commanding the process, particularly in publicly funded schools.<sup>52</sup> Southern whites antagonistic to Black education frequently took to violence – torching schoolhouses, beating teachers, and threatening Black families or anyone else seeking to educate Black children. “I think the Com. School system had better be discontinued,” North Carolina Governor Jonathon Worth, wrote in 1866, “...and thus avoid this question as to educating negroes.”<sup>53</sup>

Despite such formidable obstacles, education for Black students thrived during this window – and with it came vastly improved literacy rates. In 1870, nearly 80% of Black people aged 14 and older were illiterate. That percentage dropped to 70 in 1880, to 56.8% in 1890, to 44.5% in 1900, and to 30.5% by 1910.<sup>54</sup> That educational growth required tenacity, as white administrators still retained control over the educational purse strings, meaning schools serving Black students received a fraction of the budget of schools for white students. According to U.S. Department of Education statistics, in the 1870-71 school year, the per capita expenditure for a white student in the southern states was \$2.97; for a Black student, a “favourable” estimate put that amount at 49 cents.<sup>55</sup> School boards also afforded scant, if any, opportunities for Black people to influence education governance, even in such liberal bastions as New York. In 1882, Brooklyn (then independent) became the first area in New York City to permit a Black member

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<sup>52</sup> Roberta Sue Alexander, “Hostility and Hope: Black Education in North Carolina During Presidential Reconstruction, 1865-1867,” *The North Carolina Historical Review* 53, no. 2 (April 1976): 113-132.

<sup>53</sup> Letter from Jonathan Worth to William A. Graham, January 12, 1866, as quoted in Alexander, “Hostility and Hope,” 122.

<sup>54</sup> National Center for Education Statistics, *National Assessment of Adult Literacy: 120 Years of Literacy*, 1993.

<sup>55</sup> Du Bois, *The Negro Common School*, 88.

on its Board of Education. It took until 1917 for the city-wide board to appoint a Black member.<sup>56</sup>

The message was plain: Black people did not deserve a meaningful role in public education, whether sitting behind desks, at the head of the class, or deciding policies that affected their own children. Without a doubt, they were made to understand that they did not belong in school with white students and that education officials would use every means possible to maintain that separation, including discipline, punishment, and outright criminalization. Even in states that did not expressly prohibit integrated classrooms, most schools in the country were segregated, relying on the landmark 1896 *Plessy v. Ferguson* Supreme Court decision that upheld the “separate but equal” doctrine.<sup>57</sup> Black families did at times petition successfully for some improvements to their schools, although any privileges allotted were at the discretion and mercy of white officials.<sup>58</sup> Many Black parents professed that they preferred all-Black schools, but only because they feared their children would be castigated and disciplined unfairly by biased white teachers and that Black teachers would lose their jobs if schools integrated fully.<sup>59</sup> “I do not believe it is good for our children to eat and drink daily the sentiment that they are naturally inferior to the whites, which they do in three-fourths of all the schools where they have white teachers,” J.W. Hood, a Black educator, told the North Carolina Constitutional

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<sup>56</sup> Mabee, *Black Education*, 148, 271; “Two Public Appointees,” *The Crisis*, Vol. 13, No. 5 (March 1917): 231.

<sup>57</sup> C. Vann Woodward, “*Plessy v. Ferguson*: The Birth of Jim Crow,” *American Heritage* 15, no. 3 (April 1964).

<sup>58</sup> Chas. H. Thompson, “Court Action the Only Reasonable Alternative to Remedy Immediate Abuses of the Negro Separate School,” *The Journal of Negro Education* 4, no. 3 (July 1935): 419, 421.

<sup>59</sup> David Tyack and Robert Lowe, “The Constitutional Moment: Reconstruction and Black Education in the South,” *American Journal of Education* 94, no. 2 (February 1986): 242; Mabee, *Black Education*, 248.

Convention.<sup>60</sup> This persistence of school segregation lay the groundwork for normalizing the practice of excluding, policing, and punishing Black students.

Reconstruction's progress faltered during the resurgence of white supremacy in the Redemption era, beginning around 1877. At that time, Southern whites, incensed by the reformist concessions forced upon them by emancipation, banded together to rescind rights that Black people had secured after the Civil War, including many educational privileges. The education historian Ronald E. Butchart calls this dismantling of opportunities for Black students "an assault on a dream, the dream of black independence and freedom through education."<sup>61</sup>

### **“Chained, Bolted, and Double-Barred”: Compulsory Education and the Rise of the Truant Officer**

As formal education in the United States developed in the nineteenth century, so, too, did new ideas about discipline and teacher-student relationships. Even as punitive houses of refuge and reform schools sprung up around the country in the 1800s, a different, less overtly repressive educational philosophy simultaneously began to emerge, fostered by the likes of Horace Mann, the first Secretary of the Massachusetts Board of Education. Mann and his cohort, including Henry Barnard, the first U.S. Commissioner of Education, and Lyman Cobb, the educator and author, sought to instill classroom control through compassion and positive interactions between students and teachers. At the time, disobedient students regularly endured savage forms of corporal punishment, including “pinching, cuffing, pulling hair, and noses, throwing books and

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<sup>60</sup> Morris Eugene Gilliom, “The Development of Public Education in North Carolina During Reconstruction, 1865-1876” (PhD diss., The Ohio State University, 1962), 148.

<sup>61</sup> Ronald E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* (Chapel Hill: University of North Carolina Press, 2010), 154.

rulers at the heads of unruly urchins, [and] compelling them to stand until fatigued into submission.”<sup>62</sup> Mann called such penalties “a relic of barbarism.”<sup>63</sup>

Yet, his own staunch advocacy against corporal punishment notwithstanding, Mann was unwilling to jettison the rod completely. “I have always defended the resort to physical coercion after moral means had been tried and failed,” he wrote.<sup>64</sup> This paradoxical stance toward violent school discipline, argues historian Myra C. Glenn, reflected a more comprehensive “ambivalence about changes transforming the Northeast during the first half of the nineteenth century,” including increased industrialization and migration from rural to burgeoning urban areas and immigration from abroad that came with it. The population shifts laid bare deep class, racial, religious, and ethnic biases among white educators and parents, who, while sure their own children would benefit from milder disciplinary practices, maintained that disadvantaged children exposed to “vicious parental example and the corrupting influence of vile associates” might well need, or deserve, severe punishment at school.<sup>65</sup>

Compulsory education became another means of using school as an instrument of social – and explicitly carceral – control. In 1852, Massachusetts became the first state to enact mandatory state-wide education laws and they were effectively criminal statutes authorizing police to arrest truants and commit them to reform schools. The police primarily targeted the “others,” young immigrants, often from the recent wave of Irish and German newcomers, whose

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<sup>62</sup> James P. Jewett, “The Fight Against Corporal Punishment in American Schools,” *History of Education Journal* 4, no. 1 (Autumn 1952): 9.

<sup>63</sup> Horace Mann, *Reply to the “Remarks” of Thirty-One Boston Schoolmasters of the Seventh Annual Report of the Secretary of the Massachusetts Board of Education* (Boston: Wm. B. Fowle and Nahum Capen, 1844), 119-121.

<sup>64</sup> Mann, *Reply to the Remarks*, 119-121.

<sup>65</sup> Myra C. Glenn, “School Discipline and Punishment in Antebellum America,” *Journal of the Early Republic* 1, no. 4 (Winter 1981): 398-399, 408.

accented speech easily set them apart. One report from 1853 noted that 559 “foreign-born youth” were remanded to correctional institutions, while only 98 “Americans” were. The journalist Annette Fuentes labels this practice “[a]lmost an early version of current day racial profiling in law enforcement.”<sup>66</sup> General compulsory school laws weren’t established until later in the century. New York passed its “Act to secure to Children the Benefits of an Elementary Education” in 1874, but the state didn’t impose any meaningful enforcement for another three years.<sup>67</sup> By 1900, all of the then 45 states had laws requiring children to attend school.<sup>68</sup>

While compulsory education laws varied by jurisdiction, initially all districts shared a difficulty with enforcement. In the mid-nineteenth century, there were makeshift systems to compel attendance, with officers assigned to round up recalcitrant absentee students. Around 1873, as coordinated efforts intensified, the dedicated truant officer was born. In many ways, truant officers (also known as attendance officers) were the first police to be integrated into the education system. Teachers dropped slips of paper with the names of no-show students in boxes set up in police stations, and truant officers then swept the city seeking the children in alleyways, movie houses, factories, pool halls, and the like.<sup>69</sup> Their work also brought truant officers into students’ homes, where they often found that children missed school because indigent parents relied on them for housework, babysitting, income, eldercare, and even translating. Among the more than 1,000 Chicago truants visited by the groundbreaking social reformers Edith Abbott and Sophonisbo Breckenridge were many who had worn through their one pair of shoes and

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<sup>66</sup> Fuentes, *Lockdown High*, 2-3

<sup>67</sup> F.E. Fryatt, “Compulsory Education in Brooklyn,” *Harper’s Magazine*, December 1, 1879, 218-219, 221.

<sup>68</sup> Deborah Gleich-Pope, “Truancy Laws: How Are They Affecting Our Legal Systems, Our Schools, and the Students Involved,” *The Clearing House*, 87, no. 3 (April 4, 2014): 111.

<sup>69</sup> Tyack and Berkowitz, “Man Nobody Liked,” 32-34, 37-39, 44.

could not attend class barefoot. The women reported minimal cases of “wilful (*sic*) truancy.”<sup>70</sup> Still, officers tended to judge parents of truants as “incompetent, intemperate, ignorant or cruel,” while the parents bristled at the officers for being intrusive and “officious,” note David Tyack and Michael Berkowitz, in their study of truant officers aptly titled “The Man Nobody Liked.”<sup>71</sup> In 1911, in an attempt to soften their image and professionalize their ranks, truant officers formed the National League of Compulsory Education Officials, which tried to set minimum standards for officers’ education and to encourage public perception of them as akin to social workers.<sup>72</sup>

Truant officers came in two sorts, according to Tyack and Berkowitz: those who reveled in the power accorded them (and often abused it), and those who sympathized with the wayward students, appreciating that many avoided school in part because their teachers openly disdained the children as “morally defective.”<sup>73</sup> Ironically, in the early days, many truants, once caught, were not even returned to school, nor were the problems that caused them to elope, such as poverty, addressed. Instead, many were punished by being expelled from class or sent to reformatories, “Attendance Schools,” or “Truant Homes,” which were really forms of “imprisonment.”<sup>74</sup> One journalist who visited a Truant Home in Brooklyn in 1879 described it as

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<sup>70</sup> Edith Abbott and Sophonisbo P. Breckenridge, *Truancy and Non-attendance in the Chicago Schools: A Study of the Social Aspects of the Compulsory Education and Child Labor Legislation in Illinois* (Chicago: University of Chicago Press, 1917), 136-139, 146, 206-210; Tyack and Berkowitz, 34, 44.

<sup>71</sup> Tyack and Berkowitz, “Man Nobody Liked,” 32-34, 37-39, 44.

<sup>72</sup> “Truancy Men Convene,” *Chicago Daily Tribune*, June 3, 1911, 9; Tyack and Berkowitz, “Man Nobody Liked,” 35-36.

<sup>73</sup> Tyack and Berkowitz, “Man Nobody Liked,” 33, 35, 39.

<sup>74</sup> Gleich-Pope, “Truancy Laws,” 110-111; F.E. Fryatt, “Compulsory Education in Brooklyn,” *Harper’s Magazine*, December 1, 1879, 221, 223, 224.

a “prison” that was “chained, bolted, and double-barred.”<sup>75</sup> Often parents were sanctioned, or even jailed, for instigating or tolerating their children’s truancy.<sup>76</sup>

Like so many other aspects of disciplinary policy, the empowerment of the truant officer was an attempt at social control, this time at a period of population shifts that challenged the status quo. Truant officers became “an integral part of the state’s systemic regulation of the conduct of school-aged youth,” observes Michael S. Katz, an education historian and philosopher, in considerable measure to quell “fears of crime, vagrancy, and a foreign-speaking pauper class.”<sup>77</sup> The laws and the officers who enforced them thus became part of a continuing struggle over who controls the lives of young people – their parents, or the state acting in what it determines is the best interests of the children and society.

The rise of the truant officer also came hand-in-hand with the expansion and professionalization of police departments around the United States, most notably in major metropolitan areas. In strategizing over the establishment of the police department in New York City, then Mayor Isaac Varian called in 1839 for the officers to be “part of the citizens.”<sup>78</sup> The New York Police Department, one of the oldest and the largest in the country, was officially established in 1845. But almost from the start, the police had contentious relationships with the public they were sworn to serve, which, as the scholar Christopher Thale writes, “created a

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<sup>75</sup> Fryatt, “Compulsory Education,” 223.

<sup>76</sup> Abbott and Breckenridge, “Truancy,” 201-204, 208-209.

<sup>77</sup> Michael S. Katz, *A History of Compulsory Education Laws* (Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1976), 21-25.

<sup>78</sup> Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830-1870* (Chicago: University of Chicago Press, 1977), 17.

police subculture separate from and hostile towards the most heavily policed communities,” namely poor, immigrant ones.<sup>79</sup>

The surge in the city’s immigrant population in the 1800s, and its attendant cultural heterogeneity and economic disparities, heightened calls by New York elites for more professional, full-time, uniformed, and regulated policing rather than the loose system of frequently untrained, part-time night watchmen and constables that predominated at the time. The nativists ascribed what they saw as deplorable “slum” behavior to inherent immigrant and migrant immorality and used the impoverished conditions as a cudgel to increase policing. But those wretched environments, as the sociologist Sidney Haring and the Danish journalist Jacob Riis, among others, document, were a result not of innate cultural depravity among the poor, but of the exploitative low wages that industrialists paid their essentially captive workers.<sup>80</sup> Employing a Marxist framework, Haring contends that the professionalization of the NYPD and other police forces served the economic, political, and social aims of the industrial class by using the enhanced abilities of the department to help subjugate the working and poor classes – not least of all their children.<sup>81</sup>

Police regularly arrested boys and girls for mostly petty crimes of poverty and confined them to jails with adults. “Indeed, the jail filled the title role in the educational cast of the day,”

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<sup>79</sup> Christopher Thale, “Assigned to Patrol: Neighborhoods, Police, and Changing Deployment Practices in New York City Before 1930,” *Journal of Social History* 37, no. 4 (Summer 2004): 1038, 1054; Marilyn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 2003), 3-4, 9, 14.

<sup>80</sup> James Lardner and Thomas Reppetto, *NYPD: A City and Its Police* (New York: Henry Holt and Company, 2000), 3-5; Sidney Haring, “The Development of the Police Institution in the United States,” *Crime and Social Justice* 5 (Spring-Summer 1976): 54-59; Jacob A. Riis, *How the Other Half Lives: Studies Among the Tenements of New York* (New York: Charles Scribner & Sons, 1890).

<sup>81</sup> Haring, “Police Institution,” 57-58.

Riis writes in *The Battle with the Slum*.<sup>82</sup> So many young people were locked up in the New York Halls of Justice and House of Detention, better known as the Tombs, that the Public Education Association eventually opened a school there in 1896, the first of its kind in the city.<sup>83</sup> The boys, aged 16-22 years, had lessons in reading, math, hygiene, and the history of the City of New York. “It is important that their self-respect be not utterly destroyed,” Mrs. Schuyler Van Rensselaer, president of PAE, told the *New York Daily Tribune*.<sup>84</sup>

Outside, on the blighted blocks where they lived, however, little encouraged the children of the poor. Neighborhood schools were so overcrowded, many would-be students languished on waiting lists and spent their days instead loitering idly on the streets or risking their lives pulling threads from shirts in sweatshops. Often, criminal enterprise beckoned, activities that might land them an arrest, a day in court, and a spot in the Tombs School. And, as Riis warns in *The Battle with the Slum*, “To put the gang behind iron bars affords passing relief, but it is like treating a symptom without getting at the root of the disease.”<sup>85</sup>

## “The Great Army of Incapables”: Progressivism and the Failure of Humane School

### Discipline

The end of the nineteenth century and the onset of the twentieth century intensified the professed pursuit of humane educational and disciplinary ideals promulgated by the likes of Horace Mann, with the addition of a critical new dimension. This era brought a marked increase

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<sup>82</sup> Jacob A. Riis, *The Battle with the Slum* (New York: The MacMillan Company, 1902), 344.

<sup>83</sup> “The Tombs School,” *New York Daily Tribune*, July 4, 1897.

<sup>84</sup> “The Tombs School”; “Criminal Youths Freed on Parole,” *New York Times*, March 10, 1901; Riis, *The Battle with the Slum*, 378.

<sup>85</sup> Riis, *Battle*, 246.

in immigration from Europe and migration of families from the South to urban centers in the Northeast and Midwest. The influx challenged the implementation of idealistic notions about access to education and compassionate discipline. The emergence of the Progressive Movement suggested an embrace of all children. But as the records show – and as scholars such as Anthony Platt and Geoff K. Ward document – the new practices, including the juvenile courts, actually increased legal and social control of children, with Black and immigrant students facing discrimination, punishment, and devaluation that their white schoolmates more easily avoided. Indeed these policies often continued to channel the most disadvantaged students away from schools and into new correctional institutions, quite often for offenses best described as crimes of poverty.

Attitudes toward both discipline and education evolved rapidly at this time. Teachers were generally of the same race as the students they instructed. When they meted out discipline, even severely, it was presumed that they were doing so in good faith.<sup>86</sup> This “presumptive benevolence” – though often unrealized – defined the emergence of a new movement toward the end of the nineteenth century whose purported intent was to shed rigid disciplinary approaches in education and focus instead on child-centered learning.<sup>87</sup> The goal of these educators, called Progressives, was still to gain social and instructional control over students, but the philosophy putatively emphasized constructive, rather than punitive, interventions both in and outside the classroom. The Progressive Era was marked in no small way by youth-centric social reforms based on the notion that the seed of adult criminality lay in the child. “The past is prologue,”

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<sup>86</sup> David Rothman, *Conscience and Convenience* (New York: Routledge, 2017), 212; Derek Black, *Ending Zero Tolerance* (New York: NYU Press, 2017), 44-45.

<sup>87</sup> Ronald E. Butchart and B. McEwan, *Classroom Discipline in American Schools: Problems and Possibilities for Democratic Education* (New York: State University of New York Press, 1998); Kaestle, *Pillars*; Tyack, *One Best System*.

echoed the criminologists Eleanor and Sheldon Glueck in their various studies aimed at “unraveling juvenile delinquency.”<sup>88</sup>

Although the Progressive movement was hardly monolithic in its nature and voices, the anti-delinquency efforts generally shifted from institutions like the refuges and reformatories, designed to punish young people, to schools, which were viewed as social-reformist havens. Children who were engaged and watched over, the thinking went, would be less prone to misdeeds.<sup>89</sup> One method of supervising the behavior of children and adolescents was prohibiting them from working, except under very proscribed circumstances (although those restrictions were often and easily circumvented).<sup>90</sup>

Child labor laws led to the diminished presence of children in the mills and mines and factories, leaving young people during the day mostly under the purview of schools. And as schools proliferated, the education system developed into an increasingly bureaucratized, controlling machine. Students were sorted by age into grades; individual schools were grouped into districts run by professional administrators, and consistent curricula were established. Moreover, teaching became not just an avocation, but a professional career pursued by individuals whom the historian Herbert M. Kliebard describes as having been historically “ill

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<sup>88</sup> Sheldon Glueck and Eleanor Glueck, *Delinquents and Nondelinquents in Perspective* (Cambridge: Harvard University Press, 1968); Sol Cohen, *Progressives and Urban School Reform: The Public Education Society of New York City, 1895-1954* (New York: Teachers College, Columbia University, Bureau of Publications, 1964), 63.

<sup>89</sup> Robert M. Mennel, *Thorns and Thistles: Juvenile Delinquents in the United States, 1825-1940* (Hanover, NH: University Press of New England, 1973), 129; Bernard and Kurlychek, *Cycle of Juvenile Justice*, 65-68; Lawrence A. Cremin, *The Transformation of the School: Progressivism in American Education, 1876-1957* (New York: Knopf, 1961).

<sup>90</sup> Stambler, “Compulsory Education,” 195-197; Owen R. Lovejoy, “The Function of Education in Abolishing Child Labor,” *The Annals of the American Academy of Political and Social Science* 32, supplement 22 (July 1908): 80-91.

trained, harassed, and underpaid, often immature” and yet still “expected to embody the standard virtues and community values.”<sup>91</sup>

Compulsory education laws drove a rise in school enrollment and shifting demographics saw that enrollment balloon, particularly in urban centers, including New York City. Schools also became larger and more overcrowded as the country absorbed a surge of immigrants from Southern and Eastern Europe (following a mid-century burst of Irish immigrants escaping the famine). Overall, the nation experienced a domestic population realignment away from rural communities and into cities. In 1860, the U.S. census revealed that 80% of Americans lived in rural communities. In 1890, that number dropped to 71%, and by 1900, it had plummeted to 43%.<sup>92</sup> In this urban kaleidoscope of races and nationalities, observes the educational historian Lawrence A. Cremin, school was “cast as a lever of social change” – the center of an elaborate project of integration, assimilation, and rescue from the life of deviance these children were feared to be living.<sup>93</sup>

Despite a shift toward understanding the needs of individual children by the arm of the Progressive movement commonly called “pedagogical progressives,” so-called “administrative progressives” focused more on the organizational structure of schools and the discipline necessary to run them.<sup>94</sup> Educators at the time split over the question of whether all students deserved an equal education, no matter their seeming aptitude. Charles W. Eliot, an educational reformer and longtime Harvard President, lauded as “simply invaluable” the “democratic idea”

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<sup>91</sup> Michael B. Katz, “Origins of Public Education,” 383; Herbert M. Kliebard, *The Struggle for the American Curriculum, 1893-1958* (originally published 1987. Third Edition, New York: RoutledgeFalmer, 2004), 1.

<sup>92</sup> David B. Tyack, “The Spread of Public Schooling in Victorian America: In Search of a Reinterpretation,” *History of Education* 7, no. 3 (1978): 174.

<sup>93</sup> Cremin, *Transformation*, 118.

<sup>94</sup> Tyack, *One Best System*.

that “any boy may become the president of the United States, and should be educated as well as possible for that high function.”<sup>95</sup> To be sure, Eliot did worry that, in the push to support all students, a danger emerged of “an actual repression of the able children.” Still, he advocated for equal access to educational opportunities.<sup>96</sup> G. Stanley Hall, widely regarded as the founder of child and educational psychology, took a wholly different position. He thought it folly to ignore “individual differences” and educate equally the intellectually gifted and what he derided as “the great army of incapables, shading down to those who should be in schools for dullards or subnormal children.”<sup>97</sup> As a result of such hierarchical thinking, schools began to rank and classify students by perceived ability and worth, and to invest in them educationally based on often spurious testing and evidence. This sorting served to lock children from different ethnic, racial, and socioeconomic groups into rigid categories that would have a profound and lasting effect not only on the children themselves, but also on the educational system, and, eventually, the criminal justice system, as well.<sup>98</sup>

Discipline in the schools became both more intense and more complicated by the eclectic backgrounds of an increasingly diverse population and the realities of the poverty that engulfed many students’ lives. The overwhelming pressure on schools led educators and administrators to institute more rules and stratification, which, notes the historian Judith Kafka, were “imitating

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<sup>95</sup> Charles W. Eliot, “Educational Reform and the Social Order,” *The School Review* 17, no. 4 (April 1909): 218-219; James C. McKenzie, “The Report of the Committee of Ten,” *The School Review* 2, no. 3 (March 1894):146-155.

<sup>96</sup> Eliot, “Educational Reform,” 218-219.

<sup>97</sup> G. Stanley Hall, *Adolescence, Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion and Education, Vol. II* (New York: D. Appleton and Company, 1904), 510.

<sup>98</sup> Burton, “Childsavers,” 1252; Virgil E. Dickson, *Mental Tests and the Classroom Teacher* (Yonkers-on-Hudson: World Book Company, 1924); 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 (Spring 1994): 57.

corporate structures.”<sup>99</sup> More standards and codes translated into more possibilities for children to transgress those strictures – deliberately or not – and to be punished for doing so, regardless of intent. Social order and discipline remained the priority they had been since colonial days, but they were increasingly enforced in schools through government directives that hewed to entrenched, discriminatory practices promoting assimilation.

This drive for uniformity invited stepped-up intervention by the police on trifling pretexts aimed at “civilizing” such children. At the time, distinctions were drawn between established, white American citizens of Western European ancestry and the newer immigrants from Southern and Eastern Europe, who were considered inferior and subject to harsher scrutiny.<sup>100</sup> Following a pattern that began with the formation of public education, schools attempted to ameliorate the growing “cultural heterogeneity” and became, as Michael B. Katz describes it, “agents of standardization.”<sup>101</sup>

Poverty, cultural variances, and nativist biases led to an intense focus on crime in these communities, even in the schools. Although the Progressives regarded themselves as humanitarian “child-savers” in their push to Americanize immigrant and migrant youth, the paradigm they established was one in which the recent arrivals were seen (and treated) as pitiful “others,” or, worse yet, possible threats. Whatever their virtues, Katz notes, the reformers too often fell back on “the anti-immigrant sentiments and the racism of their class,” and engaged in pedagogical and “cultural imposition” not unlike their predecessors.<sup>102</sup> As a result, in the

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<sup>99</sup> Judith Kafka, *Zero Tolerance*, 30-31; Boyer, *Adjustment*, 14-15.

<sup>100</sup> Chase S. Burton, “Schools and Delinquency in the Early 20th Century: Rethinking the Origins of School Policing,” *The British Journal of Criminology* 57, no. 3 (May 2017): 536; Tyack, *One Best System*, 217.

<sup>101</sup> Michael B. Katz, *Class, Bureaucracy, and School: The Illusion of Educational Change in America* (Westport: Praeger Publishers, 1975). 116, 139.

<sup>102</sup> *Ibid.*

schoolhouses and on the streets, the children at greatest risk of being labeled delinquent or criminal, and either pushed out of school or detained by the police, were those who deviated most from established Anglo-Saxon norms. Safety was less the objective than order and conformity. David Snedden's 1907 examination of American reformatories blamed "imperfect heredity" and the "congestion of population" common in poor, immigrant, and migrant communities as major culprits of juvenile delinquency.<sup>103</sup>

Indeed, Progressive Era reformers often substituted new judicial mechanisms – including the juvenile courts – for dealing with youthful offenders, producing a model increasingly reliant on the police and the criminal justice system.<sup>104</sup> In his seminal study of the so-called "child savers," Anthony Platt argues that in the name of improving the lot of children, the Progressives only inflicted tighter social controls on them by creating "special judicial and correctional institutions for the labeling, processing, and management of 'troublesome' youth," rather than addressing the economic and social privations that undermined their lives and their ability to succeed in school.<sup>105</sup> To promote the new Progressive ideology, for example, New York reform schools changed the title of guards to "guardians" and renamed inmates "pupils." But the modifications were generally cosmetic, and many institutions did little to improve how they actually treated their wards.<sup>106</sup> As the historian Robert Mennel observes, "penal theory lay close beneath the surface of many innovations and changes in institutional care for delinquent children in the late nineteenth century."<sup>107</sup>

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<sup>103</sup> Snedden, *Juvenile Reform Schools*, 51.

<sup>104</sup> Wolcott, *Cops and Kids*, 17; Burton, "Schools and Delinquency," 532-534.

<sup>105</sup> Platt, *Child Savers*, 3-4

<sup>106</sup> Mennel, *Thorns and Thistles*, 12.

<sup>107</sup> Mennel, *Thorns and Thistles*, 123.

**“A Crime to be Poor”: Schools, Policing, and the Advent of the Juvenile Court**

Justice Willard H. Olmsted stepped out from his chambers on the morning of September 2, 1902, and faced a caseload like none he had ever before encountered. One by one entered the defendants, many whose heads “barely reached the top of the rail in front of the judge’s desk.” Some sobbed. Others giggled. A few played with dolls. It was the first day of the Children’s Court of the City of New York.<sup>108</sup>

Olmsted had once been a newspaperman and now, as the cases began, he leaned in like a reporter to hear the tales brought before him. From time to time, he asked the youngsters probing questions. Often, he just smiled and listened “in a fatherly way,” and the truth tumbled forth. William Baff, about 12, was on the verge of denying that he had snatched a purse from Lena Samson, a girl of similar age. But one well-placed look from the judge and the boy confessed, saying he was egged on by an older boy who “would have licked me if I hadn’t done it.” The first prisoners brought before Justice Olmsted that day were ten-year-old Annie Eagan and nine-year-old George Hessington. Their crime? Eating from garbage bins at the Gansevoort Market. Their sentence? Baths and clean food at a children’s society. Although there were children accused of theft, gambling, and harassment, there were also, as the *Brooklyn Daily Eagle* noted, “innumerable children who were learning for the first time that in the eye of the law, it is a crime to be poor.”<sup>109</sup>

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<sup>108</sup> “Children’s Court Opens,” *New York Times*, September 3, 1902; Maude McDougall, “Children’s Court: A Place of Laughter and Tears,” *Brooklyn Daily Eagle*, Sept. 14, 1902, 1; “Gerry Society Court Open,” *The Sun (New York)*, September 3, 1902.

<sup>109</sup> “Children’s Court Opens”; “Gerry Society Court Open”; “New York’s New Children’s Court”; Maude McDougall, “Children’s Court: A Place of Laughter and Tears,” *Brooklyn Daily Eagle*, Sept. 14, 1902.

Justice Olmstead seemed to do an able job of diverting many of the youngsters away from correctional facilities. Courts devoted to neglected, troubled, and lawbreaking juveniles were intended from their inception as a means of separating juvenile offenders from being “herded in courtrooms with hardened criminals, brought face to face and into close touch with just what they should have been kept away from.” The first of these was established in Illinois in 1899, under Illinois Laws 131, “for dependent, neglected, and delinquent children.”<sup>110</sup> Such courts were amalgams of legal and social welfare organizations, and they were expected to address the root causes of youthful disobedience. New York came more slowly to the concept than, among other major cities, Chicago, Baltimore, and Philadelphia; as a result, the inauguration of Justice Olmsted’s courtroom was, the *Brooklyn Daily Eagle* opined, “at once cause for congratulations and for shame.”<sup>111</sup>

But the benevolent promise of the institution was never truly realized. Even Justice Olmsted lamented just a few years after the Children’s Court opened that “a large proportion of the youngsters arraigned ought not to be brought here at all,” because the city’s Board of Education would too often “shirk” its duty and push struggling students into the court system.<sup>112</sup>

When they were first inaugurated at the turn of the twentieth century, juvenile courts seemed to bring great hope and heralded “the introduction of a new spirit and a new aim,” wrote Samuel J. Barrows, the United States Commissioner to the International Prison Commission, in a

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<sup>110</sup> Illinois Juvenile Court Act 1899, Ill. Laws 131.

<sup>111</sup> “Children’s Court Opens”; “New York’s New Children’s Court”; “Children’s Court: A Place of Laughter and Tears.”

<sup>112</sup> “New York’s New Children’s Court,” *New York Times*, August 24, 1902; “Judge Olmsted of Children’s Court Criticizes the Board of Education,” *New York Times*, April 8, 1906.

1904 report about children's courts in the United States.<sup>113</sup> The Hon. Julius M. Mayer, Justice of the Court of Special Sessions, noted in the same report that in Manhattan and the Bronx, in New York City, 7,647 children under the age of 16 were arraigned in the new juvenile court in its initial year, which ended in September 1903. The purpose of the court, he wrote, was "the saving and not the punishment or restraint of the child."<sup>114</sup> By 1925, 46 of the then 48 states had special juvenile courts.<sup>115</sup>

But on the heels of these new juvenile courts came more detention and correctional facilities for children. Gradually, the architecture of criminality again began to overwhelm the educational and social programs intended to treat or divert juvenile delinquency, with police forcing ever more children into the legal system. The police, in fact, had extraordinary discretion in dealing with young people. Criminal justice historian David Wolcott writes about how individual police "could impose their own rough form of 'treatment' on young offenders," including using "physical force," and how they, with impunity, "routinely superseded the goals of child welfare advocates" and the juvenile courts themselves.<sup>116</sup>

The attempt by the juvenile courts "to combine social welfare and social control functions in one organization" was problematic from the start, observes the legal scholar Barry Feld. He calls the dual pursuits "irreconcilable contradictions" because the court was charged

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<sup>113</sup> International Prison Commission and Samuel J. Barrows, "Children's Courts in the United States: Their Origin, Development, and Results" (Washington: Government Printing Office, 1904), IX, X.

<sup>114</sup> "Children's Courts," 23, 24

<sup>115</sup> U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "100<sup>th</sup> Anniversary of the Juvenile Court," *Juvenile Justice* 6, no. 2 (December 1999): 16.

<sup>116</sup> Wolcott, *Cops and Kids*, 196; David Wolcott, "The Cop Will Get You: The Police and Discretionary Juvenile Justice, 1890-1940," *Journal of Social History* 35, no. 2 (Winter 2001): 351-352, 354.

with both caring for children and punishing them.<sup>117</sup> Victoria Getis, a historian of the court, goes a step further and denounces the juvenile court as not merely a contradiction, but a deliberate “deception.” She describes the system as “the mailed fist of a legal institution hiding inside the velvet glove of a social agency.”<sup>118</sup> By the 1940s, more than 100,000 children were detained annually through the juvenile court system and incarcerated in facilities with little educational, rehabilitative, or medical intervention. That number more than quadrupled by the 1960s.<sup>119</sup> Black children, as they have throughout history, faced greater scrutiny and worse treatment at each stage of the criminal justice process. Because of their experiences of abuse, Black children also came to fear interactions with the police. Many opted not to report when they were attacked, further skewing delinquency statistics. “Harshness, for no cause but his black face, has been too frequently bestowed upon the Negro by the police,” Mary White Ovington, a white suffragist, journalist, and co-founder of the National Association for the Advancement of Colored People, stresses in her 1911 classic, *Half a Man*.<sup>120</sup>

### **“Otherwise Defective”: Racialized Punishment in Pre-WWII Schools**

Immigrant children were considered different, often incorrigible, and potentially dangerous, but their “common European ancestry and white skin rendered them less threatening,” observes Geoff K. Ward, and thus amenable to assimilation through enrollment in

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<sup>117</sup> Barry Feld, “The Transformation of the Juvenile Court – Part II,” *Minnesota Law Review* 84 (1999): 330.

<sup>118</sup> Bernard and Kurlychek, *Cycle of Juvenile Justice*, 71-72; Wolcott, *Cops and Kids*, 99-100; Getis, *The Juvenile Court*, 47.

<sup>119</sup> President’s Commission on Law Enforcement and Administration of Justice, “The Challenge of Crime in a Free Society,” February 1967.

<sup>120</sup> Nunn, “The Child as Other,” 689; Mary White Ovington, *Half a Man: The Status of the Negro in New York* (New York: Longmans, Green, and Co., 1911), 72-73, 198.

school.<sup>121</sup> Officials attempted to rehabilitate young immigrant offenders, or at least feigned intent. Delinquency, it was thought, took place in the seedier corners of the city's public spaces – the dark alleyways, the dilapidated playgrounds – and reformers tended to address that concern by bringing young immigrants into schools. But such opportunity was rarely afforded to Black youth, whose growing presence in predominantly white neighborhoods inspired suspicion, opposition, and even greater intrusion by law enforcement into their young lives. Indeed, as the specter of integration emerged, white families and civic leaders fought ferociously against the potential incorporation of Black students into local schools.

The tensions began in the early twentieth century with the Great Migration, in which Black Americans moved in droves from the dangers and degradation of the Jim Crow south to seek freedom and economic advancement in New York, Chicago, and other industrialized Northeastern, Western, and Midwestern cities. From 1910 to 1930, about 10 percent of the Black population – more than one million terrified souls – heeded the call from Black newspapers, such as the *Chicago Defender*, and abandoned the rural South.<sup>122</sup> New York City was among the most popular destinations; the city's Black population more than tripled between 1910 and 1930, soaring from 91,000 to 327,000.<sup>123</sup> Certain neighborhoods became magnets for Black families, especially central Harlem, which saw its percentage of Black residents climb from just under

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<sup>121</sup> Geoff K. Ward, "The 'Other' Child-Savers," in *The Child Savers, 40th Anniversary Edition*, ed. Anthony Platt (Piscataway, NJ: Rutgers University Press, 2009), 228.

<sup>122</sup> U.S. Department of Commerce, Bureau of the Census, *The Social and Economic Status of the Black Population in the United States: An Historical View, 1790-1978*, Current Population Reports, Special Studies Series P-23, No. 80, 1978; Carole Marks, "Black Workers and the Great Migration North," *Phylon* (1960) 46, no. 2 (2<sup>nd</sup> Qtr., 1985): 148; Florette Henri, *Black Migration: Movement North, 1900-1920* (Garden City, NY: Anchor/Doubleday Press, 1975).

<sup>123</sup> Thomas Harbison, "'A Serious Pedagogical Situation': Diverging School Reform Priorities in Depression-Era Harlem," in *Educating Harlem: A Century of Schooling and Resistance in a Black Community*, ed. Ansley T. Erickson and Ernest Morrell (New York: Columbia University Press, 2019), 56.

10% in 1910 to more than 70% in 1930.<sup>124</sup> Claude McKay even dubbed the area “the capital of the Negro world.”<sup>125</sup> Neighborhoods like Bedford Stuyvesant in Brooklyn, Morrisania in the Bronx, and Jamaica in Queens experienced similarly dramatic growth in the population of Black residents in those years.<sup>126</sup>

But the North was hardly the paradisaical sanctuary promised by so many, and soon enough, antipathy toward immigrant children was superseded by antipathy toward Black youth. “[T]he mere removal of the Negro to another environment is not the ultimate solution of what we call the ‘race problem’; at most it can only modify the problem,” the economist and sociologist William O. Scroggs wrote during the heart of the Great Migration.<sup>127</sup> With that mass population movement, the juvenile court’s enlightened “rehabilitative ideal,” as the legal scholar Francis A. Allen labels it, began to dissipate. It shifted instead more directly into a penal system whose main function, notes Barry Feld, became to “maintain social control of minority youths, predominantly young black males.”<sup>128</sup> Feld contends that Progressive reformers deliberately “designed” such bias into the juvenile court system, so as to “discriminate against ‘other peoples’ children” (a fact, he laments, that “carries over into contemporary juvenile justice administration”). The true goal of the juvenile court, he insists, was not, as touted, the theoretical best interests of the child, but rather “coercive social control.”<sup>129</sup>

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<sup>124</sup> Andrew A. Beveridge, “Harlem’s Shifting Population,” *Gotham Gazette*, August 2008.

<sup>125</sup> Claude McKay, *Harlem: Negro Metropolis* (New York: E.P. Dutton & Company, 1940), 16.

<sup>126</sup> John R. Logan, Weiwei Zhang, and Miao Chunyu, “Emergent Ghettos: Black Neighborhoods in New York and Chicago, 1880-1940,” *American Journal of Sociology* 120, no. 4 (2015).

<sup>127</sup> Wm. O. Scroggs, “Interstate Migration of Negro Population,” *Journal of Political Economy* 25, no. 10 (December 1917): 1043.

<sup>128</sup> Francis Allen, *The Decline of the Rehabilitative Ideal* (New Haven: Yale University Press, 1981); Feld, “Transformation,” 330, 346; Nunn, “The Child as Other,” 707.

<sup>129</sup> Feld, “Transformation,” 331, 338.

As the Black population of New York grew, so, too, did the criminalization of Black youth, in and out of schools. One seven-month-long investigation by the Joint Committee on Negro Child Study in New York City affirmed this bias by the juvenile court system. The committee's report meticulously identified corrosive socioeconomic elements in "negro districts of the city" that made Black children more vulnerable to juvenile delinquency, including: "[I]ack of opportunities for supervised recreation;" "rent exploitation;" "lack of parental control commonly where mothers work outside the home" to afford basic needs, and "truancy" caused by inadequate classroom teaching. The report also contended that the delinquency rate was "four to five times as great among the negro as among the white population of New York City." But the committee ingenuously recorded without comment that the primary charges for white boys in the city's Children's Court were the more irrefutable offenses of burglary and stealing, while Black boys were mainly charged with "disorderly conduct" and other subjective allegations prone to bias.<sup>130</sup>

The new students often struggled when they moved to New York City, where their peers were generally more formally prepared, and so much of life – even the cold weather – was unfamiliar. Many Black migrant students also floundered due to poverty, living crammed into substandard apartments with parents forced to work long hours to meet expenses.<sup>131</sup> In most predominately Black neighborhoods, tenants regularly coped with dismal tenements and inflated rent prices levied by landlords who saw their desperation and exploited it.<sup>132</sup>

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<sup>130</sup> Joint Committee on Negro Child Study in New York City, "A Study of Delinquent and Neglected Negro Children before the New York City Children's Court 1925," 1927, 6, 18-20; "Harlem Conditions Called Deplorable," *New York Times*, September 6, 1927, 17.

<sup>131</sup> Joint Committee, "Delinquent and Neglected," 11-12; Mabee, *Black Education*, 247-249; Suddler, *Presumed Criminal*, 19.

<sup>132</sup> Cheryl Lynn Greenberg, *Or Does it Explode: Black Harlem in the Great Depression* (New York: Oxford University Press, 1991), 181-186.

Segregated, overcrowded housing predictably created segregated, overcrowded schools, in New York and around the country. Where schools were not segregated by law, Black communities were often “cajoled into acquiescence” to accept inferior, separate schools as “more advantageous to them than mixed race schools,” notes Charles H. Thompson, the Howard University dean and founder of *The Journal of Negro Education*. But he writes, “the separate school, or separate anything, with equal facilities is a fiction.”<sup>133</sup>

The poor physical condition of schools serving Black neighborhoods often precipitated a cycle of failure, rebellion, and discipline among students, who bridled at being confined all day in such squalor, and educators responded with heavy sanctions. The school buildings in low-income, often Black, neighborhoods were generally so dilapidated, Upton Sinclair wrote, that in 1920s New York, perhaps the wealthiest city in the world, “the children of the poor are herded into dark, unsanitary fire traps...and even of these there is insufficiency.”<sup>134</sup> Most of the schools in Harlem had “no facilities whatsoever for washing hands in the toilets,” according to testimony at a hearing convened by Mayor Fiorello H. LaGuardia. Two schools only had “unheated outdoor toilets.” Many schools ran double sessions to accommodate the growing demand and classes were bursting with double and triple the appropriate number of students.<sup>135</sup>

Records show that the city intentionally permitted the perpetuation of such dire conditions, which contributed to poor academic performance and behavior problems that invited harsh disciplinary responses. Year after year, in government reports and hearings, parents and advocates railed against the disrepair and overcrowding Black children confronted in schools –

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<sup>133</sup> Thompson, “Court Action,” 419, 430-434.

<sup>134</sup> Upton Sinclair, *The Goslings: A Study of American Schools* (Pasadena, Calif.: AMS Press, 1924), 63.

<sup>135</sup> “Link Old Schools to Harlem Unrest,” *New York Times*, April 11, 1935, 16.

and year after year the city ignored them.<sup>136</sup> When the Board of Education requested federal funds in 1935 to build 168 new schools in the city, for example, it planned only one additional annex in Harlem, even though no new elementary school had been built there for 26 years despite the population explosion in that area.<sup>137</sup> “[D]o something about this,” a representative of the Harlem Parents’ Association begged the Mayor’s Commission on Conditions in Harlem. At the same hearing, Ira Kemp, a social activist who launched the “Don’t Buy Where You Can’t Work” campaign to fight bias in hiring, blamed racial discrimination for the appalling state of Harlem’s schools, including the paucity of Black teachers.

“*Do you mean to insinuate that there is discrimination?*” a Commission member asked.

“*I do,*” Kemp retorted.

The Mayor’s Commission ultimately agreed. It concluded that, “[p]rejudicial discrimination” led the Board of Education to neglect funding for Harlem schools, in disregard of the indisputable need.<sup>138</sup>

The dismal conditions that made it difficult to learn, made it difficult to teach, as well, and educators often struggled to understand how best to discipline their students. Often, teachers were given conflicting signals about maintaining strict order in the classroom while at the same time being asked to institute newer, increasingly popular pedagogical theories based on child-centered psychology, with little input from supervisors on how to thread the needle. Indeed, William O’Shea, superintendent of the New York City schools, compared schools to the military.

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<sup>136</sup> “Harlem Conditions Called Deplorable,” *New York Times*, September 6, 1927, 17; “Link Old Schools to Harlem Unrest,” *New York Times*, April 11, 1935, 16; “Harlem Inquiry Told of School Crowding,” *New York Times*, May 16, 1935, 43; “Report on City Schools by Rapp-Coudert Committee,” *New York Times*, March 8, 1943, 4; “Karlesen Insists on School Inquiry,” *New York Times*, November 11, 1945, 40.

<sup>137</sup> “Link Old Schools,” *New York Times*, April 11, 1935, 16.

<sup>138</sup> Greenberg, *Or Does It Explode*, 188-189.

“You need discipline in the teaching of students just as much as you do in the army,” O’Shea explained in 1926.<sup>139</sup> Although corporal punishment was technically shunned in New York, the threat of it hung in the school air, and the practice persisted on “subterranean and secret levels,” Kate Rousmaniere, an education historian, found in her interviews with women teachers in 1920s New York City. Ironically, while advanced concepts about child development were emerging, implementing them in the strained public school system remained a challenge. Since discipline problems were seen as the failings of individual teachers, rather than the result of systemic deficiencies, many teachers favored centralized disciplinary policies that, while plainly uncalibrated to individual situations, removed the onus of punishment and the accusation of bigotry from them. Teachers’ main objective, argues the education scholar Wayne Urban, was protecting their positions, and they took whatever measures necessary, including brutally harsh discipline, to maintain the classroom control that would ensure their job security.<sup>140</sup> In such tinderboxes, frayed educators proved more apt to punish severely and to push out the children they judged as most challenging – almost invariably those who were poor and Black.

At the time, more school districts began setting up new “special” schools and classes for persistently truant and “difficult to manage” students, although such settings were often used to offload lower achieving students to ease the burden on teachers. Prior to the institution of compulsory education laws, schools generally dealt informally with troublesome or poor students, casting them out without officially acknowledging their removal from the rosters. The

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<sup>139</sup> Pickens E. Harris, *Changing Conceptions of School Discipline* (New York: The MacMillan Company, 1928), 3.

<sup>140</sup> Rousmaniere, “Losing Patience,” 56-63, 65; Wayne Urban, “Organized Teachers and Educational Reform During the Progressive Era: 189-1920,” *History of Education Quarterly* 16, no. 1 (Spring 1976): 36-37, 46, 50. In her book, Judith Kafka explores at length how this phenomenon played out in Los Angeles, in particular in chapters three, four, and five, with the burden falling heavily on children of color.

“exclusion of unwanted pupils was an effective organizational practice,” observes the sociologist Joseph Tropea. When such expulsions could no longer be handled off the books – or “backstage,” as Tropea coined the routine – educators found an official alternative: “segregation of selected pupils in special classrooms or schools.”<sup>141</sup>

Dr. Kenneth B. Clark, the eminent child psychologist and, along with his wife, Mamie, the first African Americans to earn doctorates in psychology from Columbia University, recalled a searing episode from his childhood. In the ninth grade, Clark said in an interview with *The New Yorker* magazine, even though he had been a consistent honors student, a new guidance counselor at his Harlem school sent a letter to his mother advising her to sign up young Kenneth for trade school. Miriam Clark, who had immigrated with her two small children from Panama in 1918, skipped a day of work as a factory seamstress, marched into the counselor’s office, and announced sternly, “I don’t give a damn where you send *your* son, but *mine* isn’t going to any vocational school.” Clark lamented that since not every Black child had a mother as fierce as his, so many got beaten down by the system and, over time, assumed the roles others imagined for them. “[E]ach stereotyped child is denied his individuality and his potential,” he said, “and the self-fulfilling prophecy of massive underachievement by these children is therefore perpetuated.”<sup>142</sup>

Just as responsibility for class discipline was placed squarely on the shoulders of individual teachers, delinquency and lackluster school performance were very frequently attributed to the failings of individual children. Even children in the earliest grades were regularly labeled “unmanageable,” “incorrigible,” “backward,” “otherwise defective,” and

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<sup>141</sup> Joseph L. Tropea, “Bureaucratic Order and Special Children: Urban Schools, 1890s-1940s,” *History of Education Quarterly* 27, no. 1 (Spring 1987): 30-32.

<sup>142</sup> Tyack, *One Best System*, 217.

“subnormal,” according to Tropea, the sociologist.<sup>143</sup> It mattered not that contemporaneous research contradicted that premise. “Any thoroughgoing attempt at the prevention of delinquency must be based on a social program aiming at the improvement of conditions in neighborhood, school, and home,” argued Julius Maller, an education psychologist and statistics researcher in the early twentieth century. Among the interfering circumstances he cites are “congestion, poor housing, and lack of recreational facilities,” and schools that are “generally overcrowded, with no provision for individual attention and guidance.”<sup>144</sup> By ignoring these issues, school officials sent a familiar message to Black pupils: the problem is you.

### **“Born Criminal”: Early School-Police Partnerships**

It was, therefore, perhaps inevitable that educators and the police would come together formally to deal with the matter of juvenile delinquency. In 1919, August Vollmer, Chief of Police in Berkeley, California, and a man widely regarded as the “father of American policing,” began to meet regularly with Virgil E. Dickson, the city’s Assistant Superintendent of Education. Over weekly lunches each Tuesday at noon, the men discussed the intersection of law enforcement and education, and how they could partner to address the matter of “problem children.”<sup>145</sup> Archives of documents, publications, and correspondence reveal how together the two devised a plan to enjoin teachers in Berkeley to monitor children in the one place they were

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<sup>143</sup> Tropea, “Bureaucratic Order,” 32-34.

<sup>144</sup> Julius B. Maller, *School and Community: A Study of the Demographic and Economic Background of Education in the State of New York* (New York: McGraw-Hill, 1938), 273-275.

<sup>145</sup> Willard M. Oliver, *August Vollmer: The Father of American Policing* (Durham, N.C.: Carolina Academic Press, 2017); United States Office of Education Committee on Youth Problems, “Youth: How Communities Can Help,” (U.S. Government Printing Office, No. 18-1 1936), 8; Virgil E. Dickson, “The Beginning of Coordinating Councils,” 93, BANC MSS 77/13 c., Box 2, Folder 1, Kenneth S. Beam Papers, 1931–71, The Bancroft Library, University of California, Berkeley (hereafter Beam Archives; also hereafter Bancroft).

all mandated to be: school. The teachers were to report any signs of “deviancy” among their students, or even signs that someone was “in danger of becoming delinquent,” both vague descriptors that gave educators and law enforcement tremendous latitude in labeling, punishing, and institutionalizing children.<sup>146</sup> Such deference by educators to the police made sense, Chase Burton maintains in his critical article on early school-police partnerships, because American schools, particularly following the establishment of “mass education,” have long been “heavily invested in policing and the construction and detection of delinquency.”<sup>147</sup>

A few years later, Vollmer and Dickson pioneered a more expansive form of collaboration. On its surface, their system constructively linked various community organizations “working in the interests of the children” to “save them from becoming social liabilities.” In fact, their archives show that the men created a far-reaching web of surveillance apparatuses and actors to ensnare young people who tested or defied authority – or who were merely poor and unfamiliar.<sup>148</sup> At Dickson’s suggestion and Vollmer’s behest, the city inaugurated in 1925 a voluntary organization called the Berkeley Coordinating Council, which integrated health, police, school, social service, religious, charitable, and other community groups to detect and deter juvenile delinquency. The council, which met weekly, amassed its data both overtly and secretly. The aim was to force compliance through the implicit, or if need be explicit, threat of

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<sup>146</sup> Kenyon J. Scudder and Kenneth S. Beam, “Who is Delinquent?: The Los Angeles County Plan of Coordinating Councils Including a Study of Fourteen Thousand Juvenile Court Cases,” 16, Box 1, Folder 3, Beam Archives; Kenyon J. Scudder and Kenneth S. Beam, “Why Have Delinquents?: The Los Angeles County Plan of Coordinating Councils,” 13, Box 1, Folder 3, Beam Archives.

<sup>147</sup> Burton, “Schools and Delinquency,” 533.

<sup>148</sup> “Who Is Delinquent?” 16, Beam Archives; August Vollmer, “Coordinated Effort to Prevent Crime,” *Journal of Criminal Law and Criminology* 19, no. 2 (Summer 1928): 199.

juvenile court.<sup>149</sup> Archives of the council's work, in Berkeley and in later outposts in Los Angeles, New York, and other cities, show concern by members for avoiding the "philosophy of social revenge" that for centuries imprisoned delinquents, who were "swept as chaff into the prison hopper of idleness and despair."<sup>150</sup> Each individual pamphlet, speech, and letter in the archives conveys a sense of seeking "the best interest of the child," but cumulatively they demonstrate a larger plan of social control over children and their families.<sup>151</sup>

A diagram titled "Council at Work" shows the child at the top, linked to a circle that is divided into slices representing a host of people and agencies, including playground director, health officer, school principal, and welfare worker, all of whom were expected to funnel information about each child to the council, which is depicted as the epicenter of the circle.<sup>152</sup> Using information drawn from all the participants, Dickson told the 1932 California Conference of Social Work, the council drew "spot maps" plotting "the location and nature" of crimes, accidents, and young offenders, to use in a predictive practice.<sup>153</sup>

The archives reveal, however, that the key institutions in the process were the police and the schools, and that the work of all the parties fed law enforcement efforts to control young people.<sup>154</sup> Despite this intensive surveillance and the stamping of certain students as delinquents

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<sup>149</sup> Vollmer, "Coordinated Effort," 201-210; "Berkeley's Coordinating Council," December 10, 1931, BANC MSS C-B 930, Volumes 1-3, Virgil E. Dickson Archives, 1920-45, Bancroft (hereafter Dickson Archives). No author is listed and the document is filed both in the Dickson archives and the archives of August Vollmer, BANC MSS C-B 403, Carton 4, Bancroft (hereafter: Vollmer Archives).

<sup>150</sup> "Why Have Delinquents?" 7-8, 14, 21; Kenneth S. Beam, "The Coordination of Character Building Agencies in the Community," 2, Box 1, Folder 3, Beam Archives; "Community Cooperation for Social Welfare," 48-49, 53-54, Box 1, Folder 4, Beam Archives.

<sup>151</sup> "Berkeley's Coordinating Council," 3, Dickson and Vollmer Archives.

<sup>152</sup> "Why Have Delinquents?" Chart No. 3, Beam Archives.

<sup>153</sup> Virgil E. Dickson, "The Berkeley Coordinating Council," Speech given before the California Conference of Social Work, Riverside, California, May 1932, Dickson Archives.

<sup>154</sup> "The Coordination of Character Building Agencies," 2-3, Beam Archives.

or so inclined, Dickson conceded that “delinquency seems to continue without significant abatement.”<sup>155</sup> Nevertheless, through the councils, the schools willingly acted as agents of surveillance and criminalization of children for the police.

In New York City, the police also implemented a coordinating council as part of a multi-pronged approach promoted to table widespread arrests of young people in favor of improved community relations and social services. The Junior Police, Police Athletic League, and the Crime Prevention Bureau (later renamed the Juvenile Aid Bureau) touted themselves as alternatives to juvenile arrests.<sup>156</sup> The Crime Prevention Bureau, formed in 1930, described its police officers as more “welfare worker” than street cop – albeit with the looming power of arrest.<sup>157</sup> It did not take long for the bureau to “integrate” the school system into its crime detection operations, forging what the *New York Times* called “cooperation between educational forces and the crime prevention group.” The plan included cross-analyzing 1,000 cases of young people placed in police lineups with school records to identify students considered primed for delinquency.<sup>158</sup> In doing so, school effectively became a home base for the police.

Four years after the bureau was formed, Mayor LaGuardia blasted the police department for failing to live up to the new division’s mission. “I hear so much of what the Prevention Bureau should do, is going to do and might do, but I see very little of it being done,” LaGuardia

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<sup>155</sup> Virgil E. Dickson, “The Misbehavior of Children,” First page of an article marked as “Sent to Sierra Educational News.” Dickson Archives.

<sup>156</sup> Vrinda Sharma Knapp, “The Role of the Juvenile Police in the Protection of Neglected and Abused Children” (DSW diss., University of Southern California, 1961); James B. Nolan, “Police and Youth,” *Journal of Criminal Law and Criminology* 43, no. 3 (1952); “Anti-Crime Bureau Renamed by Mayor,” *New York Times*, October 17, 1934, 11.

<sup>157</sup> “Police Crime Bureau Starts Today, Aided by Social Workers,” *New York Times*, January 13, 1930, 1; Virginia Pope, “New Police Bureau Aims at Prevention of Crime,” *New York Times*, February 2, 1930, 131; Nolan, “Police and Youth,” 340-341.

<sup>158</sup> “Study of Criminals Begun by Schools,” *New York Times*, June 2, 1931, 36.

wrote in a scathing February 1934 letter to Police Commissioner John F. O’Ryan. The mayor excoriated the police for, among other shortcomings, not offering children, as promised, expanded recreation facilities, such as opening school yards at night and on weekends, as alternatives to pool halls, licentious movies, and other degenerate activities. He also objected to officers dealing with children in precincts. Foreshadowing future policies, he urged that police instead be “stationed at school.”<sup>159</sup>

Apparently, what the police knew best was the gathering of evidence, noted Alfred J. Kahn, a social welfare expert from Columbia University, in his intensive study of the Juvenile Aid Bureau. With police serving as the main conduit between the J.A.B. and children, the bureau’s approaches favored the penal.<sup>160</sup> But Kahn found “serious gaps, weaknesses and confusions in philosophy and practice” in the bureau’s stated attempt to counsel children, address the socioeconomic ills that sabotaged their lives, and divert them from delinquency. Attention to individual cases was “routine and inadequate,” and social work strategies were “used mechanically and without understanding.” Any “treatment” (which Kahn put in quotation marks clearly to question the term’s efficacy in this context) was conducted “without proper training and skill.” In an echo of Mayor LaGuardia and a portent of future policies, Kahn suggested that police might become more effective if they were stationed regularly in schools.<sup>161</sup>

Even from the earliest days, police and school personnel singled out Black and poor children for attention and detention. In 1938, for example, 17% of male defendants in New York’s Adolescents’ Court (which covered males between the ages of 16-19) were Black even

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<sup>159</sup> “Anti Crime Bureau Put on Probation,” *New York Times*, February 28, 1934, 9.

<sup>160</sup> Kahn, *Police and Children*, 29-30, 54.

<sup>161</sup> *Ibid.*, 52, 58-60.

though the 1930 census showed that only 4.7% of the city's population was Black.<sup>162</sup> Advocates for minority youth argued that diminished educational and recreational opportunities and economic instability surely contributed to increased delinquency among Black teenagers, but that their heightened arrest rates spoke mostly to widespread bias in the criminal justice system, from police and teacher targeting straight through to sentencing.<sup>163</sup> Black newspapers were filled with stories of children victimized without cause by biased officials, in schools and on the streets. In August 1938, in one example, Mary Birdie filed a complaint at the 32<sup>nd</sup> precinct, saying her 15-year-old son, Frederick, was struck by one Detective Childs, while the teen played outside their Harlem home. The detective denied the charges and accused Frederick of being impudent – an amorphous indictment often used to justify violence against Black people. A half dozen witnesses backed the child's version of events to no avail.<sup>164</sup>

Walter White, then head of the NAACP, tried to prod Mayor LaGuardia into doing something about the predicament of Black schoolchildren forced into a criminal justice system stacked against them. In a 1936 letter to LaGuardia, White wrote, among other inequities, of the “lack of sympathetic and interested assistance” in securing rehabilitative opportunities for Black youth, forcing their prolonged incarceration in juvenile detention facilities. With few foster homes willing to take them, and the underlying socioeconomic hardships at home “not improved sufficiently to justify their return there,” White complained that a “disproportionate percentage of Negroes” remained behind bars rather than behind school desks.<sup>165</sup>

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<sup>162</sup> Carl Suddler, “Young Forever: The Criminalization of Urban Youth, 1939–1964,” (Phd diss., Indiana University, 2015), 27.

<sup>163</sup> Owen R. Lovejoy, *The Negro Children of New York*, (New York: Children's Aid Society, 1932), 8, 25, 45.

<sup>164</sup> “Harlem Cop Is Charged with Smacking Boy,” *New Amsterdam News*, September 3, 1938, 1.

<sup>165</sup> Letter from Walter White to Mayor LaGuardia, October 3, 1936, NAACP papers, as quoted in Greenberg, *Or Does It Explode*, 90-191.

The extent of discrimination against Black children in New York's criminal justice system appalled Jane M. Bolin, the first Black Yale Law School graduate and the first Black woman judge in the United States. When Mayor LaGuardia appointed her to the Domestic Relations Court (later called Family Court) in 1939, Judge Bolin recalled, she shuddered at the systemic bias against Black children. She noted how officials "used to put a big N or PR on the front of every petition" to indicate when the child was "Negro" or Puerto Rican, causing most service providers to reject the cases before even examining them. White judges forced the two lone Black probation officers to handle all cases involving Black children, overwhelming the officers and limiting attention to their young wards.<sup>166</sup> Geoff K. Ward labels these "systems of separate and unequal juvenile social control."<sup>167</sup>

White officials often justified their harsh treatment of young Black offenders by pointing to statistics showing that their rate of delinquency far exceeded that of their white peers. But such data contorted reality by failing to factor in extreme racial bias at every stage of the criminal justice process, the socioeconomic disadvantages that disproportionately hampered Black children, and the entitlements that allowed many white child offenders to sidestep the police and the courts altogether. "White prejudice has given the impression since the emancipation proclamation that the Negro is a born criminal," Elaine Ellis wrote in a 1937 article in *The Crisis*, an NAACP publication. Ellis details the causes of what Ward would later label "Jim Crow juvenile justice," and she blames the denial of society's complicity in delinquency rates among Black children for keeping the "race in miserable subjection."<sup>168</sup>

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<sup>166</sup> "Mayor Swears in Negro Woman as Judge; Summons Her to Office, Then Breaks News," *New York Times*, July 23, 1939, 7; Judy Klemesrud, "For a Remarkable Judge, A Reluctant Retirement," *New York Times*, December 8, 1978, 22.

<sup>167</sup> Ward, *Black Child-Savers*, 1.

<sup>168</sup> Elaine Ellis, "Our Delinquent Children," *The Crisis* 44, no. 12 (December 1937): 362-363.

A 1935 report by the Department of Labor's Children's Bureau cited "an absence of reliable and comprehensive data" to support paroxysms over the alleged explosion of Black juvenile delinquency. Moreover, the report highlighted the inequities in how children from different backgrounds fared in the courts. "Chance" and "family and social resources," the report observed, heavily influenced how the authorities treated a child. In particular, the bureau conceded, while impoverished children in trouble were overwhelmingly committed to institutions, "many children of the well-to-do are saved from coming before the courts because their families have greater resources and are often able to obtain better care for their children."<sup>169</sup> A report on the March 19, 1935 Harlem Riot commissioned by Mayor LaGuardia found that "Negro children on the verge of delinquency" did not have access to psychological treatment, so instead were "dismissed from school without any further provision." Meanwhile, struggling white children were "sent to camp and the seashore."<sup>170</sup> For Black youth, notes the sociologist Michaela Christy Simmons, "public carceral structures" became the "substitute for equal access to social protection."<sup>171</sup>

Justice Justine Wise Polier, the first female justice in New York State, observed from her perch on the bench in Domestic Relations Court a few years later that the problems of white children were still often "adjusted" long before they ended up as a legal matter, whereas "the colored delinquent has a very special problem." Few social service agencies would yet serve

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<sup>169</sup> Children's Bureau, U.S. Department of Labor, "Facts About Juvenile Delinquency: Its Prevention and Treatment," Bureau Publication No. 215 (Washington, D.C.: 1935), 4-5.

<sup>170</sup> "Complete Riot Report Bared: Report Mayor Hid Complete in This Issue," *New York Amsterdam News*, July 18, 1936, 1. The Commission's report, delivered to Mayor LaGuardia on March 19, 1936, was withheld from the public, but the *Amsterdam News* obtained a copy and printed it in its entirety.

<sup>171</sup> Michaela Christy Simmons, "Becoming Wards of the State: Race, Crime, and Childhood in the Struggle for Foster Care Integration, 1920s to 1960s," *American Sociological Review* 85, no. 2 (2020): 209.

such children, she told a reporter for the *The Afro-American*, so “the first recourse” remained being “hauled into court.” She also noted that the rise in delinquency rates among Black children was actually “less than the increase for whites,” but that this reality was “distorted” by the “constant harping on the word ‘colored’ in connection with crime” in news reports.<sup>172</sup>

Contemporaneous awareness of these injustices, however, did not translate into remediation. Even well-intentioned teachers and administrators could not always see how their own biases clouded the way they treated Black students. “[T]heir response was not to try to use the school to expose and correct the racism of American society,” writes David Tyack, “but rather to ‘adjust’ the black child to the white middle class norms educators accepted unquestioningly.”<sup>173</sup>

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<sup>172</sup> Michael Carter, “The Truth About Crime in New York’s Harlem,” *The Afro-American*, May 8, 1943, 14.

<sup>173</sup> Tyack, *One Best System*, 220.

## Chapter 2 – “Unteachables”: Desegregation, Delinquency Panic, and the Emergence of School Police

The details reported of the inciting incident appeared as mundane as they were sparse: on September 27, 1945, one Black and one white student got into an argument over a basketball in the school gymnasium at Benjamin Franklin High School.<sup>1</sup> Most similar disputes might likely have ended there, but Franklin High, located on Pleasant Avenue, between 114<sup>th</sup> and 116<sup>th</sup> Streets, in Manhattan, was a school wrought with tension. Although segregation was ostensibly outlawed in New York, Franklin was among the only integrated schools in the post-war city. The Black students, most of whom made the daily trek from their homes in Harlem, were relative newcomers to the area, which was known as Little Italy, after the immigrants who settled there at the turn of the century. Conceived in the 1930s as an institution for neighborhood children, Franklin began to rapidly integrate with Black and Puerto Rican students from other parts of Upper Manhattan by the time it opened in 1942, rankling local residents and causing a “long-simmering feud between white and Negro students,” newspapers reported.<sup>2</sup> And when the Black children left school after the seemingly minor quarrel that September day, a “mob” comprised of “local toughs armed with sticks” set upon them swinging. The police arrived quickly and although many of the Black students were injured, none apparently needed to be hospitalized. “Peace was restored,” according to reports, and the boys returned home to Harlem.<sup>3</sup>

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<sup>1</sup> S.W. Garlington, “Use Schools to Promote Riots: Adult Whites Push Children Up to ‘Revolt,’” *New York Amsterdam News*, October 6, 1945.

<sup>2</sup> “2,000 High School Students Battle in Race Riot,” *Daily News*, September 29, 1945; “Strife in the Schools,” *New York Age*, October 13, 1945; Alexander Feinberg, “Students ‘Strikes’ Flare into Riots in Harlem School,” *New York Times*, September 29, 1945; NYC Landmarks Preservation Commission, “Benjamin Franklin High School (now Manhattan Center for Science and Mathematics),” *Designation Report*, March 27, 2018.

<sup>3</sup> Gerald Meyer, “When Frank Sinatra Came to Italian Harlem: The 1945 ‘Race Riot’ at Benjamin Franklin High School,” *Political Affairs*, May 3, 2010.

The following morning, however, just before school was scheduled to start, a brawl of far greater proportions broke out between Black and white students outside Franklin High. It took police and school officials an hour to quell the fracas and escort the students to their classes. The peace did not last long. At 2:30 in the afternoon, when school let out, “a spectacular street battle” ensued.<sup>4</sup> Local newspapers used strikingly similar language to describe the melee: “knives flashed,” and stones and bottles “were flung from rooftops.” The *Daily News* painted a cinematic scene featuring thousands of “surging students,” with white attackers outnumbering their Black targets fourfold. The *New York Amsterdam News*, the city’s leading Black newspaper, drew a similar picture of thousands engaged in combat, with Black students vastly overwhelmed by white rioters. The *New York Times* noted that community “elders” joined in fighting back and “eighty uniformed and plainclothes policemen” were called in to stop the “open warfare.” After the police finally succeeded in separating the sides, they attempted to surround the Black students to guard them as they headed home. But white students broke through the phalanx of blue “to pummel the Negroes” and “pelted them with stones sticks, bottles and other missiles.”<sup>5</sup> In their haste to pursue their Black rivals, white youth even knocked over an innocent woman bystander and flipped a baby carriage. When the crowds finally dispersed, the streets outside the school were littered with razor blades, knives, stones, bats, clubs, shards of glass, and even a homemade pistol. Many students were bruised and battered, but in the course of the day, police arrested only five people – all of them Black children, aged 16 to 18 years old.<sup>6</sup>

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<sup>4</sup> “2,000 High School Students.”

<sup>5</sup> “2,000 High School Students”; Feinberg, “Riots in Harlem School”; Garlington, “Use Schools to Promote Riots.”

<sup>6</sup> Feinberg, “Riots in Harlem School.”

The city's police leadership met swiftly the next morning and called for added police across all city high schools and junior high schools. At schools designated as primed for "racial conflict" – coded language for schools in the process of integration – Chief Inspector John J. O'Connor ordered that two uniformed police and two detectives be stationed; at less combustible schools, one police and one detective sufficed.<sup>7</sup> In Brooklyn and Manhattan, special emergency response teams of police, mounted and motorcycle patrols, and radio and detective cars were organized to race to schools in the event of an emergency.<sup>8</sup>

When classes reopened on Monday, the police department stationed 100 officers at Franklin, and principal Leonard Covello called an assembly. "We must not have intolerance here," Dr. Covello said, as he faced an auditorium only two-thirds full because so many students stayed away following the violence."<sup>9</sup> Dr. Covello was a known proponent of integration and he aggressively promoted a narrative that the fighting was instigated by outside agitators, despite evidence to the contrary. He even commissioned an internal report that, he contended, unearthed "no animosity among Negro and white students and no resentment or ill will toward teachers or administration." At the same time, he tried to stymie a survey by the *Amsterdam News* that aimed to determine independently what caused the strife. The paper labelled this suppression an attempt by officials to "gloss over the anti-Negro aspects of the disorders."<sup>10</sup> But Dr. Covello knew well the underlying racial tensions. Just one day after releasing his report's optimistic findings, he

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<sup>7</sup> Arthur Nobles and John Hughes, "Agitators Blamed in Schools Riots as Cops Man Buildings," *Daily News*, September 30, 1945; "Arrests Ordered in School Clashes," *New York Times*, September 30, 1945.

<sup>8</sup> "400 Police Watch Harlem Students," *New York Times*, October 2, 1945.

<sup>9</sup> "400 Police."

<sup>10</sup> "No Race Animosity Seen," *New York Times*, October 5, 1945; NYC Landmarks Preservation Commission, "Benjamin Franklin High School," 20; Kay Kerby, "White Students in 3 N.Y. Schools Favor Mixing The Races In The Classrooms," *New York Amsterdam News*, October 13, 1945.

warned Black students that, “for the Negro’s own good,” they should avoid “the school canteen at nights... because white adults in the neighborhood do not like Negroes and may attack them on sight, if given the slightest bit of excuse.”<sup>11</sup>

Indeed, the violence in East Harlem was intergenerational. Many young white people in the area inherited the prejudices of their parents, who wanted no part of desegregation and actively stoked animosity toward Black schoolmates. “Put the Negroes in a school by themselves and put us in a school by ourselves,” some white students told the *Amsterdam News*. “Negro and white just don’t mix. We want separate schools.” The day of the brawl, in fact, white parents stood in the crowd, urging their children to “kill the black savages.”<sup>12</sup> The situation was so volatile that, in an effort to persuade the Italian-American community to accept the Black students, local officials turned to the most powerful voice they could summon: Frank Sinatra. On October 23, Sinatra, a symbol of pride among Italian Americans, performed at a special school assembly on “racial and religious intolerance.” After singing “Aren’t You Glad You’re You,” Sinatra lectured the students on racial harmony and admonished them not to “go around calling names or indicating your racial preferences.”<sup>13</sup>

Frank E. Karelsen, chairman of the public schools’ Advisory Committee on Human Relations, maintained that the school system as a whole, not a handful of parents, was to blame for the ill will over integration in the classrooms. A few weeks after the melee at Franklin,

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<sup>11</sup> “Warns Negroes to Avoid Little Italy At Nights,” *New York Amsterdam News*, October 6, 1945.

<sup>12</sup> Garlington, “Use Schools to Promote Riots.” This intergenerational violence was hardly unique to New York. In Thomas Sugrue’s study of Detroit, he notes that white teenage violence against Black peers was “closely linked to adult activities.” See, Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 255.

<sup>13</sup> Roslyn Gold and Gilbert Millstein, “The Voice Talks – to the BOYS,” *Daily News*, October 24, 1945; “Frank Sinatra in Plea for Tolerance,” *The Hanford (Ct.) Sentinel*, October 24, 1945.

Karelsen resigned his post. In a letter of resignation he released to the public, Karelsen castigated Superintendent of Schools John E. Wade for fostering an environment that created “rioting, low morale, violence and racial and religious tension in the public schools.” He said that a lack of attention to proper teacher and guidance staffing, appropriate textbooks, and focus on schools in particularly neglected areas led inevitably to a “deplorable situation,” and that the episode at Franklin was but a fragment of a much larger and graver problem.<sup>14</sup>

Even after the Supreme Court issued its decision in *Brown v. Board of Education*, on May 17, 1954, the promise of integrated schooling proved maddeningly elusive for Black students across the country. Word of the Court’s ruling had not even hit newspapers before reactionary white politicians vowed to thwart it. “The South,” Mississippi Senator James Eastland declared that day, “will not abide by nor obey this legislative decision by a political court.”<sup>15</sup> Thus began the movement known as “massive resistance,” a exhaustive crusade to halt desegregation. White politicians and community leaders deployed a vast tactical arsenal to keep Black children away from their own. Governors shuttered schools facing federal desegregation orders. State legislators stripped integrating districts of their funding. Parents fought, fled, fearmongered.

Massive resistance was largely known as a Southern phenomenon, but in New York and many other liberal urban centers, white resistance was still fierce, if sometimes less flagrant. In the direct aftermath of *Brown*, long before what would become well-publicized crises over “busing” in Boston, Kansas City, and elsewhere, New York City became a central battleground over the issues of busing, desegregation, discipline, and juvenile delinquency. Even the most

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<sup>14</sup> “Blame School Superintendent For Low Morale, Unrest And Riots,” *New York Amsterdam News*, October 20, 1945.

<sup>15</sup> William White, “Ruling to Figure in ’54 Campaign,” *New York Times*, May 18, 1954.

modest efforts to desegregate city schools were met with a powerful backlash of bureaucratic intransigence, cultural pathologizing, and political organizing. And as was the case at Franklin High, that resistance to desegregation quite often involved expanded policing, harsh student discipline, and all-too-frequent arrests of Black students.

While there is a wide-ranging and excellent body of scholarship on school desegregation and massive resistance from Matthew Delmont, Diane Ravitch, and Elizabeth Gillespie McRae, among other historians, as well as critical history on the pervasive fiction of Black criminality by scholars such as Khalil Gibran Muhammad, and work on evolving perceptions of teenagers and delinquency by Grace Palladino and James Gilbert, these literatures are rarely put into conversation with one another.<sup>16</sup> In important and original works, scholars such as Judith Kafka and Anders Walker have begun exploring the ways in which the social, cultural, and political construction of juvenile delinquency developed in concert with fears of school desegregation.<sup>17</sup> More recently, the education scholar Rachel Ellen Lissy used the framework of historical institutionalism to explore how punitive school discipline in post-war New York “emerged out of a context of fraught racial politics that favored policies and actors that individualized, criminalized and racialized school disorder,” and the education scholar Kenneth A. Noble tracked the development of school-police partnerships in Flint, Tucson, and Cincinnati.<sup>18</sup>

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<sup>16</sup> Delmont, *Busing*; Diane Ravitch, *The Great School Wars: New York City, 1805-1973* (New York: Basic Books, 1974); Elizabeth Gillespie McRae, *Mothers of Massive Resistance: White Women and the Politics of White Supremacy* (New York: Oxford University Press, 2018); Muhammad, *Condemnation*; Grace Palladino, *Teenagers: An American History* (New York: Basic Books, 1996); Gilbert, *Cycle of Outrage*.

<sup>17</sup> Kafka, *Zero Tolerance*; Walker, “Blackboard Jungle.”

<sup>18</sup> Rachel Ellen Lissy, “From Rehabilitation to Punishment: The Institutionalization of Suspension Policies in Post World War II New York City Schools,” (PhD diss., University of California, Berkeley, 2015); Kenneth A. Noble, “Policing the Hallways: The Origins of School-Police Partnerships in Twentieth Century American Urban Public Schools,” (PhD diss., University of Florida, 2017).

Supporting and building upon those works, this chapter brings together the literatures on school desegregation and juvenile delinquency, along with archives, including those of the New York City Board of Education, the NYPD, and various community advocacy groups, to advance and deepen our understanding of the formation, expansion, and institutionalization of school policing and student discipline amidst the struggle over desegregation.

In combining these literatures and archives, this chapter argues that opposition to desegregation, delinquency panic, and fears of Black criminality were not only linked but mutually constitutive and jointly reinforcing, leading to early school policing initiatives and explicitly punitive disciplinary policies intended to remove “undesirable” students from those regarded as worthy of education and protection. While some scholars have related the surge in punitive school policies to the students’ rights movement of the late 1960s, or the “tough on crime” politics of the 1980s, records from this period show the institution of school police to be a direct response to school desegregation, fears of Black criminality “infecting” schools, and larger challenges to the social order of mid-century American life.<sup>19</sup>

Time and again, adversaries of desegregation – whether white parents, teacher groups, or city officials – made their case by exploiting myths about Black youth and tapping into a pervasive national hysteria over the menace of juvenile delinquency. In New York and elsewhere, desegregation was derided not just as a logistical nuisance or an encroachment on state and local governing rights but as an active threat to the safety of white students. Black students, desegregation opponents argued, were both “unteachable” and irredeemably criminal –

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<sup>19</sup> See, among others: Gordon Crews and M. Reid Counts, *The Evolution of School Disturbance in America* (Westport: Praeger, 1997); Christopher A. Mallett, *The School-To-Prison Pipeline* (New York: Springer Publishing Company, 2015); Nancy A. Heitzeg, *The School-To-Prison Pipeline* (Westport: Praeger, 2016).

their presence leading invariably to student violence and the spread of crime. Both social scientists and white parents alike conceived of delinquency as a kind of contagious disease that infected Black children and could be spread to the white middle class through desegregation. Meanwhile, many Black parents and integrationists came to see the desegregation struggle as part of a historic and essential battle over whether Black students would be given the chance for a decent education or consigned instead to a possibly bleak fate of poverty, disengagement, discipline, and crime in the hyper-segregated, underfunded schools to which they were restricted.

In the fraught context of desegregation and delinquency alarm, city officials leveraged individual incidents and moments of crisis, such as the ordeal at Franklin High, as pretext for further carceral incursion in the schools. As this chapter details, some of the earliest, most expansive pushes for formalized school policing followed episodes of perceived or contrived “racial conflict.” While some other municipalities were beginning to experiment with school police and harsh discipline around the same time, New York City was among the first and most aggressive in its efforts. Unlike other programs, many of which at least purported to prize counseling services and the fostering of positive relations between police and young people, New York’s policies were explicitly punitive, with the goal, as one Kings County judge overseeing a grand jury on school delinquency asserted, of making sure the “undesirables are removed from the company of decent youngsters.”<sup>20</sup> This new paradigm rendered two separate classes of students: those counted worthy of education and protection and those deemed “unteachable,” in need only of control and punishment. Overwhelmingly, these distinctions fell along racial and socioeconomic lines, with the supposed chaos of desegregation used to justify an ever-expanding and professionalizing school police force. “Somehow these two sets of circumstances merged in

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<sup>20</sup> Lawrence Fellows, “Jansen Opposes Police in Schools,” *New York Times*, November 27, 1957.

the public mind,” the researcher Hermine Popper wrote in a 1959 report about desegregation and the grand jury on school delinquency. “The generalized fears of the community found a ready focus in the school system.”<sup>21</sup>

The formation, expansion, and institutionalization of school policing and student discipline during this period, in New York City and elsewhere, came about as the result of an unholy alliance between hardcore conservatives unafraid to exploit the specter of racial violence and seemingly liberal city officials, who, despite their professed devotion to civil rights, welcomed the new measures as a tough-minded, cost-effective way to ensure their vision of safety and order during a period of crisis.<sup>22</sup> From the very onset of these policies, many students, parents, legal professionals, and ordinary community members challenged the legitimacy of school policing and sweeping student discipline. But once such penal actions were put into place, even just as stopgap emergency measures, they proved tenacious and near impossible to reverse.

### **“This Spreading Disease”: Schools and Mass Fears of Youth Criminality**

By the end of the Second World War, the United States was experiencing a full-blown moral panic over the issue of youth criminality. Among the first major alarms on the federal level came in November 1946, when President Harry Truman’s Attorney General, Tom Clark, convened more than 800 government officials for the National Conference on Prevention and Control of Juvenile Delinquency. The following year, the panel issued a report that began with a

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<sup>21</sup> Hermine I. Popper, *How Difficult are the Difficult Schools?* (New York: Public Education Association, February, 1959), 9-10.

<sup>22</sup> For more on how liberals conspired with conservatives to help forge the modern carceral state, see, Naomi Murakawa, *The First Civil Right* (New York: Oxford University Press, 2014).

letter from President Truman: “[T]he problem of juvenile delinquency is of serious concern to the whole country.”<sup>23</sup>

The subject became nearly inescapable. Even in a period of global war and national mobilization, news stories about youth malfeasance garnered exceptional levels of press attention. In popular newspapers and magazines, the number of articles about juvenile delinquency started to rise around 1942, and dramatically spiked in 1952, only beginning to taper off slightly at the end of the decade.<sup>24</sup> During the final stages of the war, in late March 1945, for example, three nine-year-old boys broke into PS 173 in Brooklyn and vandalized \$5,000 of school property. The story ran on the front page of *The New York Times*.<sup>25</sup>

Long after the war, this singular focus on the misdoings of young people – particularly young Black people – did not waver. When a group of teenagers from a Bronx high school roughed up some students from a rival crew in 1955, for example, the *Times* also gave it front-page attention.<sup>26</sup> In 1956, *Time* magazine captured – and stoked – the nation’s anxieties with a special issue entitled “Teenagers on the Rampage.”<sup>27</sup> Two years later, *Time* published an influential article laying blame for the alleged crime spike on Black youth. “They are afraid to say so in public.” reported the magazine, “but many of the North’s big-city mayors groan in private that their biggest and most worrisome problem is the crime rate among Negroes.”<sup>28</sup> One Roper poll conducted in 1959 suggested that Americans considered delinquency a more serious

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<sup>23</sup> Panels of the National Conference on Prevention and Control of Juvenile Delinquency, “Recommendations for Action” (Washington D.C.: U.S. Government Printing Office, 1947), 2.

<sup>24</sup> Trends gleaned from a thorough database search on Newspapers.com

<sup>25</sup> “School Wrecked by 3 Small Boys,” *New York Times*, March 28, 1945.

<sup>26</sup> “Youth Gang Invades High School,” *New York Times*, March 29, 1955.

<sup>27</sup> James Patterson, *Grand Expectations: The United States, 1945-1974* (Oxford: Oxford University Press, 1996), 369.

<sup>28</sup> “The Negro Crime Rate: A Failure in Integration,” *Time*, April 21, 1958.

concern than political corruption and the open-air testing of atomic weapons. Capitalizing on and inflaming this fretful environment, the Senate established its first Subcommittee on Juvenile Delinquency in 1953 and spent years investigating the causes behind this social scourge. By the middle of the decade, Congress was reviewing around 200 bills related to delinquency.<sup>29</sup>

Though fear itself may have been surging, it is unclear if it corresponded to an actual rise in crime. While one frequently-cited FBI statistic reported that delinquency rose 55% between 1952 and 1957, those numbers have since been called into question, and there remains considerable debate among scholars about the true extent of juvenile crime during this period.<sup>30</sup> The sociologist Daniel Bell, for example, points out in *The End of Ideology* that “there are no uniform definitions of crime... and more importantly, there are no uniform standards of reporting,” leading to gross inconsistencies and outright fabrications by law enforcement. This was compounded by the fact that FBI crime statistics were based on outdated census data that only got revised every ten years. Beyond that, adult crime rates in the 1940s were artificially depressed due to conscription in the war, so that around half of all offenses recorded were lopsidedly committed by people under 25 years.<sup>31</sup> In fact, by some measures, delinquency in New York and several other cities may have decreased then. “Even if there was an increase in delinquency, status crimes, and real crimes by adolescents during the 1950s,” the historian James Gilbert writes of the controversy, “the public impression of the severity of this problem was undoubtedly exaggerated.”<sup>32</sup>

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<sup>29</sup> Gilbert, *Cycle of Outrage*, 63, 66.

<sup>30</sup> Palladino, *Teenagers*, 161; Gilbert, *Cycle of Outrage*, 71.

<sup>31</sup> Daniel Bell, *The End of Ideology: On the Exhaustion of Political Ideas in the Fifties* (Glencoe: The Free Press, 1960), 138-139.

<sup>32</sup> Gilbert, *Cycle of Outrage*, 71.

Over the years, scholars have offered no shortage of explanations for this deep-seated hysteria over delinquency; the varying analyses by criminologists, sociologists, and psychologists emphasize everything from cultural upheaval to social conservatism, Cold War global fragility to post-war disintegration of the nuclear family. The different theories gathered momentum from the surge in communication technology, most prominently television, but also from an increase in academic research into the study of both mass media and the underlying causes of delinquency. In *Unraveling Juvenile Delinquency*, their seminal, eight-year post-war study of American adolescents, the Harvard psychologists Sheldon and Eleanor Glueck examined the lives of 1,000 boys from poor Boston neighborhoods. The researchers concluded that family instability and a lack of both parental discipline and close parent-child relationships bred children prone to delinquency.<sup>33</sup> This was a belief widely echoed by city and law enforcement officials, as well as by nationally prominent politicians. In 1946, for example, New York City Police Commissioner Arthur William Wallander cited a war-time manpower scarcity for the perceived crime boom, as well as “lack of parental control over the city’s restless adolescents.”<sup>34</sup> These anxieties were amplified by FBI Director J. Edgar Hoover, who warned of delinquency as the “sulphurous lava which boils beneath the slumbering volcano” and of each young offender as “a threat to every community through which he passes.”<sup>35</sup>

While politicians continued debating the roots of youth crime, child welfare experts increasingly saw delinquency as a “manifestation of illness.” This was the term employed in a

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<sup>33</sup> Sheldon Glueck and Eleanor Glueck, *Unraveling Juvenile Delinquency* (New York: The Commonwealth Fund, 1950). The Gluecks further expounded on their findings in *Delinquents in the Making: Paths to Prevention* (New York: Harper & Brothers, 1952).

<sup>34</sup> “Wallander on Crime,” *New York Times*, August 23, 1946.

<sup>35</sup> J. Edgar Hoover, “There Will Be A Post-War Crime Wave Unless – It’s Blocked by Direct Action Sparked by Some Old-Fashioned Virtues,” *The Rotarian* 66, no. 4 (April 1945): 12, 14.

1951 report by a committee of New York City's associate superintendents, who believed the problem could be best ameliorated not by exacting "vengeance" from the "wrongdoer," but by treating "the delinquent as a sick child."<sup>36</sup> The 1950 Midcentury White House Conference on Children and Youth came to a similar conclusion, finding that students from poorer backgrounds suffered more at the hands of teachers who lacked appreciation for cultural differences. William Boyd Allison Davis, the pioneering Black educator and anthropologist, warned at the conference that "teachers do not understand the basic cultural habits of the working groups," and, as a result, labeled as "delinquent" behavior considered normative, even healthfully adaptive, in their world.<sup>37</sup> And in 1955, Justice Justine Wise Polier of the Domestic Relations Court, who in 1935 became the first woman justice in New York state, denounced the "present hysteria" that promoted a "drive for punishing children." She cited a Harvard study that showed the majority of children in legal crosshairs had already experienced considerable trauma and punishment.<sup>38</sup>

Among the most commonly identified culprits for juvenile delinquency was the mass media – and the ways it reflected and shaped the lives of young people in the national imagination. As these young people came of age, they became known as "teenagers," a distinct and newfound stratum of American life, with tremendous consumer power and a culture all their own.<sup>39</sup> "Something close to a single-minded worry focused on the pernicious culture consumed by... American adolescents," Gilbert observes.<sup>40</sup> Films about wayward youth, such as *The Wild*

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<sup>36</sup> Lissy, "From Rehabilitation to Punishment," 20.

<sup>37</sup> Children's Bureau, Department of Health, Education and Welfare, "The Story of the White House Conferences on Children and Youth," (Washington, D.C.: 1967), 18, 19.

<sup>38</sup> "\$508,000 is Needed for Juvenile Aid," *New York Times*, May 15, 1955. The Domestic Relations Court became known in 1962 as the Family Court. Polier, a lifelong advocate for children, most likely was referring to the Gluecks' *Unraveling Juvenile Delinquency*, which generated considerable attention.

<sup>39</sup> Palladino, *Teenagers*.

<sup>40</sup> Gilbert, *Cycle of Outrage*, 14.

*One* (1953), *Teen-Age Crime Wave* (1955), and *Rebel Without a Cause* (1955, named after a 1944 study on juvenile delinquency) entertained and titillated audiences. They also helped provoke waves of public fear, as a wide range of experts denounced the corrupting influence of Hollywood, rock music, and even popular literature<sup>41</sup> In 1954, the psychiatrist Fredric Wertham published *Seduction of the Innocent*, which cautioned that comic books were subconsciously teaching children “contempt for law and police.”<sup>42</sup> Testifying before the Senate Subcommittee on Juvenile Delinquency in a widely-viewed hearing, Wertham said, “I think Hitler was a beginner compared to the comic-book industry. They get the children much younger. They teach them race hatred at the age of four, before they can read.”<sup>43</sup> Though Wertham’s research would be condemned by the scholar Carol L. Tilley as “manipulated, overstated, compromised, and fabricated” and eventually widely mocked for its alarmist conclusions, the book was hugely popular and influential in its time, and encouraged a number of censorship laws.<sup>44</sup> Similarly sensationalist works soon followed, including *1,000,000 Delinquents*, a book by the journalist Benjamin Fine that forecasted the number of young criminals he anticipated in 1956.<sup>45</sup>

In these and other works, writers and public officials often discussed delinquency using the alarming and Cold War-resonant metaphor of “contagion,” suggesting that unchecked youth crime threatened to infect every institution and corner of American life.<sup>46</sup> Hoover called delinquency a “worldwide disease” and a “deep-seated national illness” from which “no child –

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<sup>41</sup> Walker, “Blackboard Jungle,” 1916.

<sup>42</sup> Frederic Wertham, *Seduction of the Innocent: The Influence of ‘Horror Comics’ on Today’s Youth* (New York: Rinehart & Co. 1954), 158.

<sup>43</sup> Hearings before the Senate Judiciary Committee, Subcommittee on Juvenile Delinquency, U.S. Senate, New York City, April 21, 1954.

<sup>44</sup> Carol L. Tilley, “Seducing the Innocent: Fredric Wertham and the Falsifications that Helped Condemn Comics,” *Information & Culture: A Journal of History* 47, no. 4 (2012): 383–413.

<sup>45</sup> Benjamin Fine, *1,000,000 Delinquents* (Cleveland: World Publishing Co., 1955).

<sup>46</sup> Gilbert, *Cycle of Outrage*, 75; Murch, 42, 60.

rich, poor, city dweller or suburbanite” was safe.<sup>47</sup> In a speech to the International Association of Police Chiefs, Hoover maintained that “we should be more interested in protecting society from criminals of any age than in protecting the young offender from society.”<sup>48</sup> To many, the classroom was feared as a dangerous site of transmission. “Back at school they act as a focus of infection,” read a 1952 report about young delinquents from the New York City High School Principals Association. “They contaminate the marginal, susceptible students.”<sup>49</sup> Though this metaphor of pathology and infection did not always explicitly refer to race or class, it was often strongly implied. “This spreading disease,” wrote Hoover, “... if not stopped, will bring the law of the jungle to every American street.”<sup>50</sup>

Indeed, perhaps the most important yet unheralded factor contributing to public delinquency panic was the fear of school desegregation, and its attendant potential for racial intermingling among young people. If youth crime was a disease of the urban underclass, then integrated education suggested the possibility of metastasis. To many, such schools became a potent and hazardous symbol of all things delinquent. No cultural artifact exemplified these fears more than the 1955 film *Blackboard Jungle*, based on a novel by Evan Hunter. The story, set in a diverse urban school, ably harnessed the public’s fear of integrated schooling. Richard Dadier, the main adult character, played by Glenn Ford, is a white war veteran who comes home to teach; Sidney Poitier plays the role of a talented but rebellious student. (Hunter was said to have

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<sup>47</sup> J. Edgar Hoover, “Counterattack on Juvenile Delinquency,” *Los Angeles Times This Week Magazine*, October 26, 1958.

<sup>48</sup> J. Edgar Hoover, “The Path of Democratic Justice,” address before the Annual Conference of the International Association of Chiefs of Police, Washington D.C., October 3, 1960, published in the *FBI Law Enforcement Bulletin* 29, no. 11 (November 1960): 3.

<sup>49</sup> High School Principals Association of New York City, “Report on Committee on Absence, Truancy, and Delinquency,” May 12, 1952, Series 354, Box 3, Folder 19, Board of Education Archives, Municipal Archives, New York, N.Y., (hereafter: BOE Archives).

<sup>50</sup> Hoover, “Counterattack on Juvenile Delinquency.”

drawn at least some inspiration from his seventeen days as a substitute teacher in the Bronx.) In a text scroll preceding the action, the producers attribute their inspiration to their concern over juvenile delinquency, particularly “when this delinquency boils over into our schools.”<sup>51</sup> The film portrays all manner of lurid crimes committed by the multi-ethnic, obviously poor students, including assaults and the rape of a white female teacher. Although the film was, of course, fictional, it was seen by many almost as a documentary of a juvenile crime explosion.<sup>52</sup>

While *Blackboard Jungle* was probably the most famous movie to connect fear of desegregation to fear of delinquency, it was hardly the only one. *Halls of Anger* tells the fictional story of the forced integration of an urban Los Angeles high school. Its poster bore a distinctly unsubtle message: “You’ve got 3,000 Black kids, 60 white kids, and a war going on!”<sup>53</sup>

Segregationists parlayed such menacing media representations into campaigns claiming that juvenile delinquency was an inevitable product of integration. In a *Columbia Law Review* article, titled (appropriately enough) “Blackboard Jungle,” the scholar Anders Walker details the extreme measures employed by, among others, Mississippi Congressman John Bell Williams to promote the idea that integrating schools endangered white children by exposing them to the deviance of Black students.<sup>54</sup> In January 1956, Rep. Williams entered into the Congressional Record a series of articles from the *Jackson Daily News*, published under the rubric “The Sordid Picture of Integration in the Nation’s Capital.”<sup>55</sup> The five pieces chronicled various incidents of racial hostilities in Washington, D.C. schools, and led to the formation of a subcommittee to

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<sup>51</sup> *Blackboard Jungle*, directed by Richard Brooks (MGM, 1955), DVD.

<sup>52</sup> Kevin E. McCarthy, “Juvenile Delinquency and Crime Theory in *Blackboard Jungle*,” *Journal of Criminal Justice and Popular Culture*, 14, no. 4 (2007): 325.

<sup>53</sup> *Halls of Anger*, directed by Paul Bogart (United Artists, 1970), DVD.

<sup>54</sup> Walker, *Blackboard Jungle*.

<sup>55</sup> “The Sordid Picture of Integration in Our Nation’s Capital,” entered by John Bell Williams into the *Congressional Record*, January 19, 1956, A568.

study integration in the D.C. schools. The subcommittee's report exemplified duplicitous segregationist strategies by selectively highlighting problems with discipline, sexual perversity, and violence among Black students in the city's integrated schools. Two congressmen refused to sign the report, citing its dishonesty. But the Mississippi Citizen's Council, an anti-integration consortium, promulgated the distorted findings to reinforce its goal of massive resistance.<sup>56</sup>

In New York, too, concerns about juvenile delinquency found ready focus in the city's school system, which had quickly grown underfunded and overcrowded in the wake of the postwar baby boom. Accounts of misbehavior, vandalism, and fighting in the schools became a fixture of the news. The reported incidents took place most frequently in the city's poorest districts, prompting great distress among parents as well as city and school officials. "Their continued and brazen defiance of school, parental, and police authority constitutes a commentary on the inadequacy and futility of our present corrective and penal agencies and practices," read a report of the High School Principals Association. The report cautioned against not just lawless behavior but also so-called "pre-delinquency," alleged indications of possible future delinquent behavior, which the Principals Association warned threatened the entire fabric of society. "Tomorrow these actual and potential delinquents will be menacing the peace, order, and stability of our community as they are now disrupting the schools," it read. "Tomorrow we shall, in belated self-defense, strike back at them and crowd them into our jails and correctional institutions." Along with suggestions for rehabilitation centers and expanded student guidance, the Principals Association recommended greater coordination between city agencies, including

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<sup>56</sup> "Investigation of Public School Conditions," Report of the Subcommittee to Investigate Public School Standards and Conditions and Juvenile Delinquency in the District of Columbia of the Committee on the District of Columbia, House of Representatives, 84<sup>th</sup> Congress, Second Session. (Washington: United States Government Printing Office, 1957), 45.

schools, police, and the courts, as well as “firmer and more impressive handling of both delinquents and their parents by the courts.”<sup>57</sup>

For years, it had been something of an open secret that the Board of Education and the Police Department maintained unofficial channels of communication and coordination. Still, around this time, with fears of desegregation and delinquency swelling, New York City increasingly began experimenting publicly with school-police partnerships. A 1945 *Times* article heralded that the NYPD and BOE were “joining hands” for a series of programs and activities meant to combat youth crime.<sup>58</sup> By 1948, Deputy Chief Inspector Joseph Goldstein openly revealed that he assigned patrolmen to break up disputes between youth gangs in and around schools “from time to time.”<sup>59</sup> Then, in 1956, school and law enforcement officials met at the request of Police Commissioner Stephen P. Kennedy and agreed to collaborate more closely to confront student misconduct, including truancy and vandalism. Such improprieties were thought to be on the rise due to an uptick in broken windowpanes in school buildings – a common index then for measuring delinquency. “Through joint conference with the police department, the school system can find ways to curb juvenile delinquency,” Diedrich Lehnert, Superintendent of Plant Operation and Maintenance, said at the time.<sup>60</sup> Soon after, a 17-year-old Brooklyn boy named Thomas Enrique was arrested for drug dealing after police surveilled him for three weeks in and out of school, at PS 613.<sup>61</sup> In fact, on February 1, 1957, city officials issued a directive to school principals advising them “to invite the police whenever in their judgement disorder in or

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<sup>57</sup> High School Principals Association of New York City, “Report on Committee on Absence, Truancy, and Delinquency,” May 12, 1952, BOE Archives, Series 354, Box 3, Folder 19.

<sup>58</sup> “Police and Schools Plan Program to Lessen Crime,” *New York Times*, December 18, 1945.

<sup>59</sup> “Reports of Lawlessness in Bronx Schools Are Minimized by Police and Officials,” *New York Times*, March 9, 1948.

<sup>60</sup> “Joint Effort Set for Delinquency,” *New York Times*, October 11, 1956.

<sup>61</sup> “Nab Two in Dope Peddling to Kids, On Tip of Boy, 13,” *Brooklyn Daily*, November 2, 1956.

near a school seems likely to get out of hand.”<sup>62</sup> And on November 21, BOE district superintendents met with ranking police officials at the West 54th St precinct to discuss the possible creation of a separate “special school police force.”<sup>63</sup>

### **“Young Hoodlums”: Desegregation and the Cycle of Student Crime and Punishment**

Advocates on both sides of the desegregation debate seized on juvenile delinquency as a key plank in their arguments. White parents insisted that Black students allowed criminality to infiltrate their otherwise safe schools; Black families countered that the depressed school conditions their children endured in segregated institutions fed a state of inequality that inevitably bred contempt, alienation, and eventual delinquency. In July 1954, during the post-*Brown* reckoning over race, delinquency, social upheaval, and education, Superintendent Jansen finally acceded to community demands and appointed the independent Public Education Association to study racial discrepancies in New York City schools, although he remained dismissive of the enterprise and criticism from activists. “We did not provide Harlem with segregation,” he told the *Amsterdam News*. “We have natural segregation here – it’s accidental.” Jansen even insisted that the PEA researchers refer to “separation” instead of “segregation” in their report.<sup>64</sup>

Still, the results of the PEA report were striking. Most Black children in New York attended not merely segregated but “hyper-segregated” schools, meaning those comprised of 95% or more students of one race. In such overwhelmingly Black schools, class sizes were much

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<sup>62</sup> Citizens’ Committee for Children Appendix C, February 5, 1958, Series 354, Box 13, Folder 15, BOE Archives.

<sup>63</sup> “School Police Force Studied,” *Daily News*, November 22, 1957.

<sup>64</sup> “P.S. Super OK’s N.Y. Segregation,” *New York Amsterdam News*, June 5, 1954.

larger than anywhere else in the city, teachers had far less experience, and the infrastructure was far shoddier than in their predominantly white counterparts. Tellingly, the city spent \$65.10 per child in white elementary schools, but only \$21.10 in Black schools. This dearth of educational resources, the report noted, led not only to lower grades and higher dropout rates, but also to a surge in “crime and other forms of social pathology.” It was a relatively self-evident observation yet one with powerful implications: segregation was trapping poor Black students in schools that created and reinforced delinquency then amplified discipline. The researchers uncovered “evidence that many existing school boundary lines and zoning procedures did in fact facilitate segregated schools.” School segregation in the city, researchers maintained, “can no longer be called unintended.”<sup>65</sup>

Presented with this contentious report, the newly formed Commission on Integration spent years slogging through a protracted and ineffectual implementation process. A proposal to transfer some experienced teachers to primarily Black schools was ultimately quashed by the city’s teachers’ union. And a recommendation to create a Central Zoning Unit, was thwarted by Superintendent Jansen.<sup>66</sup>

In the meantime, the Brooklyn chapter of the NAACP began marshalling hundreds of parents through their Schools Workshop to organize desegregation campaigns in their own neighborhood schools, under the new and impassioned leadership of the Brooklyn Presbyterian minister and desegregation activist Milton Arthur Galamison. The workshop trained parents to directly contest BOE policies and confront city officials with letters, marches, and face-to-face

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<sup>65</sup> Research Center for Human Relations at New York University, “The Quality of Education Offered to Majority and Minority (Negro, Puerto Rican) Children in New York City’s Public Schools” (Public Education Association, August 1955).

<sup>66</sup> Irving Goldaber, “The Treatment of the New York City Board of Education of Problems Affecting the Negro 1954-1963,” (PhD diss., New York University, 1964). 4

meetings. Their persistence earned them modest advances that eventually set the stage for a series of high-profile desegregation battles.<sup>67</sup> One critical case involved JHS 258, which opened in 1955 in the Bedford-Stuyvesant section of Brooklyn with around 98% Black enrollment, despite its proximity to a white neighborhood. Galamison and parent activists proposed a simple rezoning that would mix the population of JHS 258 with that of JHS 61, another school slated to be opened nearby with mostly white students.<sup>68</sup> While superficially entertaining the proposal, city officials worked behind the scenes to subvert it, including leaking to the *New York Times* their fear that the plan would “accelerate the flight of white people from the community.”<sup>69</sup> Ultimately, despite more than a year of concerted public pressure by Black constituents, Superintendent Jansen stood his ground and JHS 258 remained almost entirely Black.<sup>70</sup>

While New York continued to thwart plans for school desegregation, city officials took swift action on the issue of delinquency. Responding to public concern, Deputy Mayor Henry Epstein spent more than eight months in 1955 preparing a series of reports on youth crime that formed the basis of what Mayor Robert F. Wagner, Jr., touted as “probably the most comprehensive attack on juvenile delinquency presented in any community in these United States.”<sup>71</sup> Although the first study, entitled *Perspectives on Delinquency Prevention*, included calls for social investments in areas such as remedial reading and public recreation facilities,

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<sup>67</sup> Clarence Taylor, *Knocking at Our Own Door: Milton A. Galamison and the Struggle to Integrate New York City Schools* (New York: Columbia University Press, 1997), 60-65.

<sup>68</sup> NAACP, “Progress of the Integration Program,” 15; “N.A.A.C.P. Rebukes City Board for All-Negro Brooklyn School,” *New York Times*, November 2, 1956.

<sup>69</sup> “N.A.A.C.P. Rebukes City Board for All-Negro Brooklyn School,” *New York Times*, November 2, 1956; Letter from William Jansen to John Theobald, October 26, 1956, Series 261, Box 1, Folder 3, BOE Archives.

<sup>70</sup> NAACP, “Progress of the Integration Program,” 15.

<sup>71</sup> Margaret Parton, “Our Lawless Youth,” *New York Herald Tribune*, June 1, 1955 (Part 1 of a 10-part series on juvenile delinquency).

Epstein made clear that a critical foundation of the city's plan would be policing and criminal discipline. "Our city must dedicate itself to a reign of law and order," he wrote, "and youths who think they are outside limitations which the rest of society accepts have got to learn the facts of life."<sup>72</sup> As a result of the Epstein reports, the city earmarked more than \$3 million to combat delinquency.<sup>73</sup> The money fed a public mania for punitive, unforgiving responses to juvenile wrongdoing. That same year, Louis A. Nolfo, the former First Deputy Commissioner of New York City's Department of Corrections, wrote a letter to the *Times* advocating "the presence and application of the nightstick by the police against young hoodlums" to "act as a deterrent to delinquency." Nolfo added that while he supported research into "scientific-sociological treatment" for delinquency, "since we have not yet found the cure," the best alternative was "a whack in the right place when necessary."<sup>74</sup>

Dispirited but undaunted, a group of nine Harlem mothers, led by Mae Mallory, came together in June 1956 and formed the Parents' Committee for Better Education to fight for more humane, equitable schooling for their children. Later called the "Harlem Nine" by Black newspapers, in a linguistic turn that linked their Northern campaign with that of the "Little Rock Nine" in Arkansas, the group partnered with the attorney Paul Zuber, the renowned activist Ella Baker, and Richard Parrish of the Negro Teachers Association.<sup>75</sup> The mothers were politically assertive and tactically shrewd. They assembled hundreds for rallies and challenged the city's

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<sup>72</sup> Henry Epstein, "Perspectives on Delinquency Prevention" (New York: Office of the Mayor, 1955).

<sup>73</sup> Paul Crowell, "Mayor Promises Intensive Fight on Youth Crime," *New York Times*, May 9, 1955.

<sup>74</sup> Louis A. Nolfo, Letter to the Editor, "Curbing Delinquency: Judicious Whack with Policeman's Stick Is Advocated." *New York Times*, November 25, 1955, 26.

<sup>75</sup> Hasan Kwame Jeffries and Patrick D. Jones, "Desegregating New York: The Case of the 'Harlem Nine,'" *OAH Magazine of History* 26, no. 1 (2012): 52; Letter from Paul Zuber to Mayor Wagner, June 11, 1956, Series 261, Box 1, Folder 8, BOE Archives.

zoning laws in court. They even boycotted their children's schools and established instead their own community-run learning center. In response, the BOE accused the parents of violating the city's compulsory education law, a charge the parents embraced as a test of the legality of New York's segregated school system. Justice Nathaniel Kaplan found most of the parents guilty of truancy and threatened to take away their children, but the cases of two students, Charlene Skipwith and Sheldon Rector, went to Justice Justine Wise Polier, the outspoken juvenile justice advocate. Less than two weeks later, in *Skipwith v. New York City Schools*, Justice Polier ruled that parents had the right to remove their children from schools with "discriminatorily inferior education" that violated the Fourteenth Amendment. "The Constitution requires equality, not mere palliatives," Justice Polier wrote. The decision, among the first of its kind in the North, was celebrated as a crucial victory against *de facto* segregation.<sup>76</sup>

Throughout this era, in the immediate aftermath of *Brown*, *Galamison*, *Mallory*, and other local New York advocates framed the school desegregation campaign mainly as a battle against racial inequality and "the grossly inferior education provided in such *de facto* segregated schools."<sup>77</sup> But never neglected in their work was the larger structural critique that identified inadequate schooling as a frequent entry point for young people into the cycle of crime and punishment. In fact, alongside school desegregation, the other major initiative of the Brooklyn branch of the NAACP during the 1940s and 1950s was a crusade against police brutality, and the organization often made a point of linking those struggles.<sup>78</sup> Many Black parents lamented the cruel irony that their neighborhoods were inundated with police officers while public officials

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<sup>76</sup> *In the Matter of Skipwith*, 180 N.Y.S. 2<sup>nd</sup> 852 (Domestic Relations Ct., N.Y.C., 1958); Back, *Up South in New York*, 325-328; Jeffries and Jones, "Desegregating New York."

<sup>77</sup> NAACP, "Progress of the Integration Program," 1.

<sup>78</sup> Taylor, *Knocking at Our Own Door*, 48, 84.

insisted that the city lacked money to provide their children even basic educational resources. At one executive session of the BOE, Mae Mallory received a rousing applause from her fellow parents when she recalled to city officials how her neighborhood had recently been “saturated” with police, yet still lacked adequate educational staffing. “If the police department’s ‘Operation 25’ could send a flood of cops into Harlem, the Board of Education should be able to send experienced teachers there as well,” she exclaimed.<sup>79</sup>

Many other parents and students sought to address the issue of youth crime and punishment directly. As early as 1946, a grassroots organization called Mothers of Harlem (led, in part, by the writer Zora Neale Hurston) monitored their neighborhoods, “keeping an eye on the youngsters in their own blocks,” in an effort to “correct” troublesome behavior themselves before their children became enmeshed in the criminal justice system.<sup>80</sup> The children got involved in efforts of their own, too, as with the United Youth Movement for the Prevention and Elimination of Crime, in Harlem, headed by a 14-year-old girl named Vera Trotter.<sup>81</sup> And in 1958, the Harlem Mothers Conference Against Juvenile Delinquency held its first meeting followed shortly by the initiation of an offshoot Young Citizens Council, with the slogan “United Drive Against Our Delinquency.”<sup>82</sup>

Not only had school officials failed to raise classroom standards or rezone districts, but, as Galamison wrote in a report on the status of integration, they engaged in “a campaign of

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<sup>79</sup> “Teacher Groups Oppose Integrating NY Schools,” *New York Amsterdam News*, February 2, 1957; Testimony by Mae Mallory, representing the P.T.A. of P.S. 10, Board of Education Public Hearing, January 17, 1957, Series 261, Box 1, Folder 14, BOE Archives.

<sup>80</sup> Catherine Mackenzie, “Harlem Mothers Fight Delinquency,” *New York Times*, September 2, 1946.

<sup>81</sup> Allan McMillan, “Youth Group Opens Delinquency War,” *New York Amsterdam News*, May 13, 1950.

<sup>82</sup> “Mothers Conference Meets,” *New York Amsterdam News*, September 27, 1958; “Harlem Students Kayo Juvenile Delinquency,” *New York Amsterdam News*, October 25, 1958.

vilification... derogating the Negro and Puerto Rican child.” In school, Black students were regularly and without cause treated as delinquents and steered towards failure. “We hear daily complaints from parents of Negro children guided into non-academic careers, discouraged in their ambitions, scorned and stereotyped, categorized as ‘difficult,’ of ‘low cultural background,’ as ‘coming from broken homes,’” Galamison wrote. Meanwhile, when Black families so much as proposed desegregation plans, they often faced police-sanctioned violence and threats from white families.<sup>83</sup>

Despite years of tireless organizing and legal jousting, segregation in the city schools remained stubbornly intact, and even escalated further.<sup>84</sup> The BOE promoted a “politics of futility,” the sociologist David Rogers writes in his 1968 book *110 Livingston Street: Politics and Bureaucracy in the New York City School System*. The Board “has an almost unlimited capacity for absorbing protest and externalizing the blame, for confusing and dividing the opposition,” Rogers notes. He compares the system to a punching bag: “Protest groups can hit it in one place, and it simply returns to an old equilibrium.”<sup>85</sup>

### **“These Animals”: White Backlash and the Pathologizing of Black Students**

As the Brooklyn NAACP, the Harlem Nine, and other neighborhood coalitions struggled to move the Board to action, there was one protest group to which city officials almost always yielded: middle-class white parents.

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<sup>83</sup> NAACP, “Progress of the Integration Program.”

<sup>84</sup> By 1964, the city was home to more than 200 segregated schools, a 400% increase since 1954. See, Annie Stein, “Containment and Control: A Look at the Record,” in *Schools Against Children*, ed., Annette T. Rubinstein (New York: Monthly Review Press, 1970), 28.

<sup>85</sup> David Rogers, *110 Livingston Street: Politics and Bureaucracy in the New York City School System* (New York: Random House, 1968), 13.

Even with no funding or concrete plans in place for desegregation, many white families feverishly campaigned to stop it. Parents outraged at the mere prospect of busing and rezoning bombarded the BOE with a barrage of letters that exploited the myth of Black criminality. Some grouched over proxy fears, such as traffic and inconvenience. Others claimed to favor integration in the abstract but criticized any concrete proposal as “forced” or “unnatural.” They maintained that they simply supported the concept of the “neighborhood school.” Many, however, were more forthright. “The Americans of the South are right in that Whites and Negroes should never be mixed,” a pair of parents wrote to the Commission on Integration.<sup>86</sup> In another letter, a representative from the parents’ association of PS 72 in the Bronx extended this notion to a blatant threat: “Do you gentlemen honestly believe you can then ship our children back to some slum school... to spend their lunch hours in streets that are civic cesspools... without a fight on your hands???”<sup>87</sup>

Like many social scientists of the era, middle-class white parents often spoke of delinquency as a disease that originated in the Black slums and circulated like a virus, threatening to “contaminate” their children.<sup>88</sup> Busing, one parent said, would “spread possible delinquency tendencies rather than arrest them.”<sup>89</sup> Another offered: “The Negro is emerging from ignorance, savagery, disease and total lack of any culture.”<sup>90</sup> The people issuing these pseudo-scientific declarations were hardly yokels. “Clean up the Jungle Homes and you won’t

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<sup>86</sup> Letter to BOE from O’Neil and Nillson, n.d., Series 261, Box 1, Folder 10, BOE Archives.

<sup>87</sup> John McNamara to Board of Education, March 27, 1957, Series 261, Box 1, Folder 10, BOE Archives.

<sup>88</sup> Joshua B. Freeman, *Working-Class New York: Life and Labor since World War II* (New York: New Press, 2000), 198.

<sup>89</sup> Letter to Charles Silver from Mrs. Henry C. Kolin, February 21, 1957, Series 261, Box 1, Folder 10, BOE Archives.

<sup>90</sup> Letters to Charles Silver from Samuel Atkin, March 23, 1957, and from Wesley Baker, January 29, 1957, Series 261, Box 1, Folder 10 and Folder 7, BOE Archives.

have Blackboard Jungle children,” wrote Raymond M. Chaitin, a physician with offices in Midwood. “Sending them to other schools won’t change their stripes.”<sup>91</sup> Maintaining segregation, then, was justified as a matter of public safety. “How many more rapes, stabbings, terrorizing, and even murders must we white people endure?” an anonymous parent asked.<sup>92</sup>

More than anything, white parents built the case against desegregation through fear. Fear of violence, fear of miscegenation, fear of decaying social order.<sup>93</sup> “As soon as Negroes move among Whites,” one parent declared in an undated letter, “there are holdups, muggings, and fights.”<sup>94</sup> Time after time, opponents of desegregation pandered to racist tropes about Black deviant sexuality by evoking, in stark terms, the image of a helpless young white girl. “Must young girls go to school every day with the fear that they might be raped by a nigger?” read a letter to Jansen from another anonymous parent (also undated and from the same period). “They are primitive beasts who seek sexual satisfaction on white flesh.” Black students, the parent wrote, should be treated “as they were originally treated,” and lynched or publicly burned. “Our jails are far too comfortable for these animals.”<sup>95</sup>

With the stereotype of Black criminality came the parallel fiction of white innocence and vulnerability. Indeed, for many white families in New York City and the South alike, antagonism towards desegregation manifested itself as bloodlust. There was, of course, the heinous spectacle

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<sup>91</sup> Letter to BOE from Raymond M. Chaitin, January 19, 1957, Series 261, Folder 9, BOE Archives.

<sup>92</sup> Letter from “a parent” to Superintendent Jansen, n.d., Series 471, Box 7, Folder 1, BOE Archives,

<sup>93</sup> For more on the subject of fears of interracial sex, including in the context of desegregated schooling, see, Jane Dailey, *White Fright: The Sexual Panic at the Heart of America's Racist History* (New York: Basic Books, 2020).

<sup>94</sup> Letter to BOE from O’Neil and Nillson, n.d., Series 261, Box 1, Folder 10, BOE Archives.

<sup>95</sup> Letter from “a parent” to Superintendent Jansen, n.d., Series 471, Box 7, Folder 1, BOE Archives.

of white families harassing the Clinton 12 in Tennessee and young Ruby Bridges in New Orleans. And in Arkansas, Minnijean Brown, of the Little Rock Nine, was expelled for calling a group of girls “white trash” after they threw a purse filled with six combination locks at her. The attackers went unpunished, and soon after, students passed around a note that read “one down, eight to go.”<sup>96</sup> Black newspapers from the era regularly featured reports of white parents and students committing everyday acts of violence and intimidation against Black integrationists that routinely went unpunished.<sup>97</sup> Bused students were often met by angry white mobs, called racist epithets, pelted with eggs, tomatoes, and rocks, and segregated into separate substandard classrooms.<sup>98</sup>

In New York, as elsewhere, while parents and city officials fixated on seemingly any incident of misconduct by Black children, white delinquency typically passed without censure or even acknowledgement, often disregarded by the mainstream press and even condoned by the juvenile courts. “When violence occurs in any school attended by Negroes the tendency is to exaggerate them in the press,” Milton Galamison told the *Amsterdam News*. “When it occurs in white schools or white neighborhoods they are treated differently.”<sup>99</sup> In a study published in *The Journal of Negro Education*, Kenneth Clark found that white delinquency was officially

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<sup>96</sup> Minnijean Brown, “Minnijean Brown Trickey, Environmental and Civil Rights Activist,” Thirteen, March 26, 2009, accessed October 2021, <https://www.thirteen.org/unsungheroines/women-cat/minnijean-brown-trickey-environmental-and-civil-rights-activist/>.

<sup>97</sup> Some examples: “JAIL 46 WHITE STUDENT STRIKERS: LOWER EAST SIDE,” *New York Amsterdam News*, Oct 13, 1945; “Cops Fear Race Riot: Parents Blamed For Kids In Mobs,” *New York Amsterdam News*, Mar 7, 1959; “RACE GANGS TERRORIZE BOROUGH,” *New York Amsterdam News*, Jan 15, 1944.

<sup>98</sup> Charles S. Isaacs, *Inside Ocean Hill–Brownsville: A Teacher's Education, 1968-69* (Albany: SUNY Press, 2014), 17; Edward C. Burks, “Several Men Attack School Buses Here; 8 Students Treated,” *New York Times*, October 26, 1972.

<sup>99</sup> Malcolm Nash, “Stuyford Leaders Blast Papers, Jury Foreman, For 'Vicious' Stories,” *New York Amsterdam News*, February 8, 1958.

acknowledged “only in those extreme cases where the action of the white youths result[s] in the death of a Negro or a widely publicized assault or rape.” Middle- and upper-class white delinquents simply reflected the larger world they had inherited. Consequently, white children’s bigotry and brutality were not just dismissed as youthful indiscretion, but welcomed as natural, only further entrenching the status quo. “When the privileged delinquent exercises his power in the middle-class society to deny others this right to full social participation on arbitrary grounds of color, class, or caste,” Clark wrote, “he contributes directly to the increasing rate of delinquency among the underprivileged and he makes it impossible for the problem of juvenile delinquency to be effectively controlled.”<sup>100</sup>

For middle- and working-class white families, distinguishing themselves from Black families was often a point of pride, reflecting what the education historian Diane Ravitch calls “middle-class status anxiety.”<sup>101</sup> One way for white families to perceive themselves on a higher rung of the social hierarchy was by casting their Black socio-economic counterparts as the lowliest class of all – that of the criminal. The historian James Gilbert notes that middle-class parents were consumed by “a large measure of insecurity” that encouraged “resistance to cultural change in American society,” such as desegregation. Many grabbed on to juvenile delinquency as a reflection of poor values, stoking class hostilities, which often translated into racial hostilities.<sup>102</sup> This linking of delinquency to school desegregation perpetuated what the scholar Khalil Gibran Muhammad describes as “the Progressive era discourse of Black criminality,” which “was at its best a self-serving justification for segregation.”<sup>103</sup> While more affluent

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<sup>100</sup> Kenneth B. Clark, “Color, Class, Personality and Juvenile Delinquency,” *The Journal of Negro Education* 28, no. 3 (1959): 240-251.

<sup>101</sup> Ravitch, *School Wars*, 259.

<sup>102</sup> Gilbert, *Cycles of Outrage*, 5.

<sup>103</sup> Muhammad, *The Condemnation of Blackness*, 11.

families were able to flee the supposed threat of Black students by decamping to the suburbs, or enrolling their children in private and parochial schools, these families, typically poorer ethnic whites, were forced by economics to stay behind and in the public schools.<sup>104</sup> Often, they tried to assert their imagined superiority and preserve their segregated schools by flaunting their status as taxpayers and homeowners. “When people buy or build a home within New York City... I wonder under what ridiculous integration action do you believe you can compel me or other parents to send our children away from their residential districts???” one parent wrote in a letter to the BOE.<sup>105</sup> Many white parents demonstrated through “Taxpayer Associations,” insinuating their primacy over Black families, even as they, too, of course, paid taxes. When five mothers in Queens rallied to block a proposed transfer of around 400 Black students in Brooklyn to the largely white section of Glendale-Ridgewood, the women wrote that, “petitioners as taxpayers are aggrieved by the contemplated illegal expenditure of public funds.”<sup>106</sup> Not just in New York but across the country, especially following the *Brown* decision, “segregationists repeatedly identified whites as supposedly the only – or only meaningful – taxpaying group,” writes the scholar Camille Walsh.<sup>107</sup>

This strategy required white families to deliberately ignore the tax-paying contributions of Black families, just as their focus on delinquency among Black students relied on knowingly disregarding malfeasance among their own children. And yet, despite the obvious hypocrisy, the

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<sup>104</sup> Southern Education Foundation, “A History of Privates Schools & Race in the American South,” 2020, <https://www.southerneducation.org/publications/historyofprivateschools/>; Charles T. Clotfelter, *After Brown: The Rise and Retreat of School Desegregation* (Princeton: Princeton University Press, 2005).

<sup>105</sup> Letter to BOE from Raymond M. Chaitin, January 19, 1957, Series 261, Box 1, Folder 9, BOE Archives.

<sup>106</sup> Leonard Buder, “Mothers Appeal Pupil Transfers,” *New York Times*, August 27, 1959.

<sup>107</sup> Camille Walsh, *Racial Taxation: Schools, Segregation, and Taxpayer Citizenship, 1869–1973* (Chapel Hill: University of North Carolina Press, 2018), 89.

threat of middle-class white families – and their capital – abandoning the city proved effective leverage. As the scholar Themis Chronopoulos writes of New York, “The orderly city seeks to control young blacks and Latinos not because they commit crimes but because powerholders think that affluent groups are more likely to invest or live in a city that regulates the activities of minority groups.”<sup>108</sup>

White parents were not alone in pathologizing Black students. This strategy also was deployed by the New York Teachers Guild (later renamed the United Federation of Teachers), the city’s dominant, white-led teachers’ union. The Guild typically opposed any measures related to desegregation and vociferously fought efforts to send more experienced teachers to under-invested schools. While it agitated for crucial issues, such as better teacher compensation and training, more social services for students, and greater classroom resources, the Guild often found itself at war with the city’s more radical Teachers Union, as well as with various Black teacher, parent, and student advocacy groups, when it came to issues of race, equitable educational access, and delinquency. The debate over zoning and teacher assignments became what the historian Adina Back calls, in *Up South in New York: The 1950s School Desegregation Struggles*, “the most charged” aspect of the city’s Commission on Integration – posting senior white teachers to predominantly Black schools.<sup>109</sup>

After the COI recommended that the city begin to transfer – or “rotate” – more experienced teachers to low-income Black and Latinx schools, the Guild, along with several other white-led teacher groups, fought the proposal vigorously. These groups either cynically

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<sup>108</sup> Themis Chronopoulos, “The Making of the Orderly City: New York since the 1980s,” *Journal of Urban History* 46, no. 5 (September 2020): 1108.

<sup>109</sup> Adina Back, “Up South in New York: The 1950s School Desegregation Struggles” (PhD diss., New York University, 1997): 160.

disputed the proposal on the grounds that Black students were better served by instructors of their own race or denied that race had any significance at all. “Why don’t they appoint Negro teachers who will understand the children better and know how to deal with them?” suggested Daniel Kane, the principal of P.S. 89 in Manhattan.<sup>110</sup> Meanwhile, Guild president Charles Cogen told the COI that, “Difficult schools... are not regarded by the Guild and the vast majority of teachers as a racial problem.”<sup>111</sup> Like many white parents and city officials, white teachers often professed support for desegregation in the abstract, but then took issue with actual implementation as “forced” and “unnatural.”<sup>112</sup> Only the leftist Teachers Union and the Negro Teachers Association (later renamed the African-American Teachers Association), gave unqualified support to proposed integration plans.<sup>113</sup> The NTA deplored their white counterparts for deserting students they judged to be “unteachables,” repeating an oft-used aspersion.<sup>114</sup>

Regardless of what form the opposition took, white teachers’ open enmity toward the possibility of teaching students in “difficult schools” only further stigmatized those children, branding them from their earliest years as criminal and unworthy of an education. Guild president Charles Cogen expressed exactly this point in an article for the *Herald Tribune* in which he blamed dysfunctional family life for the difficulties Black and Latinx children endured. “Their behavior, varying from child to child, run the gamut from annoyances to serious crimes,”

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<sup>110</sup> Daniel G. Kane, Sub-Commission on Teachers Assignments and Personnel Questionnaire, April 12, 1956, Series 261, Box 1, Folder 5, BOE Archives.

<sup>111</sup> Charles Cogen, Testimony before Commission on Integration, 1957, Series 261, Box 1, Folder 13, BOE Archives.

<sup>112</sup> Joint Committee of Teacher Organizations Testimony before Commission on Integration, 1957, Series 261, Box 1, Folder 13, BOE Archives.

<sup>113</sup> George Barner, “Teacher Groups Oppose Integrating NY Schools,” *New York Amsterdam News*, February 2, 1957.

<sup>114</sup> “Negro Teachers Assn. Answers Mr. Granger,” *New York Amsterdam News*, December 22, 1956.

he wrote. In the classroom, he claimed, these students simply refused “to obey the necessary rules and regulations of a school situation.”<sup>115</sup> Cogen’s views were hardly original, but they felt graver coming from a man of his stature. “Wittingly or unwittingly, you have strengthened the stereotypes prevalent about these schools that they represent a kind of ‘Blackboard Jungle’ of juvenile delinquents and mental deficients, in which teachers in these schools are under constant threat of physical harassment,” Edward S. Lewis, executive director of the Urban League of Greater New York, wrote in a scathing letter to Cogen. “The fact is,” he went on, “the children cannot wait.”<sup>116</sup>

And yet, wait they did. Ultimately, the Guild’s crusade thwarted the teacher rotation proposal, a key facet of the Commission on Integration’s desegregation plan, leaving the already under-invested schools even more inadequately staffed. Deploying a pernicious rhetoric of Black youth criminality, white teacher groups joined forces with white principals, administrators, parents, and politicians in successfully linking anxiety over juvenile delinquency with fears about school desegregation. This supposedly liberal alliance of ordinary white citizens, civil servants, and public officials treated the possibility of desegregation as a threat to their own children and the social order at large. And the city yielded to them time and again. Meanwhile, the concerted countervailing desegregation campaigns from Black parents, students, and community leaders met with bureaucratic mire if they were recognized by the city at all. Not only did this obstruct New York’s fulfillment of *Brown*, it further entrenched poor Black and Latinx students in a cycle of scarcity and struggle, discrimination and punishment.

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<sup>115</sup> Clarence Taylor, “The Rise of Community Control,” *Jacobin*, September 14, 2018.

<sup>116</sup> Letter from Edward S. Lewis to Charles Cogen, September 26, 1957, Box 9, Folder 43, United Federation of Teachers Records, Tamiment Library and Robert F. Wagner Labor Archives, New York University. New York, N.Y., (hereafter UFT Archives).

**“The Tide of Terror”: An Igniting Incident of School Violence**

With the delinquency panic still registering at a fever pitch, any act of youthful aggression or indiscretion risked outsized attention and serious legal repercussions. And on September 20, 1957, New Yorkers woke up to a lurid and gruesome story splashed across the front pages of their newspapers. Around 9:15 the previous morning, a high-school senior named David Ozersky was sitting in the back row of his American history class at Thomas Jefferson High School in the East New York neighborhood of Brooklyn when the rear door of the room came crashing open. Without a word, reports said, the figure in the doorway hurled a beer bottle onto the floor near David, showering him in the face and splattering nineteen other students. At first, the room fell into dazed silence but soon came the screams. The liquid, investigators later learned, was not beer but a caustic lye capable of severe physical trauma. David, 16, was rushed to the hospital and treated for damaged corneas. One girl told police it looked as though the young man’s face was “melting away.”<sup>117</sup>

It didn’t take long for the authorities to identify the suspected assailant as Maurice Kessler, a 17-year-old former student at Jefferson. Investigators deduced that the attack was an act of revenge. Less than a month earlier, Maurice had been released on \$1,000 bail for a morals complaint after David had accused him of sexual assault. When David’s parents caught sight of Maurice after the arrest, the father landed a punch and the mother attempted to claw at the boy before detectives wrenched them away.<sup>118</sup>

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<sup>117</sup> Emma Harrison, “Boy Hurls Lye in Classroom; 20 Hurt, One May Be Blinded,” *New York Times*, September 20, 1957; Joseph Kiernan and Sidney Kline, “Lye Hurlled in School, Blinds Youth; 20 Hurt,” *New York Daily News*, September 20, 1957.

<sup>118</sup> *Ibid.*

Still, perhaps the most pertinent facts were these: David was white and Maurice was Black. And though there was no evidence the crime was racially motivated, the case became the subject of singular focus. This was a time of mass panic over the dual issues of school desegregation and juvenile delinquency – the era of *Blackboard Jungle* and *Seduction of the Innocent* – and the country seemed primed for a drastic response. In New York City, local newspapers published numerous stories about the saga, overwhelmingly portraying Maurice as a hulking beast of a man whose threat epitomized a state of peril in the schools. In a less than subtle contrast, one front-page article about the case in the *Times* ran alongside another story about Black parents demonstrating for school desegregation, and beneath another about the ongoing school desegregation saga in Little Rock, Arkansas.<sup>119</sup> “Glowing, hostile Maurice Kessler, 17, charged with blinding David Ozersky,” read the lede of a *Daily News* article, accompanied by a foreboding photograph of the boy in handcuffs.<sup>120</sup> Southern newspapers were even more overt, plainly citing the children’s races and the affair as evidence of the perils of school integration. “Negro Youth Hurls Lye Into Classroom,” read the headline of a story in *The Greenville News*, of South Carolina.<sup>121</sup> In Alabama, *The Centreville Press* included the incident in a roundup of “racial conflicts” across the North. “The real race violence is in the North,” read the editor’s note, “and... the more integration they have in the North, the more race trouble they will have.”<sup>122</sup>

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<sup>119</sup> Harrison, “Boy Hurls Lye”; W.H. Lawrence, “Eisenhower ‘Disappointed’ By Impasse at Little Rock,” *New York Times*, September 20, 1957; “Parents Picket City Hall Over Delay in Integration,” *New York Times*, September 20, 1957.

<sup>120</sup> Joseph Kiernan and Sidney Kline, “Lye Thrower’s Bail 100G; Boy He Blinded May See,” *Daily News*, September 21, 1957.

<sup>121</sup> “Negro Youth Hurls Lye Into Classroom,” *The Greenville News*, September 20, 1957.

<sup>122</sup> “Racial Strife: Across U.S. Tensions Violence, Disorders,” *The Centreville Press*, October 10, 1957.

Lost in the public discourse on Maurice and the attack was the boy's long and troubled history. School records showed that Maurice had exhibited obvious signs of psychiatric distress since he was a young child, but that he'd slipped through the cracks of social services. When he was eight years old, a team of psychiatrists from the Bureau of Child Guidance recommended that Maurice be committed to Rockland State Hospital. His mother, Louise Kessler, told school administrators that she worried her son was "sadistic." In 1951, after he was charged with burning down a house, she had him sent to the Lincoln Hall correctional institute. Still, the boy's afflictions went largely untreated. At a hearing in Kings County Court, two doctors testified that Maurice was suffering from "severe emotional disturbance."<sup>123</sup> Just days before he was indicted on six counts of assault and maiming in the lye incident, a guard found the boy in his jail cell attempting suicide with a noose fashioned from a bedsheet.<sup>124</sup>

Regardless of the circumstances of the individual children involved, school crime remained an effective political cudgel. The scholar Rachel Ellen Lissy argues that the lye case exemplified three key "competing logics" in understanding and handling student misconduct: a punitive disciplinary approach, an emphasis on "psychology and guidance," and a focus on "unequal, undemocratic and segregated" systemic conditions.<sup>125</sup> Championing the punitive approach was Robert K. Christenberry, a hotel executive running as the Republican challenger to Mayor Robert Wagner, Jr. in 1957, who made "the appalling rise of youthful crime" a cornerstone issue of his campaign.<sup>126</sup> Christenberry was once giving a press conference at

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<sup>123</sup> "Lye-Thrower Called Problem Since Time He Was Eight," *New York Amsterdam News*, October 12, 1957.

<sup>124</sup> "Youth Accused in Lye-Tossing Faces Check," *The Tampa Times*, September 27, 1957.

<sup>125</sup> Lissy, "From Rehabilitation to Punishment," 15.

<sup>126</sup> Robert Alden, "Teen-Crime Issue Taking Spotlight In City Hall Race," *New York Times*, August 19, 1957; Richard Amper, "Attacks Pressed By Christenberry," *New York Times*, November 4, 1957.

Theodore Roosevelt High School in the Bronx, where a student had recently been charged with pulling a six-inch stiletto on a teacher, when he got word of an even grislier incident at another school. Just past 10:30 that morning, in early October, a 15-year-old student shot a 16-year-old schoolmate in the leg, during music class at Metropolitan Vocational High School on the Lower East Side of Manhattan. Christenberry quickly adjourned his original meeting and rushed downtown. Seizing on the opportunity, he berated Mayor Wagner for “dishing out platitudes” and “failing to do anything” about juvenile delinquency in the schools. It was quickly revealed that the “shooting was definitely accidental,” according to police, and that Joseph Young, the child who discharged the weapon, was a “disturbed boy” who had been under psychiatric treatment for some time. But that hardly mattered: Joseph – young, Black, and deeply distressed – was an easy avatar of big city delinquency, and his photograph sold newspapers from Circleville, Ohio to Greeneville, Tennessee, and beyond.<sup>127</sup>

Ultimately, Wagner, who had been the overwhelming favorite in the race, beat Christenberry with ease. But the issues of school desegregation and juvenile delinquency now marred Wagner’s record and would linger. And Christenberry, even as he receded from public life, was not without influence. Less than two weeks before the election, he called for a state investigation into what he deemed a breakdown of the city’s public schools and the danger of school crime. Awaiting such an inquiry, he declared, the Police Department’s Youth Division should collaborate with teachers in troubled areas. He then offered a suggestion that harkened back to a tactic the city employed after the riots at Benjamin Franklin High School: that

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<sup>127</sup> Murray Illson, “Boy Shot in East Side School; Christenberry Speeds to Scene,” *New York Times*, October 2, 1957; Edward Kirkman, “HS Student Shoots 2d As Music Class Plays,” *Daily News*, October 2, 1957; “Shot Schoolmate,” *The Greeneville Sun*, October 10, 1957; “Joseph Young,” *The Circleville Herald*, October 15, 1957.

uniformed policemen should be stationed in such schools, “until unruly students were taught respect for authority.”<sup>128</sup>

On November 6, one day after the election, Maurice Kessler was found unfit to stand trial and admitted to Mattewan State Hospital for the Criminally Insane. But the case did not pass without consequences. Later that afternoon, appalled by the city’s handling of Maurice, Samuel Leibowitz, the judge in the boy’s case, launched a grand jury investigation into “the tide of terror and lawlessness” in Brooklyn public schools.<sup>129</sup> The efforts of the grand jury – and the measures they proposed – would fundamentally transform New York City schools.

### **“Drastic Action”: The Grand Jury Crusade for School Police**

Even in New York City, which prizes a certain bravura in politics and public life, judges are usually anonymous, if influential, figures. Not so in the case of Samuel S. Leibowitz. An immigrant from Romania raised in a tenement on the Lower East Side of Manhattan, Leibowitz rose to fame as a formidable and flamboyant trial lawyer representing clients ranging from the gangster Al Capone to the Scottsboro Boys, nine young Black men falsely accused of rape in Alabama in 1931. His defense work – as well as his courtroom showmanship – made him something of a liberal darling. “A master of cackles, tears, and thrills,” read one description in a glowing two-part profile in *The New Yorker*. As a judge in Kings County Court, Leibowitz retained his flair for the dramatic, often leading crusades from the bench and openly battling with other city officials. He was a notoriously tough judge dubbed “Sentencing Sam” and “Mr. Law

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<sup>128</sup> Richard Amper, “Schools Assailed By Christenberry,” *New York Times*, October 25, 1957; “Mayor Wagner Re-Elected,” *New York Times*, November 6, 1957.

<sup>129</sup> Edwin Ross and Henry Lee, “Probe Crime in B’klyn Schools; Leibowitz Blasts Do-Gooders,” *Daily News*, November 7, 1957.

and Order,” and not without his own political ambitions. In 1953, he launched a short-lived campaign for Mayor on a platform of battling crime and corruption.<sup>130</sup> By 1957, Leibowitz, like so many public officials of both liberal and conservative ideology, had become fixated on juvenile delinquency. The week before Maurice Kessler hurled the bottle of lye, Leibowitz had charged two grand juries to formulate plans for handling youthful offenders, after an incident he perceived as disrespectful in Children’s Court. “I think it’s the height of insanity to treat them with creampuffs,” he said at the time.<sup>131</sup>

So perhaps it should have come as no surprise on November 6, 1957 – just one day after the re-election of Mayor Wagner and the same day as Maurice’s sanity ruling – when Judge Leibowitz insisted upon establishing his grand jury. Though it was a single student who had been indicted in the lye case, the formation of a grand jury put the city itself on trial, with the possibility of misdemeanor indictment of any school officials who failed to protect children under 16 years.<sup>132</sup> Leibowitz told the grand jury members that the city had flagrantly ignored all of Maurice’s warning signs and that the school’s principal had “palmed off” the concerns of David’s mother, whose previous request to call the police had been rejected. From his opening claim of administrative malfeasance, Leibowitz orchestrated his grand jury as a highly calibrated act of political theater. “How and why in Heaven’s name did the school authorities allow this

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<sup>130</sup> Murray Schumach, “Samuel S. Leibowitz, 84, Jurist and Scottsboro Case Lawyer, Dies,” *New York Times*, January 12, 1978; Diana Klebanow and Franklin L. Jonas, *People’s Lawyers* (London: M.E. Sharpe, 2003); Alva Johnston, “Let Freedom Ring,” *The New Yorker*, May 27, 1932.

<sup>131</sup> Samuel Simon Leibowitz papers, Cornell University Library, Division of Rare and Manuscript Collections, Ithaca, New York; “Youths Defy Court Judges in New York,” *The Record*, September 13, 1957

<sup>132</sup> “Leibowitz Scores School Officials,” *New York Times*, December 7, 1957.

menace to return to a public high school?" he bellowed. "That is something that I now direct you to find out."<sup>133</sup>

No less deliberate was Leibowitz's selection of jury members. The group empaneled by the judge consisted of twenty men and three women, all of them white, most of them businessmen and merchants, and many of them noted conservatives opposed to school desegregation.<sup>134</sup> Leading the pack was A. George Golden, a Brooklyn real estate broker and head of a landlords' association.<sup>135</sup> Like Leibowitz, Golden aspired to public office. While serving on the grand jury, he declared his candidacy for Governor of New York as a member of the United Taxpayers Party on a platform of lowering taxes, abolishing the city housing authority, and halting integration.<sup>136</sup> "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," Golden, told the *World Telegram and Sun*.<sup>137</sup>

Even as his grand jury typically avoided directly discussing school desegregation, Leibowitz repeatedly invoked the tropes and language of integration opponents, implicitly linking the influx of Black students with the problem of school crime. The investigation, Leibowitz once said, would focus on the "murderous marauding gangs of juvenile hoodlums who are now running wild" in schools.<sup>138</sup> "Maybe hundreds or even thousands of similar wild animals

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<sup>133</sup> Edwin Ross and Henry Lee, "Probe Crime in B'klyn Schools; Leibowitz Blasts Do-Gooders," *Daily News*, November 7, 1957.

<sup>134</sup> Ross and Lee, "Probe Crime"; "School Joins City in Drafting Plan to Halt Violence," *New York Times*, February 4, 1958.

<sup>135</sup> "A. George Golden, Realty Man, Dies," *New York Times*, May 13, 1959.

<sup>136</sup> "Fall Slate Named by Taxpayer Party," *New York Times*, July 30, 1958; Vito P. Battista, interview by Marvin Sleeper, WYNC, October 27, 1957: <https://www.wnyc.org/story/vito-p-battista/>.

<sup>137</sup> *World Telegram and Sun* article, November 7, 1957, Series 354, Box 19, Folder 15, BOE Archives; "Golden Dies."

<sup>138</sup> "Lye-Throwing Boy Sent To Hospital," *Alabama Tribune*, November 15, 1957.

are occupying rooms where decent kids go for an education,” he claimed at another point.<sup>139</sup> Not long after, Leibowitz even called on Mayor Wagner to discourage migrants “from all parts of the country and the Caribbean” from coming to New York in order to combat crime.<sup>140</sup>

The grand jury convened three times a week for less than three weeks before issuing its November 26 proposal: “that a uniformed New York City policeman be assigned to all schools throughout the city to patrol the corridors, the stairways and the recreation yards as a preventive measure.” Though it may seem “distasteful,” Leibowitz insisted, the recommendation was not only legal, “there is simply nothing else we can do.” There was barely a pretense that officers would help adjudicate conflicts or provide any meaningful guidance; their job was to kick kids out of school. “Until these undesirables are removed from the company of decent youngsters and their teachers there is no alternative,” Leibowitz said. If this was not an intentional dog whistle, it certainly sounded like one.<sup>141</sup>

Although the BOE had been coordinating with the NYPD in various capacities for years, the concept of formally and permanently stationing police in every school of the nation’s biggest city was utterly radical in scope and intent. The grand jury’s recommendation was front-page news not only in New York, but also in Akron, Baltimore, Odessa, Montgomery. Superintendent Jansen denounced the idea as “unthinkable,” saying, “We do not want a Little Rock in New York City.” Problems in the schools, he insisted, reflected larger societal ills. “Schools do not operate in a vacuum,” he said.<sup>142</sup> He was joined in his opposition by the Mayor, the New York Teachers

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<sup>139</sup> “School Jury Told To Call Officials,” *New York Times*, December 5, 1957.

<sup>140</sup> Peter Kihss, “Leibowitz Urges Cut In Migration To Combat Crime,” *New York Times*, September 25, 1959.

<sup>141</sup> Lawrence Fellows, “Jansen Opposes Police in Schools,” *New York Times*, November 27, 1957.

<sup>142</sup> Jansen’s Statement to the Press, November 26, 1957, Leibowitz Archives.

Guild, and the United Parents Association, among other groups.<sup>143</sup> Even the police commissioner, Stephen P. Kennedy, condemned the plan as a “drastic action” and “neither practical nor morally desirable.” He said that, “just putting a policeman in the school” was not an “immediate or a long-range” answer to juvenile delinquency. He worried further that the imagery alone of the plan could prove damaging to the system’s reputation, giving the world the impression that American children were “studying under guns.” Besides, the commissioner allowed, “crime among young people seems to be leveling off.”<sup>144</sup>

While many city officials condemned the policy for going too far, local parents and community advocates offered the sharpest critiques. “I am opposed to it completely with no ifs, ands, or buts,” said Marion Rosen, chair of the Committee on Youth in Districts 12, 13, and 14. The real problems, Rosen contended, were a sensationalist press whipping up fear of generalized mayhem in the schools and a wholly inadequate public welfare system. “If social services in schools would be strengthened and money spent on family and child agencies, we would completely kick juvenile delinquency,” she said.<sup>145</sup> In separate but strikingly similar messages, both the Public Education Association and the pro-desegregation Teachers Union suggested that the money devoted to policing would be far better spent on improved facilities and hiring more teachers, psychologists, and guidance counselors.<sup>146</sup> “Most of those who commit delinquent acts

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<sup>143</sup> Correspondence from Charles Cohen to Kings County Grand Jury, November 27, 1957, Series I, Box 6, Folder 14, UFT Archives; Citizens’ Committee for Children Appendix C, February 5, 1958, Series 354, Box 13, Folder 15, BOE Archives; “School Police Plan Assailed by Board,” *New York Times*, December 6, 1957; Gene Currivan, “Proposal for a Policeman in Every School Is Strongly Resisted by the Board,” *New York Times*, December 15, 1957.

<sup>144</sup> Clayton Knowles, “Kennedy Opposes Police in Schools,” *New York Times*, December 2, 1957.

<sup>145</sup> Sara Slack, “Poll Shows Officials Against Use of Policemen In Schools,” *New York Amsterdam News*, December 7, 1957.

<sup>146</sup> Correspondence from Karelsen to Charles Silver, December 12, 1957, Series 354, Box 13, Folder 15, BOE Archives; Fellows, “Jansen Opposes.”

have shown again and again that they need help,” read a statement from the Citizens’ Committee for Children.<sup>147</sup>

Many others, including Dr. Kenneth Clark and District Community Coordinator James E. Allen, expressed concern that police would only exacerbate tension in the schools, instilling fear rather than assuring safety. “School children today would have less respect for policemen than they now have,” said Mozelle Best, mother of two elementary school children and president of the PS 197 Parent Association. “I feel parents and community guidance is the answer. This is not a police matter.”<sup>148</sup> While student responses to the proposal were hardly uniform, many young people also warned that the plan would backfire. “Schools are not jailhouses and we’re not criminals,” Barbara Trent, a junior at Charles Evans Hughes High School, told the *Amsterdam News*. “It would only encourage more kids to quit school.”<sup>149</sup> During the grand jury proceedings, the *Amsterdam News* – which generally covered the proposal much more critically than the mainstream white press – published a cartoon showing a classroom headed by both a teacher (labeled “education”) and a police officer (labeled “discipline”). In the image, the cop is swinging his baton onto a desk while two students perspire in fear.<sup>150</sup>

Met with such an overwhelming backlash, the grand jury refused to retreat and only upped the public pressure and fearmongering. “Attempts have been made to becloud this issue to this Body and mislead the public with catch phrases,” the grand jury wrote in a presentment on December 7, 1957. But, they continued, “this Grand Jury does not intend to be diverted from its

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<sup>147</sup> Citizens Committee for Children: Statement on Juvenile Delinquency, October 1957, Series 354, Box 13, Folder 15, BOE Archives.

<sup>148</sup> Slack, “Policemen in Schools.”

<sup>149</sup> “Students Have Their Say on Policemen in Schools,” *New York Amsterdam News*, December 14, 1957.

<sup>150</sup> “Co-Instructors,” *New York Amsterdam News*, December 7, 1957.

appointed task... We intend to hit hard and let the chips fall where they may.” Blatantly playing into public anxieties, the grand jury recounted a case from more than a year earlier when a schoolteacher had been assaulted by a “young thug who then ripped off her clothing, blackened her eyes, fractured her jaw and attempted to rape her.” The solution posited was simple: “This criminal would never have dared to launch such a vicious assault upon a defenseless teacher in her own classroom if a police officer were at hand,” the jurors wrote. They cited evidence of such success at JHS 258, where “the mere presence of the officer has served as an effective deterrent, so that anti-social acts are down to a minimum.” The inclusion of JHS 258 was no accident. To many New Yorkers, the school remained the exemplar of the city’s ongoing desegregation struggle. The grand jury’s only concession was that if the city could not provide all its 918 schools with a police officer, authorities should at least send them to “the troublesome, more difficult schools.” The implication seemed clear: the students at these schools were not in need of desegregation and social services, but rather policing and disciplinary control.<sup>151</sup>

The grand jury and the city remained in something of a holding pattern until a sequence of horrifying events forced the issue of school policing as an “emergency measure,” one that would actually never be rescinded. It began on January 21, 1958, when a 13-year-old white girl at John Marshall Junior High School in Crown Heights reported that she had been raped in the school basement by an “unidentified Negro boy.” The school, once predominantly white, was now 45% Black and 10% Puerto Rican. The incident quickly became the focus of considerable media scrutiny in New York and across the country – seized upon as a case lesson in the dangers

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<sup>151</sup> George Golden, “Grand Jury Presentment,” December 7, 1957, Series 354, Box 13, Folder 15, BOE Archives.

of desegregation. “Integrated School is a Crime Center,” read one headline from *The Robesonian*, in Lumberton, North Carolina.”<sup>152</sup>

The very next day, the grand jury called the BOE to task for its continued intransigence. “How long must we wait?” the jurors wrote. “Until someone is killed!”<sup>153</sup> Ironically, a police officer had been present inside Marshall Junior High the day of the incident, which, BOE officials noted, “proves conclusively that the proposed policy of widespread use of police in schools would not prevent all criminal activity in and about school property.”<sup>154</sup> Nonetheless, the grand jury persisted and called in Marshall’s principal, George Goldfarb, for questioning three times. A rumor circulated among education officials that the grand jury had told Goldfarb he might be indicted.<sup>155</sup> Foreman Golden even sought to provoke further pressure by exhorting parents to have their children boycott school “until something is done.”<sup>156</sup> On the morning of January 28, 1958, the scheduled date for his third grand jury appearance, Principal Goldfarb leapt off the roof of his six-floor apartment building. His body was found at 11:50 a.m. in the rear courtyard, with newspaper clippings about the investigation tucked in his wallet.<sup>157</sup>

Goldfarb’s suicide became national news. As so many had done previously, in the wake of the lye incident, prominent Southern segregationists pointed to Goldfarb’s death as proof of the hazards of school desegregation. In Arkansas, Governor Orval Faubus, an ardent

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<sup>152</sup> Barry Schweid, “Integrated School is a Crime Center,” *The Robesonian (Lumberton, NC)*, January 29, 1958.

<sup>153</sup> “Interim Presentment by November 1957 Grand Jury,” January 22, 1958, Series 354, Box 13, Folder 15, BOE Archives.

<sup>154</sup> “Statement by Board of Education Re Grand Jury Presentment,” January 23, 1958, Series 386, Box 1, Folder 3, BOE Archives.

<sup>155</sup> “Crime in the Schools,” *New York Times*, January 31, 1958.

<sup>156</sup> Schweid, “Crime Center.”

<sup>157</sup> Emanuel Perlmutter, “Head of School Beset by Crime Leaps to Death,” *New York Times*, January 29, 1958.

segregationist, said he would “hate to think what the metropolitan press would have done to us” if the episode had taken place in Little Rock. “People send their children to school to be safe and under proper influence,” he said. “And in that school (Marshall) they are being raped and knifed and subjected to the terror of gangs.”<sup>158</sup> Another segregationist, Georgia Governor Herman Talmadge, sarcastically quipped, “It has been suggested that the President of the United States send troops to Brooklyn to preserve order in the public schools there.”<sup>159</sup> A cartoon in *The Shreveport (Louisiana) Times* showed a Brooklyn parent glancing mournfully at a book labeled “the theory of compulsory racial integration” while holding a local newspaper with headlines screaming: “RACIAL TENSION,” “RAPE,” “SUICIDE,” and “POLICE.”<sup>160</sup> And in Congress, John Bell Williams, of Mississippi, cited the tribulations at Marshall as evidence that segregation better served social peace and order than integration ever could. “In my much maligned and segregated State of Mississippi, racial harmony prevails,” he said. “Except for routine traffic duties, it has not been necessary, within my memory, for policemen to be assigned to duty at any of our public schools, white or Negro.”<sup>161</sup>

In the aftermath of Goldfarb’s death, as the grand jury and the BOE continued to cast blame on one another for mishandling the case, a new wave of support for school police emerged.<sup>162</sup> Following the tragedy, the BOE received numerous letters from white parents encouraging the city to adopt the grand jury’s policy. “Give your teachers and principals the

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<sup>158</sup> “North’s Mix Woes Not Told —Faubus,” *The Clarion-Ledger*, February 1, 1958.

<sup>159</sup> Albert Riley, “Talmadge, Javits Duel Over Brooklyn Schools,” *The Atlanta Constitution*, February 5, 1958.

<sup>160</sup> “...and I Bought It!” *The Shreveport Times*, February 2, 1958.

<sup>161</sup> John Bell Williams (MS), “Public Schools of New York City,” *Congressional Record* 85 (January 30, 1958), p. 1388.

<sup>162</sup> Emanuel Perlmutter, “Principal’s Death Is Laid To Threat By A Grand Juror,” *New York Times*, January 30, 1958.

power to more than just scold these kids,” wrote one.<sup>163</sup> Even as students at Marshall remained highly skeptical, the *New York Times* also came out in favor of the grand jury’s finding, writing “it is obvious that policemen have been needed in and near some schools.”<sup>164</sup>

On January 30, the jurors released another presentment that called once more for placing police in “troubled schools” as a “temporary measure until such time as the Board of Education takes the necessary steps to remove hoodlums, rapists, thieves, extortionists, arsonists, and vandals from the schools.”<sup>165</sup> While BOE officials fretted about relinquishing power over their pupils, the NYPD announced before the day was done that they would post policemen at 41 schools across the city, based on requests from their principals. Nearly every school on the department’s list was situated in a largely, or increasingly, Black and Puerto Rican neighborhood. In at least one case, a policeman arrived at a school where the principal had not requested him. In other schools, the police revealed, officers had already been on duty for a year and a half.<sup>166</sup>

After initial tirades over the idea, the move itself barely registered as important news. Word of the NYPD’s announcement was buried in a small column on page 14 of the *Times*. And yet students quickly felt a distinct shift. At a public youth forum days later, Robert Mishko, a student at Seward Park High School, on the Lower East Side, voiced an opinion common among his peers: that placing police in schools “serves no purpose” and that social workers were better suited to handle misbehavior. Alice Watts, of Tottenville High School, on Staten Island,

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<sup>163</sup> Correspondence from Philip Siegel to William Jansen, January 30, 1958, Series 471, Box 7, Folder 1, BOE Archives.

<sup>164</sup> “Crime in the Schools,” *New York Times*, January 31, 1958.

<sup>165</sup> “Grand Jury Presentment,” January 30, 1958, Series 354, Box 13, Folder 15, BOE Archives.

<sup>166</sup> “Police to Patrol 41 Schools Here,” *New York Times*, January 31, 1958; Edith Evans Asbury, “Clash on Schools Heads For Parley,” *New York Times*, February 2, 1958; Leonard Buder, “Violence in the Schools,” *New York Times*, February 7, 1958.

expressed fear that ultimate disciplinary authority would rest with police rather than teachers.<sup>167</sup> Now, a red line had been crossed that fundamentally changed the relationship between students and the police. From that moment, police became a regular presence in the lives of children, stationed daily in the one place they are all required to be. Judge Justine Polier said that in ordering police placed in schools, the grand jury had “usurped the authority of our Board of Education.” She warned that the entire ordeal would be a “pyrrhic victory.”<sup>168</sup>

### **“When in Doubt, Dump”: The Politics of School Suspension**

With continued public pressure both locally and nationally, Mayor Wagner summoned six city officials to Gracie Mansion, the mayoral residence, the evening of February 4, 1958, to come up with proposals to stem school crime. Despite his outwardly liberal political identity, Wagner, too, had come to prize order above all, regardless of concerns about student liberties or racial prejudice. Working past midnight, the group, consisting mostly of high-ranking BOE officials, drafted and proudly presented their two-and-a-half-page report with a series of recommendations, including, among other services, six more special schools for “problem pupils,” increased counseling, and an expanded attendance bureau.<sup>169</sup> While city officials and community groups generally welcomed even these relatively meager reforms, many cautioned that it was an unsustainable pipe dream without a proper budget in place. “Both state and city officials have tried, for too long, to settle these vital and complicated issues without adequate

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<sup>167</sup> “Students Divided on School Police,” *New York Times*, February 3, 1958; “Police to Patrol 41 Schools Here.”

<sup>168</sup> Edith Evans Asbury, “Schools Ask Fund To Halt Violence,” *New York Times*, February 6, 1958.

<sup>169</sup> “Board of Education Statement,” February 4, 1958, Series 386, Box 1, Folder 4, BOE Archives; “Schools Join City In Drafting Plan To Halt Violence,” *New York Times*, February 4, 1958.

funds and, too often, with superficial approaches,” the Citizens Committee for Children of New York City said in a statement. It was telling, New York Teacher’s Guild president Charles Cogen noted, that the city’s budget director was not even present for the planning session.<sup>170</sup>

Finally, on February 6, amidst continued pressure from the grand jury, public skepticism, and financial uncertainty, BOE officials introduced new suspension guidelines that would radically overhaul how schools handled discipline. The plan abandoned any notion of structural transformation or even rehabilitative reform – but it was a change the board could institute without adding one dollar to the budget. Under the new policy, any student so much as charged with “a violation of law involving violence or insubordination” would be suspended immediately. The meaning of “insubordination” was left entirely undefined, affording teachers and administrators maximal discretion and untold bias. And now, unlike previously, students were presumed guilty and would not be re-admitted until they were found not guilty, allowing for the possibility that even a child who had never committed “a violation” could miss substantial school time as the case grinded its way through the ever-hampered court system.<sup>171</sup> The *Daily News* called the shift “a major concession to the special Brooklyn school-crime grand jury and a complete about-face on policy.”<sup>172</sup> Explaining the strategy, the BOE insisted upon its duty “to protect the innocent from the violent.” In this dichotomy, some students were cast as not just troubled but irredeemable. As the regulations read: “no instruction can be provided for such pupils.”<sup>173</sup>

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<sup>170</sup> Asbury, “Schools Ask Fund.”

<sup>171</sup> “For Immediate Release,” February 6, 1958, Series 386, Box 1, Folder 4, BOE Archives.

<sup>172</sup> Robert Walsh and Harry Schlegel, “Board Reverses, Will Oust Accused Pupils,” *Daily News*, February 7, 1958.

<sup>173</sup> “For Immediate Release,” February 6, 1958, Series 386, Box 1, Folder 4, BOE Archives.

While city officials attempted to spin the new plan as a matter of moral and legal necessity for the sake of public safety, many public figures and groups denounced it as reactionary and grievously harsh. John Warren Hill, presiding justice of the Domestic Relations Court, warned that judges would now be forced to send children with pending trials “right out into the street,” where, he noted, they might be at far greater risk.<sup>174</sup> Even the Teachers Guild, while commending the BOE for expelling students who threatened school safety, allowed that “these unfortunate children will be social cast-offs,” and called the policy “shocking evidence” of the city’s failure to provide schools with the resources they need.<sup>175</sup> (John W. Poe, director of the Youth House, in the Bronx, where all delinquent minors had been remanded during trials, pointed out that his facility was already far beyond capacity.<sup>176</sup>) There was also the matter of the policy’s legality, as the BOE would have to convince the state to amend its compulsory education laws for its new plan to work.<sup>177</sup> And then there were more profound concerns: “Who is to determine what ‘insubordination’ is?” Alice V. Keliher, chairman of the CCC, asked in a statement: “Could the courts handle such a mass of business?” Keliher called the plan “an abject surrender to pressure and an hysterical response to the moment.”<sup>178</sup> Although the *Times* rallied behind the move to station police in the schools, the paper called the new suspension policy “drastic,” noting that both the city and state had consistently failed to provide any sort of rehabilitation for juvenile delinquents. “The mistakes of the past create the new mistakes of the

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<sup>174</sup> Edith Evans Asbury, “Schools To Expel Pupils Accused of Breaking Law,” *New York Times*, February 7, 1958.

<sup>175</sup> New York Teachers Guild Press Release, February 6, 1958, Series I:B, Box 7, Folder 8, UFT Archives.

<sup>176</sup> Asbury, “Schools To Expel Pupils.”

<sup>177</sup> Walsh and Schlegel, “Board Reverses.”

<sup>178</sup> “Statement Issued by the Education Section, Citizens’ Committee for Children,” February 10, 1958, Series 354, Box 13, Folder 15, BOE Archives.

present,” the editorial read. “The vicious circle never ends, and the street becomes the destination of those who should be in school.”<sup>179</sup>

Still, the city wasted no time implementing its new policy, rounding up and suspending more than 644 students deemed delinquent the very next day. Prior to that point, 219 had been suspended the entire school year. The children were “completely surprised” and dismayed, according to reports, given no warning whatsoever. By far, most of those suspended in the first tranche came from Brooklyn.<sup>180</sup> There would be many more. By late February, the figure jumped to 726; by March 7, it had risen to 849, and by the end of the school year, the number of students suspended under the city’s new policy totaled around 1,323.<sup>181</sup> Upon suspension, students could face a variety of fates. Principals could send children to a hearing with the assistant superintendent of schools, who could decide to send them to another “regular” school, a “special” school for “problem children,” or expel them to the court system. Alternately, principals could send students straight to the courts, where they could be institutionalized or imprisoned.<sup>182</sup> Regardless of where they ended up, one thing was certain: they would be under near constant police surveillance, with coordination between school principals and local precincts.<sup>183</sup>

Hardly anyone was under the illusion that the expelled and suspended students would receive anything resembling adequate care, let alone education. Within weeks of the new policy

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<sup>179</sup> “The Schools’ Dilemma,” *New York Times*, February 8, 1958.

<sup>180</sup> Edith Evans Asbury, “644 Suspensions Open Crime Drive By City’s Schools,” *New York Times*, February 8, 1958.

<sup>181</sup> Leonard Buder, “726 Pupils Ousted Jansen Discloses,” *New York Times*, February 27, 1958; Leonard Buder, “Jansen Extends Suspension Plan,” *New York Times*, March 29, 1958; Leonard Buder, “Schools Ousted 1,021 Since Feb. 7,” *New York Times*, April 3, 1958.

<sup>182</sup> Gene Curivan, “Education in Review,” *New York Times*, February 16, 1958.

<sup>183</sup> Lee Silver and Sidney Kline, “Cops Keeping an Eye On the Ousted Pupils,” *New York Amsterdam News*, February 9, 1958.

being implemented, the CCC found “very serious problems” with the city’s handling of suspensions, including lax screening procedures, bad coordination between schools and community agencies, generally inadequate budgeting for guidance counselors, and a “tremendous” social and cultural gap between teachers and students. Ultimately, these failures left countless students removed from class without cause and without the possibility for services or recourse.<sup>184</sup> Indeed, the Pulitzer Prize-winning journalist Harrison Salisbury found that some schools used the suspension policy to get rid of “bothersome” students. Teachers could, for example, refer such a student to the Bureau of Child Guidance knowing full well that the agency’s backlogged case load meant months of bureaucratic delay before the child was even seen. “Too often,” one city official admitted, “the rule seems to be – when in doubt, dump.”<sup>185</sup>

Soon enough, studies confirmed that after these students were dumped, most of them never found their way back to traditional classrooms. A special BOE report eventually found that of the 1,323 students suspended amidst the initial wave of the city’s new disciplinary policy, only 469 (around 35%) ended up back in regular classes the next year. The plurality of suspended students – 566 children (around 43%) – were transferred to so-called “600” schools, where teachers were paid an additional \$600 per year to watch over “problem children.” (After its disciplinary push, the city set up additional “700” schools to temporarily accommodate the newly suspended students.) Some students met even grimmer fates: 31 were sent to mental institutions and 70 were incarcerated in custodial institutions.<sup>186</sup>

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<sup>184</sup> Correspondence from CCC to Charles Silver, March 25, 1958, Series 354, Box 13, Folder 15, BOE Archives.

<sup>185</sup> Harrison Salisbury, “School Violence Reflects Instability in Adult World,” *New York Times*, March 28, 1958.

<sup>186</sup> Loren B. Pope, “Theobald Issues ‘600’ Pupil Facts,” *New York Times*, January 13, 1959.

Though highly touted at the time as a panacea, the “600” schools where so many children landed were also, according to a report by the research and advocacy group the Public Education Association, effectively “custodial institutions.” Not only were these alternative academies inadequately staffed, they were also racially segregated and sorely lacking in remediation services.<sup>187</sup> According to the BOE study of the suspended students, of the 566 children who ended up at “600” schools, 57 (or around 10%) were ultimately incarcerated in custodial institutions as well.<sup>188</sup> Even George Zuckerman, an assistant superintendent of schools who oversaw child welfare and special education in the city, described these institutions as “famous or infamous.” In an address to the National Education Association, Zuckerman lamented that, “We are searching our pockets, our minds and our souls to try to salvage what we can from the holocaust of a Board of Education resolution forced by public pressure.”<sup>189</sup> The Bronx Youth Houses, for example, which detained children up to 16 years old who had been suspended and criminally accused, were notorious for providing “loathsome” living quarters described as worse than those of “animals in the Bronx Zoo,” according the Bronx Grand Jurors Association.<sup>190</sup> So dismal were the conditions that unionized guards there went on strike in 1958, holding placards that read “Youth House Directors: Don’t Hurt the Kids!”<sup>191</sup> Two years later, thirty girls at the Youth House staged an uprising and temporarily escaped by smashing the windows and scaling a high wall separating them from the snow-covered streets before being stopped by police.<sup>192</sup>

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<sup>187</sup> Popper, *Difficult Schools*, 17-21.

<sup>188</sup> Pope, “‘600’ Pupil Facts.”

<sup>189</sup> Leonard Buder, “City Pupil Ouster Scored to N.E.A.,” *New York Times*, July 3, 1958.

<sup>190</sup> Paul Crowell, “Youth House Held Unfit by Jurors,” *New York Times*, May 24, 1963.

<sup>191</sup> John Baird and Leeds Moberley, “Strike is On, Police Guard Youth Houses,” *Daily News*, September 29, 1958.

<sup>192</sup> Emanuel Perlmutter, “Girls Flee In Riot at a Youth House,” *New York Times*, December 14, 1960.

The city's handling of the suspensions received swift and severe condemnation from a wide range of critics, particularly in the communities most directly affected. In a scorched-earth op-ed for the *Amsterdam News*, City Councilman Earl Brown, of Harlem, blasted the city for abandoning its children for the sake of "a political, face-saving measure." He called the measure, "about as helpful to itself and the kids as a shot of heroin to a dope addict. It is certain that they are worse today in all ways than they were when they were in school."<sup>193</sup> The United Parents Association warned that "sending idle delinquents into the streets cannot be considered an answer."<sup>194</sup> And in late February, Reverend Galamison rallied over 1,500 concerned community members in Brooklyn to protest the wave of suspensions as well as "alarmist school crime publicity" and the "vicious attacks made upon the Bedford-Stuyvesant community and Negro citizens" by newspapers, public officials, and the grand jury.<sup>195</sup>

But the swell of opposition failed to thwart the new policies. Many crucial groups and officials, including several teacher and principal coalitions, came to support the initially controversial suspension approach. And so what was one meant to be a temporary emergency measure soon became codified into permanent city policy. Just days after the first suspensions, representatives from the High School Principals Association and the High School Teachers Association organized a demonstration against the possibility of losing their newfound power to bar students from the classroom. "The delinquency crisis extends far beyond the 644 suspended students," said Emily H. Tron, president of the teachers' group. "Incorrigibles must not be

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<sup>193</sup> Earl Brown, "Juvenile Delinquency," *New York Amsterdam News*, April 5, 1958.

<sup>194</sup> Asbury, "Crime Drive."

<sup>195</sup> Malcolm Nash, "1,500 To Meet In Protest Over School Inequality," *New York Amsterdam News*, February 22, 1958.

permitted to disrupt the high school education of the 99 per cent who value it.”<sup>196</sup> Another teacher wrote to Teacher’s Guild President Charles Cogen that, “No matter what the outcome so far as these delinquents are concerned, we owe something to the educable students.”<sup>197</sup> Both educator groups lamented that under the original procedure, principals had to receive permission from an assistant superintendent before suspending a child. “Meanwhile, the incorrigible pupil is still in school, interrupting classwork, harassing the teacher, contemptuous of the principal, the idol of his admiring classmates,” said Concetta Roy, the dean of girls at Flushing High School in Queens. “Sometimes it takes months of red tape before the suspension finally comes through.”<sup>198</sup> Meanwhile, a set of bills from a group of conservative legislators winding through the state assembly would kick out any student “who endangers the morals of other minors or who is insubordinate or disorderly or incorrigible.”<sup>199</sup>

Bowing to pressure from these mostly white groups, Superintendent Jansen eventually extended the suspension procedure until the following school year. And when fall came around, Jansen’s successor, John J. Theobald, enshrined the plan into permanent policy. “It is important,” he said in a radio message, “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.’”<sup>200</sup> The first day of

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<sup>196</sup> Edith Evans Asbury, “School Aides Ask For Ouster Right,” *New York Times*, February 16, 1958.

<sup>197</sup> Correspondence from Mollie Dewitt to Charles Cogen, February 12, 1958, Series I, Box 6, Folder 14, UFT Archives.

<sup>198</sup> Asbury, “Ouster Right.”

<sup>199</sup> Correspondence from James Marshall to Speaker of State Assembly, March 7, 1958, Series 354, Box 13, Folder 15, BOE Archives.

<sup>200</sup> Leonard Buder, “Theobald Backs Principals’ Power,” *New York Times*, September 6, 1958.

that new academic year, Police Commissioner Kennedy assigned more than 500 officers to schools around the city and their surrounding areas, many in plainclothes and unmarked cars.<sup>201</sup>

But it was not only the suspension policies and presence of police officers that gave schools an increasingly carceral atmosphere. As desegregation battles continued to rage, white parents, community leaders, and school administrators would often make plain that they saw Black students as criminals in their midst. In 1959, when Schools Superintendent John Theobald offered a plan to bus approximately 300 to 500 Black and Puerto Rican eight- and nine-year-olds to the largely ethnic-white Glendale-Ridgewood neighborhood schools through Open Enrollment, white parents revolted, even though the effort was meant to address overcrowding rather than desegregation.<sup>202</sup> Henry Reichert, president of the Glendale Taxpayers Association, Police Captain Adrian P. Donohue of the 104<sup>th</sup> Precinct, and other civic leaders claimed their opposition was “not built on racial bias,” but rather a concern that the move would lead to a spike in delinquency in Queens.<sup>203</sup> Reverend Frank D. Reiter, pastor of the Redeemer Lutheran Church in Glendale, said he fought the transfer because the Black children “have no respect for property and decency or for our ladies and young girls.”<sup>204</sup> When the students from Bedford-Stuyvesant arrived at school that first morning, the message was made perfectly clear, scrawled on several building façades: “Blacks Go Home.”<sup>205</sup>

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<sup>201</sup> Leonard Buder, “Schools in City Opening Today; 500 Extra Police to be on Hand,” *New York Times*, September 8, 1958.

<sup>202</sup> Rogers, *110 Livingston Street*, 23-24; Taylor, *Knocking at Our Own Door*, 86–87.

<sup>203</sup> “Parents Predict Smooth Transfer,” *New York Amsterdam News*, June 20, 1959; “Queens Welcome for Pupils Cited,” *New York Times*, June 29, 1959; “Queens Policemen Shifted After Talk on Pupil Transfer,” *New York Times*, June 25, 1959;

<sup>204</sup> Back, “Up South in New York”: 349-350.

<sup>205</sup> Homer Bigart, “Whites in Queens Keep Pupils Home in Transfer Fight,” *New York Times*, September 15, 1959.

Still, perhaps the most revealing moment of the Glendale saga unfolded a few months later, on February 3, 1960. Only the *Amsterdam News* – and none of the mainstream white newspapers – reported on the incident. As 700 some odd children entered P.S. 91 on Central Avenue and 69<sup>th</sup> Street that Wednesday morning, principal Minerva F. Atkins pulled aside the school’s 68 Black students from Bedford Stuyvesant and led them into the auditorium. There, she and an aide frisked each child, turning out their pockets in search of weapons. The school’s 600 or so other students, all white, made their way to class unmolested. Ultimately, the inspection yielded two geometry compasses and a green plastic toy gun, which Atkins confiscated. She later said she had been acting on calls from Glendale parents, who claimed to have heard that the young Black students often carried dangerous items. Black parents were outraged to learn their children had been treated like prisoners in their own school. But principal Atkins remained unapologetic. “What I did by searching your children is the same as what polio shots do for them,” she said. “Prevent a disease which could set in.”<sup>206</sup>

### **“A Mere Cog in a Huge Machine”: The Spread of School-Police Partnerships and Anti-Delinquency Programs**

Around the same time and in the years that followed, many more cities and towns across the country began introducing their own school police forces. They formed in municipalities large and small, East and West, urban and suburban, and with different philosophies and practices. While many early school-police partnerships were pitched as liberal-minded reforms intended to improve youth-police relations and help “save” underprivileged children from lives of danger, all of them also came in response to fears about juvenile delinquency linked to

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<sup>206</sup> Sara Slack, “Search Negro Pupils,” *New York Amsterdam News*, February 6, 1960.

changing racial demographics and social norms. Beyond that, as the federal government became more concerned with juvenile delinquency, school police became a potentially lucrative way for districts to secure additional funding through federal grants earmarked for youth crime prevention programs. Meanwhile, the preferred terminology of “school security,” “student safety,” and “resource officers” obscured the often deeply violent and prejudicial nature of such programs. But without fail, the introduction of such forces was met with powerful resistance in the largely Black and poor communities that were policed most aggressively.

Among the most notable security collaborations came in 1958, when the police department of Flint, Michigan partnered with the local school board and the Charles S. Mott Foundation to establish the Police-School Liaison program, often considered the prototype of modern school policing.<sup>207</sup> Intended to mend fractured relations between local youth and police, the PSL placed one plain-clothed officer inside Bryant Community Junior High School to patrol the property and help dole out discipline, eventually expanding into some counseling services as well. The program was hailed by some as a success and cited by the police chief as “one of the predominating factors” for a drop in juvenile crime.<sup>208</sup>

But, according to the education scholar Kenneth Noble, whose research tracks the history of the Flint and other school-police partnerships, “Doubts grew among Flint residents about the potential negative effects a police presence may have on schools.” One report on Flint’s PSL revealed that many teachers believed the program was “aimed specifically at the Black Community and they are anathema to black people” by enforcing “middle class white ethics and

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<sup>207</sup> Rodney J. Mulder, “Changing Student Perceptions of Police (1968-1974) and an Evaluation of the Impact of Police-School Liaison Programs” (PhD diss., Western Michigan University, 1979).

<sup>208</sup> Noble, “Policing the Hallways,” 91.

mores.” Far from fostering positive relationships, as claimed in its stated mission, “the program, as it operates, creates abrasiveness between the school administration and the black students,” argued the Michigan Civil Rights Commission. Noble concludes that, “Although Flint’s PSL sought to decrease delinquency, it did so in ways that marginalized minority and low-income students.”<sup>209</sup>

Such hostility and bigotry came all too often to define the relationship between students and early school police forces around the country, resulting in numerous lawsuits and legal challenges. In late December 1959, for example, a Black mother from Crown Heights, in Brooklyn, filed charges against the NYPD because her 16-year-old son, James Horton Jr., was arrested by a pair of policemen at the High School of Industrial Arts after two white students complained to the principal that young James took five cents from one of their pockets. The boy was held for more than 30 hours at the precinct without a proper meal and without notifying his mother of his whereabouts, despite her persistent calls to the Bureau of Missing Persons. When she arrived at the precinct, the police acted as though nothing was amiss. “Oh yes,” they told her. “The principal at your son’s school had him arrested. He’s being held.”<sup>210</sup> Several months later, seven Harlem mothers sued the city for abuse of judicial process and police authority, after their first, second, and third grade children were arrested in their school building and charged with grand larceny related to the alleged theft of some school papers.<sup>211</sup> And between 1966 and 1968, the Southern Chapter of the Arizona Civil Liberties Union joined with a group of local parents to challenge the School Resource Officer program in Tucson. The group demanded specific

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<sup>209</sup> Noble, “Policing the Hallways,” 94.

<sup>210</sup> Sara Slack, “Say Student Arrested, Held 30 Hours By Cops Without Notice,” *New York Amsterdam News*, December 26, 1959.

<sup>211</sup> “7 Parents Sue City In School Theft Case,” *New York Amsterdam News*, August 6, 1960.

guidelines for apprehending students, questioned the legality of various protocols, and lamented the lasting effects of such a program. They called the “continual surveillance and frequent questioning, a harassment which has led to dropouts.”<sup>212</sup> Though the Arizona Civil Liberties Union focused mostly on the restoration of student rights, community members also pointed out the obvious: “The SRO program adds another dimension to an already hostile world,” Minister Wilbur Johnson told a *Newsweek* reporter. “Police, to the Negro child, represent a threat.”<sup>213</sup>

Undeterred, many cities forged ahead in establishing new school police forces of their own, often aided by funding from the federal government, which was increasingly in the business of underwriting school police under the liberal guise of preventing “pre-delinquency.” The 1961 Juvenile Delinquency and Youth Offenses Control Act represented one of the first attempts at investing federal resources into crime prevention by authorizing \$10 million to fund local projects for actual and “potential” delinquents. The act’s preamble read: “Delinquency and youth offenses occur disproportionately among school dropouts.” The \$10 million was a relative pittance financially but it gave way to the adoption of the 1965 Law Enforcement Assistance Act as well as the 1968 Safe Streets Act, both of which were far much more substantial and financed the creation of numerous school-police partnerships.<sup>214</sup> In 1965, for example, the LEAA granted \$62,678 to the city of Cincinnati to bring police into local schools to “encourage more favorable student attitudes” towards law enforcement, particularly among Black students.<sup>215</sup> The program

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<sup>212</sup> Donald W. Robinson, “Police in the Schools,” *The Phi Delta Kappan* 48, no. 6 (February 1967): 278; Noble, “Policing the Hallways.”

<sup>213</sup> Bill Kimmey, “SRO is Called New Dimension in Hostility,” *Tucson Daily Citizen*, July 26, 1966.

<sup>214</sup> Vesla M. Weaver, “Frontlash: Race and the Development of Punitive Crime Policy,” *Studies in American Political Development* 21 (Fall 2007): 243; Murakawa, *First Civil Right*, 75.

<sup>215</sup> Noble, “Policing the Hallways”; George H. Shepard and Jesse James, “Police: Do They Belong in the Schools?” *Armed Education* 3, no. 1, United States Department of Health, Education and Welfare (December 1966-January 1967).

would quickly evolve into a formal School Resource Officer program.<sup>216</sup> The following year, a federal grant funded the formation of a program in Minneapolis, based on the Flint model, that installed plainclothes officers in a number of largely Black schools across the city for the sake of “prevention, investigation, referrals, and education.”<sup>217</sup> Around the same time, the Department of Justice supported the Tucson SRO program with a \$67,377 federal grant.<sup>218</sup> And not long after, Baltimore used federal financing to launch a “Police-Student Relations Project” of its own.<sup>219</sup> The program soon expanded to all the city’s junior highs and most of its high schools, with officers who strongly advocated arming themselves with concealed guns.<sup>220</sup>

At the same time, municipalities across the country began coordinating amongst themselves more and more, through efforts like the first National Police-School Liaison Workshop, held in Flint in 1967, and the National Conference on Early Adolescent Attitudes toward Police, held in Cincinnati in 1966.<sup>221</sup> By 1972, school districts in at least 40 states reportedly had some form of school-police programs in place.<sup>222</sup> The following year, the National Advisory Commission on Criminal Standards and Goals recommended encouraging every law enforcement agency with more than 400 employees to appoint a full-time police officer to each middle and high school in its jurisdiction.<sup>223</sup>

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<sup>216</sup> Anthony Louis Fierimonti, “Eleven Police-School Liaison Programs in Michigan” (PhD diss., Wayne State University, 1982), 31.

<sup>217</sup> Fierimonti, “Police-School Liaison Programs,” 39; Mulder, “Changing Student Perceptions,” 55-66.

<sup>218</sup> Robinson, “Police in the Schools,” 278.

<sup>219</sup> Fierimonti, “Police-School Liaison Programs,” 30-31.

<sup>220</sup> “Sheldon to Begin Weekly Meetings With Reporters In January,” *The Evening Sun*, December 18, 1970.

<sup>221</sup> Noble, “Policing the Hallways,” 92, 184.

<sup>222</sup> Fierimonti, “Police-School Liaison Programs,” 24.

<sup>223</sup> Regina D. Lambert and Dixie McGinty, “Law enforcement officers in schools: Setting priorities,” *Journal of Educational Administration* 40, no. 2/3 (2002): 257-273.

As federal policy encouraged managing social ills with law enforcement than social services, police increasingly became the representatives through which children, particularly those poor, Black, and disabled, interacted with the government. And schools – through the discretion of teachers, administrators, and security personnel – became the primary conduit connecting students with police. President Lyndon Johnson’s Omnibus Crime and Safe Streets Act of 1968 did not specifically target juvenile crime, but it increased funding of delinquency prevention programs, which incentivized local governments to create them. In doing so, observes Barry Feld, the act “inverted juvenile justice jurisprudence” from “a ‘child’s best interests’ to public safety and punishment.”<sup>224</sup> The act focused on Black urban neighborhoods as the “primary battleground for the War on Crime,” notes the carceral historian Elizabeth Hinton, in part through financial inducements for community organizations to coordinate with the DOJ’s Law Enforcement Assistance Administration by including crime control elements in their programs.<sup>225</sup> This shift was predicated on the “quality of otherness that engulfs African American children,” the criminal justice scholar Kenneth B. Nunn argues, and it found voice in resistance to school integration, primarily – but certainly not exclusively – in the South.<sup>226</sup>

Johnson’s anti-delinquency initiative relied heavily upon Youth Services Bureaus, community-based organizations intended to help juveniles avoid adjudication by the criminal justice system, but the effort faltered almost immediately. Despite advocating for the bureaus extensively in its 1967 report, “The Challenge of Crime in a Free Society,” the President’s Commission on Law Enforcement and Administration of Justice never established a “clear and

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<sup>224</sup> United States Public Law 90-351, June 19, 1968; Barry Feld, “The Politics of Race and Juvenile Justice,” *Justice Quarterly*, Vol. 20, No. 4 (2003): 778.

<sup>225</sup> Elizabeth Hinton, “Creating Crime,” *Journal of Urban History*, Vol 41, No. 5 (2015): 811.

<sup>226</sup> Hinton, “Creating Crime,” 766; Nunn, “Child as Other,” 681.

concise definition or description” of what constituted a bureau, according to a Department of Health study of the organizations.<sup>227</sup> The commission called for “every community” to establish one, but five years later, the study could identify only 170 such organizations across the country, and they were receiving less than \$15 million total to divert at-risk youth from delinquency and incarceration. The commission, bemoaned the study, “offered an idea rather than a detailed plan of action.”<sup>228</sup>

What were supposed to be agencies that engaged children “outside the criminal system,” became instead vehicles for mass police surveillance of young people – almost invariably poor and Black, and often referred by teachers who labeled them troublesome, troubled, pre-delinquent, or potentially delinquent.<sup>229</sup> At the Kansas City Youth Intercept Project in Missouri, for example, teachers identified children as young as nine as “pre-delinquent.” The children, all referred by their teachers, were tutored and participated in other activities, while the staff coordinated with law enforcement to decide their fate.<sup>230</sup> Overwhelmingly, the children in the Kansas City project were Black and poor, as the bureaus also suffered from the same “ambiguous definition of delinquency” that caused excessive and prejudicial school punishments and pushouts. Once again, noted an “Evaluation of Youth Service Bureaus,” while wealthier children often circumvented disciplinary action, the stigma of being labeled delinquent, and the greater hazard of being forced from school and into the criminal justice network, poor students

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<sup>227</sup> The President’s Commission on Law Enforcement and Administration of Justice, “The Challenge of Crime in a Free Society,” United States Government (February 1967); Department of the California Youth Authority, “National Study of Youth Service Bureaus,” U.S. Department of Health (1973), 16.

<sup>228</sup> President's Commission, “Challenge of Crime,” vii; California Youth Authority, “National Study,” 1, 4.

<sup>229</sup> President's Commission, “Challenge of Crime,” vii.

<sup>230</sup> California Youth Authority, “National Study,” 227.

could not take advantage of this “method of selective reduction from justice system processing.”<sup>231</sup>

The expansion of this juvenile law enforcement apparatus did not go unnoticed. Some government officials warned of its consequences. They were ignored. A 1971 Senate subcommittee report underscored that students demoralized by educational inequities and hopeless economic prospects often dropped, or were pushed, out of school. Once truant, they often became delinquent. The report described as “shocking” a system in which a “disproportionate amount of money” was “spent on law enforcement approaches, instead of prevention and rehabilitation of the youthful offender.” The report cautioned that, “Once a child enters the judicial process, it is easy for him to become a mere cog in a huge machine in which neither the ends of justice nor rehabilitation are served.”<sup>232</sup>

### **“Occupying Army”: The Omnipresence of Police in the Lives of Black Students**

And yet, as the 1960s wore on, amidst fervent calls for racial and economic justice, police became an increasingly inescapable and brutal force in the lives of poor and Black New York City students, both in and out of the classroom. According to news reports from the mid-1960s, “scores of policemen” often guarded integrating schools beset by “racial strife,” both on school grounds and along the subway lines transporting students home. This frequently led to arrests for minor offenses, such as scuffling between students, disorderly conduct, and possession of

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<sup>231</sup> Department of Youth Authority, “Evaluation of Youth Service Bureaus,” State of California (November 1973), 12-13.

<sup>232</sup> Select Committee on Crime, “Juvenile Justice and Corrections: Third Report,” United States Congress (1971), 5-8, 58, 18.

marijuana.<sup>233</sup> Not only was the NYPD growing in size and scope, but also in power and jurisdiction, most notably with the 1964 passage of the so-called “no-knock” and “stop-and-frisk” laws championed by Governor Nelson Rockefeller. The former allowed police to barge through a door without notice, while the latter gave officers license to detain and search anyone for the indeterminate “reasonable suspicion.”<sup>234</sup> With the new suspension and school police procedures in place, these laws all but assured a constant and dizzying cycle of scrutiny, discipline, and arrest for young people in poorer parts of the city. “The citizens of Harlem who, as we have seen, can come to grief at any hour in the streets, and who are not safe at their windows, are forbidden the very air,” James Baldwin wrote in 1966. “They are safe only in their houses—or were, until the city passed the No Knock, Stop and Frisk laws... Harlem believes, and I certainly agree, that these laws are directed against Negroes. They are certainly not directed against anybody else.”<sup>235</sup>

The “occupying army” of police in Black neighborhoods, as Malcolm X said of New York in 1964, were perpetual combatants, especially given the atmosphere of political activism.<sup>236</sup> “The new anticrime laws and the heightened police state in New York City caused certain actions and behaviors to attract police attention that otherwise would have not been considered criminal,” writes the historian Carl Suddler, including school boycotts, rent strikes, and picketing businesses. Suddler notes that when civil rights organizations, such as the

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<sup>233</sup> Emmanuel Perlmutter, “Police Keep Watch On Brooklyn School Torn by Race Riots,” *New York Times*, October 27, 1964; “Fights at Queens School Lead to Posting of Police,” *New York Times*, September 30, 1966; McClandish Phillips, “10 More Arrested in School Unrest,” *New York Times*, October 28, 1966.

<sup>234</sup> “‘Stop-&-Frisk,’ ‘Knock, Knock’ New Laws Effective July 1, 1964,” *Springville Journal*, June 4, 1964

<sup>235</sup> James Baldwin, “A Report from Occupied Territory,” *The Nation*, July 11, 1966.

<sup>236</sup> Malcolm X, Speech at the Militant Labor Forum, New York, NY, May 29, 1964.

Congress of Racial Equality (CORE), stepped up desegregation efforts, they would encounter more police conflicts.<sup>237</sup> In one dramatic yet not atypical incident, six young activists protesting overcrowding and poor conditions in East Harlem schools were arrested after blocking traffic by sitting down on the Manhattan approach to the Triborough Bridge.<sup>238</sup>

Then there were episodes that escalated much further. On the morning of July 16, 1964, several summer school students gathered outside a six-story white brick building across the street from Senator Robert F. Wagner Junior High School, on East 76<sup>th</sup> Street in Manhattan, waiting for classes to begin. Suddenly, the building superintendent sprayed them with water, called them “dirty niggers,” and threatened to “wash the black off you.” After the students started throwing trash at the man in retaliation, he ran back inside the building, pursued by James Powell, a slight 15-year-old Black boy from the Soundview Housing Project in the Bronx, who was attending summer school at Wagner. When Powell exited the building moments later, he was shot multiple times and killed by an off-duty police lieutenant named Thomas Gilligan. The officer later claimed that Powell was brandishing a pocketknife, though many eyewitnesses denied that and said Gilligan shot without warning. Regardless, the students, grief-stricken and livid, coalesced outside in protest, and police issued five riot calls, prompting more than one hundred officers to arrive in steel helmets. What followed was a youth uprising, with nearly a week of fiery demonstrations and clashes between students and police, in what is often referred to as the Harlem Riot of 1964. When the ordeal ended, the official tally counted one dead, 118 injured, and 465 arrested, nearly all of them Black and many of them students. While it did not transpire inside the classroom, the affair was in many ways a matter of school policing, reflecting how

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<sup>237</sup> Carl Suddler, *Presumed Criminal*, 131.

<sup>238</sup> Leonard Buder, “Bridge Sitdown by CORE Blocks Triborough,” *New York Times*, March 7, 1964.

Black students were treated and policed in the areas around their places of learning, particularly in integrating neighborhoods. Perhaps just as consequentially, it further rent the already frayed relationship between students and police and confirming what so many already believed: that for certain kinds of young people in the city, cops were not their protectors, but rather their persecutors.<sup>239</sup>

And yet, as was so often the case, rather than reckon in any substantive way with the violence wrought upon students by police, New York only ramped up their presence in schools with the introduction in 1966 of “Know Your Police Department.” The program, versions of which were instituted in many other cities, brought uniformed officers into the classrooms of more than 500,000 fifth-through-twelfth graders each year to give anodyne presentations on police work “to develop positive attitudes towards the police.” The effort was an attempt to bolster the legitimacy of school policing and paint such cops as benevolent “officer friendly” style officials. Similar programs, such as “Operation Friend” and “Police Department and the Schools,” served similar functions. At the end of each lesson, students received a wallet-sized card titled “FRIENDS,” depicting a drawing of a student and policeman shaking hands. On the back was a pledge “to faithfully obey all laws... and cooperate with the police.”<sup>240</sup>

But for so many young people, the bleak realities of New York’s growing regime of school policing and discipline were inescapable. On February 29, 1960, students in a seventh-

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<sup>239</sup> Fred C. Shapiro and James W. Sullivan, *Race Riots, New York, 1964* (New York: Crowell, 1964); Michael W. Flamm, *In the Heat of Summer* (Philadelphia: University of Pennsylvania Press, 2017); Theodore Jones, “Negro Boy Killer; 300 Harass Police,” *New York Times*, July 17, 1964.

<sup>240</sup> Commissioner Howard R. Leary, “1966 in Review,” New York City Police Department (1966), 13-14; Commissioner Howard R. Leary, “Testimony Before Senate Subcommittee Re: Know Your Police Department,” *Congressional Record* 91 (September 4, 1970), 5407; Shepard and James, “Police.”

grade English class at Junior High School 126, in Greenpoint, Brooklyn, were readying for a spelling quiz, when Robert Holley felt a poke in his back. Holley, a 12-year-old Black boy from Bedford-Stuyvesant, who had been shifted to JHS 126 along with 95 other students to help modestly desegregate the predominantly white school, turned around to find the classmate behind him, a white girl, complaining that he was not passing around quiz papers quickly enough. When he objected, Robert said, the girl punched him, prompting the teacher, Virginia Tomayo, to intervene. Tomayo, as she later admitted, sunk her fingernails into the boy's hand and thrashed him over the head several times with a yardstick. She also claimed that the boy had struck her first, but he denied this and pointed out that she was at least a head taller than him. Regardless, young Robert was removed from class by a behavior counselor, then sent to the principal's office, before finally being hauled off to the Meserole Avenue police station and arrested on delinquency charges. "The whole procedure was unjustifiable," said Naomi Clark, vice president of the Parents Workshop for Equality in Schools. "The parents should have been contacted immediately after the occurrence, instead of charges being pressed without their knowledge." Though the court advised against it, the school suspended Robert while he awaited trial, and forced him to transfer to a new school even after the suspension ended.<sup>241</sup>

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<sup>241</sup> Malcolm Nash, "Boy, 12, Accused Of Assault: Suspended, He Denies Striking His Teacher," *New York Amsterdam News*, March 12, 1960; "Official OK's School," *New York Amsterdam News*, April 9, 1960.

### **Chapter 3 – “Us Troublemakers”: Community Control, Student Organizing, and the Battle for School Power**

One afternoon in late October 1968, a group of 14 teenagers gathered outside the police-protected offices of the United Federation of Teachers, on East 21<sup>st</sup> Street in Manhattan, ready to cause a bit of a ruckus. It was a weekday in the middle of what would normally be the schoolyear, but there were no classes to attend. Earlier that fall, thousands of teachers had declared a citywide strike in the wake of a conflict originating in Ocean Hill-Brownsville, a largely Black section of Brooklyn, where the city had recently launched a new decentralized parent and local-led school board as part of an experiment in “community control.” Ostensibly, the dispute centered on the transfer of several mostly white Jewish teachers out of the district. But the strike, which shut down the public schools for nearly two months, had taken on much more profound meaning. So, with nowhere to go and nothing to do, students were finding ways to busy themselves. For weeks that fall, teenage organizers crisscrossed the city, opening shuttered schools with bolt cutters or by throwing rocks through windows and operating “freedom classes” in partnership with local parent-teacher organizations – actions that often got them arrested. Now, students had decided to bring their message directly to the UFT. Many of the young organizers had grown enraged by the city’s leading teachers’ union, which they saw as overly punitive and antagonistic towards Black students.<sup>1</sup> “Hey hey, ho ho, racist strike has got to go,” the students chanted outside the building. “The UFT strike is racist, this strike is racist, and we’re opposed to it,” Howard Swerdloff, then a student at John Bowne High School, said at

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<sup>1</sup> Sean Stewart, *On the Ground: An Illustrated Anecdotal History of the Sixties Underground Press in the U.S.* (Oakland: PM Press, 2011), 36; James P. Sterba, “23 Seized in Entry at Bronx School,” *New York Times*, October 24, 1968; Robert Newton, interview by author, November 20, 2019; Dana Driskell, interview by author, December 3, 2019; *Ira, You’ll Get into Trouble*, directed by Stephen Sbarge (New Line Cinema, 1970), DVD.

a meeting beforehand. “If we’re gonna do an old-fashioned sit-in, then we gotta sit in.” And that’s just what they did, as more than a dozen students filed through the imposing glass building doors with impish smiles and internal fortitude and plopped themselves down on the striped reception room couches. (Though it received little press attention at the time, the demonstration was captured by a fringe documentary filmmaker named Stephen Sbarge.)<sup>2</sup>

At first the mood was light, with the students staging a quasi-lesson and reveling in the befuddlement of the UFT members milling about the office. “You know where I am now?” Swerdloff asked a friend over the phone. “We’re in the reception room of the United Federation of Teachers.” But the scene turned tense when a group of administrators arrived and tried to force the children out. Suddenly, the students’ grins faded and their resolve hardened. “This is also a power play by the UFT and Albert Shanker,” one of the students, a young Black woman in a headwrap with an overcoat draped on her shoulders, said pointedly. “What about the teachers that I know, that I heard, UFT members, champion members in good standing, they go out there and call you nigger-lover, they start cursing at you.” An administrator interrupted to wave her off. “This is private property,” he said. Then another chimed in: “I have no intention of having the office cluttered up with someone who’s protesting.” This attitude infuriated the students. “You took away our schools, we’ve been locked out,” one shot back. “If your union can shut down our schools, you know, just to stop community control, then we can come into your offices,” exclaimed Robert Newton, a student organizer. The administrators were unmoved. “When the police arrive, I’m going to have to press charges against you for trespassing on private property, every one of you,” said another UFT representative. Under threat of arrest, the students eventually dispersed. But they were hardly dissuaded. “We weren’t surprised that these

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<sup>2</sup> *Ira, You’ll Get into Trouble.*

teachers would call the cops on us,” Newton recalled in a recent interview. “This wasn’t the first time we’d been threatened by police, and it wouldn’t be the last.” One week later, police barriers notwithstanding, the students returned and occupied the offices again.<sup>3</sup>

Indeed, police were a specter that seemed increasingly to haunt students both in and out of school, and high school organizers made a point of confronting this fact in their work. During the teachers’ strike, student organizers went from neighborhood to neighborhood appealing to other young people to join their cause by invoking the cruelty of school police. On a chilly street corner one day, the Sbarge documentary shows, one Black student organizer stood on a platform in the doorway of a local storefront and sermonized to a gathering crowd, telling of a fellow student who had recently been arrested. “Start doing things that are gonna change the fucking school over there,” he implored the assembled, as cops in riot gear looked on. “When the community takes care of the school, all the racists, all the pigs, all the people we don’t want in schools are gonna get their asses kicked out.” Soon after, the student organizer Howard Swerdloff took the platform to read a list of priorities. “Point number one: no more suspensions; no more involuntary transfers; no more expulsions; no more detentions,” he declared to boisterous cheers. “Point number two: no more cops in our schools... We don’t want pigs telling us what to do.”<sup>4</sup>

The students’ applause shown in the documentary was quickly interrupted, however, by a much more disturbing segment of footage from around the same time. First, the image of a police officer dragging a Black student down the street by the neck. Then a different officer

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<sup>3</sup> *Ira, You’ll Get into Trouble*; Robert Newton, interview by author, November 20, 2019; Neil Philip Buffett, “Crossing the Line: High School Student Activism, the New York High School Student Union, and the 1968 Ocean Hill-Brownsville Teachers’ Strike,” *Journal of Urban History* 45, no. 6 (2018): 1223-24.

<sup>4</sup> *Ira, You’ll Get into Trouble*.

apprehending yet another Black boy from behind in a chokehold. Then a group of students urgently carrying away the near-limp body of a fellow student who had been beaten. And finally, the image of a police officer slamming shut the back of a truck filled with freshly arrested students.<sup>5</sup>

In recent years, a thorough and incisive body of scholarship has come together on the conflicts related to community control, desegregation, and teacher strikes in New York City and elsewhere from historians including Clarence Taylor, Jerald Podair, Daniel Perlstein, and Diana D’Amico Pawlewicz, among others. In particular, the Ocean Hill-Brownsville ordeal has been the subject of numerous books and journal articles that have shaped our understanding of teacher unions, professional authority, Black-Jewish relations, decentralization of municipal governance, white liberalism, Black Power, and school integration, among other subjects.<sup>6</sup> Meanwhile, there is an emerging but meaningful literature on high school student organizing, from scholars such as Gael Graham, Dionne Danna, Dara Walker, Jon N. Hale, Kathryn Schumaker, Tess Bundy, and Neil Philip Buffett, the latter among the only scholars who has focused on New York City high school student organizers in particular, with his research on the New York High School Student Union.<sup>7</sup> These works have proven essential in demonstrating the significance, scope, and

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<sup>5</sup> *Ibid.*

<sup>6</sup> Taylor, *Knocking*; Jerald E. Podair, *The Strike That Changed New York: Blacks, Whites, and the Ocean Hill-Brownsville, Crisis* (New Haven: Yale University Press, 2003); Daniel H. Perlstein, *Justice, Justice: School Politics and the Eclipse of Liberalism* (Bern, Switzerland: P. Lang Publishers, 2004); Diana D’Amico Pawlewicz, “Teachers’ Rights Versus Students’ Rights: Race and Professional Authority in the New York City Public Schools, 1960–1986,” *American Educational Research Journal* 53, no. 3 (June 2016),

<sup>7</sup> Gael Graham, *Young Activists: American High School Students in the Age of Protest* (Dekalb: Northern Illinois University Press, 2006); Dionne Danna, *Something Better for Our Children: Black Organizing in Chicago Public Schools, 1963-1971* (New York: Routledge, 2003); Dara R. Walker, “Black power, education, and youth politics in Detroit, 1966-1973” (PhD diss., Rutgers University, 2018); Jon N. Hale, “Future Foot Soldiers or Budding Criminals?: The Dynamics of High School Student Activism in the Southern Black Freedom Struggle,” *Journal of Southern*

sophistication of high school student organizing, which is too often misunderstood as the juvenile offshoot of larger adult movements. In some cases, these works have shown how organizing against police authority often put students in legal crosshairs.

Apart from works by Judith Kafka and Kenneth Noble, however, most of the scholarship on the students' rights movement has yet to address how student organizing responded to the carceral turn in high schools, and, in turn, how city authorities responded to student organizing by expanding carceral measures in the schools. And while foundational, the scholarship on community control has largely overlooked the importance of discipline, policing, and carceral control in defining such conflicts. This chapter forefronts the ways in which the battles for community control and students' rights were critically – and in many ways, centrally – struggles over student discipline and school policing, and is based on an extensive and wide-ranging array of primary sources, among them: New York City municipal archives; teacher and principal union archives; archives of several grassroots community organizing groups, including data on school discipline and student incarceration compiled by parents as well as social scientists; archives of high school student organizers, including student newspapers, fliers, pamphlets, and other materials; journals, memoirs, and schoolwork from former students, teachers, and school administrators; court documents; newspaper articles; documentary footage, and more than a dozen original interviews of former student organizers.

Throughout the 1960s, as the carceral turn reshaped public education in radical and punitive ways, the once-simmering debates about student discipline and school policing boiled

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*History* 84, no. 3 (August 2018): 615-652; Kathryn Schumaker, *Troublemakers: Students' Rights and Racial Justice in the Long 1960s* (New York: NYU Press, 2019); Tess Bundy, "'Revolutions Happen through Young People!': The Black Student Movement in the Boston Public Schools, 1968-1971," *Journal of Urban History* 43, no. 2 (2017): 273-293; Buffett, "Crossing the Line," 1212-1236.

over into a series of full-fledged conflicts that seized New York City and countless other districts. With the promise of desegregated schooling waning in the face of continued white resistance and bureaucratic obstinance, many Black parents, students, and local leaders came to see the school system as inexorably hostile to their children and began championing instead a community-controlled model of education that challenged state authority and legitimacy. Integral to this movement were urgent calls to rethink the role of law enforcement in schools as well as the draconian suspension policies that were channeling ever more Black students into the legal system. For many advocates of racial and educational justice, issues of faculty representation, culturally relevant curricula, students' rights, and school discipline were all fundamentally intertwined. Central to this amalgam of issues was the matter of who governed the classroom – and who dictated if children would be educated or punished. Black parents and students challenged on policy and socio-cultural levels the notion of what it meant for a child to be disruptive or criminal in a school system that did not seem to care for their needs. Long before the issue of school suspensions garnered national attention, parents in New York City began to show, through diligent data-keeping and organizing, that school punishment for children often translated to later incarceration.

With time, this largely parent-led campaign for community-controlled schools gave way to even more revolutionary movements led by high school students themselves. These were children inflamed not only by the radical politics of the era – drawing from Black power, second-wave feminism, and anti-war activism – but also by the experience of bearing witness to the battles for educational authority in New York City that seemed to pit teachers and administrators against any student who dared challenge the status quo. While young people had long been engaged in educational activism, they demonstrated in this moment with newfound urgency.

High school student organizers in New York City took charge of their own cause, demanding real power and accountability to combat the injustices they saw in their schools. “Sometime during the school year 1968-69,” writes former New York City high school teacher Miriam Wasserman, “the charge of energy directed at the unyielding, status-enforcing, race- and class-biased school system had passed from the mainly adult community-control movement to the mainly student take-over-the-schools movement.”<sup>8</sup> Their campaigns could be highly local and specific, often concerned with changes in individual school policies and personnel, but they also championed a radical reimagining of schools, policing, and even society at large. They called most centrally of all not for reform but for the wholesale abolition of student suspensions and school police. “We knew there was no way students would ever get justice from the school police,” recalled Willie Baptiste, a former student organizer from Brooklyn. “We didn’t want it reformed, we wanted to get rid of it entirely.”<sup>9</sup>

During these conflicts, many students came to see school police as a violent and repressive body that only served to enforce racial hierarchy and suppress dissent. While even ordinary students could find themselves detained by school police, student organizers were targeted above all. Beyond arresting students at protests, police were transforming day-to-day life in many schools into a chillingly carceral experience, from constant security checks to armed patrols. Students at the time – particularly those attending poor, majority Black, and desegregating schools – spoke individually, but with almost uncanny similarity, of their schools feeling like prisons. Many students, in fact, began offering radical critiques not just of school

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<sup>8</sup> Miriam Wasserman, *The School Fix NYC USA* (New York: Outerbridge & Dienstfrey, 1970), 391.

<sup>9</sup> Baptiste, interview by author.

discipline but of the functions of public education and policing power in the United States more broadly.

While this wave of protest secured students some important protections and liberties, it was met largely with a powerful punitive backlash. High school student activists were very often treated by public officials not as legitimate political advocates but as youthful – even criminal – agitators. Indeed, as protests swept through school districts across the country, the high school student movement became the subject of intense political, legislative, and social focus, as well as the crux of critical court rulings. And as students fought for the end of school policing and over-disciplining, they found themselves policed and disciplined more severely than ever, particularly Black student organizers, many of whom were harassed, arrested, and even brutalized by police for their work. “The method sought and the response usually given to youngsters who oppose authority – note how irresponsibly this school official links the hostile with the criminal – is ‘throw the bum [here, child] out,’” Dr. Bernard Mackler, a professor of education, wrote in 1970.<sup>10</sup> As the conflict escalated, in New York and beyond, many schools became nothing short of battlegrounds, with students pitched as adversaries against all the powers that be in their schools: teachers, administrators, and, increasingly, the police.

### **“Far-Fetched Reasons”: Student Suspensions and the Rise of Community Control**

By some accounts, the movement that would upend schooling in New York City began with a joke.<sup>11</sup> It was a summer evening in 1966 and a few community groups had gathered to

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<sup>10</sup> Bernard Mackler, “The Punitive Use of Suspensions and Transfers in the New York City Schools,” in *Schools Against Children: The Case for Community Control*, ed. Annette T. Rubinstein (New York: Monthly Review Press, 1970), 143.

<sup>11</sup> Though this may be when more popular political organizing began around community control, the movement’s roots extend further back in history. See, for example: Heather Lewis, “Protest,

discuss their dissatisfaction with the city's handling of Intermediate School 201. Slated to open that fall in East Harlem, IS 201 was built with the intention of attracting a balanced, multi-ethnic population – with Black and Puerto Rican students coming from Upper Manhattan, and whites from just across the Triborough Bridge in Queens and the Bronx – but almost no white families agreed to enroll their children.<sup>12</sup> So, when Superintendent Bernard E. Donovan announced that a white educator named Stanley Lisser would be the school's first principal, Harlem parents were incensed. As they met that night to organize a protest against Lisser's appointment, the room was galvanized by an offhanded quip from a Harlem Parents Committee leader named Isaiah Robinson. He "suggested, almost as a joke, that since white children would not be sent into Harlem schools and black children were not being invited downtown in any meaningful numbers, maybe the blacks had better accept segregation and run their own schools," recalled one fellow organizer.<sup>13</sup> When classes opened for the fall, on September 12, about 60 people demonstrated outside the school demanding not just a Black principal, but "total community control."<sup>14</sup>

A few months later, on December 19, community control advocates caused their first major stir, at BOE headquarters at 110 Livingston Street, in Brooklyn. The Board was undergoing its annual budget meeting when Lillian Wagner, a mother from Brownsville wearing an aqua dress and high, maroon wool stockings, asked to speak about schooling conditions in her family's section of Brooklyn. "The voice of the people is with me," she cried out over

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Place and Pedagogy: New York City's Community Control Movement and its Aftermath, 1966–1996" (PhD diss., New York University, 2006), 60-61.

<sup>12</sup> Podair, *The Strike*, 34-35; Ravitch, *School Wars*, 294.

<sup>13</sup> Mario Fantini, Marilyn Gittell, and Richard Magat, *Community Control and the Urban School* (New York: Praeger, 1970), 4.

<sup>14</sup> Leonard Buder, "Schools in City Open Smoothly Despite Protests," *New York Times*, September 13, 1966.

interruptions from Lloyd K. Garrison, the Board's president. "I don't want my children to grow up in the same ghetto as I did." Exasperated, Garrison adjourned the meeting and the Board members filed out, but as they did, more than 50 parents and community leaders stormed to the front of the room and plopped themselves down in the Board's red-cushioned swivel chairs. Consisting mainly of veteran school desegregation activists who now supported community control, the group declared itself the Ad Hoc Board of Education of the People of the City of New York, and stayed overnight in the hall, where they adopted resolutions calling for greater community power and participation.<sup>15</sup> Though the *Times* excoriated the parents for their "childish" and "disruptive" behavior and recommended that "they should be removed," the Ad Hoc Board did not surrender.<sup>16</sup> The spontaneous protest lasted two more days, only ending when the twelve demonstrators – including Reverend Milton Galamison, who had been elected the group's leader – were hauled away by the police to the 84<sup>th</sup> precinct. The next day, the *Times* published on its front page a photograph of an officer arresting Galamison. A movement was born.<sup>17</sup>

Initially, the idea of Black parents demanding community control struck some as more than a little ironic. Many white segregationists continued to rally behind calls for "neighborhood schools" that also prized the notion of "community." And it was not long ago that most civil rights campaigners and ordinary Black citizens were calling not for community control but for desegregation. As recently as February 4, 1964, Galamison and the organizers Bayard Rustin and Thelma Hamilton had coordinated a mass school boycott against segregated education in New

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<sup>15</sup> M.A. Farber, "Parents Disrupt School Hearing, Then Start Sit-In," *New York Times*, December 20, 1966.

<sup>16</sup> "Destroying Their Own Case," *New York Times*, December 21, 1966.

<sup>17</sup> "Galamison and 11 Seized in Sit-In At School Board," *New York Times*, December 22, 1966.

York City, in what was widely considered the single largest civil rights demonstration in the history of the United States to that date. Some schools were so empty that day that teachers outnumbered students, as thousands of young people and their parents marched to BOE headquarters, chanting “Jim Crow must go.” When administrators tallied the final attendance numbers, 464,361 students – almost 45% of the total city public school enrollment – were marked absent that day.<sup>18</sup>

But despite the enormity of the movement, city officials remained largely unfazed. James B. Donovan, president of the BOE, called the boycott a “fizzle” in a statement dripping with condescension. “All these people proved,” he said, “is how easy it is to get children to take a holiday instead of going to school.”<sup>19</sup> Several weeks later, around 15,000 white people calling themselves “Parents and Taxpayers” marched through the snow from Brooklyn to Manhattan to protest any efforts at desegregation.<sup>20</sup> The demonstration was relatively small compared to the February boycott, but it caught the attention of legislators in Washington. As they debated the Civil Rights Act of 1964 that spring, senator after senator invoked the “fifteen thousand white mothers” as symbols of communal fear and discontent, helping guarantee the bill would not compel busing.<sup>21</sup> Although the Act, along with other more forceful political interventions, helped hasten desegregation, the damage had been done. By 1964, only around 1% of Black students nationwide were enrolled in integrated schools.<sup>22</sup> In New York, white flight to Long Island, Westchester, and other suburbs – not to mention private and parochial city schools – paired with

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<sup>18</sup> Leonard Buder, “Boycott Cripples City Schools,” *New York Times*, February 4, 1964.

<sup>19</sup> Buder, “Boycott.”

<sup>20</sup> Fred Powledge, “More Than 10,000 March in Protest on School Pairing,” *New York Times*, March 13, 1964.

<sup>21</sup> Delmont, *Busing*, 51.

<sup>22</sup> Black, *Ending Zero Tolerance*, 32.

intense local obstinacy left the city with more than 200 segregated public schools, up from 52 just a decade earlier.<sup>23</sup> And the physical conditions in majority-Black schools – and the treatment of the students who attended them – were only further deteriorating.<sup>24</sup>

Faced with this continued recalcitrance, the movement for school desegregation also began to reveal its fissures. The New York Citywide Committee for Integrated Schools, a coalition of local civil rights organizations that included the New York branches of the NAACP and the Urban League, broke apart after several parties accused the group's leader, Reverend Galamison, of announcing a second boycott without their input. To many civil rights organizers, desegregation seemed not only unattainable but perhaps even undesirable. Indeed, between 1960 and 1966, just around 5% of eligible Black students had chosen to transfer to majority-white schools through the city's Open Enrollment program, with many parents scared off by harrowing experiences of previous students in desegregated schools and others saying they were insulted by the notion that they had to leave their neighborhoods to find a decent education.<sup>25</sup> "By 1965," the historian Clarence Taylor writes, "the school integration campaign in New York was over."<sup>26</sup>

Out of that sense of exasperation and incredulity with the BOE came instead the drive that has come to be known as community control: the notion that if Black students were going to be shut out of a well-funded, integrated education, then their communities should at the very least be empowered to manage the schools to which they were cast. This meant not only increased hiring of Black teachers and administrators but also teaching what community leaders

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<sup>23</sup> Delmont, *Busing*, 52.

<sup>24</sup> Podair, *The Strike*, 33.

<sup>25</sup> Podair, *The Strike*, 25.

<sup>26</sup> Taylor, "Community Control."

saw as the “Black value system” of communal pride, unity, and collectivism.<sup>27</sup> The movement was influenced in no small part by the ascendent Black Power movement in New York and nationally, led by figures such as Kwame Ture, Robert “Sonny” Carson, and Jitu Weusi (then known as Leslie Campbell). As Kenneth Clark, once among the city’s leading integrationists who also came to embrace community control, explained, the movement was “a strategy of despair determined by the broken promises of the white community.”<sup>28</sup> In an interview with Mayor John Lindsay on WNEW-TV in 1968, Clark expanded further. “After the deprived people stopped asking for desegregation,” he said, “they just asked for the same degree of control over the quality of their schools, which people in the suburbs have and which middle class people even in our city have.”<sup>29</sup>

Outside of New York City, perhaps the most famous proponents of community-controlled schooling were members of the Black Panther Party. Originally formed in October 1966 in Oakland, the Panthers advocated a revolutionary platform of self-defense and communal power that came to include alternative “Liberation Schools” and a free breakfast program for impoverished schoolchildren failed by the state. At the Liberation Schools, which relied on “maximum participation coming from the youth and volunteers throughout the community,” students were guided on a “search for revolutionary truths and principles,” according to Panther literature. (The FBI, which closely surveilled the schools, claimed that “children were indoctrinated with the BPP hate message and also taught to shout: ‘There is a pig (policeman)

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<sup>27</sup> Jerald E. Podair, “‘White’ Values, ‘Black’ Values: The Ocean Hill-Brownsville Controversy and New York City Culture, 1965-1975,” *Radical History Review* 1994, no. 59 (Spring 1994): 49; Carolyn Eisenberg, “The Parents Movement at I.S. 201” (PhD diss., Columbia University, 1971).

<sup>28</sup> Markowitz and Rosner, *Children, Race, and Power*, 119.

<sup>29</sup> Dr. Kenneth Clark Interviewed by Mayor Lindsay, WNEW-TV, June 9, 1968, Subseries II:B, Box 58, Folder 11, UFT Archives.

upon the hill, if you don't kill him, the Panthers will.'")<sup>30</sup> In Detroit, students at the overwhelmingly-Black Northern High School boycotted classes for three weeks in April 1966 to demand a multitude of changes, including improvements to the inadequate facilities, freedom to protest and speak out against the administration without reprisals, an elected student-faculty council, and removal of the school's patrolling police officer. "There will be no education for black children until the black community controls its own schools," Reverend Albert Cleage, a leading local civil rights activist, said of the Detroit student protests.<sup>31</sup>

(Indeed, policing and incarceration more broadly were also major concerns of the movement for community control. Organizers in New York City spent years pushing for a fully independent, community-run civilian complaint review board to oversee investigations into police misconduct, a plan the NYPD vigorously opposed and managed to defeat.<sup>32</sup>)

While the hiring of Black educators and administrators remained the most highly publicized front of the battle (by mid-decade, only 8% of the city's teaching staff was Black, along with a small handful of principals), community control advocates were advancing something far more ambitious – a comprehensive reimagining of the city's education system that emphasized local participation and community power. Preston Wilcox, a professor and community organizer often credited as the "father of school decentralization," championed a parent-community negotiating council that would "concern itself with those larger issues such as

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<sup>30</sup> "Liberation Means Freedom," Box 1, Folder 7, Black Panther Party FBI File, Schomburg (hereafter: BPP/FBI); "Black Panther Liberation Schools," Box 1, Folder 7, BPP/FBI; Joshua Bloom and Waldo E. Martin, Jr., *Black Against Empire: The History and Politics of the Black Panther Party* (Berkeley: University of California Press, 2013).

<sup>31</sup> Roberta Mackey, "2,300 Picket at Northern; Brownell Grants Demands," *Detroit Free Press*, April 8, 1966; Barry M. Franklin, *Curriculum, Community, and Urban School Reform: Secondary Education in a Changing World* (New York: Palgrave Macmillan, 2010), chapter 3.

<sup>32</sup> Civilian Complaint Review Board, City of New York, "History," <https://www1.nyc.gov/site/ccrb/about/history.page>.

police brutality and public safety and the operations of the welfare system, which impinge so critically on the lives of schoolchildren in the ghetto.”<sup>33</sup>

Central to this vision was the issue of school discipline and policing, which had quickly become a critical concern. As early as July 1965, at the urging of concerned parents, a community social welfare agency called the Harlem Neighborhoods Association (HANA) formed an ad hoc committee on school suspensions. In addition to arranging workshops to help parents and educators combat suspensions, HANA also kept meticulous records documenting the extent of the crisis. During the 1963-64 school year, for example, the group found that 172 students had received administrative suspensions in a small patch of Harlem running from Manhattan Avenue to Fifth Avenue. Only 12 of those 172 children were returned to their original schools at terminal disposition, while 119 ended up being transferred, often to “600” schools, and five were committed to mental institutions. Most disturbingly, 23 students were referred to the city’s court system, where 13 – nearly 8% of all those suspended – ended up in correctional institutions. The sample size was relatively small, but the pattern was plain: many of the children engulfed by the new wave of suspensions were being discharged from school to prison.<sup>34</sup>

Oftentimes, student suspensions stemmed not from major classroom conflagrations but from “perceived disruptive behavior.”<sup>35</sup> A 1962 report by the policy consultation council of the BOE read, “The problem of the disruptive child currently is of concern internationally, nationally

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<sup>33</sup> Podair, *The Strike*, 41.

<sup>34</sup> The Ad Hoc Committee on School Suspensions, Summary Minutes, July 14, 1965, Box 6, Folder 6, Harlem Neighborhoods Association Archives, Schomburg (hereafter: HANA Archives).

<sup>35</sup> W.S. Tkweme, “Vindicating Karma: Jazz and the Black Arts Movement” (PhD diss., University of Massachusetts Amherst, 2007).

and locally.”<sup>36</sup> In 1964, after the city had already dramatically expanded the reach of school policing and discipline, School Superintendent Calvin E. Gross sent a circular to all principals further advising them that “insubordinate students should be removed from every school.”<sup>37</sup> What exactly constituted insubordination or disruption, however, was never clearly defined. Soon student suspension numbers began to reflect the gross inequities in the school system, as well as the prejudices of the city’s teaching body, which remained over 90% white.<sup>38</sup> “If a child is honest, direct, and repeatedly questions the teacher's facts or opinions about social studies, the teacher may see and describe the youngster as disturbed or rebellious,” Dr. Bernard Mackler, a professor of education, observed in 1970. “This is especially true of the ghetto child whose standpoint and idiom are frequently foreign or disturbing and often seem unreasonable or even incomprehensible to a middle-class white teacher.”<sup>39</sup> One of numerous examples chronicled by Black newspapers at the time: On April 11, 1966, police hauled away three 11-year-old Black girls from P.S. 144 in Queens and took them to court after the principal said that he and his guidance counselors were unable to handle the situation. The incident centered on “missing dolls.”<sup>40</sup>

The racial prejudice exhibited in student suspensions was no secret. Though they comprised only around half of the total citywide student body, Black and Puerto Rican children

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<sup>36</sup> Policy Consultation Council of the Professional Staff of the Board Education of the City of New York, “A Report on Disruptive Pupils,” April 16, 1962, Subseries IIIA, Box 118, Folder 9, UFT Archives.

<sup>37</sup> “To Suspend Problem Students,” *New York Amsterdam News*, March 14, 1964.

<sup>38</sup> Derek Edgell, “A Study of the Race and Class Interests Involved in the Movement for Community Control of the Schools, New York City, 1966-70” (PhD diss., University of Manchester, 1982), 3.

<sup>39</sup> Mackler, “The Punitive Use of Suspensions,” 145.

<sup>40</sup> “Principal Summons Police,” *New Amsterdam News*, April 9, 1966.

represented more than 90% of student suspensions during the 1966-67 school year.<sup>41</sup> According to one study of Manhattan's District 5 during the 1967-68 school year, one out of every 90 Black students and one out of every 180 Puerto Rican students received suspensions, compared to one out of every 1,250 among white students.<sup>42</sup> Suspension hearings often were conducted haphazardly, their records poorly kept, and the suspended children neglected for months on end. Meanwhile, research revealed that white children were much likelier to be defined as "troubled" and sent to "treatment schools," while their Black and Puerto Rican counterparts were more often labeled "troublesome" and detained in custodial settings. "[Black and Puerto Rican students] are doubly punished for their minority status since the school from which they are suspended is segregated and inferior, and they are suspended more frequently and for longer periods of time than their white peers," wrote Dr. Mackler, "and then to complete the circle of discrimination, they wait longer for reassignment and are eventually sent off to segregated and inferior day schools and institutions."<sup>43</sup>

These disparities and indignities were politically igniting for Black parents and students already averse to the city's disciplinary system, and many got involved in community control and the larger education and racial justice movement as a direct result of suspension concerns. One such mother was Hannah Brockington, who began advocating for school decentralization after her children were suspended for "far-fetched reasons" that she suspected were based on stereotypes. "They had good IQ's and were able to learn but the school said they were crazy, that something was wrong with them," she said. "I tried to get answers for myself."<sup>44</sup> Similarly, when

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<sup>41</sup> Edgell, "Community Control," 3.

<sup>42</sup> Mary Reichsman "School Suspension at the District Level in One Manhattan School District," June 1969, Box 462, Community Service Society Records, 1842-1995, Columbia.

<sup>43</sup> Mackler, "Suspensions and Transfers," 151-152.

<sup>44</sup> Eisenberg, "Parents Movement," 76.

a seventh-grade boy named Brad Dalton was suspended and denied even a hearing for more than ten days after he resisted a teacher who tried to grab and physically move him to the back of a lunch line, his mother confronted the teacher and school administrators. “I always thought that the school was there to protect the child in so many ways, but when I got to this hearing, I find out as a parent it’s a different way,” she said, “that everybody is there to protect the school, and the authority in the school.”<sup>45</sup>

Other parents found themselves involved unwittingly in suspension struggles after being flagrantly misled by their schools. Administrators would often prey upon credulous parents, cajoling them to approve punitive and restrictive disciplinary agreements that ended up risking even worse penalties for the children. At George Washington High School, in Upper Manhattan, the principal, Frank Sacks, would encourage parents to sign a blank form letter on school stationary, addressed to himself, in which they consented to the following: “I understand that my child, \_\_\_\_\_, is being given one final opportunity to prove that he/she is eligible to continue attending this school. On the first instance involving illegal absence, cutting, discipline, or any breach of school regulations, he/she will be removed from the register with no further discussion of the matter.” Such a waiver allowed Sacks to suspend any pupil he found challenging, without oversight or repercussion. Still, there was little to be done. Once the parent had been “coerced into a dangerous and illegitimate agreement,” according to Dr. Mackler, it typically meant “the end of public education” for the child.<sup>46</sup>

Upon further study, what Ms. Brockington, Ms. Dalton, and other parents found was a system of highly punitive school discipline far more corrupt, tangled, and wide-reaching than

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<sup>45</sup> Wasserman, *School Fix*, 321-324.

<sup>46</sup> Mackler, “Suspensions and Transfers,” 154-155.

they feared. On April 5, 1967, a coalition of fourteen community and legal advocacy groups released an extensive report that found “present procedures used in deciding to suspend students from school in New York City, and the lack of educational services for suspended students constitute a violation of every child’s right to a public education.” Over a period of years, the researchers documented numerous instances in which suspension conferences were wrongly held without an adult representing the child present, conferences were convened “only to harm and embarrass the family,” children were kept from classes for months without any contact from their schools or alternative educational services offered, and students were suspended because of unfounded allegations in family court completely unrelated to school. Often, they found, “the neglect by the school system of a child’s need for an education convinced him that he was not important enough to be educated.” Then there was perhaps the most alarming finding of all: that in the 1965-66 school year, nearly 13,000 students had been suspended in total – approximately ten times as many as in 1957-58, when the city instituted its initial crackdown. Many of those students had severe intellectual and emotional disabilities, and their supposed infractions were often as minor as failing to complete homework or talking back to the teacher. And once again, the report’s authors were careful to note the disquieting fate so many of these children faced. Of the 2,663 pupils removed by district superintendents’ suspensions, 184 of them – almost 7% – were “placed in an institution.”<sup>47</sup>

With time, it wasn’t only community groups and obscure scholars who began studying the problem. In 1967, the President’s Commission on Law Enforcement and Administration of Justice issued a report concluding that society was to blame for the spike in crime among

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<sup>47</sup> “Preserving the Right to an Education for All Children,” April 5, 1967, Box 6, Folder 6, HANA Archives.

minority youth because of rising poverty rates, systemic inequality, inferior schools, and limited housing options. “People who, though declared by the law to be equal, are prevented by society from improving their circumstances,” the report stated, become “people with extraordinary strains on their respect for the law and society.” The committee urged investment in housing, medical services, and employment opportunities as “the most enduring protection against crime.” In warnings that would be repeated – and repeatedly ignored – over the ensuing decades, the president’s committee urged against entangling children in the criminal justice system because such experiences only heightened the probability of future arrests and imprisonment. The report also lamented that while schools should be “the singularly most important institution in the life of any child,” too many created a path to delinquency and prison by ignoring socioeconomic and learning problems that undermined academic performance, or worse, by “pushing out” Black and Latinx students from school through suspensions, expulsions, or indifference to them dropping out.<sup>48</sup> In New York specifically, a 1967 study showed that around one-third of all city high school students dropped out of school entirely, most from “the ghettos,” with rates in certain predominantly Black districts as high as 70%.<sup>49</sup> Another study from 1966 gave a chilling indication of where many of these dropout and pushout students could end up: at 15 juvenile correctional institutions surveyed, 30% of inmates were young people incarcerated for offenses that would never have been judged criminal if committed by adults. They were runaways, chronic truants, or what the report called “stubborn children.”<sup>50</sup>

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<sup>48</sup> “The Challenge of Crime in a Free Society,” 6, 46, 58, 69.

<sup>49</sup> Fantini, Gittell, and Magat, *Community Control*, 103.

<sup>50</sup> James Q. Wilson, “Lock ‘Em Up and Other Thoughts on Crime,” *New York Times*, March 9, 1975.

## **“Get These Kids Out of Our Hair”: Teachers, Parents, and the Battle Over the “Disruptive Child Clause”**

The matter of student discipline and teacher bias continued to capture the city that spring of 1967 over the so-called “disruptive child clause.” Proposed by the UFT during a tense round of union contract renegotiations, the stipulation gave teachers the right to permanently “remove a child from the regular classroom situation when it becomes apparent to the teacher... that the child is unable to benefit from the regular classroom.” Such children would then likely be banished to one of the city’s notoriously hellish “special service” schools. Offending behaviors could be as minor – and subjective – as “profanity,” “obscenity,” and “deliberate and open defiance of authority.” While students could always file civil lawsuits, no administrative recourse or appeal would be possible. This policy would have represented a radical change – for school bureaucracy, students’ rights, and teacher power. The proposal, one education expert argued, evinced “total disregard for the rights of pupils to attend schools.” But teachers were engaged in a larger struggle for greater professional autonomy and involvement in classroom reform, and to many, the right to discipline swiftly, decisively, and unilaterally was sacrosanct. Students, the UFT argued, had become more obstreperous and violent than ever, and teachers lacked the authority to adequately respond.<sup>51</sup> “Organized teachers – just as police officers had – opposed calls for community control,” writes the scholar Diana D’Amico Pawlewicz, “by casting the community as an affront to the institution they served and their rights within it.” The very idea of the “disruptive child,” according to D’Amico Pawlewicz, was just “a euphemism for Black and

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<sup>51</sup> Ad-Hoc Committee on the Disruptive Child, “A Program to Remove Disruptive Children from Regular Classrooms,” February 15, 1967, Subseries IIIA, Box 118, Folder 9, UFT Archives; Lewis, “Protest, Place and Pedagogy,” 18, 114; Mackler, “Suspensions and Transfers,” 152.

Puerto Rican students.”<sup>52</sup> Even a 1967 report to the superintendent acknowledged that “the middle class teacher can too easily label the aggressive speech and behavior of normal children raised in the slums as disruptive.”<sup>53</sup>

Simultaneously, many white educators had grown wary of the Black power movement and the ways civil rights activists were calling into question teacher conduct in the classroom. By that time, one *Times* article noted, the UFT felt it needed “to be protected against the increasingly insistent pressure of ‘Black-Power’ activists in the poverty neighborhoods to tell them how to run their classrooms.”<sup>54</sup> This was not just the “culture of deprivation” argument popularized by Daniel Patrick Moynihan’s “The Negro Family” report, but a bluntly cynical view of Black children as delinquents and their parents as troublemakers. During the same round of union negotiations, the UFT also forcefully opposed a teacher rotation proposal that would have brought more experienced educators into underperforming schools in poor neighborhoods. Though they framed it as a tenure issue, many senior teachers in the UFT leadership clearly wanted no part of teaching poor Black students.<sup>55</sup> “All a teacher has to do is stand up to a [Black] pupil,” Jim Haskins, a Harlem teacher, maintained, and “he is in a lot of trouble.”<sup>56</sup> In fact, former New York City high school teacher Miriam Wasserman observed at the time, “[M]any teachers are more anxious and more repressive in respect to poor nonwhite children, expect them to misbehave, and take the smallest infractions as symptomatic of rampant intentions to commit

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<sup>52</sup> D’Amico Pawlewicz, “Teachers’ Rights,” 543, 549.

<sup>53</sup> “Interim Report of the Committee on the Disruptive Child,” August 1967, Subseries IIIA, Box 118, Folder 9, UFT Archives.

<sup>54</sup> A.H. Raskin, “He Leads His Teachers Up the Down Staircase,” *New York Times Magazine*, September 3, 1967.

<sup>55</sup> D’Amico Pawlewicz, “Teachers’ Rights,” 549.

<sup>56</sup> Jonna Perrillo, *Uncivil Rights: Teachers, Unions, and Race in the Battle for School Equity* (Chicago: University of Chicago Press, 2012), 125-128.

the worse [*sic*].” Black and Puerto Rican parents, Wasserman wrote in the wake of these struggles, “were justified in fearing that it was their children who were the targets of the union’s disruptive child clause.”<sup>57</sup> To the UFT, Black children were “educational cripples,” as one official crudely put it, in need of removal from the “negative influence” of their families and community.<sup>58</sup>

The conflict only intensified in March, when the UFT backed the mass resignation of around 80 teachers at the predominantly Black and Puerto Rican Junior High School 98 in the East Bronx. The educators, nearly all of them white, charged through a spokesperson that “no offer of relief was made to stop assaults on teachers” and that the BOE had “failed to take any action against disruptive children.”<sup>59</sup> In fact, reported the *New York Times*, of the 13 “assaults” in the previous six months cited by the teachers, most involved shoving or hitting, and none required medical treatment. Nonetheless, “get these kids out of our hair and away from the other pupils, and most of our problems will become manageable,” became a common refrain, according to one report.<sup>60</sup> The city responded by assigning eight additional security aides to patrol the school in what officials dubbed “brat patrol.”<sup>61</sup>

Meanwhile, many Black students, parents, and community leaders began campaigning fervently against the disruptive child clause, which they feared would be used to drive their children out of school in even greater numbers. To these organizers, the clause symbolized exactly how they had come to believe the UFT saw Black students: not as young people to

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<sup>57</sup> Wasserman, *School Fix*, 320.

<sup>58</sup> Podair, “‘White’ Values, ‘Black’ Values,” 46.

<sup>59</sup> Robert Walsh and Arthur Mulligan, “Fearful of Juvenile Jungle, 81 at Bronx School Resign,” *Daily News*, March 15, 1967.

<sup>60</sup> Fred M. Hechinger, “Pressures at J.H.S. 98,” *New York Times*, March 16, 1967.

<sup>61</sup> Robert Walsh, “JHS 98 Gets a Brat Patrol; Teachers End Recess,” *Daily News*, March 18, 1967.

nurture, but as “disruptions” to subdue. CORE’s firebrand Brooklyn Chapter Chairman Sonny Carson noted that the Black children labeled “disruptive” were typically “spirited” children “who refused to bend,” and suggested setting up a pair of community-run schools to engage them with “lessons that are meaningful” to them.<sup>62</sup> “We don’t have disruptive children,” said one parent from IS 201, according to the *New York Post*. “We do have a lot of disruptive teachers, however.”<sup>63</sup> The 400,000-member United Parents Association also sent a telegram to the UFT expressing that they were “shocked” by the union’s insistence on including the disruptive child clause in its contract.<sup>64</sup>

Dissent within the UFT was rare but occasionally members spoke out. “To the black community, the so-called disruptive child was a result of the murderous system,” one dissident UFT member explained. “He was a politically oppressed child.”<sup>65</sup> No shortage of local Black leaders, including Bayard Rustin, wrote to the UFT, beseeching its leadership to retract the disruptive child clause.<sup>66</sup> Even Martin Luther King Jr., who had long supported the UFT, sent a telegram to the group’s president, Albert Shanker, registering his concern. “To avoid misunderstanding and confusion, I urge you to pay special attention to clarifying the issue of the disruptive child clause,” he wrote.<sup>67</sup>

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<sup>62</sup> Thomas A. Johnson, “2 Schools Sought to Aid Disruptive,” *New York Times*, September 21, 1967; Mwlina Imiri Abubadika, *The Education of Sonny Carson* (New York: W.W. Norton & Company, 1972), 169.

<sup>63</sup> Podair, *The Strike*, 162.

<sup>64</sup> “Chronology of the UFT-Community Confrontation, 1967-1968,” in *Schools Against Children: The Case for Community Control*, ed. Annette T. Rubinstein (New York: Monthly Review Press, 1970), 267.

<sup>65</sup> “UFT-Community Confrontation,” 267.

<sup>66</sup> Albert Shanker to Bayard Rustin, September 9, 1967, Subseries IIIA, Box 118, Folder 9, UFT Archives.

<sup>67</sup> Martin Luther King, Jr. telegram to Albert Shanker, September 13, 1967, Subseries II:B, Box 69, Folder 23, UFT Archives.

These parents and community leaders were joined in their opposition to the disruptive child clause by the city's Black teachers' union, the Negro Teachers Association. Although many Black educators sympathized with the UFT's desire for professional development, higher wages, and greater classroom resources (indeed, around half of the city's Black teachers held dual membership in the NTA and the UFT), they overwhelmingly came to see the clause as harmful to their students. A teacher's commitment, they declared, must be "to children, rather than to personal ambition," seeming to condemn what the scholar D'Amico Pawlewicz calls the UFT's "racialized construct of teacher professionalism."<sup>68</sup> In a widely disseminated press release, the NTA's president, Albert Vann, excoriated the UFT for "responding to pressure from racist white teachers," "perpetuating the miseducation and persecution of our children," and "giving teachers the power to act as policemen, judge and jury over our children." Noting that the "overwhelming majority" of children suspended were Black and Puerto Rican, Vann wrote that "rather than being the perpetrators of crimes, these children are being made the victims of a criminally inadequate educational system." Accordingly, Vann and the NTA established a group of Black lawyers to defend the rights of suspended students and to offer counseling and guidance for all affected parents.<sup>69</sup> In another letter to UFT president Albert Shanker, Vann took issue with Shanker's claim that "the so-called disruptive child in the classroom was the same youth that participates in the black rebellions taking place in American cities today." The clause, Vann warned, would treat Black children as presumptive criminal suspects and "provide teachers with police powers rather than solve any of the problems."<sup>70</sup>

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<sup>68</sup> D'Amico Pawlewicz, "Teachers' Rights," 542.

<sup>69</sup> Albert Vann, "The 'So-Called' Disruptive Child," August 9, 1967, UFT Archives, Subseries II:B, Box 24, Folder 8.

<sup>70</sup> Sara Slack, "'KEEP THE SCHOOLS OPEN' IS COMMUNITY'S CRY," *New York Amsterdam News*, September 9, 1967.

Unyielding still, the UFT threatened a “mass resignation” and staged a strike in the fall of 1967 centered in no small part on the disruptive child clause. The ordeal lasted more than two weeks and ended only after the city conceded that such cases could be reviewed by a “special panel.”<sup>71</sup> The compromise represented a small victory for the Black teachers and parents who had lobbied against the clause, but the episode only widened the fissures in a city already torn asunder. Nearly every member of the NTA (now the African-American Teachers Association, or ATA) withdrew from the UFT as a result of the conflict. Now, not only were Black and white teachers positioned as adversaries, but the entire teacher labor movement was weakened. Beyond that, many Black parents and students were left with the indelible sense that white teachers did not have their best interests at heart – that they were only out for discipline and punishment.<sup>72</sup>

But the NTA could nowhere near match the size or political clout of the UFT. In fact, a significant issue in racialized student punishment was the paltry number of Black educators, a cultural gulf between educators and pupils that increased disaffection and truancy among Black students. As all-Black schools shuttered in the wake of the *Brown* decision, Black teachers lost their jobs in droves. Nearly 40,000 black teachers and administrators were fired between 1954 and 1972, as districts run by white superintendents and school boards favored white educators, even though their classrooms were increasingly filled with Black and non-white students.<sup>73</sup> In New York City, in 1970, nearly all high schools had faculties that were at least 90% white. Only three had Black principals.<sup>74</sup> White faculty often punished their Black charges for behaviors and

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<sup>71</sup> Leonard Buder, “Teacher Leaders Back Acceptance of School Accord,” *New York Times*, September 28, 1967.

<sup>72</sup> Perrillo, *Uncivil Rights*, 127.

<sup>73</sup> Jacqueline Jordan Irvine, “An Analysis of the Problem of Disappearing Black Educators,” *The Elementary School Journal* 88, no. 5 (May 1988): 503-513.

<sup>74</sup> Joseph Lelyveld, “City High Schools Affected,” *New York Times*, February 9, 1970.

speech they misunderstood, presuming insolence in the face of ignorance, or obstinacy in the face of fear. In one instance documented by the Children's Defense Fund, a Black teacher observed a white colleague accuse a student of carrying a weapon, not understanding the boy was holding an Afro pick.<sup>75</sup>

Faced with such hostility from the white educational establishment, Black community groups continued organizing to show how school discipline and policing both persecuted Black children specifically, while threatening the freedom and safety of all students more broadly. In the Bronx, a group called United Bronx Parents developed a leadership training manual about "discipline & kids who are called 'disruptive'" that empowered parents to fight back against unjust suspensions through exercises such as debates and role playing.<sup>76</sup> The group papered the borough with posters that read "Due Process for our Children is Long Overdue" in both English and Spanish, and distributed handbooks that urged parents to consider: "What happens when a student gets into 'trouble'? Is he helped..... or punished? Do the teachers really care about him? Or do they try to get rid of him?"<sup>77</sup> And at a conference hosted by HANA at the Minisink Townhouse in Harlem, hundreds of parents voiced their frustration with the rise of school policing and its painful consequences. They noted how disciplinary policies were not only humiliating and punitive, but largely counterproductive. In his address, Harlem CORE Chairman Roy Innis described "the almost fatal effect such severe Board of Education action has on a youngster's later life," according to one report. A suspended student "is 'sentenced' to a transfer

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<sup>75</sup> Marian Wright Edelman, Rochelle Beck, and Paul Smith, "School Suspensions," Children's Defense Fund (September 1975), 13-14.

<sup>76</sup> United Bronx Parents, "A Parent Education Kit of Materials on Discipline & Kids Who Are Called 'Disruptive,'" Subseries II:B, Box 58, Folder 15, UFT Archives.

<sup>77</sup> United Bronx Parents, "How Good Is Your Child's School?" Subseries II:B, Box 58, Folder 15, UFT Archives.

or a treatment agency and confined to his home until the sentence is executed,” read a summary review by HANA’s Ad Hoc Committee on School Suspensions. “He is the victim of the very system intended to help him.” Before leaving, participants agreed to fight for curtailed tracking, limited principal power to suspend children at will, guaranteed educational services for all, and the formation of a “parent community panel” to decide how student discipline would be handled.<sup>78</sup>

Meanwhile, Black students and parents were also bringing to light the extent to which some white teachers used physical violence in disciplining children. At a February 1968 press conference, members of CORE’s New York chapter catalogued several egregious cases of teacher brutality. At JHS 162, in Brooklyn, for example, a boy named Augustus McAllister was hospitalized after being hit in the eye by his teacher. At JHS 117, a white teacher tied a Black student’s hands behind his back and held his head under running water. CORE pleaded simply that teachers be prevented from carrying out such assaults.<sup>79</sup> But the violence continued, and later that year, a 12-year-old student at JHS 271 named Darrell Stewart accused his teacher, Fred Nauman, of grabbing his arm and injuring his thumb, leading to Nauman’s temporary reassignment. At a press conference, the boy, flanked by his lawyer and grandparents, raised his bandaged fingers to the cameras and demonstrated how Nauman had slammed his hand onto a desk and caused him to bleed profusely. “The reason you’re doing this is because the police are

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<sup>78</sup> The Ad-Hoc Committee on School Suspensions, “A Summary Review,” January 20, 1968, Box 6, Folder 6, HANA Archives; “HANA Confab Stars HARYOU-ACT Youths,” *New York Amsterdam News*, February 10, 1968.

<sup>79</sup> Perlstein, *Justice, Justice*, 118.

here,” Darrell said he told his teacher, to which Nauman replied, “I don’t need any police protection.”<sup>80</sup>

### **“They Definitely Were Not Protecting Me”: Student Experiences of School Police During the 1968 Teachers’ Strike**

Troubled by the growing school security apparatus and apparent antagonism from many white educators, some Black parents and students found refuge in a newly formed trio of decentralized school districts, including Ocean Hill-Brownsville, an overwhelmingly Black section of Brooklyn. This trial in community control began in fall 1967, backed by a grant from the Ford Foundation, with the selected districts running under locally elected governing boards. By many measures, the experiment was a success, despite little support from the Board of Education. Rhody McCoy, a veteran teacher and administrator, was selected as unit administrator and cited by Ford as “strong and capable” in his leadership. Teachers and administrators forged more “humanistic” and “even-handed” forms of discipline. Students relished the expanded curriculum on Black history and culture, as well as the non-traditional assignments and grading. Some schools began offering courses in Swahili and one predominantly Puerto Rican school became completely bilingual. Parent involvement dramatically increased, and after-school programs boomed. Both the New York City Commission on Human Rights and the Ford Foundation issued reports praising the dynamism

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<sup>80</sup> “DA Refuses To Probe Pupil Assault Charge: At Ocean Hill Says UFT Official Injured Boy’s Hand,” *New York Amsterdam News*, November 30, 1968; “Oliver Arrested, Teacher Out; N.Y. Schools May Close — Again,” *The Record* (Hackensack, New Jersey), November 26, 1968; “Nauman Relives Disputed Incident,” *New York Times*, November 26, 1968. Note: While the *Times* spells the boy’s first name as “Darrell,” some other publications spell it “Darryl.”

and cultural relevancy of the schools' new approach.<sup>81</sup> "It was the best education of our lives as children of color," recalled Cleaster Cotton, who attended JHS 271. "We learned everything that had been left out of our education before."<sup>82</sup>

But despite its encouraging results, the city's community control initiative was mired in conflict before the school year even ended. First, in February, several Black teachers were disciplined for taking their students to a memorial for Malcolm X at IS 201, in East Harlem, where the embattled Black nationalist school administrator Herman Ferguson called for armed self-defense against white people.<sup>83</sup> Then in April, following the assassination of Martin Luther King Jr., students began agitating more widely for greater community control outside of the designated districts – a request spurned by the BOE.<sup>84</sup> And finally in May, the discord reached new heights when McCoy fired thirteen teachers and six administrators from JHS 271 – nearly all of them white and Jewish – and accused them of undermining the program. The UFT asserted that the dismissals were unauthorized and the BOE ordered that the educators return to their jobs. But parents in the community largely favored the terminations and hundreds of mostly Black demonstrators barricaded the schoolhouse doors when several of the axed teachers tried to return to work the following week. A crayon-scrawled sign hanging in one classroom window urged: "Black people control your schools."<sup>85</sup> The next day, May 15, more than 300 police officers

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<sup>81</sup> Wendell Pritchett, *Brownsville, Brooklyn: Blacks, Jews, and the Changing Face of the Ghetto* (Chicago: University of Chicago Press, 2002), 230; Podair, "'White' Values, 'Black' Values," 49-51; Russell Rickford, *We Are an African People: Independent Education, Black Power, and the Radical Imagination* (Oxford: Oxford University Press, 2016), 51.

<sup>82</sup> Cleaster Cotton, interview by author, December 19, 2019.

<sup>83</sup> Leonard Buder, "I.S. 201 Panel Told to Oust Ferguson," *New York Times*, March 2, 1968.

<sup>84</sup> James P. Sterba, "High School Activists Are New Worry to Principals," *New York Times*, January 28, 1969.

<sup>85</sup> Leonard Buder, "Parents Occupy Brooklyn School as Dispute Grows," *New York Times*, May 15, 1968.

blockaded the area to prevent another protest. They arrested five people in the process and allowed the teachers in question back inside.<sup>86</sup> Still, that arrangement did not last either; a local UFT protest that spring exploded into a citywide teachers' strike that fall, shutting down public schools for 36 tempestuous days.

A watershed episode in New York history, the teachers' strike had far-reaching meaning and consequences across most realms of city life. But for many people, particularly the young Black students of Ocean Hill-Brownsville and other underfunded districts, perhaps the most enduring and inflaming aspect of the shutdown was the overwhelming police presence deployed in and around their schools. Over the course of the weeks-long saga, the NYPD coordinated with the BOE to enforce the city's vision of order, with hundreds of officers assigned to break up protests, escort teachers into schools, and even stand guard in the back of classrooms during lessons. "This doesn't look like a school," said Clara Marshall, vice chair of the district schoolboard, surveying the surroundings at JHS 271 in September 1968. "It looks like a police precinct."<sup>87</sup>

In Ocean Hill-Brownsville, where schools staffed by replacement teachers were still mostly open, the scenes often turned chaotic, as protesters hurled eggs and bottles and yelled "Pigs!" at belligerent cops.<sup>88</sup> "Our children will not go in these schools until they take these police away from them," Sonny Carson, of CORE, declared at one such rally.<sup>89</sup> Many dozens of people – from young students to grizzled protestors to retired teachers – were arrested,

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<sup>86</sup> Leonard Buder, "3 Schools Closed To Ease Tensions in Brooklyn Area," *New York Times*, May 16, 1968.

<sup>87</sup> "Teachers' Strike Shuts NYC Schools," *The Ithaca Journal*, September 14, 1968.

<sup>88</sup> George Todd, "Violence Erupts In Demo School Area," *New York Amsterdam News*, September 14, 1968; Leonard Buder, "School Clashes Draw Warning of a New Strike," *New York Times*, October 2, 1968.

<sup>89</sup> *Ira, You'll Get Into Trouble*.

sometimes in violent and dramatic fashion.<sup>90</sup> In one emblematic instance, a police officer roughed up and apprehended a Black high school sophomore named Robert Fleming, who had been outside of his school distributing leaflets decrying police misconduct during the demonstrations.<sup>91</sup> “It took 500 police to escort five teachers into one school – JHS 271 in Brooklyn,” a representative of United Bronx Parents wrote in an open letter to the city’s public school teachers. “Shanker is creating a climate for turning all ghetto schools into armed camps where all teachers will need police protection.”<sup>92</sup> There was no denying, as the historian Jerald Podair puts it, “the clear racial implications of [Shanker and the UFT’s] calls for the use of hundreds of police to force white teachers on an unwilling black community.”<sup>93</sup>

In interviews, archives, and memoirs, students and community members spoke frequently and powerfully of the impact of encountering such aggressive policing in schools during the strike. For many schoolchildren, the experience was not only distressing, but also politicizing. “I was really a good Negro for three years in that school. I was in the honor school and I was a perfect Negro,” Naomi Carnes, a Black senior at William Howard Taft High School in the Bronx, said in a 1969 radio interview. “But with the strike everything changed.”<sup>94</sup> More clearly than ever before, young people saw their schools as burgeoning police states. Multiple former students recalled in detail the sights of the time: snarling K9 units lining their streets; children passing through guarded checkpoints; armed officers patrolling their hallways; military-grade vehicles stationed in their playgrounds; police helicopters circling overhead; sharpshooters

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<sup>90</sup> Todd, “Violence Erupts”; Buder, “School Clashes.”

<sup>91</sup> Robert Rossner, *The Year Without a Name* (New York: Richard W. Baron, 1969), 33.

<sup>92</sup> United Bronx Parents, “Open Letter to the Public School Teachers of New York City,” May 27, 1968, Subseries II:B, Box 58, Folder 15, UFT Archives.

<sup>93</sup> Podair, *The Strike*, 121.

<sup>94</sup> Wasserman, *School Fix*, 489-490.

posted on their schoolhouse roofs.<sup>95</sup> “The school, the neighborhood looked and felt like a war zone,” said Cleaster Cotton, of JHS 271. “It was so traumatic I could hardly think.” She remembered being so distracted by the policeman in the back of her class during one English quiz that she left most of the answers blank.<sup>96</sup> To Cotton and other Black students, the police were clearly not their allies. “The police were protecting the UFT teachers, that’s who they were protecting,” said Karima Jordon, another former student at JHS 271. “They definitely were not protecting me or the community people.”<sup>97</sup> Cotton recalled feeling that “the police were there to keep us Black students and teachers in line.”<sup>98</sup>

So ubiquitous was law enforcement at JHS 271 that students even expressed their fears and anxieties about school policing in their classwork. During the strike, one girl handed in to her teacher, Charles Isaacs, the following poem:

Police Go Away  
By Kathy, Class 8-211, JHS 271

When I go to sleep, I pray  
Police, please go away  
We don’t need you, You nor your blue.  
You sway your sticks,  
You play your tricks.  
You’re in our schools,  
You’re playing us for fools.  
Stay away. Stay away.  
You’re only in the way.  
For you are there night and day.  
When will you go away?  
Go away, police.  
Let me sleep in peace.<sup>99</sup>

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<sup>95</sup> Cotton, interview by author; Baptiste, interview by author; Karima Jordon, interview by Louis Massiah, *Eyes on the Prize*, April 18, 1989.

<sup>96</sup> Cotton, interview by author.

<sup>97</sup> Jordon, interview by Massiah.

<sup>98</sup> Cotton, interview by author.

<sup>99</sup> Charles S. Isaacs, *Inside Ocean Hill-Brownsville: A Teacher’s Education, 1968-69* (Albany: Excelsior Editions/State University of New York Press, 2014), 117.

The strike also turned many students, particularly Black kids, against the UFT, whose member teachers they came to see as acting not unlike law enforcement. “The strike really exposed many teachers for what they are,” Elizabeth Owens, a 17-year-old high schooler told the *Times*. “You knew it all the time, especially if you were black and stuck in a crowded school... They’d turn black high schools into prisons. When the strike came, and we saw those same white teachers out there cursing at our parents and at black teachers, we knew where it was at.”<sup>100</sup>

In Ocean Hill-Brownsville, Harlem, and other predominantly Black neighborhoods, community groups and leaders converted churches, offices, unoccupied classrooms, and other neighborhood spaces into what were sometimes called “liberation schools.” Modeled in part after the Freedom Schools of the South, liberation schools taught children Black history and culture, with a strong emphasis on class struggle, racial pride, and protest as a form of collective uplift, instructed by members of the ATA as well as the Black Panthers. In the mornings, after “The Star-Spangled Banner,” teachers would lead children in a rendition of “Lift Ev’ry Voice and Sing,” usually referred to as the Black national anthem.<sup>101</sup> At many of the schools, students could shape their own courses of study, even suggest new classes. There were no tests and no grades. To many young people accustomed to a top-down model of education that prized conformity, performance, and discipline, these community-run liberation schools were nothing short of

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<sup>100</sup> Nicholas Pileggi, “Revolutionaries Who Have to Be Home by 7:30,” *New York Times*, March 16, 1969.

<sup>101</sup> Les Campbell, interview by Louis Massiah, *Eyes on the Prize*, November 3, 1988; Cotton, interview by author; Robert Walsh, “Boycott Empties 9th B’klyn School,” *Daily News*, May 18, 1968; Walsh, “Brat Patrol”; “Black Panthers program explained at meeting,” *The Oneonta Star*, December 18, 1969; Daniel Perlstein, “Minds Stayed on Freedom: Politics and Pedagogy in the African-American Freedom Struggle,” *American Educational Research Journal Summer* 39, no. 2 (2002): 262.

revolutionary. “For the first time students felt the beauty of learning what school could be like,” wrote Donald Reeves, a former student from Brownsville, in his 1972 autobiography, *Notes of a Processed Brother*. “The school was ours. We were learning from each other.”<sup>102</sup> Still, this revolutionary mode of learning was not without risk. On many occasions, people participating in such classes faced harassment and arrest, such as when 23 people, including four teachers, were charged with criminal mischief and disorderly conduct for allegedly breaking into Taft High School to hold sessions.<sup>103</sup>

When the teachers’ strike finally ended in November, the New York State Education Commissioner maintained state control over the district. He promptly reinstated the previously dismissed teachers and restored many of the old pedagogical standards. It was hardly an easy transition. Later that year, eight Black Ocean Hill-Brownsville teachers who had been charged with harassing striking UFT teachers countersued the Brooklyn District Attorney for excessively harsh policing and the humiliation of being “booked, searched, fingerprinted, incarcerated, and otherwise embarrassed.”<sup>104</sup> By the end of the school year, Albert Vann, president of the ATA, accused the district of enacting “a purge of militant black teachers” after several prominent educators were dismissed.<sup>105</sup> All the while, the state legislature was negotiating legislation that would decentralize the city’s school system. The final bill, which eventually passed on April 30, 1969, divided all city elementary and middle schools into approximately 32 districts, each empowered to select its own superintendent and principals, independently allocate some

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<sup>102</sup> Donald Reeves, *Notes of a Processed Brother* (New York: Pantheon Books, 1972), 74.

<sup>103</sup> “Arrest 23 At Taft High,” *New York Amsterdam News*, October 26, 1968.

<sup>104</sup> John Sibley, “8 Ocean Hill Negroes File Suit, Charging Indictment Conspiracy,” *New York Times*, December 31, 1968.

<sup>105</sup> M.S. Handler, “Ocean Hill Board Member Quits, Charging ‘Atmosphere of Fear,’” *New York Times*, July 3, 1969.

discretionary funds, and assign textbooks from a city-approved list. While this may have represented some level of decentralization, “the new law had Shanker’s fingerprints all over it,” writes Podair, the historian. “It was, emphatically, a decentralization and not a community control law.” Indeed, the districts would each enroll a minimum of 20,000 students, meaning the Ocean Hill-Brownsville schools would have to be absorbed into the larger District 23. Soon after, the new district leadership removed all the previous principals.<sup>106</sup>

To many Black parents and teachers who had fought so hard for community control over the Ocean Hill-Brownsville schools, the final decentralization legislation felt like a harrowing defeat. “I pride myself in knowing that I got the door wide open but I failed to be able to go through it and do it,” Rhody McCoy said in his final address to the remaining Ocean Hill-Brownsville staff.<sup>107</sup> But while the district’s experiment may have been curtailed, the legacy of the movement endured. In crusading for community control, parent organizers identified the system of prejudice and cruelty that had thwarted their children and diverted so many into the courts. Not only did they champion hiring more Black teachers and revamping school curricula, but they also demonstrated more persuasively than ever before the deleterious nature of school policing and discipline for their children. Beyond that, by modeling what community-led schooling could look like, the Black parents and educators in Ocean Hill-Brownsville and elsewhere proved that another path was possible, and that their fight for control in the city’s education system was both constructive and unfinished.

In many ways, though, the most consequential legacy of the struggle for community control – the teachers’ strike and the experiment at Ocean Hill-Brownsville – was how the

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<sup>106</sup> Podair, *The Strike*, 146-150.

<sup>107</sup> Lewis, “Protest, Place and Pedagogy,” 203-204.

experience shaped the generation of students who watched it unfold. “Personally and politically, the teachers’ strike and the community control struggle was a radicalizing moment, it was a bursting out point for us,” said Dana Driskell, a former student from Bronx High School of Science, who attended several liberation schools. “We learned that the people we’d seen as liberal weren’t really liberal, and the people we’d been told were too radical actually had a compelling point of view, and we wanted to do something about it.”<sup>108</sup>

### **“Picking Us Off One By One”: School Police and the Targeting of Student Organizers**

During the teachers’ strike and the months after, with traditional classes suspended at most schools, many students spent their days immersed in the city’s flourishing countercultural movements. For budding communists, that could mean spending time at the local chapter of the W.E.B. Du Bois Club; for young feminists, it sometimes entailed days learning from the group New York Radical Women; many Black students hung out at the offices of the newly formed chapter of the Black Panther Party, in Harlem; young Puerto Ricans sometimes met and organized through the community youth empowerment organization ASPIRA, and anti-war activists often gathered at the Fifth Avenue Vietnam Peace Parade Committee. More often, young people of diverse backgrounds and ideologies came together to exchange ideas and learn from each other in informal social gatherings held at public parks and friends’ apartments. “We had no real school, so we became full-time students of the movement,” recalled Howard Swerdloff, a former student at John Bowne High School, in Flushing. “And boy did we learn quickly.”<sup>109</sup> During one scene in the Sbarge documentary, student organizers are shown sitting

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<sup>108</sup> Dana Driskell, interview by author, December 3, 2019.

<sup>109</sup> Howard Swerdloff, interview by author, November 15, 2019; Newton, interview by author; Buffett, “Crossing the Line.”

around a living room watching a documentary about the Black Panther Party. “It’s the system that’s killing us,” one young woman says. “And that’s what, you know, the Panthers are doing. In order for the Black people to stand up and to take what’s truly theirs and to be treated like decent human beings, the whole power structure is gonna have to fall completely, and that’s what we want. And that’s why we need to be working hand in hand.”<sup>110</sup>

Among the most active and influential groups in this period was the New York High School Student Union. Established during the teachers’ strike to build “student power” and “heighten the radical consciousness of New York City high school students,” the HSSU began with a small group of mostly white, middle-class anti-war activists and red-diaper babies but quickly expanded to include a diverse array of students from all backgrounds, with different “chapters” at schools across the city. At its founding conference, on September 21, 1968, the group declared that it would be “anti-war, anti-draft, anti-racist in political perspective, but it will focus action on local school issues.” Students saw themselves as members of an exploited class and seized on the idea of a union partially as a way of positioning their interests in opposition to the UFT, their “number one enemy.”<sup>111</sup> These teachers, the HSSU believed, were less interested in educating students than controlling them. “That main thing that’s taught us in school is how to be good niggers, obey rules, dress in our uniforms, play the game, and NO, Don’t be UPPITY!” read one of the group’s first flyers.<sup>112</sup> “Ultimately,” the scholar Neil Philip Buffett writes, “what leaders of the HSSU really wanted was, on many levels, to share decision-making power with faculty, staff, and administrators.”<sup>113</sup> Robert Newton, an organizer for the group, made this point

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<sup>110</sup> *Ira, You’ll Get Into Trouble*.

<sup>111</sup> “Teen-Agers Join Protest Parade,” *New York Times*, September 22, 1968; Swerdloff, interview by author.

<sup>112</sup> Driskell, interview by author; Swerdloff, interview by author; Pileggi, “Revolutionaries.”

<sup>113</sup> Buffett, “Crossing the Line,” 1230.

plainly during an appearance on a local television program. “In the past all decisions have been made by a few bureaucrats; high school students were expected to obey like robots,” he said. “In the future, the Board of Education will have to deal with the students as they deal with the teachers.”<sup>114</sup>

Acting as the organization’s acid-tongued mouthpiece was its tabloid-style newspaper, the *New York High School Free Press*. Operating out of a shabby West 72<sup>nd</sup> Street office that also housed underground publications such as the *New York Review of Sex & Politics*, the *Free Press* editors were granted night-time access to one desk, a filing cabinet, and an IBM computerized typesetter, which they used to print tens of thousands of copies of their publication each month. In one issue, dubbed the “Special Troublemaker Edition,” the *Free Press* wrote scathingly of the “goon squad” of police officers deployed by the BOE. “The school’s answer to student dissent is more cops,” one article read. “Specifically recruited under civil service, these school cops will be taught how to take care of us troublemakers fighting the bullshit in our schools.”<sup>115</sup> Other times, they wrote of widespread violations of BOE disciplinary procedures by school principals, who, students reported, repeatedly failed to notify parents of disciplinary actions, misfiled paperwork, and issued illegally long suspensions.<sup>116</sup> The criticism so maddened administrators that they all but declared war on the newspaper. Driskell, Swerdloff, Newton, and other HSSU leaders were given numerous suspensions for distributing the paper. At one high

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<sup>114</sup> *Ira, You’ll Get Into Trouble*.

<sup>115</sup> Fred Ferretti, “High School Students Of the City, Unite!” *New York Magazine*, April 28, 1969.

<sup>116</sup> Gael Graham, *Young Activists*, 119.

school in Queens, the principal declared that any student possessing – or even suspected of possessing – the dissident newspaper would be temporarily suspended.<sup>117</sup>

As the HSSU rose to prominence, so, too, did a variety of other, closely aligned, often-overlapping student advocacy groups, including the African American Students Association, the Black High School Student Coalition, the Black and Puerto Rican High School Students Council, and the City Wide Student Co-ordinating Committee. This coalition was rarely violent, but almost always confrontational – even joyously so – as students directly challenged school regulations and the police used to enforce them. Though hardly utopian, the movement gained strength from its striking ability to unite high school students across lines of race and class, standing in solidarity to fight injustices they saw in their schools and the world more broadly. By the time the teachers' strike finally came to an end in November, youth activism had not dampened. (One study found that New York/New Jersey schools during that time had by far the highest percentage of boycotts, walkouts, and strikes, compared to seven other regions of the country.<sup>118</sup>) Students resented that they had been left out of negotiations and that the city was saddling them with lengthened school days and classes during holidays to compensate for time missed during the shutdown. For weeks, they held walkouts and sit-ins as part of what students described as a kind of general strike against the school system. One boycott in late November cut school attendance by around 35% across the city, as nearly 2,000 students, most of them Black, demonstrated outside the United Nations Plaza, with signs reading “No student power, no

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<sup>117</sup> Driskell, interview by author; Swerdloff, interview by author; Newton, interview by author; Pileggi, “Revolutionaries.”

<sup>118</sup> Stephen K. Bailey, “Disruption in Urban Public Secondary Schools” (Washington, D.C.: National Association of Secondary School Principals, 1970), 19.

peace.”<sup>119</sup> While news reports often fixated on the issue of extra classes, student activists had much broader aims for their strike. “For us, this was all about challenging the status quo in schools and the ways that the education system controlled and miseducated young people,” recalled Driskell. On December 2, dozens of young people marched down Howard Avenue, in Ocean Hill-Brownsville, with a gigantic banner, plainly stating their vision: “STUDENT STRIKE,” it read. “AGAINST RACIST TEACHERS, EXTRA TIME, COPS IN SCHOOLS.”<sup>120</sup>

But the police were not just in the schools – they were also in the streets. And as the student strike continued, the NYPD arrested hundreds of demonstrators, often with little reason. At the United Nations protest, for example, although news reports described the event as peaceful and orderly, police apprehended more than a dozen pupils on charges of obstructing justice, disorderly conduct, and resisting arrest. On December 2, cops nabbed 37 more.<sup>121</sup> One four-day stretch in early December saw 126 student arrests in total, overwhelmingly in poor and Black neighborhoods.<sup>122</sup> Occasionally, these confrontations turned terrifyingly violent, as police responded to any perceived act of aggression with extreme, often wanton force. At the march in Ocean-Hill Brownsville, for example, police chased students with nightsticks, “charging down the avenue, swinging clubs anywhere they could indiscriminately,” according to one report. Cops

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<sup>119</sup> Leonard Buder, “35% of Students Boycott Schools,” *New York Times*, November 30, 1968; Hugh Wyatt and Dennis Eskow, “Third of Pupils Play Hooky; Rallies Protest Extra Days,” *Daily News*, November 30, 1968.

<sup>120</sup> Leonard Buder, “State Closes J.H.S. 271,” *New York Times*, December 3, 1968.

<sup>121</sup> “Rallies Protest Extra Days”; William Travers, Robert Walsh, and Judson Hand, “JHS 271 Shut; Kids in Terror Spree,” *Daily News*, December 3, 1968.

<sup>122</sup> Admit 9 Teachers, Donovan Tells 2d Rebel School Unit,” *Press & Sun-Bulletin*, December 6, 1968.

were seen throwing rocks at students and kicking them in the face. One young person was left bleeding profusely from a shot to the head.<sup>123</sup>

Though the targets of these arrests were often ordinary, rank-and-file protestors, police made a particular point of going after lead youth organizers – particularly Black students – intimidating and arresting them on trumped up accusations. School officials “are engaged in classic retaliatory tactics to break the black [student] Coalition leadership and the leadership of the Student Union through a series of suspensions and other acts of harassment,” the National Emergency Civil Liberties Committee, a legal-aid group, alleged at the time.<sup>124</sup> Ellen Sheppard, a Black 18-year-old senior at the High School of Fashion Industries and a leader of the City Wide Student Co-ordinating Committee, was charged with disorderly conduct and inciting a riot for her role in planning the demonstrations.<sup>125</sup> Many of those who managed to elude police were still ensnared by the schools’ sweeping discipline exacted on protestors for activities off school grounds. Though precise numbers were not available, numerous students from the time reported that they were suspended, expelled, or transferred to new schools without receiving a hearing, or even their parents being notified.<sup>126</sup> At Taft High School, a 16-year-old student named Ronald Dix was expelled and later arrested after he was caught distributing “unauthorized literature”: two copies of the Black Student Union’s newspaper.<sup>127</sup> “It felt like they were picking us off one

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<sup>123</sup> Peter Kihss, “Youths Clash With Police And Teachers Are Beaten,” *New York Times*, December 3, 1968.

<sup>124</sup> James P. Sterba, “6 More Arrested at High Schools,” *New York Times*, December 7, 1968.

<sup>125</sup> “Admit 9 Teachers.”

<sup>126</sup> Wasserman, *School Fix*, 473-474.

<sup>127</sup> School Defense Committee, “Violations of Students and Teachers Rights in N.Y.C. High Schools,” May 14, 1969, Box 6, Folder: HS Local Actions, Stein Papers; Pileggi, “Revolutionaries.” Note that some stories spell the boy’s last name “Dix,” while others spell it “Dicks.”

by one,” recalled Howard Swerdloff, of the HSSU, who was expelled from school for handing out issues of the *Free Press* that promoted the strike.<sup>128</sup>

This spate of arrests and suspensions served as convenient fodder for local media all too eager to portray the student demonstrators as thuggish and unruly. “Kids in Terror Spree,” exclaimed one *Daily News* headline, accompanied by a photograph of several Black students encircled by a squad of police officers.<sup>129</sup> “This task of reconciliation is being sabotaged by the so-called student strike movement that... upset schools and sought to generate a new racial explosion,” the *New York Times* wrote in an unsparing editorial. Dismissing the protests as a “disgraceful children’s demonstration,” the *Times* charged that “the students are being exploited as spearcarriers” by “African-American groups” looking to “enlist pupils in irresponsible disruption.”<sup>130</sup> Indeed, the students were treated not as sincere activists engaging in political advocacy so much as disobedient children up to no good – or “play[ing] hooky” as one *Daily News* headline declared.<sup>131</sup> “I don’t think you can have a clearer example of what the continual suppression of legitimate demands can create,” Ira Glasser, associate director of the New York chapter of the ACLU, said at the time.<sup>132</sup>

After being shooed away time again by UFT and BOE officials, the students eventually found a relatively sympathetic ear in Milton Galamison, who was by then acting as Vice President of the Board of Education. Soon after the student strike, representatives from the HSSU, the Black Student Coalition, and the Student Strike Committee sat around a conference table with Galamison to make their case. “We’re demanding reinstatement of all suspended

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<sup>128</sup> Swerdloff, interview by author.

<sup>129</sup> “JHS 271 Shut; Kids in Terror Spree.”

<sup>130</sup> “New Chaos in the Schools,” *New York Times*, December 3, 1968.

<sup>131</sup> “Third of Pupils Play Hooky.”

<sup>132</sup> James P. Sterba, “Students’ Anger Laid to Officials,” *New York Times*, December 5, 1968.

students and demanding that all the records be cleaned of suspensions, that's the first thing," said Swerdloff, speaking on behalf of the group. "We're also pressing that you put pressure on the police to drop the criminal charges against all students involved in all the demonstrations." Galamison leaned back in his chair. "How many guys we got?" he said. "A few hundred," came the reply, and Galamison allowed himself a laugh. "A few hundred," he repeated with incredulity, promising to see what he could do. A few days later, he came back with word from Superintendent Donovan. "Donovan has taken a position that there are a lot of guys... that did things that were outside of the purview of the strike," Galamison told them, seeming to assure that many students would indeed be prosecuted. Dejected, the students tried to explain that most youth disturbances came in response to violence from police and education personnel. "A lot of the fights really resulted from, you know, either cops or teachers' aides or other personnel pushing students around," said one student. "This is very true at Lane," said another, referring to Franklin K. Lane High School. "The cops actually beat students up for no reason. And the students retaliated."<sup>133</sup>

The next day, Donovan announced the formation of the Committee on Student Participation in School Management, a 12-member board tasked with exploring ways to increase "effective student participation in school affairs." Though Donovan insisted that the committee's creation was "not in response to anything recent," students understood it as a clear attempt to placate, and ideally subdue, them entirely. The three students appointed to the board were not activists but rather clean-cut members of student government who did not to participate in the strike. Regardless, the committee was utterly toothless and hardly ever heard from again. Its

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<sup>133</sup> *Ira, You'll Get Into Trouble.*

“ineffectuality was assured by the activists’ amused contempt for it and the school officials’ resentment of it,” according to a later report.<sup>134</sup>

In reality, most school administrators could barely conceal their disdain for the student protestors. To the High School Principals’ Association, the HSSU and other student protest groups were “outside agitating forces” undermining the school system.<sup>135</sup> Indeed, as Henry di Suvero, director of the National Emergency Civil Liberties Committee, said at the time, the principals “deliberately tried to falsely link recent student protest with a cry of ‘crime in the schools.’” And they saved their most potent fearmongering for poor and Black students. “The danger in all this is not the self-imagined revolutionaries from middle-class homes,” an unnamed city official told a reporter from the *Times*. “The real problem this spring is going to come from the thousands of 14- 15- and 16-year-old kids, especially black kids, who don’t want to be in school in the first place.” John Doar, then president of the BOE, put it even more bluntly. “The basic problem,” he said, “is that we haven’t learned very much about how to deal with these kids, especially the minority high school kids.”<sup>136</sup>

### **“All Pigs and Narcs Out of the Schools”: Student Organizers and the Fight to Abolish School Police**

Unsure how to manage the students themselves, BOE and city officials turned to a familiar solution: the police. To these administrators, the young protestors were not civil rights advocates so much as lawless insurgents. As an immediate response to the strikes, Mayor

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<sup>134</sup> James P Sterba, “City High Schools To Give Students A Voice In Policy,” *New York Times*, December 13, 1968; Wasserman, *School Fix*, 479.

<sup>135</sup> Ferretti, “Unite.”

<sup>136</sup> Pileggi, “Revolutionaries.”

Lindsay assigned extra officers – sometimes as many as 100 – to “key trouble spots throughout the city,” including subway stations and the blocks surrounding schools.<sup>137</sup> But for many principals, that was not sufficient. Not long after, the High School Principals Association unanimously approved and adopted “The Nature and Limits of Student Dissent and Participation,” a manifesto meant to stoke public terror and force an even more repressive response. “Disorders and fears of new and frightening dimensions stalk the corridors of many of our schools,” the report read. “Yet in the face of these obviously clear and present dangers, our Board of Education has virtually abdicated its responsibilities for the safe and orderly conduct of our schools.” To these principals, there was no acquiescing to this new wave of “raw, crude, disruptive” student protest. Shooting down student demand after student demand, they declared that their priority must be “protecting [innocent students] against exploitation, manipulation, assaults on their sensibilities.”<sup>138</sup> Privately, they could be even more hostile towards the student protestors. “Use force where necessary: ‘Request standby police.’ ‘Arrest trespassers and law breakers.’ ‘Publicize the nature and inevitability of the punishment,’” read a confidential internal communique of the High School Principals Association acquired by the *High School Free Press*. “The nature of the demands... allow only one response: denial, simple, clear, and unequivocal. Discussion perhaps. Negotiation, no.”<sup>139</sup> The principals were not alone. In an editorial, the *Times* wrote that “the school system needs the effective help of the police and the courts in removing disruptors bent on creating an atmosphere of terror in and around school buildings.” Yet the

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<sup>137</sup> Maurice Carroll, “Extra City Police Ordered To Curb Rowdy Students,” *New York Times*, December 4, 1968.

<sup>138</sup> Committee on Student Unrest of the High School Principals Association of the City of New York, “The Nature and Limits of Student Dissent and Participation,” *Congressional Record*, vol. 115, April 22, 1969.

<sup>139</sup> “Confidential: For High School Principals Association Use Only, Communique #3,” as printed in the *New York High School Free Press*, 1969; Wasserman, *School Fix*, 504-505.

*Times* warned against a chilling possibility of following its own injunction: “the futility of transferring into the schools the kind of disciplinary environment that prevails in a penal institution.”<sup>140</sup>

Still, by March, the BOE signaled that it would cede some ground to the principals with the release of “Student Participation and School Security.” The circular, disseminated to all principals, promised a full-blown crackdown on any sort of “disruptive activity.” Pledging “to reaffirm and strengthen the schools’ disciplinary policies and procedures,” executive deputy superintendent Nathan Brown declared that “firm action” would be taken against all students who commit criminal or even “disruptive acts.” He added that, “Charges, prosecutions, and suspensions, where appropriate shall be pursued.” The BOE also granted principals special powers to suspend students when they deemed it an emergency, though many principals wanted even greater autonomy and were angered by the stipulation that suspended children would be allowed equal representation at hearings. Beyond disciplinary measures, the BOE requested \$1 million in Federal Emergency Employment Act funds to pay for approximately 160 “student service officers” (who were, to be clear, specially trained adults), and hired 75 men under the civil service designation of “special officers” to patrol 15 schools. Lastly, they promised, “arrangements have been made for more rapid police response at the request of school officials.” Their intent was summed up simply: “to maintain order.”<sup>141</sup>

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<sup>140</sup> “Violence in the Schools,” *New York Times*, March 18, 1969.

<sup>141</sup> Board of Education of the City of New York, Office of the Superintendent, “Student Participation and School Security,” *Congressional Record*, March 22, 1969; James P. Sterba, “Mayor Names 13 To Calm Schools,” *New York Times*, March 13, 1969; Will Lissner, “High Schools Here Will Form Councils To Preserve Peace,” *New York Times*, March 23, 1969; Leonard Buder, “Schools Change Suspension Rules,” *New York Times*, October 23, 1969.

Almost immediately, students noticed a noxious shift in the atmosphere of their schools. “Overnight, it felt like the school had become worse than a prison,” recalled Errol Maitland, a former student at Bushwick High School and Black Student Union organizer.<sup>142</sup> Suddenly, there was a profusion of guards with clubs patrolling the cafeteria, uniformed men stalking the hallways, undercover officers monitoring classrooms, police cars circling the playgrounds. At Andrew Jackson High School in Queens, for example, more than 40 officers equipped with walkie-talkies patrolled in and around the school, and students complained of harassment, particularly of leftist and Black student activists.<sup>143</sup> In interviews and written accounts, several former students independently used the words “hostile,” “paranoid,” and “repressive” in recalling this period. In reports from the time, many students described school as being “like a precinct.”<sup>144</sup> City officials were “finally making a formerly abstract concept a reality for every student in the city,” explained the journalist Jon Grell in the underground newspaper *Rat Subterranean News*. “The concept is that of a prison-like system of educating Amerika’s youth... Almost every school in the city looks like a prison from the outside. Inside, students are made to accept everything which is told to them without questioning it. Only now they will be made to accept the bureaucratic regulations with the threat of a police bust hanging over their heads.” Even small acts of perceived indiscretion could warrant outsized punishment. Grell warned that under the city’s school security regime, police “will have the authority to bust any student inside the school for ANY infringement of school regulations.”<sup>145</sup> That is exactly how students from the

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<sup>142</sup> Errol Maitland, interview by author, January 31, 2020.

<sup>143</sup> Leonard Buder, “40 Policemen Guarding Jackson High,” *New York Times*, March 1, 1969.

<sup>144</sup> George Todd, “Charge Drugs, Obscenities Rampant At HS,” *New York Amsterdam News*, November 15, 1969.

<sup>145</sup> Jon Grell, “Pigs in the Prisons of Learning,” *Rat Subterranean News*, March 21-27, 1969, Box 5, Folder: Post-Strike, Stein Papers.

era remembered it. “Students in ghetto schools could be suspended for just about anything, like speaking back, questioning anything was seen as an act of rebellion,” recalled José Velázquez, a former student at Louis Brandeis High School in Manhattan. “It was their way to shut us up and shut us out.”<sup>146</sup>

Some students grew so fearful that they began to police themselves. “Stop talking, the cops will get you,” a *Times* reporter observed one female student whisper to her friend as they walked through their school. More still became completely alienated and stopped attending altogether. To these young people, school police did not provide a sense of security, but rather of tension, even terror. “The school police affected all of us,” remembered Maxine Orris, a former student at Elisabeth Irwin High School, in Downtown Manhattan, and a member of the HSSU. “You walk into the building and the first thing you see is cops – it doesn’t promote learning, it promotes fear.”<sup>147</sup>

Flooded with more police than ever, many schools across the city became powder kegs of violence, upheaval, and racial tension. There were numerous reports of street fighting, arson, vandalism, and, above all, police brutality. Predominantly Black and Puerto Rican schools, where police presence was heaviest, saw a particular “escalation of punishment,” according to Miriam Wasserman, the former teacher. “As suspensions throughout the system soared, an arrest took the place of suspension,” she writes. “Police rather than parent or dean or principal had been added as the ultimate in the conventional sequence of authorities.”<sup>148</sup> In such an environment, regular incidents of student unrest could easily escalate into mayhem.

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<sup>146</sup> José Velázquez, interview by author, February 12, 2020.

<sup>147</sup> Maxine Orris, interview by author, January 31, 2020.

<sup>148</sup> Wasserman, *School Fix*, 480-481.

At Canarsie High School, in Brooklyn, for example, a spat between a Black and a white student at a water fountain turned into a brawl that prompted the school to shutter classes for three days and only reopen under heavy police guard.<sup>149</sup> And during a demonstration about the suspension of a Black student at Taft High School, seven young people were arrested, two so brutally that they required emergency medical treatment for head injuries.<sup>150</sup> “There have been disruptions and fires in almost every high school in New York City,” read a 1969 report from a community group in uptown Manhattan called the School Defense Committee. “...In Roosevelt, black students have been severely beaten; buses carrying black students had to be rerouted so that they did not pass through the white community... Students were picked up from school and dragged to the D.A.’s office, where they were kept all day without their parents’ knowledge.”<sup>151</sup> The disorder and violence left an enduring impression on students, particularly poor Black children, who came to regard school police with both skepticism and terror. “I had always wondered what kind of mind would actually send police to beat fourteen- and sixteen-year-old students,” wrote Donald Reeves, the student from Brownsville. “The possibility of brutality never entered their minds. They couldn’t see it. Their paranoid minds saw only one thing: a problem; saw only one answer: repression.”<sup>152</sup>

Forced to confront this hostile new reality in their places of learning, students began to push explicitly – and determinedly – for the abolition of school police and an end to all suspensions and expulsions. To them, this was hardly radical, but a bare minimum necessity to achieve any sense of liberty in their schools. “Police weren’t there for student safety – they were

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<sup>149</sup> “Racial Tensions Roil the City’s Schools,” *New York Times*, March 9, 1969.

<sup>150</sup> Leonard Buder, “7 Youths Seized In School Melee,” *New York Times*, March 4, 1969.

<sup>151</sup> “Violations of Students and Teachers Rights in N.Y.C. High Schools,” Box 6, Folder: HS Local Actions, Stein Papers.

<sup>152</sup> Reeves, *Processed Brother*, 234-235.

there to discipline Black and brown kids and to quell student unrest,” said Velázquez, who estimates he was suspended six or seven times without due process. “We knew firsthand there couldn’t be justice with cops in the schools.”<sup>153</sup> Among the first demonstrations explicitly aimed at school police was a student protest on March 31, 1969, outside JHS 104, in Manhattan, where 65 security officers had begun a one-week training program to patrol 20 “troubled” high schools. “Lindsay, Doar, and Donovan try to blame the problem on outside agitators and ‘disruptive’ students. Their solution to the problem is to send more cops into the schools,” read a leaflet for the march, distributed by the HSSU. “We know the real outside agitators are the Board of Ed, the racist UFT teachers and the herds of pigs in our schools.” The students acknowledged that their schools were beset by real conflict, but they believed the overdisciplined environments were only exacerbating the troubles, prejudices, and cruelties of the city’s education system. “We know that the real problem is our racist, oppressive miseducation,” the leaflet continued, “that the real problem is a tracking system which systematically shoves Blacks and Puerto Ricans into unemployment, miserable jobs or the army, that the real problem is a system of suspensions and expulsions which has kicked nearly 20,000 kids out of school this year, and the real problem is the constant harassment of all Black and Latin students and also of white working class youth and white radicals.”<sup>154</sup>

By late April, student advocacy groups had formalized this effort into a campaign they called the “Spring Offensive,” a series of concerted local battles, demonstrations, and disruptions. Though students were encouraged to formulate their own strategies and appeals based on the circumstances of their individual schools, the Offensive coalesced around two

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<sup>153</sup> Velázquez, interview by author.

<sup>154</sup> NYHSSU leaflet publicizing protest against training of security guards for NYC schools, via Buffett, “Crossing the Line,” figure 8.

central sets of demands from the HSSU and the Black and Puerto Rican Citywide High School Committee. Demands number one and two on both lists were nearly identical. From the HSSU: “1) No suspensions, involuntary transfers, exclusion from classes, detention, harassment of students. Due process for students. 2) No cops in schools, no narcos, security guards, plain clothesmen, informers.” Put more simply, by the Citywide Committee: “1) No more automatic suspension of high school students 2) No More police and police aides inside New York City high schools.”<sup>155</sup> It was not always easy for the various factions of the high school student movement to gain consensus, but on these two points nearly everyone aligned. “No matter your background or your political priority, it was clear to every single student that cops and suspensions were the schools’ way of silencing activism,” recalled Robert Newton, a co-founder of the HSSU. “So, abolishing school police and harsh discipline became our biggest priority.”<sup>156</sup> Bruce Trigg, another HSSU member, told a reporter at the time that they’d come to realize school discipline was a form of racialized social control. “We [are]... demanding an end to all disciplinary suspensions and expulsions. In New York, 95% of those are black and Puerto Rican,” he said. “All pigs and narcs out of the schools.”<sup>157</sup>

When the students presented their demands to the BOE at a 90-minute meeting on April 19, 1969, they were received politely, but essentially told no. Dismissed but not despairing, the students subsequently launched their “D-Day,” a string of occasionally tumultuous

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<sup>155</sup> *New York High School Free Press*, no. 8, reprinted in John Birmingham, *Our Time Is Now: Notes from the High School Underground* (New York: Praeger, 1970), 178; “Black and Puerto Rican City Wide High School Demands,” 1969, Babette Edwards Education Reform in Harlem Collection, Box 6, Folder 2, Schomburg (hereafter Edwards Collection).

<sup>156</sup> Newton, interview by author.

<sup>157</sup> Bruce Trigg to Diane Fowler, *San Francisco Good Times*, quoted in Robert J. Glessing, *The Underground Press in America* (Bloomington: Houghton Mifflin, 1972), 170-174.

demonstrations across the city.<sup>158</sup> At Boys High School, in Brooklyn, 500 students coordinated a walkout; officials cancelled classes at Bushwick High School after 100 students staged a sit-in in the cafeteria, and fires started at Erasmus Hall High School and DeWitt Clinton High School forced all students to evacuate. Overall, 32 students were arrested.<sup>159</sup> The Offensive was only just beginning. Between April 16 and May 9, according to the BOE, students were responsible for “80 serious fires, riots or disruptive demonstrations at 38 high schools or junior high schools.”<sup>160</sup> And although their efforts secured few immediate political victories – most demonstrations were extinguished soon after they were ignited, with many schools shutting down classes for long stretches to avoid turmoil – the students were able to win over at least one member of the BOE. “We have heard that these high school students are disruptive,” wrote Milton Galamison, in a press release supporting the demands. “But it is not they who are disruptive. The corrupt and intractable system that refuses to educate them is disruptive. It disrupts and destroys those it is supposed to help.”<sup>161</sup>

### **“Police Riot at Franklin K. Lane High School”: The Culmination of a Crisis**

Though the high school student movement was a city-wide affair, each school was its own distinct drama. And no ordeal was more dramatic than the battle at Franklin K. Lane, the rapidly integrating high school in a largely white section of New York City, along the Brooklyn-Queens border. While wholly fascinating and historically consequential, the story of Lane’s role

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<sup>158</sup> D-Day Flyer, April 21, 1969, Box 6, Folder 2, Edwards Collection; “Negro Students Present Demands,” *New York Times*, April 20, 1969.

<sup>159</sup> Leonard Buder, “2 Schools In City Shut By Protests,” *New York Times*, April 22, 1969; “High School Flare-Ups,” *Daily Messenger*, April 23, 1969.

<sup>160</sup> M.A. Farber, “Calm Prevailing at City Schools,” *New York Times*, June 27, 1969.

<sup>161</sup> Milton Galamison, “For Immediate Release,” May 14, 1969, Box 5, Folder: Post-Strike, Stein Papers.

in the carceral turn in New York City schools has been largely unmined by scholars. The most comprehensive account of what took place there is the book *Race War in High School: The Ten-Year Destruction of Franklin K. Lane High School in Brooklyn*, a highly polemical and strikingly blinkered memoir by Harold Saltzman, the school's UFT chapter chairman, who was instrumental in shaping what transpired there during this period. Among the only academic explorations of Lane's history comes from a section of the dissertation by the scholar Neil Philip Buffett. The dissertation, which largely focuses on high school student civil rights and environmental activism, argues that the setting of an "expansive urban landscape" at Lane helped lead its students to organize not for environmental rights but to instead form "a much more radicalized, militant, and, at times, violent civil rights and social justice campaign than those" developed elsewhere in New York.<sup>162</sup> Original archival research paired with first-hand accounts from student interviews bring to life this overlooked chapter of New York history and reveal how one of the biggest high schools in the city became "like a prison for young people," as one former student put it. "It certainly didn't feel like high school."<sup>163</sup>

Even with the police in place – or perhaps, in part, because of them – tensions at Lane only further intensified. On January 20, 1969, an episode unfolded that seemed to confirm the worst fears of many of the school's teachers, administrators, and parents. Just before 9 o'clock that morning, a stone came crashing through the classroom window of a young chemistry teacher named Frank Siracusa. When he set out to investigate, Siracusa said, three Black students jumped him in the basement vestibule, punching and kicking his abdomen. He yelled out for

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<sup>162</sup> Neil Philip Buffett, "Black, White and Green: High School Student Civil Rights and Environmental Activism in New York City and on Long Island, 1968-1975" (PhD diss., Stony Brook University, 2011), 247, 251.

<sup>163</sup> Baptiste, interview by author.

help, but no officers came to his aid. Then, before the boys fled, one drew a water pistol, squirted Siracusa's jacket with a liquid the teacher believed to be lighter fluid, and set the lapels aflame. Siracusa removed the jacket before incurring any burns, but even with the fire quenched, the story proved incendiary. It was the same day as President Richard Nixon's inauguration, but the affair still made the front page of the *Times*. Mayor Lindsay called it an "incredibly outrageous incident." Superintendent Donovan blamed overcrowding and "unfortunately getting out of ethnic balance."<sup>164</sup> In his book, Saltzman describes the incident as momentous: "A brand new chapter had been written into the annals of racial strife in the public schools."<sup>165</sup>

As appalling as Siracusa's assault may have been, many students understood it as something like an aggressive counterattack against one of the central belligerents on Lane's faculty. "This sort of thing was unusual, but it wasn't unprecedented," recalled Ira Schwartz, the Lane student. "Teachers could be very violent and racist, and a lot of students felt like they had to fight back." What the press didn't report at the time was that Siracusa had something of a reputation for bigotry. Siracusa publicly supported George Wallace during the 1968 presidential election and was "party to general anti-Negro sentiment in the neighborhood and in the school," according to recollections from the time. "I think that if the black people don't get into line, then we'll either have to annihilate them or neutralize them," he once reportedly told a journalist. One student claimed that Siracusa made a habit of stalking the hallways and cafeteria, looking for students to "bust" on petty indiscretions, yelling at them, and escorting them to the principal. Others claimed that he "was widely known as a racist" and had been overheard using the n-word.

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<sup>164</sup> Peter Kihss, "Teacher Beaten, Clothing Ignited," *New York Times*, January 21, 1969; Dennis Eskow and Judson Hand, "Brooklyn Teacher Beaten, Set Afire by Three Youths," *Daily News*, January 21, 1969.

<sup>165</sup> Saltzman, *Race War*, 16.

“He has a long history of harassing students,” the student said. “Students don’t just indiscriminately pick out teachers and beat on them. They do have reasons.” And though it was unclear who wrote it, just below the windowpane that students had shattered in Siracusa’s classroom was a message painted in bright red: “Nigger Out,” along with three swastikas.<sup>166</sup>

Still, the structural and institutional persecution endured by students meant little in the heated aftermath of the Siracusa affair. To the masses of outraged teachers, administrators, and community members, the burning was an unprompted attack on an irreproachable educator by a pack of sadistic boys, seeming to confirm every lingering fear over Black students and school crime. Even stalwart “liberal” publications like the *Times* used the incident as evidence to rail against the city for “permitting nonwhite enrollment to turn into the overwhelming majority” at Lane.<sup>167</sup> The school’s UFT representatives seized on the moment to press once again for the banishment of hundreds of Black students, reasoning that overcrowding and “racial imbalance” were to blame for the violence at Lane. This time, the city conceded, and on January 22, Mayor Lindsay approved a plan to expel or involuntarily transfer approximately 700 students from Lane. Saltzman, the UFT representative, would explain that many of the students were “truants who were over the age of seventeen,” while others were “drop-ins” who would come to school for a few days and then miss weeks of class. Nearly all of those ejected were Black and Puerto Rican. None of them received warnings, hearings, or due process.<sup>168</sup>

“The implication would seem to be that the Negro and Puerto Rican in high school in New York is itself synonymous with being disruptive” said Dr. Kenneth B. Clark, who joined

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<sup>166</sup> Wasserman, *School Fix*, 485; Baptiste, interview by author; Kihss, “Teacher Beaten”; Schwartz, interview by author.

<sup>167</sup> “Burn, Teacher, Burn,” *New York Times*, January 22, 1969.

<sup>168</sup> Saltzman, *Race War*, 41-46; Leonard Buder, “Clark Calls Lane's Ouster of 700 A Violation of Students' Rights,” *New York Times*, March 20, 1969.

with the NYCLU to file a federal lawsuit charging Lane principal Morton Selub with acting in “flagrant and knowing” violation of the students’ constitutional rights. Allowing the students to be pushed out “because of their race or predicament of powerlessness,” Dr. Clark said, would “establish a precedent by which students in racially integrated schools can be removed on grounds that they are disruptive, hostile, impertinent, arrogant or truants and, in effect, be reassigned to essentially racially segregated facilities.” If such an action continued “with impunity,” he warned, it would “make a mockery of the 1954 *Brown* decision.” In building their suit, Clark and the NYCLU relied on several precedents established during late 1950s civil rights cases decided by federal courts in Alabama, Mississippi, and South Carolina defending procedural due process of law for schoolchildren. “Under the guise of traditional New York liberalism, we are now confronted with a most flagrant insidious form of racial distinction in the right of human beings to public education,” said Clark. Months later, the BOE admitted to a federal court that it had erred in forcing the students from Lane, but by then most of the pushed-out children had already given up on education and moved on to other endeavors. Only 100 were re-admitted, while the rest were referred to truancy authorities. And the state of life at Lane remained as tense and antagonistic as ever. Clark offered this public advice to the Mayor: “If he is really seriously concerned with reducing disruptions in our high schools, then he must be just as seriously concerned with calling to account the members of the Board of Education and their professional staff who perpetrated this type of horror on human beings. Because unless he deals with that, all of his police will not be able to deal with the disruptions in our schools.”<sup>169</sup>

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<sup>169</sup> “Harassment of Minority Pupils,” November 8, 1969, Box 6, Folder: FK Lane, Stein Papers; “Kenneth Clark Meets Press on High School Issue,” *Equity & Excellence in Education* 7, no. 3 (1969); Johnston, “Reminder of Tension”; “Board Concedes Error in Ouster of Students,” *Daily News*, April 26, 1969; Buder, “Clark Calls Lane’s Ouster.”

In addition to the student dismissals in the wake of the Siracusa incident came the introduction of even more school police. Mayor Lindsay requested that Police Commissioner Howard Leary “keep Franklin Lane under 24-hour surveillance.”<sup>170</sup> When Lane reopened later that week, the *Times* reported, “scores of policemen were stationed in the corridors, boys rest rooms, stairways, basement, gymnasium and on the streets outside the school.” Some students felt so alienated that they hardly found it worthwhile or even prudent to attend classes. “No use going to that school. That’s a prison. Cops, cops all over the place, just waitin’ to bust you,” an 18-year-old Lane student from Bedford-Stuyvesant told the *Times*. As at so many other schools, the omnipresence of police at Lane completely shaped – and undeniably damaged – the psyche of the student body, which lived in a perpetual state of fear and absorbed the lesson that they were somehow criminally suspect. “You can make believe the police are not here, sort of, but it’s not the same really,” said one senior boy. “I think it all makes most of the kids nervous. It’s like being told you’re being bad, but not telling you how.”<sup>171</sup> Black student representatives put forth a proposal to replace the police with a multiracial coalition of student monitors to patrol the school and handle student grievances. “We believe the students are quite capable of policing themselves,” said Arthur Thomas, a former student and Black Panther representative, who met with principal Selub. The proposal was flatly rejected.<sup>172</sup>

Students’ spirits may have been trampled temporarily, but their political project remained as dynamic as ever. In the weeks before the citywide “Spring Offensive,” student organizers at Lane marshaled a campaign of their own, drawing up a list of demands on March 10 that included more classes that recognized “the Black man’s true role,” “Black teachers and aides

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<sup>170</sup> Peter Kihss, “Lane High School Closed,” *New York Times*, January 22, 1969.

<sup>171</sup> Johnston, “Reminder of Tension.”

<sup>172</sup> Arnold H. Lubasch, “Peace Is Sought For Lane School,” *New York Times*, January 21, 1969.

proportional to the student body,” and the “immediate removal of any/all personnel who are not employed by the New York City Board of Education” (in other words, school police and security).<sup>173</sup> If their demands were not met by March 24, students said, they would stage a protest at school called “Black Monday,” in which students would wear black and “let it be known that Franklin K. Lane is dead,” according to fliers from the time. (The quip emanated partly from the fact that Lane’s campus abutted a cemetery.)<sup>174</sup> Saltzman accused the students of engaging in “psychological warfare.” Behind the scenes, he privately wrote to Selub, Lane’s principal, to discredit the Black student activists as “militants” and to lobby for even more police to suppress potential protest. “Have the police authorities on the precinct and city levels been notified?” he asked. “Have [the students] been made aware that they will be held strictly accountable and subject to the penalties of the law...?”<sup>175</sup> When March 24 arrived, 100 policemen stood guard in and around Lane, with barricades stretching the length of a football field, from Jamaica Avenue all the way to the student entrance on Dexter Court.<sup>176</sup> “We got off the bus to school and all I could see was police every five feet with helmets and riot gear, nightsticks and guns,” recalled Willie Baptiste, the former Lane student. “Their reaction wasn’t to take the demands seriously but to arm themselves against us.”<sup>177</sup> Most of the school’s 4,300 students ended up staying home,

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<sup>173</sup> Franklin K. Lane student activists, “Demands,” March 17, 1969, UFT Archives Subseries II:B, Box 66, Folder 24.

<sup>174</sup> Black Monday flier, March 1969, Reel 8, Series 7, African American Students Association, Papers of the Revolutionary Action Movement, (1962–1996), accessed on microform at Schomburg (hereafter: RAM Papers).

<sup>175</sup> Letter from Harold Saltzman to Morton Selub, March 18, 1969, Subseries II:B, Box 66, Folder 24, UFT Archives.

<sup>176</sup> Saltzman, *Race War*, 83.

<sup>177</sup> Baptiste, interview by author.

and the day passed without incident. Still, as Saltzman wrote, “it was a day that engendered a fear in the white community that would linger for some time.”<sup>178</sup>

It didn’t take long for that fear to be realized. Classes resumed at Lane the following fall with a brief period of placidity. Despite all its threats and antagonistic posturing, the Lane administration yielded to the student protestors somewhat on the matter of Black studies and expanded course offerings on Black history and culture. But Black student activists found themselves embattled yet again after replacing the American Flag in Room 248, where several sections of Black History took place, with a red, black, and green Black Liberation flag. To so many Black students at Lane, room 248 was their sanctuary in an otherwise unforgiving school – a place to learn and celebrate their often-maligned culture and achievements. Pictures of revolutionaries of the Civil Rights Movement, such as Malcolm X, H. Rap Brown, and Huey Newton, adorned the walls. So, one morning in late October, when Principal Selub came to demand that the American flag be put back in its original place, the students refused to leave Room 248. Uncowed, Selub walked to the social studies office next door and began calling the students’ parents to inform them their children would be punished. In total, nine Black and Puerto Rican students were suspended and approximately 30 others were “excluded” and told not to return to school, according to one report. To the students, this was only further evidence of Lane’s antagonism, and they spilled into the corridors gathering companions along the way until they were 200 strong chanting, “Power to the people!”<sup>179</sup>

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<sup>178</sup> Saltzman, *Race War*, 83.

<sup>179</sup> “Conditions at Lane,” 12-14, MARC Reports; Saltzman, *Race War*, 123-128; Iver Peterson, “Racial Disputes Erupt in Two City High Schools,” *New York Times*, October 24, 1969; Lawrence Van Gelder, “2 Students Held on Riot Charges As Lane High Unrest Continues,” *New York Times*, October 25, 1969.

Unresolved, the flag issue persisted. That Friday, October 24, Selub barged into Room 248, once again ordered students to remove the flag and vacate the premises, then suspended several of the children who refused. Two Black students, 14 and 15 years old, were even arrested on riot charges after a group of students marched through the school bearing the Liberation flag, and some tables and chairs were overturned in the school cafeteria. (A smaller group of white students trooping through Lane the same day with a Confederate flag, chanting “white power,” were not disciplined at all.) Police conceded that no one had been injured and the worst damage done was “one small pane of glass” broken. When the issue is not criminal action but a matter of internal discipline, police said, “it’s a school problem.” But to Mayor Lindsay, the greater crime was the challenge to the school’s order. “Any disruptive action will be dealt with very firmly,” he declared in a statement. Going forward, he instructed, police were to “provide full assistance and... deal promptly and firmly with any individual seeking to disrupt the educational process.” Instead, how police dealt with students at Lane one week later was not just prompt and firm but downright brutal, leaving more than a dozen children in jail, several of them beaten bloody in the process.<sup>180</sup>

The day that students and community members came to refer to as a “Police Riot at Franklin K. Lane High School” began, incongruously enough, with a celebration. It was October 31, 1969, which that year was Lane’s annual “Baby Day,” when students in the senior class came to school wearing diapers, sucking lollipops and pacifiers, and sporting other infantile paraphernalia. Black students generally did not participate in the festivities, and many were even less inclined this year, with the return that day of the student activists suspended during the Liberation flag affair. Undercutting the jovial atmosphere even more was the presence of nearly

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<sup>180</sup> *Ibid.*

22 police officers stationed in the school, along with numerous administrators scouring the hallways for “disruptive behavior.” According to accounts provided in the previously confidential MARC report on Lane, community documents, newspapers, and by witnesses in later interviews, things first turned violent that morning when a female dean apprehended an unidentified Black male student near the cafeteria for allegedly failing to display his program card. She pulled him into the hall along with two other administrators and a policeman, who began to slap and poke the boy. When nearby pupils tried to go recruit help, other officers blocked their exit, prompting a confrontation that quickly devolved into chaos. People began to jeer and scream. One white student sprayed an officer with a water gun, while another seized an officer’s arms from behind. Neither was punished. Moments later, though, when a 16-year-old Black junior named Beverly Dixon, a member of the Afro-American Student Association described as “a quiet student with rheumatic heart condition,” got up to bus her tray, she accidentally became entangled with a burly police sergeant. “Then the cops came and started beating on this girl,” recalled Wayne Powell, a 17-year-old senior, at a news conference days later. “We’re going to make an example out of you,” the sergeant, later identified as James Mansfield, of the 75<sup>th</sup> Precinct, allegedly said before striking the girl and shoving her into the hall, towards the stairway. There, Beverly and other witnesses said, the sergeant was joined by more officers in pummeling the girl with their fists and nightsticks until blood oozed from her head and mouth. Beverly was nonetheless handcuffed, refused permission to call her parents, and hauled off to the local precinct, where she was charged with resisting arrest, second-degree

assault and harassment of a police officer, and inciting a riot. Her bail was set at \$500. She was never allowed back in Lane again.<sup>181</sup>

Word of Beverly's beating and arrest circulated through Lane and the uproar only grew. "Someone grabbed me in the hall and said one of the sisters got beat up by the police," recalled Willie Baptiste. He ran to the scene and caught a glimpse of young Beverly, restrained and whimpering. "At that point, all I saw was red," he said. "One of ours had gotten beaten up for nothing so we were gonna cause a little chaos and let them know that wouldn't stand." Soon, students were flipping over tables in the cafeteria, tossing food, picking fights with one another, running through the halls yelling "police brutality!" Mortified by yet another disturbance on his watch, Principal Selub ordered the school closed, but not before he called for a battalion of reinforcements. As students poured outside, they were greeted by hundreds of police, arriving by the truckload, outfitted in riot gear. There was also a group of white parents from the neighborhood protesting the disruption, some of them brandishing American and Confederate flags, baseball bats, and bottles. Teachers told MARC that they heard shouts of "they should all be slaves!" and "send them back to Africa!"<sup>182</sup>

Most students headed for the subways and buses on Jamaica Avenue, but some never made it. "As the students moved out, the police moved in, shoving, kicking, prodding, and attempting to provoke a fight," read a student flier reporting on the episode. With transit police denying them entry to the subway and neighborhood police shooing them away from Lane, students found themselves trapped on all sides by law enforcement. Many witnesses maintained

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<sup>181</sup> "Conditions at Lane," 14-17, MARC Reports; Baptiste, interview by author; "The Real Story: Police Riot at Franklin K. Lane High School," Black Power Movement Microfilm Archives, Part 3: Reel 8, Series 7, RAM Papers; Montgomery, "Consolidating Sessions"; Judson Hand, "Order Strife-Torn School Reopened," *Daily News*, November 1, 1969.

<sup>182</sup> *Ibid*; Saltzman, *Race War*, 144.

that police allowed whites to get away on the subway or by foot unscathed while they continued to harass Black and Puerto Rican children. Several white students even ran home and retrieved rifles that they then proceeded to fire at their Black classmates. At least nine students were arrested amidst the commotion that day, and many others injured – all of them Black and Puerto Rican. One boy was seen spitting out a tooth after being clobbered in the mouth by a policeman's nightstick. A girl named Carmen Owens was taken to Kings Country Hospital with swelling and bruises after a cop who was fighting another student hit her in the leg. And Ronald Greene suffered severe lacerations on his leg after police wrestled him through the glass window of a nearby supermarket. The seventeen-year-old boy was arrested and left bleeding and untreated for an hour before being hospitalized. Four police officers reportedly sustained minor injuries as well.<sup>183</sup>

Perhaps no one – neither student nor officer – was abused quite as gravely as Willie Baptiste. Born in Mobile, Alabama, Willie moved with his family to Bedford-Stuyvesant and then East New York as a child, during the second wave of the Great Migration. He soon became politicized by the stark disinvestment in his schools and neighborhood, and eventually found mentorship under Jitu Weusi and other leaders of the Black Power movement. As a prominent student organizer at Lane, Willie often found himself at odds with school administrators and local police from the notorious 75<sup>th</sup> precinct. So, when the situation at Lane began to deteriorate that October day, he knew he would likely be targeted. As soon as Principal Selub closed the school, Willie made a mad dash for it. He slid past the procession of exiting students, scampered away from the hordes of protesting parents, and sprinted through the first wave of police officers, towards the staircase to the elevated train tracks, when he began to tire. As a young boy, Willie

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<sup>183</sup> *Ibid.*

had suffered from polio and still fatigued easily. Now his legs were buckling beneath him. It was then, as he scampered up the steps, that he felt the crack against his skull. “A nightstick to the back of my head, over and over,” he recalled. “Just this agonizing white hot pain.” As Willie reached to grab the weapon, another officer threw him face-first down the stairs, cracking open his head and splattering blood onto the pavement. As he tried to crawl away, Willie was pushed to the ground, handcuffed, forced into a squad car, and jailed overnight on \$500 bail. “That was a whole new type of fear and pain for me,” he said. “It’s a trauma that’s with me forever.” Though he denied all charges against him, Willie was ultimately given five years of parole for resisting arrest, assault, and disorderly conduct. He was also suspended from school indefinitely.<sup>184</sup>

### **“Times Have Changed and Things Are Worse”: The Political Consequences of the Battle at Franklin K. Lane**

In addition to the individual trauma and injury, the upheaval at Lane provoked strong communal responses and political consequences. That same day, The East New York Alliance for Better Education distributed fliers around the neighborhood that exclaimed, “THIS HAS GOT TO STOP!” and gave information on injuries suffered by Black students along with badge numbers of the offending officers; the Black Parents Emergency Committee issued a statement rebuking “police brute force” and student suppression in schools, and representatives from numerous local advocacy groups gathered to send telegrams to Mayor Lindsay condemning his “arrogant disregard for black and Puerto Rican parents, students, and community concerning Franklin K. Lane.” Their message was mournful and rousing: “You call for more police in the school. You ignore parents, but you are meeting with administrators and teachers. You appeal to

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<sup>184</sup> *Ibid.*

the UFT bigot vote. What about the students? Who will protect them from the police and the UFT? We demand that you take positive steps to eliminate the police state in Franklin K. Lane, and punish the atrocities committed by the police and the UFT.”<sup>185</sup>

Meanwhile, Democratic Assemblyman Frederick Schmidt, of Woodhaven, rallied a large group of white parents to petition Mayor Lindsay for the “prompt prosecution” of “disruptive students and outside agitators”; reduced overcrowding; greater manpower inside the school from the local police precinct, and the “removal of disruptive students and truants from Franklin K. Lane High school.” The stakes were unambiguous. “We regard Franklin Lane as Mayor Lindsay’s Vietnam,” said James Baumann, co-chairman of Lane’s UFT chapter. “If something is not changed here, we will all go down.”<sup>186</sup>

The appeal was particularly resonant given the political moment. The Lane ordeal unfolded mere days before the 1969 New York City mayoral election, and Lindsay, the incumbent running on the Liberal Party line, worried that he was losing his grasp on a once-commanding lead. Posing an increasingly zealous challenge from the right was the Democratic Party nominee Mario Procaccino, the city’s comptroller, whose campaign seized on the disorder at Lane and continuing citywide controversies surrounding school crime and desegregation. Days earlier, Procaccino charged that school crime was at an all-time high and laid blame for the situation on Mayor Lindsay’s support of decentralization and busing for desegregation. “I’ve come to the conclusion that we’re seeing the beginning of a crime wave in our schools,” he said, citing previous unrest at Lane and other schools. As part of a 13-page position paper, Procaccino

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<sup>185</sup> “Parents and Community Organize,” November 2, 1969, Subseries II:B, Box 66, Folder 24, UFT Archives.

<sup>186</sup> “Conditions at Lane,” 4, 32, 34, MARC Reports.

pledged, if elected, to put a cop in every city public school.<sup>187</sup> So after the “Baby Day” violence at Lane, the comptroller once again went on the attack. “Any time a bunch of kids disrupt a schoolhouse or a cafeteria, they have to be dealt with firmly,” he told a reporter.<sup>188</sup> Procaccino was joined in his admonishment by State Senator John Marchi, the Republican Conservative mayoral candidate from Staten Island, who proclaimed the central issue in the campaign to be “the war in the streets and in the schools” and described the Lane disturbances as “a battle in this war.” In a statement, he said, “When elected, I will deal with the agitators and rabble-rousers with a firm hand. Permissiveness in the schools will be a thing of the past.”<sup>189</sup>

Under mounting political pressure, on the very afternoon of the Lane ordeal, Mayor Lindsay discreetly convened a collection of top city and school officials at Gracie Mansion for a strategy session. But, as it became clear to some participants, the goal of the meeting was not helping the students at Lane or alleviating the poor conditions at the school so much as figuring out how best to minimize any political repercussions before Election Day. “I was astounded by their seeming indifference and nonchalance,” wrote Harold Saltzman, who attended the gathering. “[Mayor Lindsay’s] opening remarks left no doubt that this was an assemblage of the family, called together to insulate the mayor and protect him from a possible political setback resulting from the Lane riot.” The group’s proposed solution would have both immediate and enduring implications. That coming Monday, before Election Day, Lane would not close but would instead receive a veritable flood of law enforcement – around 100 police officers in total. (“All John Lindsay had to do was keep enough police at the school for a single day, November 3,

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<sup>187</sup> Thomas Poster, “Mario: School Crime Wave,” *Daily News*, October 30, 1969.

<sup>188</sup> Hand, “School Reopened.”

<sup>189</sup> Thomas P. Ronan, “Politics: Marchi Speaks of ‘Tranquility’ and Lindsay Discusses ‘Liberal Tradition,’” *New York Times*, November 2, 1969.

and he would be returned to office for a second term,” wrote Saltzman.) Beyond that, Mayor Lindsay and the BOE agreed to the outlines of the UFT’s plan to boost funding and capacity for the city’s security guard program, setting in motion a process that would add 100 more school guards by March 1, 1970. So even though they ostensibly opposed the notion of permanently stationing police in all schools, the BOE, UFT, and Mayor Lindsay were building up an infrastructure of unarmed security guards while still allowing for – and even encouraging – the continued deployment of armed uniformed officers in schools on an ad hoc basis. (UFT President Albert Shanker cited Lane as an example of the sort of student “extremism” the various forms of security would work to foil.) “No acts of disruption or violence will be tolerated,” said Lindsay, at a news conference. “All the police necessary to insure everyone’s safety will be on hand at the school.” He was re-elected a few days later by a comfortable margin.<sup>190</sup>

But despite the political theatrics – or because of them – conditions at Lane only continued to deteriorate. “Lane is just like a prison,” Wayne Powell, a 17-year-old senior, told the *Times*. “The teachers start something, then they call in the cops to do their dirty work.”<sup>191</sup> Now, sizeable deployments of both police and security guards were regular fixtures of life at the school. According to school records, Lane typically kept a compliment of at least eight police officers with a 10-person force in reserve, as well as 12 security guards and a special attendance task force (though some were later eliminated in 1970 city budget cuts).<sup>192</sup> And still, according to

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<sup>190</sup> Saltzman, *Race War*, 146-156; Douglas Robinson, “Lane H.S. Students Battle the Police,” *New York Times*, November 1, 1969; Hand, “School Reopened”; Irving Spiegel, “Shanker Urges U.S. to Bar Extremism in School,” *New York Times*, November 3, 1969; Montgomery, “Consolidating Sessions.”

<sup>191</sup> Montgomery, “Consolidating Sessions.”

<sup>192</sup> Letter from James Baumann to Albert Shanker, December 15, 1970, Subseries II:B, Box 66, Folder 24, UFT Archives; Letter from James Baumann to Albert Shanker, February 5, 1971, Subseries II:B, Box 66, Folder 24, UFT Archives; Letter from Jacob Zack to Harold Saltzman, November 26, 1969, II:B, Box 66, Folder 24, UFT Archives; Saltzman, *Race War*, 212.

even Saltzman, racial tension and violence remained at “crisis proportions” at Lane. “The presence of dozens of police in the building does not prevent the most inhumane kind of brutality,” Saltzman wrote to the BOE.<sup>193</sup>

Worst of all was the continuing harm inflicted by the police officers themselves. “Times have changed and things are worse,” read a statement to the press from a number of Black and Puerto Rican community advocacy groups. “The so-called police protection in schools has in fact become police brute force. Teachers in a number of schools are using the police to suppress and mame [*sic*] the educational accomplishments of the Black and Puerto Rican students.” The advocacy groups reiterated their demands for “complete community control” and that schools be run by administrators rather than the police.<sup>194</sup>

Unheeded by their political representatives and subjugated by their school “security” apparatus, students were left to cope with the fallout – often with horrifying consequences. Days after the mayoral election, two Black sophomores at Lane named Eddie Williams and Nathaniel Marshall were removed from study hall and arrested by school police after one grabbed a piece of paper from the other. They were handcuffed, hauled to the precinct, and charged with disorderly conduct. Nathaniel spent the night in Rikers Island Penitentiary.<sup>195</sup>

### **“A Wave of Anarchy and Revolution”: Student Organizing Against School Police and Blowback Across the Country**

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<sup>193</sup> Letter from Harold Saltzman to Jacob Zack, December 1, 1969, Subseries II:B, Box 66, Folder 24, UFT Archives.

<sup>194</sup> “Statement to the Press,” November 1969, Box 1, Folder 3, MARC Reports.

<sup>195</sup> “Lane,” 18, 22, MARC Reports.

New York was hardly the only city to experience such upheavals in its educational system. Youth-led uprisings convulsed the United States that academic year, and with nearly every new wave of police deployment and disciplinary crackdown in their schools, students and community members registered their opposition, sometimes forcefully. One survey by the National Association of Secondary School Principals found that 59% of the high schools and 56% of the junior high schools had experienced some form of “protest” that principals considered “out of the ordinary.” Another study, by the House Subcommittee on General Education, surveyed more than half the country’s 29,000 public, private, and parochial high schools and found that 18% of schools had experienced “serious protests” (featuring strikes, boycotts, sit-ins, riots, and the like) during that time, mostly focused on disciplinary rules, dress codes, school services, curriculum policy, and racial issues. Another study of student protests concluded that schools that were overwhelmingly white or Black experienced little outcry, while integrated schools, or schools in the process of integrating, saw protests quite often. One important caveat: integrated schools with higher percentages of Black students were far less likely to undergo turmoil if they also employed a high percentage of Black staffers, confirming that students responded to the specific circumstances of their individual schools.<sup>196</sup>

In March 1968, more than 10,000 Los Angeles students walked out of school and staged a series of protests that became known as the “Chicano blow-outs.” Though the boycott, which lasted around one week, began with Mexican-American students in East L.A., it soon extended to include thousands of Black students in South Central, as well. The protestors’ central objectives were to secure more bilingual and Chicano-centric curricula along with greater

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<sup>196</sup> Stephen K. Bailey, *Disruption in Urban Public Secondary Schools* (Washington, D.C.: National Association of Secondary School Principals, 1970), 14-16.

community involvement and input. But they also demanded changes related to student discipline, such as the abolition of corporal punishment, amnesty for student protestors, and more liberal dress and grooming codes allowing for miniskirts and natural hairstyles.<sup>197</sup> That same year in Chicago, a youth-led organization named “New Breed” held weeks of protests involving tens of thousands of Black students demanding more Black administrators, teachers, and courses in Black history and culture, as well as the creation of a community-approved faculty advisory committee to review disciplinary procedures. “Those demands,” the scholar Dionne Danna writes, “reflected the desire for black control of black schools.”<sup>198</sup>

After Philadelphia brought in police to quell “racial disturbances” in 22 high schools in 1968, the NAACP called for a strike by all Black students across the state.<sup>199</sup> Then, in late February 1969, around 125 students at the majority-Black John Hay High School in Cleveland occupied the office of their superintendent to oppose the overuse of suspensions, as well as the introduction of nearly two dozen security guards in their corridors.<sup>200</sup> And when Chicago issued a new security manual to its school officers in 1969, local Black organizers worried that the guidelines allowed for constant harassment and rallied to defeat them. “Our children are already up to their ears in white authority,” said a spokesperson for Concerned People of the Westside.<sup>201</sup>

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<sup>197</sup> “Student Rights and Responsibilities,” March 1969, Box 1,898, Folder 2, Los Angeles Unified School District Board of Education Records, UCLA Library Special Collections, Charles E. Young Research Library. University of California, Los Angeles, CA (hereafter: LAUSD Records); Jack McCurdy, “Student Disorders Erupt at 4 High School,” *Los Angeles Times*, March 7, 1968; Jack McCurdy, “Demands Made by East Side High School Students Listed,” *Los Angeles Times*, March 17, 1968; Kafka, *Zero Tolerance*, 85-86.

<sup>198</sup> Dionne Danna, “Chicago High School Students' Movement for Quality Public Education, 1966-1971,” *The Journal of African American History* 88, no. 2 (Spring 2013): 143-145.

<sup>199</sup> “NAACP Vows Strike If Cops Are Stationed in Schools,” *Philadelphia Daily News*, November 21, 1968.

<sup>200</sup> “Fussing High School Students Quiet Down,” *Mansfield News Journal*, February 26, 1969.

<sup>201</sup> Gerri Fischer, “Concern Rises Over New School Security Manual,” *Chicago Defender*, August 30, 1969.

Like their New York City compatriots, many student protesters around the country made the abolition of school police a key component of their fight. In 1968, when the NAACP Youth Council and Branch of South Bend, Indiana issued a list of demands for local school leadership, its first dictate was “that all police be immediately removed from the public Elementary and High Schools.” Alternately, they suggested the district hire “parents of students to fulfill that role.”<sup>202</sup> Similarly, the Black Student Union of six Cincinnati high schools released a petition in spring 1968 demanding “the present security police of so-called Teacher’s Aid be removed from school premises at once.” Like the students of South Bend, the young organizers in Cincinnati also favored more of a community control model that “emphasizes parental guidance.”<sup>203</sup> And in Los Angeles, after police beat students with batons while clearing out a sit-in at George Washington Carver Junior High School, the Black Students Alliance led days of widespread protests across the schools of South Central that shut down at least two facilities. Topping the students’ list of demands: “No police officers should be allowed on any of the campuses in the black community.”<sup>204</sup> Instead of engaging with the students, the Los Angeles Board of Education adopted a “Get Tough” policy against student disruption in their schools.<sup>205</sup>

The abolition of school police was a foundational tenet in the 10-point platform of the Black Students Unions, a Black Panther Party-affiliated collective of high school activists in California. “We want all police and special agents to be excluded and restricted from school

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<sup>202</sup> NAACP Youth Council and Branch of South Bend Demands, May 4, 1968, Group IV, Series A, NAACP Records, Part 28, Library of Congress, Washington, D.C.

<sup>203</sup> James N. Jacobs, “Student Views on Controversial Issues,” *NASSP Bulletin* 53, issue 335 (March 1969), 30.

<sup>204</sup> Dial Torgerson, “Negro Strike Forces 2-School Shutdown,” *Los Angeles Times*, March 11, 1969.

<sup>205</sup> “City Schools Adopt ‘Get Tough’ Policy Against Disruptions,” March 19, 1969, Box 1,900, Folder 4, LAUSD Records.

premises,” read point number eight. “We believe that there should be an end to harassment by the police department of Black people. We believe that if all the police were pulled out of the schools, the schools would become more functional.”<sup>206</sup> It was no coincidence that Black student and community advocacy groups stood on the frontlines of this battle. Polls from the time revealed a distinct racial divide in how students saw school police. In one survey of more than 10,000 high schoolers in Cincinnati, only 12% of Black students favored the use of policemen for school security, compared to 58% of white students.<sup>207</sup>

With protests underway in so many cities and towns across the country, the high school student movement became a matter of considerable political, legislative, and social concern. In his public rhetoric, President Nixon struck a seemingly pragmatic tone when discussing high school protestors. “We have to level with students,” he said in a 1968 radio address, just weeks before his election. “They are entitled to a voice in school affairs, not control of school affairs; they have a right to take part, not a right to take over.”<sup>208</sup> During his presidency, though, as the historian Gael Graham writes, Nixon “marshaled myriad government agencies – mostly illegally – to investigate, disrupt, and quash domestic dissent” as part of a greater “law and order” campaign.<sup>209</sup>

FBI Director J. Edgar Hoover, a primary architect of that “law and order” agenda, opined frequently on the menace of “student extremism,” tending to blame older, outside agitating forces. “Every indication points to increased student extremism on the secondary school level,”

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<sup>206</sup> Committee on Government Operations, Hearings on Riots, Civil and Criminal Disorders, United States Senate, 91st Congress, 1969.

<sup>207</sup> James N. Jacobs, “Student Views on Controversial Issues,” *NASSP Bulletin* 53, issue 335 (March 1969), 27.

<sup>208</sup> Richard Nixon, “Today's Youth: The Great Generation,” remarks on the NBC Radio Network, October 16, 1968.

<sup>209</sup> Graham, *Young Activists*, 170.

he wrote in a 1970 column. “Perhaps never before have our schools on all levels been so subjected to extremist pressures of all types, white and black, left and right.”<sup>210</sup> In the senate, Robert Byrd, the Democrat from West Virginia, introduced legislation that would make it a federal crime to “disrupt” any publicly funded high school or university. Though his bill did not become law, Byrd spoke for many when he warned of the need to fight “a wave of anarchy and revolution engulfing high schools and colleges throughout the land.”<sup>211</sup> One poll by *Life* magazine showed 62% of parents surveyed agreed that maintaining discipline was more important than student self-inquiry.<sup>212</sup>

Regardless of any recommendations and pledges, when public officials actually faced protesters in their school districts, they almost never conceded to student demands, or even deigned to negotiate. Instead, school officials overwhelmingly unleashed brigades of police onto their pupils. One 1968 survey of around 16,000 school administrators from across the country showed that fewer than half had made any plans to deal with student unrest. Of those who deemed themselves prepared, 69% said their response to any disorder would be to immediately call in the police. In Bergen County, New Jersey, 65% of administrators responded that they sent for police as their first, rather than last or even second, resort. “These administrators regarded student unrest as disruption pure and simple,” observes Gael Graham. “They dismissed even the possibility of dialogue, preferring to brandish the forces at their disposal.”<sup>213</sup> In late March 1969, for example, administrators at Eastside High School, in Paterson, New Jersey, called in 100 police officers to break up a spontaneous sit-in at the cafeteria by 250 Black students frustrated

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<sup>210</sup> J. Edgar Hoover, “A Study in Student Extremism: The SDS and the High Schools,” *The PTA Magazine*, Jan-Feb 1970.

<sup>211</sup> David E. Rosenbaum, “Byrd Bill Curbs School Disruptor,” *New York Times*, April 23, 1969.

<sup>212</sup> Louis Harris, “The Life Poll,” *Life*, May 16, 1969.

<sup>213</sup> Graham, *Young Activists*, 184-185.

with conditions at the school.<sup>214</sup> That same month, the city of Denver deployed hundreds of officers in riot gear when Black and Latinx students staged a protest outside of West High School. “Everything broke loose – night sticks started swinging and cops were pulling girls’ hair by the handful,” according to a neighborhood newspaper, the *West Side Recorder*. “Nearly every cop I saw had a mindless look and was beating kids savagely. In every sense of the term it was a cop’s riot against a group of unarmed, peaceful, fun-loving high school students.”<sup>215</sup> In the end, at least 25 people were arrested, including 12 teenagers.<sup>216</sup>

### **“The Worst of Both Worlds”: Adversarial Legalism and Students’ Rights in the Courts**

The battle for high school students’ rights was waged not only on the ground in individual school districts but also through legal action in the courts. Even while children were being treated as adults by police, the court system continued to deny them full constitutional protections, particularly when perceived infractions occurred in educational settings. Schools routinely punished, suspended, and expelled students without notice or hearings, in violation of the Fifth and Fourteenth Amendments’ Due Process Clauses. When underage people were arrested, juvenile courts designed to shelter them from the adult system often handled them more harshly and in disregard of a host of constitutional safeguards, sending many to prisons or other disciplinary institutions for offenses that would earn adults lesser, if any, sanctions. Children regularly had their cases adjudicated, for example, without the advice of counsel guaranteed in the Sixth Amendment. The juvenile courts acted arbitrarily and inconsistently, and overwhelmingly in a manner that disfavored young Black people. As the historian Carl Suddler

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<sup>214</sup> Carol Goldstein, “Police Lead 250 From Eastside High,” *The Morning Call*, March 11, 1969.

<sup>215</sup> Jim Hall, “This Is How It Really Was,” *West Side Recorder*, March 1969.

<sup>216</sup> Jason Kosena, “West High, 1969,” *Denver Post*, March 21, 2009.

notes, such courts served as a “protective buffer for white youths that diverted their misbehaviors away from the adult criminal justice system,” but acted as a link to that dreaded adult structure for Black children, who were, as the title of Suddler’s book affirms, “presumed criminal.”<sup>217</sup>

The higher courts then became a necessary battleground for ensuring the constitutional rights of all children, in general and at school. The buildup of lawsuits reflected growing disaffection and anger among students and their parents with rules that relied on the often-spurious benevolent assumptions of the tenet of *in loco parentis*, particularly for students facing resistance to desegregation, racial discrimination, and suppression of rights, including free speech and due process, that would be constitutionally guaranteed outside of school boundaries. While the legal arguments hinged largely on the Due Process Clauses, the cases revealed how an educational system once trusted to act in place of parents became so punitive and antagonistic that families and students lost faith and demanded constitutional protections to prevent what they experienced as draconian discipline, often at the expense of Black children. As the historian Kathryn Schumaker notes, many of these lawsuits “emerged out of the efforts of students to secure racial justice at school.”<sup>218</sup> The legal pushback also encompassed cases involving alleged infractions in the community, where children caught between the juvenile and adult justice systems were also regularly deprived of their constitutional rights.

The 1966 landmark decision *Kent v. United States* is generally regarded as the first in a series of Supreme Court rulings that reframed the ground rules of the juvenile court system. In that case, a juvenile court judge unilaterally waived jurisdiction and, without a hearing, ordered that a 16-year-old boy named Morris Kent be tried in an adult criminal court. Morris had

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<sup>217</sup> Carl Suddler, *Presumed Criminal*, 7.

<sup>218</sup> Kathryn Schumaker, *Troublemakers: Students’ Rights and Racial Justice in the Long 1960s* (New York: NYU Press, 2019), 2.

admitted to robbery and rape charges after police detained him, but the judge ignored motions by the boy's lawyer, who attempted to show that Morris had serious psychopathologies and required psychiatric hospitalization. Morris was found guilty and sentenced to 30-90 years in prison. In its 5-4 decision, the Supreme Court ruled that the boy was entitled to a hearing before being summarily transferred to adult jurisdiction, and that he had been improperly denied access to counsel and to his records. In an opinion written by Justice Abe Fortas, the Court further lamented that the case reflected how the juvenile courts offered "the worst of both worlds" to a child – "neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."<sup>219</sup>

A year later, the Court passed down another groundbreaking ruling with *In re Gault*, which established that the Constitution's various Due Process Clauses applied not only to adults, but to juveniles, as well. The case began when a neighbor complained that 15-year-old Gerald Gault had placed an obscene phone call and the local Arizona sheriff took the boy into custody, without informing his parents or giving proper notice of the charges. A juvenile court judge ordered that Gerald be remanded to the State Industrial School "for the period of minority," namely until age 21 – a six-year sentence for an offense that would have cost an adult a fine of up to \$50 and no more than two months in jail. In an 8-1 decision, again written by Justice Fortas, the Court found that the proceedings failed to comply with the Constitution because they did not accord the Gault boy proper notice of the charges, the right to counsel, the opportunity to confront his accuser, and the protection against self-incrimination. As Justice Fortas wrote, "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."<sup>220</sup>

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<sup>219</sup> *Kent v. United States*, 383 U.S. 541 (1966)

<sup>220</sup> *In re Gault*, 387 U.S. 1 (1967)

That same year in New York City, Federal Judge Constance Baker Motley ruled that a 14-year-old student named Victor Madera was entitled to be represented by a lawyer at a hearing before a Board of Education district supervisor. The BOE objected, proffering that the conference was to benefit the student and was not adversarial. But relying on the Fourteenth Amendment, Judge Motley determined that the “loss of personal liberty” that could be decided at such a meeting, through imposition of a suspension or expulsion from school, was of such “critical importance,” the student had the constitutional right to counsel.<sup>221</sup> Many civic groups applauded the decision as a much-needed defense against unfair suspensions, often for students who required more attention rather than punishment. But instead of championing their students’ newly affirmed civil liberties, more than a dozen educator organizations in the city denounced the ruling for allowing lawyers to “interfere” in the disciplinary process.<sup>222</sup> A few months later, in December, the U.S. Court of Appeals reversed Judge Motley’s decision, declaring that “Law and order in the classroom should be the responsibility of our respective educational system.”<sup>223</sup>

Still more court cases ensued. *Tinker v. Des Moines Independent Community School District* famously established in 1969 that a student’s right to free speech did not end “at the schoolhouse gate,” providing that such speech (or an action equivalent to speech) didn’t “materially and substantially interfere” with running the school. The case involved students suspended because they wore black armbands to school to show support for a truce in the Vietnam War. The school learned of the impending action and created a new rule ordering

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<sup>221</sup> *Madera v. Board of Education of City of New York*, 267 F. Supp. 356 (S.D.N.Y. 1967); Edward Ranzal, “Student’s Access to Lawyer Backed,” *New York Times*, April 11, 1967, 39.

<sup>222</sup> Kathleen Teltsch, “I Want a Lawyer,” *New York Times*, April 16, 1967; Kathleen Teltsch, “Educators Score Discipline Ruling,” *New York Times*, April 12, 1967.

<sup>223</sup> Edward Ranzal, “U.S. Court Rules Out Lawyer For Suspended Pupil,” *New York Times*, December 7, 1967.

suspensions for any student caught wearing an armband who refused to remove it. But mere fear of disruption, the Court found, did not permit students' constitutional free speech rights to be abrogated. In his opinion for the 7-2 majority, Justice Fortas cited the Court's decision in *West Virginia v. Barnette* (1943), which held that the First Amendment protected students from being compelled to salute the flag: "The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures – Boards of Education not excepted," Justice Fortas wrote, quoting the opinion by Justice Robert H. Jackson. Since *Tinker v. Des Moines*, the so-called "substantial disruption" test has been used as a standard limiting when schools may discipline students for expressions of speech.<sup>224</sup>

In *In re Winship* (1970), the Court established by a 7-2 margin that charges against a juvenile needed to be proven beyond a reasonable doubt, just as in the case of an adult, and not, as they had been previously, by the lower standard of a preponderance of evidence. In dissent, Chief Justice Warren Burger, joined by Justice Potter Stewart, argued that such findings veered the juvenile courts dangerously away from their rehabilitative roots. But arguing for the majority, Justice William J. Brennan averred that "good intentions do not themselves obviate the need for criminal safeguards in juvenile courts," where children were at risk of losing their liberty and being confined.<sup>225</sup> Five years later, *Goss v. Lopez* revisited the issue of Due Process rights in educational settings, after 10 students in three different schools in Columbus, Ohio were subjected to 10-day suspensions from school without benefit of hearings. Although such hearings were not required under state law, the Supreme Court, by a 5-4 vote, upheld a federal court ruling that the students' Due Process rights had been violated, that indeed they were

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<sup>224</sup> *Tinker v. Des Moines Independent Community School District* 393 U.S. 503 (1969); *West Virginia v. Barnette*, 319 U.S. 624 (1943).

<sup>225</sup> *In re Winship*, 397 U.S. 358 (1970)

constitutionally entitled to notice of the charges against them and a hearing. Once again, the Court reasoned, being young or in school did not deprive students of their constitutional rights.<sup>226</sup>

The accretion of these cases was vital, but it hardly assured that student voices would be protected. In all, these and other decisions endeavored to balance the constitutional rights of juveniles with an effort to separate them from the general criminal justice system that would expose them to the dangers of adult incarceration and deprive them of a chance at rehabilitation. But this turn to “adversarial legalism,” reflected the degree to which schools and communities were increasingly trying to funnel young people they considered troublesome out of schools and into the criminal justice system. It acknowledged what many young Black people had long understood: that there was no longer a good faith assumption underlying discipline – that for some students, it was them against the schools.<sup>227</sup>

### **“We’re Not About Reform”: The Legacy of the High School Student Movement**

Almost as quickly as it rose to prominence, the high school student movement in New York City faded into obsolescence. Like many radical political projects of the era, it was stifled by, among other forces, police subversion, liberal cooption, internal conflict, and student exhaustion. Then there was the simple matter of transience: student activists graduated, went to college, dropped out, got expelled, got jobs, got arrested, moved away, and moved on. By the beginning of the 1970 school year, most of the movement’s leading organizers in the city were gone. While student activism certainly continued in different forms for years to come, some once consequential groups, such as the Black and Puerto Rican High School Students Council and the

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<sup>226</sup> *Goss v. Lopez*, 419 U.S. 565 (1975)

<sup>227</sup> Richard Arum, *Judging School Discipline: The Crisis of Moral Authority* (Cambridge: Harvard University Press, 2003), 5.

High School Student Union, either dwindled or disbanded entirely. “Continuity was, of course, impossible with teenagers graduating and making new plans and losing focus,” recalled Swerdloff. “We burned bright and fast.”<sup>228</sup>

Though their movement may have been relatively short-lived, in their heyday high school student organizers transformed countless aspects of the city’s educational landscape. During the teachers’ strike, students were able to forge a radical, albeit fleeting, model of education that centered teachings on social justice and community organizing. As the city’s social welfare programs continued to fall short of their needs, students also orchestrated neighborhood aid programs that provided a free breakfast of milk, grits, and eggs for hungry schoolchildren, as well as a community bail fund for students arrested while protesting. “We saw it all as part of a holistic organizing program,” said Willie Baptiste.<sup>229</sup> Some changes endured long after. As a direct result of student pressure, for example, many high schools around the city began offering courses in Black history and culture. For generations of students, these classes have served as lifelines and correctives.<sup>230</sup> “Despite the historical amnesia that has blurred these events,” the scholar Gael Graham notes, “high school student unrest rattled adults as deeply as other contemporary movements for change – and sometimes more deeply.”<sup>231</sup> High school students in school districts across the country forced similarly impactful changes, from student groups based

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<sup>228</sup> Swerdloff, interview by author; Driskell, interview by author; Buffett, “Crossing the Line,” 1231.

<sup>229</sup> Cotton, interview by author; Baptiste, interview by author.

<sup>230</sup> William J. Wagner, “Black Studies Winning Status,” *Star-Gazette (Elmira)*, July 19, 1970; M.A. Farber, “Black Studies Take Hold, But Face Many Problems,” *New York Times*, December 27, 1970.

<sup>231</sup> Graham, *Young Activists*, 199.

on race and political affiliation, to more courses in ethnic studies, to greater student participation on school boards and municipal councils.<sup>232</sup>

But while it is important to note which students demands were met, it is equally instructive to consider which ones were ultimately denied. Even as students could rejoice in some positive developments, their larger vision – of a desegregated education system with meaningful student power and no school police – remained unrealized. Ultimately, the concessions that city officials allowed were largely superficial and the status quo in New York City schools remained, for the most part, intact. The organizers themselves stated emphatically that they were not in pursuit of reform but of wholesale rebuilding. To that end, the city did not yield an inch. “The demands we were fighting for last year can’t be met by bullshit concessions from the Board of Ed.,” read a 1969 statement in the *New York High School Free Press*. City officials, and their small policy compromises, they wrote, “can’t co-opt our movement because we’re not about reform—we’re about change!”<sup>233</sup>

Perhaps the movement’s most prominent achievement – and its most emblematic – was the enshrinement of a citywide high school student bill of “rights and responsibilities.” Approved by the BOE in the fall of 1969, the code recognized students’ right to peacefully protest and form political and social extracurricular groups (“including those that champion unpopular causes”); granted seniors a say in some school matters; lifted most official censorship of student publications; allowed students to distribute political literature “at locations adjacent to the school” (but not inside of it without authorization); upheld that students are entitled the freedom to wear buttons, armbands, and “other badges of symbolic expression,” and guaranteed students

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<sup>232</sup> Graham, *Young Activists*, 188, 201; LaGarrett J. King, “The Status of Black History in U.S. Schools and Society,” *Social Education* 81, no. 1 (January 2017): 14-18.

<sup>233</sup> Buffett, “Crossing the Line,” 1230.

“the right to a fair hearing” for any disciplinary matter that could result in a suspension greater than five days.<sup>234</sup> While city officials heralded the bill as a triumph of liberalism and cooperation (news of the resolution made the front page of the *Times*, which quoted one city official saying it represented an attempt to treat students as “partners”), many young organizers described it as a merely symbolic, almost pyrrhic victory.<sup>235</sup> No student groups had been involved in the production of the final resolution, which in some ways only granted administrators further discretion over matters of speech and discipline. “The Bill was not written by students, not amended by students, and not passed by students,” wrote Donald Reeves, a student organizer. “Virtually every section of this document included a qualifying phrase that permitted circumvention by principals.”<sup>236</sup> At a public hearing, members of the African-American Students Association shouted down the bill as “stupid garbage” and a “fraud.”<sup>237</sup> As the scholar Neil Philip Buffet writes, “In their estimation, little change had actually been accomplished since school principals still held the power.”<sup>238</sup>

And with that power, administrators made clear that there would be long-term ramifications for student protest, policing, and school desegregation. In December 1969, Richard Streiter, a mayoral aide on the city’s School Task Force, warned frankly that the frequency and force of student demonstrations and discord would further promote white flight and undermine desegregation. “The disruption and disaffection plaguing the high schools is sounding the death

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<sup>234</sup> “Text of a School Board Resolution on Student Rights,” *New York Times*, October 30, 1969.

<sup>235</sup> Leonard Buder, “Right of Peaceful Student Dissent Is Affirmed by City School Board,” *New York Times*, October 30, 1969.

<sup>236</sup> Reeves, *Processed Brother*, 213.

<sup>237</sup> Fred M. Hechinger, “Rights: New Code For High School Students,” *New York Times*, November 16, 1969.

<sup>238</sup> Buffett, “Crossing the Line,” 1230.

knell for integrated education,” he told a committee on high schools. Then he emphasized what he saw as the solution: ramping up school security.<sup>239</sup>

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<sup>239</sup> Saltzman, *Race War*, 180.

#### **Chapter 4 – “That S.S.O. Is Everywhere”: Liberal Reformism and the Expansion of School Police and Student Discipline**

The temperature was eight degrees Fahrenheit on January 8, 1968, when a group of Black and Puerto Rican students made their way back from lunch to Junior High School 117 in Brooklyn. It was midday and though the children had not violated any rules, school officials told them that they could not enter the building due to examination schedules, forcing the young pupils to wait outside in the bitter cold. The incident passed at first without much notice, but for some Black and Puerto Rican parents it represented something deep-rooted – yet another example of the New York City school system subjecting their children to needless torment and humiliation. A panel of parents insisted that the event was neither “isolated” nor accidental and that there were other documented instances of children being locked out in the cold.<sup>1</sup> Beyond that, many parents were still fuming over an ordeal from the previous year, in which reports revealed that a series of physically and sexually abusive incidents had taken place in the school. On one occasion, two teachers supposedly poured water over the head of a child named Luis Munoz after tying his hands behind his back. The school’s principal, John R. O’Connor, only transferred one of the teachers.<sup>2</sup> “This inhuman and cruel treatment should not be a part of any school program,” wrote an anonymous parent, in a letter to the *New York Amsterdam News*.<sup>3</sup>

Other community members were even more incensed, and around 1:45 p.m. on January 19, four Black men entered the school and demanded to see Principal O’Connor. They began by reading O’Connor the letter to the newspaper and asking repeatedly, “Why don’t you deny it?”

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<sup>1</sup> George Todd, “JHS 117 Discontented Want Principal Ousted: School Pot Still Boils; Want New Principal,” *New York Amsterdam News*, February 3, 1968.

<sup>2</sup> Heather A. Lewis, “Protest, Place and Pedagogy: New York City’s Community Control Movement and Its Aftermath, 1966—1996” (PhD diss., New York University, 2007), 286.

<sup>3</sup> Concerned Parent & Community Member, “In The Cold,” *New York Amsterdam News*, January 20, 1968.

The encounter then turned physical, as one of the men shoved O'Connor to the ground, knocking him unconscious. Robert Goldberg, a social studies teacher who came to the principal's defense, was also injured and hospitalized, and George Elias, the acting assistant principal, ended up with a bruised nose. Mary Crespin, a secretary who witnessed the chaotic scene, fainted from shock. "It was like a wild-Western brawl, with fists flying everywhere," another secretary said.<sup>4</sup>

The mainstream press gave the tempestuous story great publicity, pointedly emphasizing the race and aesthetic trappings of the men involved. "Four men with Afro-style haircuts and wearing Black Muslim crescent symbols on gold chains knocked down the principal," read a front-page story in the *Times*. The *Daily News* also highlighted the men's "bushy African hairdos, beards and gold chains about their necks."<sup>5</sup> The stories seemed to confirm a widely perpetuated stereotype: that brash Black aggressors were sowing violence in the schools. Black parents and educators refused to accept this narrative. In a statement, the Parents Organization of District 13 explained that while they did not condone the attack, it needed to be understood in its broader social and political context. "The Board of Education has consistently closed its ears to the legitimate demands of the black and Puerto Rican community," the statement read. "Therefore, we must condemn the school system that denies our community the control necessary to educate and protect its children."<sup>6</sup> Albert Vann, president of the African-American Teachers Association, urged the city to shift its focus to the structural violence and discrimination Black children regularly faced in school. "One day, a principal and two teachers got punched around a bit," he wrote in a letter to the *Amsterdam News*. "Daily, hundreds of

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<sup>4</sup> Todd, "Alarmed By Attacks"; Stern, "4 Invade School."

<sup>5</sup> Stern, "4 Invade School"; Joseph Kiernan, "4 Invade School, Beat Up Principal And 2 Teachers," *Daily News*, January 20, 1968.

<sup>6</sup> Earl Caldwell, "Donovan Appeals for Security Men to Guard Schools," *New York Times*, January 23, 1968.

children are... physiologically and academically whipped.”<sup>7</sup> Still, the newspaper ran another editorial that decried the attack as “a simple act of savagery.”<sup>8</sup>

Following the incident, one of the men, a Brooklyn resident named Allie Lamont Jr., was arrested and eventually pleaded guilty to a charge of simple assault.<sup>9</sup> But for the New York City school system, the repercussions reached much further. Soon after, the Council of Supervisory Associations pressed for the resignation of Superintendent Bernard E. Donovan along with the entire Board of Education for failing to ensure “the physical safety of the city’s pupils, teachers and supervisors.” The African-American Teachers Association and the local parents group pleaded the importance of long-term systemic reforms, but they held nowhere near the political sway of the Council, which represented nearly 4,000 school principals and supervisors and was generally much more conservative.<sup>10</sup>

Feeling imperiled in his position, Donovan needed a dramatic – and immediate – response to ensure the support of the city’s educators. On January 22, he found a solution: he requested an immediate “emergency allocation” of more than \$1 million from the BOE to establish a new school security force comprised of “auxiliary police with limited powers of arrest,” in coordination with the NYPD. Donovan pitched this new proposal as a kind of liberal, child welfare reform, designed to keep students safe from both their misbehaving peers and

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<sup>7</sup> Albert Vann, “Letters On JHS 117: A Grave Situation,” *New York Amsterdam News*, February 3, 1968.

<sup>8</sup> “An Act of Savagery,” *New York Amsterdam News*, January 27, 1968.

<sup>9</sup> “Guilty Pleas Made in Case Of Assault on Principal Here,” *New York Times*, February 21, 1969.

<sup>10</sup> Caldwell, “Donovan Appeals”; Robert Walsh and Arthur Mulligan, “Urges Guards Inside Public Schools,” *Daily News*, January 23, 1968.

dangerous outsiders. “The children of our city must be protected while under our care,” he said, “and the staff has a right to security in the performance of its duties.”<sup>11</sup>

The BOE eventually agreed and pledged \$1.5 million annually to hire 700 male security personnel, at \$2 an hour. The men, drawn heavily from the ranks of retired city police officers, were to monitor school entrances, check visitors, and patrol the corridors. They would be referred to as school aides or guards and would not wear uniforms or carry guns. Donovan’s original proposal may have been somewhat watered down, but there was no mistaking the significance of this deployment. The *Times* ran two front-page stories on the subject. “It would be the first time in history,” noted the *Daily News*, “that guards have been placed inside city school buildings.”<sup>12</sup> Although by then police had long been a fixture inside many city schools – stationed on school grounds through regular deployments and called in to handle disturbances of all kinds – this body of guards indeed represented something new: a formal school security force overseen by the BOE.

Knowing such an expansion of school policing would likely spell trouble for their children, many Black-led parent and community groups publicly – and vociferously – opposed the plan, setting up a pitched battle that would be waged for years to come. “We don’t have to accept it,” said Joseph Anderson, chairman of the district’s local school board. Sonny Carson, head of the Brooklyn chapter of CORE, warned that a security force “means trouble” for Black schoolchildren. “They’re going to employ men with guns to patrol the corridors of our schools,” said Carson at a community meeting at Westinghouse Vocational and Technical High School,

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<sup>11</sup> Caldwell, “Donovan Appeals”; Robert Walsh and Arthur Mulligan, “Urges Guards Inside Public Schools,” *Daily News*, January 23, 1968..

<sup>12</sup> Caldwell, “Donovan Appeals”; Leonard Buder, “Schools To Hire Security Helpers,” *New York Times*, February 20, 1968; Walsh and Mulligan, “Urges Guards”; “O’Connor Oks Schools Guards,” *Daily News*, January 28, 1968.

where a dozen uniformed policemen stood by. “Do you realize what it means?” Though the security guards would not carry guns, many feared things could escalate to that point.<sup>13</sup> At JHS 117, the Parents’ Organization suggested instead the creation of a paid “mothers aide corps” since “mothers are close to the children and they’re more respected,” and police guards would “create more trouble than they prevent.”<sup>14</sup> At JHS 258, the response was much more pointed, with parents threatening physical retaliation to Donovan’s proposal. “If Superintendent Donovan is going to put guards or armed men in the schools, to stand between the school and the community, we parents are all going to become Mr. Lamonts,” said Eulalee Ledlard, of the Parents’ Association, invoking the man arrested for assaulting the principal. “And we wonder if the Board of Education thinks it can handle that.”<sup>15</sup> Though no such violence ensued, the city nonetheless implemented its school security force as planned – and much more extensively than ever imagined.

This chapter traces the expansion, professionalization, and bureaucratization of New York City’s school security apparatus. From the late 1960s into the 1980s, even as the city weathered a brutal fiscal crisis and cut back some of the most essential resources to schools and other public agencies, school police and security systems gained untold authority, manpower, and financial might. Between 1968 and 1987, New York City’s school security force increased from 700 security officials with a budget of \$1.5 million to 2,200 officers with a budget of \$43 million – an almost unprecedented rise that radically outpaced the growth of any other major

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<sup>13</sup> George Todd, “Parents, School Board Alarmed By Attacks: JHS 117 Incident Shakes Entire City,” *New York Amsterdam News*, January 27, 1968.

<sup>14</sup> George Todd, “JHS 117 Discontented Want Principal Ousted,” *New York Amsterdam News*, February 3, 1968.

<sup>15</sup> C. Gerald Frasier, “Brooklyn Parents Threaten Violence if Guards Block Access to the Schools,” *New York Times*, January 24, 1968.

municipal agency. Yet again, this dramatic carceral advancement in the schools followed in direct response to a moment of racial conflagration, specifically a highly misunderstood and dramatized incident of “Black-on-white crime” in school. Still, the expansion of school police and security was promoted not as a crackdown so much as a liberal reform, intended to maintain children’s safety and promote community relations without traditional municipal police. Under this model, the monitoring in hallways, lavatories, cafeterias, and even classrooms previously conducted by teachers would now fall under the jurisdiction of “school security aides” and “student safety officers.”

However, with discipline outsourced to such security agents, many of them former or active police officers, all manner of student misconduct, including low level, was now even more apt to be defined as criminal. Furthermore, amidst heightened panic over youth drug use and gang participation, the NYPD also maintained a steady presence in schools through widespread deployment of undercover officers posing as students. And amidst the War on Drugs – which gained new life and urgency under President Richard Nixon – the NYPD and police forces in other locales flooded poor Black neighborhoods with more police than ever. Indeed, in and out of school, law enforcement was often treated as the remedy for all social ills plaguing young people – a blunt instrument for dealing with “disruptive” and “troubled” students, no matter the circumstances.

While there is already a wealth of excellent scholarship on this era of carceral expansion – often deemed the beginning of mass incarceration – these works make only scant mention of how local and federal tough-on-crime politics played out in the schools. Still, this chapter draws inspiration from much of this literature, including Julilly Kohler-Hausmann’s *Getting Tough*, which tracks the rise of the penal state with the gutting of public social programs; Naomi

Murakawa's *The First Civil Right*, which demonstrates the central role of liberalism in the expansion of the federal carceral state, and Michelle Alexander's *The New Jim Crow*, which asserts that the War on Drugs functioned as the government's primary tool of racial control.<sup>16</sup> This chapter also builds on *The History of "Zero Tolerance" in American Public Schooling* by Judith Kafka, who shows how Los Angeles centralized disciplinary authority in response to fears about school violence in the 1970s, as well as Elizabeth Hinton's article "Creating Crime," which examines the impact of national juvenile delinquency programs and the "absorption of social service initiatives by crime control programs."<sup>17</sup> Additionally, it belongs in conversation with the work of policing historians Stuart Schrader and Christopher Agee, who explore the professionalization of American police during this era, and the work of Michael W. Flamm, who shows how white liberals and conservatives collaborated in using police to target poor and Black people and quash dissent.<sup>18</sup> But for the most part, the story of the formalization of New York City's school security force and its consequences has remained overlooked. This chapter pieces together that history through an examination of numerous archives, including the papers of the Board of Education, the United Federation of Teachers, student disciplinary files and appeals, and police administrators, among them many previously confidential documents.

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<sup>16</sup> Julilly Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton: Princeton University Press, 2017); Murakawa, *First Civil Right*; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

<sup>17</sup> Hinton, "Creating Crime"; Kafka, *Zero Tolerance*, 99.

<sup>18</sup> Stuart Schrader, "To Protect and Serve Themselves: Police in US Politics since the 1960s," *Public Culture* 31, no. 3 (2019): 601–623; Christopher Agee, "Crisis and Redemption: The History of American Police Reform since World War II," *Journal of Urban History* 46, no. 5 (2020): 1-10; Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005).

What becomes clear through combing these records is that, even amidst financial woes and community resistance, New York ratcheted up its school security system with profound negligence. In eager and ill-advised haste, city officials hired numerous unsuitable security officers and trained its force in ways that allowed dangerous levels of violence and bias against students. Suspensions escalated so much that the student pushout phenomenon became a nationally recognized issue, acknowledged finally not only by community advocates and non-profit organizations but by public officials as well. Challenges in the courts soon followed, as students sought to secure their imperiled rights. Meanwhile, the federal government continued to escalate its involvement in the policing of students by passing the 1974 Juvenile Delinquency and Prevention Act, and with it, the layers of school policing and surveillance around the country mounted further. Nowhere was the problem more acute than in New York. Under the guise of child protection and education reform, the city's school security apparatus now yielded more suspensions, pushouts, lawsuits, and racial conflicts than ever before.

### **“An Army of Outsiders”: Austerity Politics and the Liberal School Security Regime**

New York's fleet of 80 security guards first appeared in schools on April 8, 1969, to a decidedly skeptical student audience. “If these guys are going to start searching us for narcotics and harassing us generally they're going to be in trouble,” Henry Dickson, a senior at the predominantly Black Brandeis High School, told a reporter for the *Times*. These original 80 guards were deployed across 25 schools to deal with “disruptive situations,” defined capaciously to include everything from student fighting to drug dealing. Although they were technically not police, the guards were granted special-patrolman status, conferring upon them powers of arrest that led many students to consider them no different than uniformed officers. “That's a con job,

the fuzz are always around here,” said another Brandeis student.<sup>19</sup> The number of security officials quickly rose and, around the same time, Superintendent Donovan ordered all schools to appoint a security official responsible for “overseeing order,” stemming student disruptions, and maintaining collaboration with the police.<sup>20</sup> Soon after, Schools Chancellor Harvey B. Scribner issued specific instructions for tightening security, including forcing every student and staff member to carry identification cards, locking all doors from the outside whenever possible, and directing school officials to summon the police when “violations of law are anticipated, are being committed or have been committed.”<sup>21</sup>

Yet despite this aggressive course of action, early indicators found the effectiveness of the city’s new school security system dubious at best. A study conducted across city high schools during the spring of 1971 showed that the average city high school employed one police officer, three to four security guards, and 15 school aides, with more than half requesting additional police help to “quell riots, do undercover narcotics surveillance, and perform other police activities related to keeping order on school property.” During that time, 28 principals surveyed said security conditions had improved in their schools compared to previous years, while 18 said security deteriorated – hardly a convincing edge. Principals even rated teacher patrols as a “very” or “somewhat” effective form of security more often than police officers. According to the study, the primary reason for school disruptions was not juvenile lawlessness or lack of security personnel, but rather the failure of high schools to provide “viable programs for a large segment

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<sup>19</sup> Sidney E. Zion, “Plainclothes Security Guards begin Duties at 25 Schools Here,” *New York Times*, April 9, 1969.

<sup>20</sup> M.A. Farber, “City High Schools Ordered To Name Security Officers,” *New York Times*, March 17, 1969.

<sup>21</sup> Leonard Buder, “Scribner Orders High School Security Measures,” *New York Times*, November 24, 1970.

of the student population.” The report was authored by the “School Stability Resource Team,” which consisted of officials from the UFT, NYPD, and the Council of Supervisors and Administrators, and it urged schools to provide more specialized programs for “the alienated, the truants, the nonperformers,” as well as students who struggled in traditional settings. Black and Puerto Rican students, they found, felt particularly marginalized and targeted by school officials. Despite the widespread fixation on conflict between Black and white students, the study found that a school’s racial composition was not itself a significant factor in the likelihood of student disruption. But schools seemed reticent to engage with students, parents, and community members to improve conditions. Parent involvement and outreach was deemed “superficial, at best”; student involvement was “negligible.”<sup>22</sup>

Nonetheless, even amidst devastating financial troubles, New York’s school security force continued to grow. In fall 1970, the BOE requested more than \$1.5 million from the city’s Criminal Justice Coordinating Council to hire an additional 300 guards.<sup>23</sup> By March 1971, the city announced new hires that would bring their total to 430 security guards.<sup>24</sup> That year, New York spent \$1.3 million on school security guards and more than \$3.5 million for police stationed in schools.<sup>25</sup> At the same time, students returned to school in fall 1971 to drastic budget slashes in nearly every other realm of their schooling. Despite record enrollment, the teaching force fell by 5,000; tens of thousands of students who previously received reduced fares on public transportation now had to pay out of pocket; cafeterias only provided canned foods for

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<sup>22</sup> School Stability Resource Team, “Stability and Disruption in the Public Schools of New York City,” June 15, 1971, Series 1101, Box 6, Folder 107, BOE Archives.

<sup>23</sup> Leonard Buder, “Schools Seeking 300 More Guards To Curb Disorder,” *New York Times*, September 27, 1970.

<sup>24</sup> “City Schools Are Adding 50 Guards to Force of 380,” *New York Times*, March 27, 1971.

<sup>25</sup> National Commission on Excellence in Education, “A Nation at Risk” (United States Department of Education, April 1983), 7-8.

lunch, and supplies were cut so badly, children had to bring their own scissors, paints, glue, and paper.<sup>26</sup> The severe cutbacks in the schools and across social services led hundreds of Black and Puerto Rican students to flood the streets for demonstrations in Brownsville, prompting fiery clashes with police.<sup>27</sup> When schools were still struggling to restore essential educational services the following year, mayoral correspondence shows that the city planned to spend an additional \$1.15 million to bring its total security force to 450 guards as part of a now projected \$4.42 million budget for security and school aides.<sup>28</sup>

Still, many teachers and principals continued to demand even more protection, echoing fears expressed by some white parents at BOE public agenda meetings. As part of union contract negotiations in spring 1972, the UFT made crime control a central plank of its platform. “There can be no settlement without greatly increased security measures,” said UFT President Albert Shanker. The teachers called for some audacious changes: one guard for every 175 students, which would have translated to a force of more than 6,000; the creation of a “boroughwide mobile guard force” of 20 security officials to be deployed in units of five to schools facing serious disruptions, and the assignment of “school district attorneys” to prosecute students accused of criminal activity in school. The BOE, however, remained skeptical of the notion that security personnel were best positioned to oversee discipline, contending that teachers should control classrooms themselves. Other board members likened the UFT’s slate of proposals to an

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<sup>26</sup> Leonard Buder, “City’s Schools Open Today Under Pinch of Budget Cut,” *New York Times*, September 13, 1971; Andrew H. Malcolm, “Budget Cutback in the City’s Schools Felt by Teachers, Pupils and Parents,” *New York Times*, September 14, 1971.

<sup>27</sup> Thomas A. Johnson, “Looting and Clashes With Police Erupt in Brownsville,” *New York Times*, May 6, 1971.

<sup>28</sup> Cyril Rosenberg to Harvey Scribner, October 24, 1972, Series 1101, Box 6, Folder 106, Municipal Archives; Leonard Buder, “Scribner Submits a Record School Budget of \$2-Billion,” *New York Times*, December 9, 1971.

invitation for “an army of outsiders.” Instead, Murry Bergtraum, a BOE member and its former president, advanced the idea of creating a standing commission on school security, as well as legislation permitting administrators to suspend students accused of endangering others for ten days, rather than five.<sup>29</sup>

The compromise agreed upon by school officials arrived with a veneer of liberal reformism. In July 1972, the BOE announced a \$3.4 million school security program that included the hiring of 200 new “student service officers” (sometimes referred to alternately as “school service officers”), 20 “school service coordinators” to go between schools, and a newly established “safety director” for all New York City public schools. The inaugural director was Eldridge Waith, a Bajan-American law enforcement agent who had been serving as the Commissioner of Public Safety for the United States Virgin Islands after nearly three decades with the NYPD, where he had been one of the highest-ranking Black officials. At his opening news conference, Waith said that he aimed to “get the cops out of the schools” and replace them with more holistically-minded security agents. “I’d like to see Commissioner Murphy put out of business— that is, to keep the cops out of the schools,” Waith said of Police Commissioner Patrick V. Murphy. “Cops don’t have any business in schools.” He added that he envisioned student service officers “who can enter the school and relate to the students as a counselor, guide and confidant, but at the same time maintain an aura of order in the schools.” These officers would be trained in “psychology community orientation,” “ethnic relations,” and “the principles

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<sup>29</sup> Leonard Buder, “Crime and Violence Rise in City Schools,” *New York Times*, March 19, 1972; Bert Shanas, “UFT Is Seeking Cut in School Crime,” *Daily News*, March 22, 1972; Leonard Buder, “Teachers Seeking Better Security,” *New York Times*, March 23, 1972; Iver Peterson, “School Board Will Create Office of Safety Director,” *New York Times*, July 26, 1972.

governing human behavior,” among other fields.<sup>30</sup> In many ways, the new school security force Waith pitched was not unlike the “child savers” of the Progressive Era. “It’s not how many kids you can lock up like a batting average, but how many you can rechannel into productive work,” said Austin Powlis, a 20-year NYPD veteran beginning work as a student service coordinator. “It has got to be more positive than punitive.”<sup>31</sup>

The announcement was met with healthy skepticism from nearly every corner. The *Amsterdam News* editorial board found the appointment of a Black man to head the school force cynical at best. The newspaper spoke for many Black parents when it wrote, “We firmly believe that answers to the city’s school problems do not lie with an increase in police inside of the schools nor in bringing a Black policeman to head up such a force.” Indeed, while the student service officers would not be armed or uniformed, they would nonetheless retain police powers. To the *Amsterdam News* and many community members, the symbolism of Waith’s hire ignored the necessary structural overhaul of the school system. “The problems of school discipline and the gross inadequacy of educational programs are directly related,” the editors wrote.<sup>32</sup>

Meanwhile, some UFT representatives, city officials, and mainstream press outlets publicly worried that Waith and his force would prove toothless in the face of continuing school crime. “It’s a question of whether he is going to have authority, or whether he’s just going to be window dressing,” said Albert Shanker.<sup>33</sup> City Councilman Howard Golden, who served as

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<sup>30</sup> Peterson, “Office of Safety Director”; Leonard Buder, “Knife Fight Staged to Prepare New School Counselors,” *New York Times*, August 25, 1972; “Schools’ Policeman,” *New York Times*, July 27, 1972; Ellen Fleysler and Bert Shanas, “3.4M Peace Push on School Roster,” *Daily News*, July 28, 1972.

<sup>31</sup> Ellen Fleysler, “Ex-Cop’s Herculean Job: Make Schools Safe,” *Daily News*, September 12, 1972.

<sup>32</sup> “No solution for violence,” *New York Amsterdam News*, August 12, 1972; Buder, “Knife Fight.”

<sup>33</sup> Fred M. Hechinger, “Changing the Guard,” *New York Times*, July 30, 1972.

chairman of a committee investigating school violence, dismissed the effort as a “publicity gimmick,” and a *New York Times* editorial agreed. “Little has really changed except the creation of a new top job,” the editors wrote.<sup>34</sup> Symbolic gestures towards “community relations” and “gentler” forms of policing were all too common from police departments across the country during this time, especially in putatively liberal cities. As the policing historian Christopher Agee writes, “Liberals in many cities did attempt to create a more beneficent police regime by instituting police–community relations units and demanding departments hire more police of color, but they stopped short of seriously addressing police power over black communities.”<sup>35</sup>

Waith’s school security plan entered the 1972-1973 school year under intense scrutiny. So, when a spell of teacher robberies took place that fall, critics of the program were quick to pounce. Over the course of twelve days in October, nine teachers were robbed – eight of them female elementary school teachers, and most of them with students present – in amounts ranging from \$1 in cash to \$3,000 in jewelry.<sup>36</sup> White-led parent groups demonstrated for more police and security in the lower schools.<sup>37</sup> Capitalizing on these distressing stories, Shanker condemned school security as “worse than ever.”<sup>38</sup>

The city quickly sprang into action. By November, Chancellor Scribner, with the support of Waith, had pledged \$6 million for 1,200 additional security aides. Privately, the BOE also began budgeting \$1.15 million for 227 more security guards. Still, to many education officials,

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<sup>34</sup> “School Safety,” *New York Times*, August 25, 1972.

<sup>35</sup> Agee, “Crisis and Redemption,” 3.

<sup>36</sup> Robert D. McFadden, “6 More Teachers Held Up In Schools Here in Week,” *New York Times*, October 22, 1972.

<sup>37</sup> George Goodman Jr., “Parents Seek More Police at School,” *New York Times*, November 18, 1972.

<sup>38</sup> Robert D. McFadden, “More Guards Due for City Schools,” *New York Times*, October 23, 1972.

this was wildly insufficient. Paul Balser, president of the High School Principals Association and principal of Forest Hill High School in Queens, dismissed aides as “nice people but they’re not security guards,” and Howard Golden, chairman of the City Council’s Health and Education Committee, called the move “too little too late.” Shanker even called for Scribner’s firing, saying that he suffered from “constipation of leadership.”<sup>39</sup> As part of the same push to redouble security efforts, Police Commissioner Murphy further blurred the line between the police and the school security personnel by revising departmental regulations to allow active police officers to moonlight as school security guards. “I feel that no one would be more qualified than police officers to perform security and similar services in the schools,” he said.<sup>40</sup> Soon after, State Attorney General Louis J. Lefkowitz also recommended that the city hire more retired police officers as school security guards. The moves were immediately criticized by many Black community and business leaders, including several local Black-owned security agencies and the United Brotherhood Security Guards Union. The presence of so many police and ex-police officers would give schools the feeling “of a police state,” warned Gilbert White of Hunza Investigation Inc., a Bedford Stuyvesant-based licensed security agency. “The least thing they will do the children will feel the police want to arrest them,” said Maxwell Hawthorne, the union president.<sup>41</sup>

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<sup>39</sup> Cyril Rosenberg to Harvey Scribner, October 24, 1972, Series 1101, Box 6, Folder 106, BOE Archives; Memorandum from Eldridge Waith to Community School Board Chairmen and Members et al, October 25, 1972, Series 1101, Box 6, Folder 106, BOE Archives; Thomas Pugh and Owen Fitzgerald, “5 Teachers Tell Of Crime as Cops Nab More Youths,” *Daily News*, October 26, 1972; McFadden, “More Guards”; George Goodman Jr., “1,200 Security Aides in Schools To Be Added Starting Nov. 20,” *New York Times*, November 2, 1972; Leonard Buder, “City Pushes Its Schools On Safety,” *New York Times*, October 24, 1972.

<sup>40</sup> Murray Schumach, “A New Rule Allows Policemen To Serve as Security Guards,” *New York Times*, November 8, 1972.

<sup>41</sup> “Lefky backs move to hire ex-cops as school guards,” *New York Amsterdam News*, December 2, 1972.

But while the city feared little political consequence ignoring the concerns of Black community groups and unions, it would not disregard white parents, teachers, and administrators for long. In January 1973, the BOE vowed to add 700 security officers to its rolls, doubling the previous number, as part of a \$3.6-million expansion of the previous budget's \$7.5-million allocation for school security.<sup>42</sup> Additionally, Mayor Lindsay proposed \$5 million more in capital funds for school security systems to be selected and operated by individual local school boards. Lastly, the Mayor expressed interest in fortifying and modernizing the security apparatus with the trial introduction in three schools of a system called SCAN (Silent Communication Alarm Network), which would allow teachers in dangerous situations to signal for help using a pen-sized ultrasonic transmitter and master receiver panel.<sup>43</sup> The city also distributed 1,500 walkie-talkies to its security guards and began testing more sophisticated alarm systems for teachers.<sup>44</sup> The City Council's Committee on Health and Education, for its part, remained dissatisfied even with this upgraded level of protection. The Council dismissed the plans as "meaningless" and described the BOE in an internal report as having its "head in the sand."<sup>45</sup>

Eventually, the only force that could even briefly halt the rising budget of New York's school security force was not social or political but financial. In 1975, with the city still struggling through a monumental fiscal crisis that saw austerity-style budgets imposed on all

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<sup>42</sup> Leonard Buder, "700 Guards to Be Added To Force in City Schools," *New York Times*, January 9, 1973.

<sup>43</sup> Paul L. Montgomery, "City Acts To Raise Safety in Schools," *New York Times*, January 14, 1973; "New 'Pen Alarm' To Nip Trouble At South Shore," *The Canarsie Courier*, May 10, 1973.

<sup>44</sup> Enid Nemy, "Violence in Schools Now Seen as Norm Across the Nation," *New York Times*, June 14, 1975.

<sup>45</sup> City Council Health and Education Committee, "Report Concerning Violence in the Schools," May 9, 1973, Series 1101, Box 9, Folder 160, BOE Archives; "Lindsay Is Scored On School Safety," *New York Times*, January 16, 1973.

social services, the BOE was compelled to cut its number of security guards in half, from 1,948 in the spring to 970 by fall. Though this was nothing compared to the reductions imposed on the teaching force, which lost 10,000 positions, school administrators were particularly incensed over the security cutbacks and warned that they would not be able to maintain classroom safety and order.<sup>46</sup> With mixed success, the city sought to amplify its school security budget with loans through the Law Enforcement Assistance Administration and other federal sources.<sup>47</sup> By 1982, due to federal infusions and a revived city economy, the school security force was back up to 1,705 personnel as part of a lavish \$24 million BOE security budget.<sup>48</sup> Indeed, much like the historian Stuart Schrader describes municipal police forces since the 1960s, New York City's school security seemed "resistant to fiscal austerity."<sup>49</sup> Accordingly, the city expanded the security regime's reach as well as its funding, despite lingering financial stress. In 1986, for one example, it allocated \$2.4 million for new security guards at 95 elementary schools. After even greater expenditures the following year, the city employed 2,200 guards across the school system as part of a \$43 million school security system.<sup>50</sup>

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<sup>46</sup> Leonard Buder, "Principals Warn on School Safety," *New York Times*, October 2, 1975.

<sup>47</sup> Law Enforcement Assistance Administration, News Release, August 28, 1977, Series 2, Folder: School Crime #2, Philip McGuire Papers, Lloyd Sealy Library. Special Collections. John Jay College of Criminal Justice/CUNY, New York, N.Y. (hereafter McGuire Papers, and hereafter John Jay); "School Crime Spurt Sparks Call for \$7M," *Daily News*, February 23, 1976; Mark Liff, "Schools Lack Security, & \$ for It," *Daily News*, April 3, 1977; Leonard Buder, "School Authorities Seek An Extra \$435 Million," *New York Times*, December 24, 1975.

<sup>48</sup> Susan Chira, "A Back-to-Basics Plan for School Crime," *New York Times*, December 5, 1982; Gene I. Maeroff, "Students' Crimes Against Teachers Are Down 22%," *New York Times*, August 5, 1982.

<sup>49</sup> Schrader, "To Protect and Serve Themselves," abstract.

<sup>50</sup> Jane Perlez, "Specialized Schools Found Less Violent," *New York Times*, July 23, 1986; "Officials Report Drop in Violence in Schools," *New York Times*, August 31, 1987.

## **“A Certain Amount of Discretion”: Lax Oversight and Aggressive Training of School Police**

Increasingly it became clear that the city was determined to build its security infrastructure with little care and oversight, no matter the costs or consequences. These illiberal measures were almost always taken in the name of common-sense liberal reform to ensure the safety of children and school personnel, yet amidst its surge in recruiting school security officers and aides, the city regularly flouted hiring regulations in the name of expediency. One internal BOE report in March 1973 revealed “gross and serious inaccuracies, deficiencies, irregularities and incompleteness in the processing of security personnel for high schools and community district schools.” In many cases, the city overlooked when security officials and applicants engaged in “willful concealment or fraud” of disqualifying background information, such as criminal histories. In one case, this fact was only discovered when two school guards and an aide working at Booker T. Washington Junior High School on Manhattan’s Upper West Side were busted for attempted armed robbery of a supermarket in nearby Morningside Heights. All three had records, including one out on parole for murder. In another case, it was actually five students at William Howard Taft High School in the Bronx whose work led to the arrest of a school security guard on charges of selling heroin. Responding to such incidents, the City Council transferred hiring oversight from local school boards to the central BOE. “You couldn’t keep the criminals out of the school, so now you invite them inside to work for you,” said Councilman Howard Golden, at a public hearing.<sup>51</sup>

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<sup>51</sup> Irving Anker to Rufus Shorter and Eldridge Waith, March 26, 1973, Series 1028, Box 18, Folder 308, BOE Archives; Interim Report on Security Guard Personnel Procedures and Applications, March 20, 1973, Series 1028, Box 18, Folder 308, BOE Archives; Murray Schumach, “Council Acts on Hiring School Guards,” *New York Times*, March 1, 1973; “Youth Against Drugs,” *New York Times*, May 24, 1971.

But the problem was not simply a handful of rogue agents who managed to slip through the cracks. According to previously confidential instruction manuals, officer handbooks, patrol guides, and other departmental materials, New York City systematically trained its School Safety Officers to patrol students in a dubious and dangerous manner, leaving room for untold officer bias and violence. When it came to physical force, the departmental materials made clear that this was an inevitable, if unenviable, part of the job. “The use of physical force on a student within a school is not a pleasant duty for a School Security Officer,” read one guidebook. “Ordinary physical force,” according to penal law, was defined as anything “less than ‘deadly physical force,’” and was permissible in a wide range of circumstances, including cases as minor as suspected trespassing and criminal mischief with respect to property. Even deadly physical force was permitted in cases of arson and burglary. While reiterating that excessive force was illegal, the city allowed that “the S.S.O. is permitted a certain amount of discretion in deciding what is a reasonable amount of force.”<sup>52</sup>

When officers did misbehave and endanger students, there was scant possibility for recourse or punishment. Officers were subject to negligible administrative oversight and records show they almost never faced sanctions. “It must be pointed out that the number of School Security Officers who are subject to disciplinary procedures is rather small,” the guides assured officers. “It is rather simple to avoid disciplinary charges.” Students were not allowed to directly file formal complaints for officer misconduct; disciplinary action could only be initiated by other school personnel, including the principal, school supervisor, and supervisor of safety.

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<sup>52</sup> “Use of Necessary Force,” 1976, Series 4, Box 2, Folder 17, Lloyd Sealy Papers, John Jay (hereafter Sealy Papers).

Disciplinary hearings took place behind closed doors and were overseen by an “impartial individual” selected by the Chief Administrator, with the officer defended by a union lawyer.<sup>53</sup>

From the very first page of the introduction to the officers’ patrol procedures guide, the city made clear that officers were meant to instill in children a sense of omnipresent surveillance and fear. “From the student’s point of view,” it read, ““That S.S.O. is everywhere.””<sup>54</sup> On several occasions throughout the guidebooks and instructional materials, students merely suspected of misconduct were referred to as “prisoners.”<sup>55</sup> When classes were in session, School Safety Officers were encouraged to play hall monitor, patrolling the corridors and staircases, and inspecting the passes and program cards of any students “found loitering.” During lunchtime, officers were given leeway to demand program card and lunch ticket checks from any student they “reasonably believe are not scheduled for that lunch period,” turning mundane schedule violations into potential disciplinary offenses.<sup>56</sup> In this way, the deployment of school security officers not only subjected students to more opportunities for contact with the criminal/legal system but created a carceral environment in schools themselves.

The constant surveillance and criminalization of normal student behavior became an almost self-fulfilling prophecy, as every even potentially suspect incident justified further intrusions into student life, which inevitably turned up further offenses, no matter how minor. When it came to identifying narcotics use, officers were given extraordinary discretion to question and detain students to “decrease some of the crimes usually associated with addicts in schools.” The officers were reminded that, “Recently the laws pertaining to drugs [were]

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<sup>53</sup> “Disciplinary Procedures,” 1976, Series 4, Box 2, Folder 17, Sealy Papers.

<sup>54</sup> “Patrol Procedures,” 1976, Series 4, Box 2, Folder 17, Sealy Papers.

<sup>55</sup> “Use of Necessary Force.”

<sup>56</sup> “Patrol Procedures,” 2.

amended and ‘tough’ provisions of law enacted.” In their training guidelines, officers were told to report students for possible drug-related crimes based on a catalog of “symptoms of drug abuse” so broad as to conceivably apply to anyone, including: “frequent sleepy appearance;” “sharp increase in smoking;” “loss in appetite;” “wearing of long sleeved shirts;” “glassy stare;” “dilated pupils;” “watery eyes, running nose;” “dreamy or blank expression;” “confusion,” and “craving for sweets.”<sup>57</sup>

### **“The Problem is Still There”: The War on Drugs, Gang Panic, and Undercover Police in Schools**

School security officers were not alone in policing the use and sale of narcotics among students. As the War on Drugs escalated both in New York and across the country, the NYPD increasingly posted in the schools undercover officers tasked with executing drug busts and arresting even the youngest accused pushers and users as well as anyone deemed a potential member of a youth gang. Even as Waith and the BOE pledged to minimize the use of police in schools, officers remained as pervasive as ever, if somewhat more inconspicuous. The undercover officers – often the department’s youngest and least experienced – generally worked in teams and enrolled in classes like other students.<sup>58</sup> Often administrators welcomed and even requested additional police for undercover surveillance, but sometimes, police undertook these covert actions without telling the principal.<sup>59</sup> And while police conceded that drugs were equally

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<sup>57</sup> “Narcotic Identification,” 1976, Series 4, Box 2, Folder 17, Sealy Papers.

<sup>58</sup> Leonard Buder, “Police Infiltrate City High Schools,” *New York Times*, November 7, 1969.

<sup>59</sup> School Stability Resource Team report to Harvey Scribner, June 15, 1971, Series 1101, Box 6, Folder 107, BOE Archives.

prevalent among white and Black students, the arrests almost always took place in predominantly Black schools.<sup>60</sup>

Although President Nixon officially declared drugs to be “public enemy number one” in 1971, Mayor Lindsay announced as early as 1969 that the NYPD would have an “open line of credit to break any narcotics case.”<sup>61</sup> And when it came to drugs in the schools, the media coverage and political rhetoric were particularly sensationalized. “New York City’s child drug pushers were depicted last night as carrying out illicit drug operations in the schools with the sophistication and elusiveness of hardened criminals,” read a 1969 *Times* article. The following March, at least 55 people, including students aged 15 to 19, were arrested at their homes and in schools around Brooklyn and charged with possession of drugs with intent to sell. Some information, the police said, was provided by a detective posing as a student and another posing as a teacher. “We intend to continue maintaining this kind of pressure throughout the county,” said Brooklyn District Attorney Eugene Gold.<sup>62</sup> Two years later, a series of coordinated raids led to the arrests of 14 children in two Brooklyn high schools as “part of a continuing crackdown on selling of drugs in schools,” said Deputy Police Commissioner Robert Daley.<sup>63</sup> As the crackdown proceeded, with arrests of students as young as 14, civil liberties advocates warned of its chilling implications.<sup>64</sup> “Undercover cops are notorious for engaging in active inducement of

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<sup>60</sup> Hearings Before the Select Committee, “Drugs in Our Schools,” U.S. House of Representatives, 1972.

<sup>61</sup> Richard Nixon, “Remarks About an Intensified Program for Drug Abuse Prevention and Control,” White House, June 17, 1971; “Police to Step Up Narcotics Fight,” *New York Times*, September 10, 1969.

<sup>62</sup> Lawrence Van Gelder, “55 Are Arrested in Brooklyn in a Wide-Ranging Crackdown on School Narcotics,” *New York Times*, March 4, 1970.

<sup>63</sup> Alfred E. Clark, “24 Students Seized on Charges They Sold Drugs in City Schools,” *New York Times*, March 25, 1972.

<sup>64</sup> Morris Kaplan, “Students Seized in Sale of Drugs,” *New York Times*, February 27, 1973.

their targets; they do not wait to be solicited,” Salvador Tio, executive director of the NYCLU, wrote in an open letter. “They are prone to us[ing] sting operations to induce illegal conduct.”<sup>65</sup>

This enhanced police presence and incarceration of students occurred even as experts widely agreed upon the hollowness of arresting drug addicts and other troubled youth. “The prisons of our country are made up of persons who had problems as kids that were never dealt with,” Michael M. Baden, deputy chief medical examiner of New York City, said at a 1972 congressional hearing on drug abuse among students. Even Detective Stephen Spinelli, who worked for years undercover in schools, admitted, “You take an addict and you lock him up, it is absolutely no good for him... The problem is still there.” As he entered the hearing, Spinelli cloaked his face in a black hood, removing it only on condition he not be photographed. Despite acknowledging the futility of the process, he said he planned to go back undercover.<sup>66</sup>

Escalating both the covert and outright deployment of police in schools during this time was widespread social and political panic over the issue of youth street gangs and their influence in the schools. Though gangs from many different backgrounds had been active in New York City as early as the eighteenth century, socioeconomic and demographic changes to the city paired with the repercussions of urban renewal brought about a revival of – or, at the very least, a revived focus on – gang presence after World War II.<sup>67</sup> This heightened fear and attention emerged in no small part because gangs were no longer dominated just by ethnic whites, but also

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<sup>65</sup> Salvador Dio, “The Dangers of Sending Undercover Officers Into Our Schools,” *New York Times*, February 18, 1985.

<sup>66</sup> Select Committee, “Drugs in Our Schools.”

<sup>67</sup> James C. Howell and John P. Moore, “History of Street Gangs in the United States,” *National Gang Center Bulletin* no. 4 (May 2010): 2-4.

by Black and Latinx members, many of whom were feared to be “anti-white.”<sup>68</sup> After something of a dormant period in the 1960s, the narrative went, Black- and Puerto Rican-dominated groups, such as the Savage Skulls and Black Assassins, formed in the South Bronx in 1971 and began to spread with ferocity across the city. By 1976, according to a major Harvard Law School study financed by a \$48,890 grant from the Law Enforcement Assistance Administration, the eight largest U.S. cities were home to anywhere from 760 gangs with 28,500 members to 2,700 gangs with 81,500 members, overwhelmingly male and largely poor and lower-middle class. The greatest concentration of all was in New York, where police estimated there were as many as 473 gangs with 40,000 members.<sup>69</sup> As much shock and consternation as it prompted, the study was roundly criticized by the National Urban League as biased and inaccurate. “The Harvards of this country can never solve the problems of the Harlems of this country,” said Robert Woodson, director of the Urban League’s administration of justice division.<sup>70</sup>

But while police and school officials fixated publicly on Black and Latinx gangs, they often overlooked the brutal violence and intimidation by white youth crews and the adults who supported them amidst continued hostility to desegregation and the idea of busing. While police at the time claimed that white gangs were typically “formed in defense,” scholars such as Steven R. Cureton have since shown how “white male youth groups formed and violently resisted racial

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<sup>68</sup> Junius Griffin, “40 Negro Detectives Investigate Anti-White Gang,” *New York Times*, May 7, 1964; Anders Walker, “When Gangs Were White: Race, Rights, and Youth Crime in New York City, 1954-1964,” *Saint Louis University Law Journal* 55 (2011).

<sup>69</sup> Walter B. Miller, “Violence By Youth Gangs And Youth Groups As A Crime Problem In Major American Cities,” Harvard Law School and the Office of Juvenile Justice and Delinquency Prevention (Washington, D.C.: U.S. Government Printing Office, 1975).

<sup>70</sup> Judith Cummings, “Funds to End Youth-Gang Violence Termed Misspent,” *New York Times*, October 29, 1976.

integration” in schools and elsewhere.<sup>71</sup> “White violence is part and parcel of the life of the street gangs,” a spokesperson for the city’s Youth Services Administration told the *Amsterdam News*.<sup>72</sup>

Perhaps most disturbing was the frequency with which school officials deliberately minimized and concealed instances of racist violence and intimidation. Though such stories were typically ignored by the mainstream press, they were often reported in local Black newspapers. At Francis Lewis High School in an overwhelmingly white section of Queens, according to a 1976 report in the *Amsterdam News*, Black students were subjected to “a reign of terror, having to daily battle gangs of whites armed with bricks, bats and shotguns” when disembarking from the number 17 bus. The violence exploded after rumors circulated that a Black student had pinched a white girl at the school, leading to frequent retaliatory beatings and verbal abuse. Despite repeated pleas for protection, “police in the area had disregarded the problem.” The school’s principal also ignored the violence and, in an appearance on television, even “downplayed the daily racial conflicts.” Black parents grew so scared that most removed their children from school entirely.<sup>73</sup> Years later, in 1987, the principal of the mostly white Marine Park Junior High School, in Brooklyn, accused a Black eighth-grade boy of “lying” about being attacked by a group of white teenagers at school. The boy, Kwame Qualis, was taken to Coney Island Hospital and given 20 stitches to mend a four-inch gash across his throat after he said a group of Italian-American boys from the neighborhood accosted him on the schoolyard and one slashed him. Despite the injury, principal Albert Schwartz was unconvinced. “Kwame is not

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<sup>71</sup> Robert A. Wright, “Rise in Youth Gang Killing Alarms Police in 3 Cities,” *New York Times*, November 27, 1972; Steven R. Cureton, “Something Wicked This Way Comes: A Historical Account of Black Gangsterism Offers Wisdom and Warning for African American Leadership,” *Journal of Black Studies* 40, no. 2 (November 2009): 351.

<sup>72</sup> Bryant Rollins, “BLACK GANGS BACK!!” *New York Amsterdam News*, March 25, 1972.

<sup>73</sup> “White Gangs Terrorize Black Students in Queens,” *New York Amsterdam News*, October 2, 1976.

telling the truth,” he told the *Amsterdam News*. “He is lying because no one would just come up to you and cut you. It just does not make sense.” Outraged, the boy’s mother, Pamela Qualis, secretly recorded a meeting with Schwartz and the police in which, she said, “they attempted to influence me to downplay what happened.”<sup>74</sup>

While gangs were a real force among the city’s young people, fear of them often led to exaggerated and highly punitive police and disciplinary responses, especially against Black children, both in school and in the neighborhoods where they lived. Now brawling and bickering amongst sets of children were treated not as a typical, if unfortunate, fact of adolescence, but as “gang violence” and a social menace. Citing the presence of Black and Puerto Rican gangs in the schools, Albert Shanker called in 1972 for the placement of armed police in “every school in the city” where gang violence was even possible.<sup>75</sup> Soon after, in April 1972, when gang and racial tensions allegedly flared at Christopher Columbus High School in the Bronx, the city ordered 50 uniformed cops and scores of plainclothes officers be placed there, and further outlawed loitering and “wearing colors” that might be associated with gangs at the school.<sup>76</sup>

Later that year, when a minor fracas unfolded at Canarsie’s John Wilson JHS 21 involving rival groups of Black and white students shouting and throwing eggs at one another from a distance, officers responded by calling on a nearby police observation helicopter to fly low overhead to intimidate the children. “He probably broke all the C.A.B. [Civil Aeronautics Board] rules,” Inspector James Meehan recalled to the *Times*, “but he came in at about a hundred

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<sup>74</sup> Peter Noel, “Hi school principal ridicules student's racial attack story,” *New York Amsterdam News*, April 11, 1987.

<sup>75</sup> Rollins, “BLACK GANGS BACK!!”

<sup>76</sup> “Gangs Quiet as Police Patrol School,” *New York Times*, April 18, 1972.

feet or so.”<sup>77</sup> At James Madison High School in Flatbush, Brooklyn, the response to an episode of racial violence could not have been starker. When a gang of white students attacked Black pupils with sticks, window poles, pipes, canes, and chairs simply because, as one white sophomore told the *Times*, “we’ve had enough, we don’t want them here,” the school did not issue a single suspension.<sup>78</sup> Later that week, however, when a white student was assaulted by a group of Black kids at the school, all three Black boys were arrested, and the school reopened soon after with more than 100 police officers forming a wall in front of the building.<sup>79</sup> Rather than working to improve the conditions begetting gang violence in their schools, many administrators simply wanted the students involved to disappear. When the head of the Imperial Dutchmen gang in the Bronx asked his principal for protection from a rival crew, the principal allegedly told the boy that he and his companions should just drop out of school entirely “in the best interests of all concerned.”<sup>80</sup>

This drastic policing of drugs and gangs in schools was hardly unique to New York City. By 1975, Los Angeles Assistant School Superintendent William L. Lucas announced that 143 gangs were active in the district, and that students and teachers alike were “intimidated by gang members.” According to the scholar Max Felker-Kantor, “officials focused primarily on African American kids and teenagers, and to a lesser extent Latinos, as the root of the gang problem,” all financed by a school security budget that by 1977 had swelled to \$7 million.<sup>81</sup> In Jefferson

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<sup>77</sup> Iver Peterson, “Policies of Police Help to Prevent Violence in Canarsie School Dispute,” *New York Times*, November 12, 1972.

<sup>78</sup> “School Is Closed By Racial Clash,” *New York Times*, December 11, 1973.

<sup>79</sup> Robert Hanley, “Madison High to Reopen With Additional Guards,” *New York Times*, December 14, 1973; David A. Andelman, “Madison High Calm as It Reopens Under a Heavy Police Guard,” *New York Times*, December 15, 1973.

<sup>80</sup> Gene Weingarten, “East Bronx Story— Return of the Street Gangs,” *New York Magazine*, March 27, 1972.

<sup>81</sup> Felker-Kantor, “Kid Thugs,” 486-487.

County, Kentucky, in 1970, the four-month-long “Operation Roundup” involving a team of undercover officers led to the arrest of at least 19 juveniles suspected of dealing drugs in high school.<sup>82</sup> And in March 1978, Fairfax County, Virginia police announced that they had deployed undercover officers impersonating students as part of a new “drug prevention program.”<sup>83</sup>

During the 1970s, in Compton, a predominantly poor Black section of Los Angeles, the police department infamously dispatched teams of uniformed and undercover officers across the school district to arrest alleged student dealers and drug users – all based, the department admitted, not on hard information, but speculation. They also conducted daily sweeps of the neighborhood to apprehend truants.<sup>84</sup> When the program came under fire from the community after a sting operation resulted in 211 students being arrested, the LAPD’s assistant chief, Daryl F. Gates, penned an op-ed defending the decision. “[W]e are talking here of a criminal element in our schools,” he wrote, “and the stakes are the health and welfare – perhaps the very lives – of our own children.” Gates, a notoriously racist and brutal agent who later served as police chief during the Rodney King beating and subsequent unrest, created a less than subtle division: it was the “criminal element” against “our own children,” and everyone knew the color of each.<sup>85</sup>

### **“Academic Capital Punishment”: Illegal Suspensions, Get Tough Discipline, and the Pushback to Pushouts**

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<sup>82</sup> Stan MacDonald, “Young people involved in county drug arrests,” *The Courier-Journal* (Louisville, Kentucky), December 17, 1970.

<sup>83</sup> Blaine Harden, “Va. Schools Using Undercover Police To Combat Drugs,” *Washington Post*, March 22, 1978.

<sup>84</sup> Gerald Faris, “Schools Law Enforcement Plan Mapped in Compton,” *Los Angeles Times*, April 2, 1978.

<sup>85</sup> Daryl F. Gates, “In Defense of Undercover Policemen at Schools,” *Los Angeles Times*, December 23, 1974.

With students subjected to such ubiquitous surveillance and aggressive, highly discretionary policing, suspension numbers in New York City escalated to unprecedented levels. Between the 1969-70 and 1975-76 school years, suspensions rose by more than 75%, from 14,351 to 25,253. Although the city maintained that this increase could be attributed mostly to a surge in school crime, many legal experts saw a different story.<sup>86</sup> One 1971 study by the NYCLU found that the city regularly suspended and expelled children on dubious grounds and without adequate hearings. The problem was further exacerbated by school officials' "flagrant disregard" for suspension protocols and safeguards. "Many principals do not even give lip service to the provision limiting their power to suspend to situations where a clear emergency exists," the report read. In nearly every one of the 115 cases studied, suspended students had their rights violated in some form, with 77% of principal suspensions unlawfully coming in non-emergency situations, such as students arriving late for school, laughing at jokes, or refusing to hang up their coats. One student at Far Rockaway High School in Queens ran into trouble after his principal caught him at a bus stop after school with an unlit cigarette. When the principal told him to discard the smoke, the boy asked why, and the principal responded by suspending him. In more than one third of cases, suspensions lasted longer than the legal five-day limit. One student at Forest Hills High School in Queens, for example, was suspended an entire term for a "minor incident" after he and another boy tried to break up a fight between a student and teacher. He instead had to attend a special program in order to graduate. The study also found that at least 40% of superintendents' suspensions were illegal due to lack of proper authorization, often for

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<sup>86</sup> David Vidal, "Rising Pupil Suspensions in New York Sparking a Dispute Over Their Causes," *New York Times*, September 6, 1976.

cases as minor as cutting class and passing out leaflets. The report's authors characterized the defying of suspension statutes as "deliberate lawlessness of school officials."<sup>87</sup>

The files of the NYCLU from the 1970s are rife with complaints and appeals against the BOE for cases of unlawfully executed suspensions, often for questionable or outright bogus charges. In the vast majority of cases, the students wrongfully suspended were Black.<sup>88</sup> Leroy Carroll was in good academic standing at Evander Childs High School in the Bronx and president of the student government. In June 1971, he should have been celebrating at graduation with his classmates. But the principal, Bernard Weiss, withheld his diploma because of what he called "failures in citizenship," which were never delineated. Leroy, who was Black, had engendered some controversy in his tenure at the school, but nothing that merited lawful suspension. Still, the principal denied him his diploma, causing the NYCLU to threaten a lawsuit on behalf of him and several other Black students whose diplomas at city schools were similarly held hostage for non-academic reasons, costing them jobs and college acceptances. In a letter to Dr. Harvey Scribner, Chancellor of the Board of Education, NYCLU attorney Steven Tullberg wrote, "School officials are not empowered to mold students by punishing those whose politics, life style, and attitude are not consonant with theirs."<sup>89</sup>

Other examples were even more extreme and included physical abuse. In 1974, the NYCLU was part of a citizens' commission, alongside other organizations such as ASPIRA, the

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<sup>87</sup> NYCLU Student Rights Project, "Suspension Procedures in the New York City Public Schools: A Report on the Failure to Implement Legal Rights of Students" (New York, February 1971), Series 1028, Box 14, Folder 231, BOE Archives.

<sup>88</sup> New York Civil Liberties Union Files, Series 1028, Box 14, Folder 231-232, BOE Archives; Beverly Rems Katzman, "The Role of the New York Civil Liberties Union in the Protection and Expansion of Rights of Public School Students," (PhD diss., New York University, 1972).

<sup>89</sup> Steven Tullberg to Harvey Scribner, July 1, 1971, Series 1028, Box 14, Folder 231, BOE Archives; Steven Tullberg to Isaiah Robinson, November 3, 1971, Series 1028, Box 14, Folder 231, BOE Archives.

NAACP, and the Metropolitan Applied Research Center, that authored a report revealing how children at the predominantly Black and Puerto Rican Jordan L. Mott JHS 22 in the Bronx had been methodically and unlawfully punished and beaten by two deans at the school. As part of their discipline and suspension routine, the deans regularly pummeled students with their fists, belts, and a sturdy wooden paddle known as “the smoker.” The report noted that this practice inflicted “pain, fear, and public humiliation” on the children and “seemed to lead to sadistic enjoyment on the part of the perpetrators.”<sup>90</sup> The principal and acting assistant principal were eventually suspended for concealing acts of corporal punishment.<sup>91</sup>

The BOE so rarely challenged principals for unlawful student suspensions that in the exceedingly rare instances it happened, the ordeal could become national news. In March 1976, Howard Hurwitz, principal of Long Island City High School, was suspended by Schools Chancellor Irving Anker for refusing to readmit a Black female student he called “uncontrollable.” Hurwitz disobeyed a court order and refused to leave his office. His stunt resonated particularly with white parents and community leaders, many who believed, as the *Times* reported, that “schools, sensitive to, the possibilities of racism, have been unduly tolerant of aberrant behavior by blacks.”<sup>92</sup> When the BOE finally reduced Hurwitz’s suspension, he was treated like a martyr for the disciplinary cause. Although the mainstream press widely quoted

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<sup>90</sup> Citizen’s Commission to Investigate Corporal Punishment in Junior High School 22 and Justine Wise Polier, “Corporal Punishment and School Suspensions: A Case Study” (New York: Metropolitan Applied Research Center, 1974); Leonard Buder, “Report Attacks Bronx Paddling,” *New York Times*, December 11, 1974.

<sup>91</sup> Leonard Buder, “School Paddling Inquiry Leads to Suspension of 2,” *New York Times*, March 15, 1975.

<sup>92</sup> Leonard Buder, “Principal Is Suspended For Disobeying an Order,” *New York Times*, March 23, 1976; Leonard Buder, “Principal Defies Court in Queens,” *New York Times*, March 25, 1976; Gene I. Maeroff, “Turmoil in the Schools,” *New York Times*, March 27, 1976; John Hamill, “Students Rally Behind Suspended Principal,” *Daily News*, March 24, 1976.

Hurwitz's claim that the student was violent, the *Amsterdam News* revealed that the only charges against her were being tardy, refusing to go to detention, reading *Ebony* magazine in the school office, and unspecified "insubordination" involving a school secretary. In a letter to BOE headquarters, the local NAACP chapter deplored the larger picture of disciplinary racism and "the casual use of code words such as 'disruptive children' and other appeals to irrational community opinion designed to banish thinking black children from school."<sup>93</sup>

The Hurwitz affair was but one clash in a pointed and increasingly pitched battle over how race and discipline were shaping the landscape of New York City schools. Even as many districts escalated punishment, Luther Seabrook, superintendent of the 16,000-pupil District 5 in Harlem, practiced a policy of no suspensions "except in emergency cases, like when gangs may be fighting each other and there is a need for a cooling-off period." Like many Black parents and civil rights advocates, Seabrook believed suspensions were being used less as a means of safety than racial control in an increasingly Black and Latinx public-school population. "I think you will find that, as more and more whites do not use the system, the system is becoming more oppressive" he said. "It has to do with power."<sup>94</sup> At a June 1975 public hearing on truancy and dropouts by the New York State Senate Democratic Conference, two representatives from People Against Racism in Education, a Brooklyn-based grassroots advocacy group, decried "a long tradition of 'Culture of Poverty' myths, ideologies designed to divert attention from the institutions which aim to destroy poor and Third World people." They continued: "It is to institutional racism that this committee must turn its attention if it is to truly understand why

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<sup>93</sup> James L. Hicks and Simon Anekwe, "Ousted Student Taking Her Case To The Courts," *New York Amsterdam News*, April 3, 1976; Tom Buckley, "About New York," *New York Times*, April 16, 1976; Hamill, "Students Rally."

<sup>94</sup> Vidal, "Rising Pupil Suspensions."

hundreds of thousands of our children are not in school today.”<sup>95</sup> They were joined in their efforts by other civil rights groups, such as the Committee Concerned with Suspensions, the Joint Schools Committee for Academic Excellence Now, and the New York Urban Coalition. For months in 1976, these groups campaigned against principal-backed proposals that would have chipped away at due process protections for students. They met with numerous education officials and rallied parents and community leaders to bombard the BOE with letters demanding an end to excessive student suspensions. “Any changes that might result in the increased use of pupil suspension as a disciplinary tool is of our utmost concern,” read one missive from the education scholar and advocate Dr. Janet Karlson.<sup>96</sup> Recognizing the magnitude of the problem, the *Amsterdam News* even began running public service articles in 1977 with advice for parents under headlines such as, “Has Your Child Been Suspended From School?” and “Help Your Child Avoid Suspension From School.”<sup>97</sup>

Not only in New York City but across the country suspension numbers grew so disturbing that the term and phenomenon of “student pushouts” gained national recognition. Though Black parents and students had condemned the effects of student discipline for decades, the NAACP Legal Defense Fund helped draw popular attention to the issue with a three-day conference in Washington, D.C. called “Black Student ‘Pushouts’ – a National Phenomenon.”

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<sup>95</sup> People Against Racism in Education, “Testimony of Dr. Charles Isaacs (Chairperson) and Mrs. Annie Stein (Treasurer),” June 20, 1975, Box 8, Folder: Dropout Hearings, Annie Stein Papers.

<sup>96</sup> Janet Karlson to Irving Anker, November 3, 1976, Box 9, Folder: Repression, Crime, Annie Stein Papers; Committee Concerned with Suspensions, Memorandum, November 24, 1976, Box 8, Folder: Dropout Hearings, Stein Papers; Arthur H. Barnes to Irving Anker, October 29, 1976, Box 8, Folder: Dropout Hearings, Annie Stein Papers.

<sup>97</sup> “Help Your Child Avoid Suspension From School,” *New York Amsterdam News*, July 16, 1977; “Has Your Child Been Suspended From School?” *New York Amsterdam News*, July 30, 1977.

The conference report stated that, “By definition, the problem encompasses all patterns of racial exclusion: tracking patterns, assignments to special education classes, inferior vocational training, teacher attitudes, testing procedures and student discipline.”<sup>98</sup> A seminal 1973 study from the Southern Regional Council and the Robert F. Kennedy Memorial entitled “The Student Pushout: Victim of Continued Resistance to Desegregation” found that harsh discipline increased in tandem with the percentage of Black children in the student body, with suspensions rising sharply as integration increased. When schools approached 30-40% Black students, there was “a strong impetus behind efforts to get them out of the schools,” the report noted, which, in addition to the suspensions, included the threat of corporal punishment “to intimidate black students.”<sup>99</sup> Very often, the report asserted, schools imposed arbitrary and highly discretionary behavioral regulations as “weapons” against students who “offend the status quo” or are “disruptive in class.” Maxine Copeland, an education activist in New Orleans, told researchers that prior to integration, the use of suspension and expulsion “was only for serious offenses.” Since desegregation, she noted, “now it’s for the least little thing and the terminology often does have racial overtones.”<sup>100</sup>

The law professor Mark Yudof notes a distinct change in the “rigidity of application of rules and the choice of punishments” by officials in desegregating schools. “[Black students] are more often suspended for smoking, habitual tardiness, speaking back to teachers, truancy, noisiness, and the like,” he writes, transgressions viewed as challenging “the ‘hidden curriculum’ or values underlying institutional public schooling.” The consequences for Black students were

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<sup>98</sup> “Conference Report: Black Student ‘Pushouts’ – a National Phenomenon,” NAACP Legal Defense Fund, June 2-4, 1972, Box 5, Folder: Alternate HS, Annie Stein Papers.

<sup>99</sup> The Southern Regional Council and the Robert F. Kennedy Memorial, “The Student Pushout: Victim of Continued Resistance to Desegregation” (1973), v, 10, 19.

<sup>100</sup> *Student Pushout*, vii-viii, 19-21.

so outsized given the infractions, Yudof labels them “academic capital punishment” because they so often killed educational progress for the students involved.<sup>101</sup>

The racism was often nakedly obvious. In Denver, Colorado, a 12-year-old Black girl bused to school from across town was suspended three times during the 1972-73 school year: once for allegedly disrespecting her teacher and twice for alleged altercations with white students. When the mother complained, the unrepentant principal told her, “We didn’t want [any] black children here anyhow.” A southern school administrator readily offered that when it came to Black students, white teachers were often “trigger-happy with suspensions after desegregation.”<sup>102</sup> Many such stories of unjust suspensions were detailed in several reports issued by the Children’s Defense Fund soon after its founding in 1973: a girl with an intellectual disability and speech impediment suspended because she allegedly yelled at children who were taunting her; a teenager who threw his books at a wall, accidentally shattering a window, after his math teacher called him a “dumb nigger”; a 16-year-old who cut English class twice because the teacher required that students read aloud and she was embarrassed by her poor reading skills. According to one of the studies, in the school year 1972-73, more than one million pupils were suspended in districts representing around half the total student population, translating to more than four million school days missed. The vast majority were for “non-dangerous, non-violent offenses.”<sup>103</sup> The repercussions of this extreme punishment could be dire. In Pickens County, South Carolina, the CDF filed a lawsuit on behalf of two boys who were tried in court for

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<sup>101</sup> Mark G. Yudof, “Suspension and Expulsion of Black Students From the Public Schools: Academic Capital Punishment and the Constitution.” *Law and Contemporary Problems* 39, no 2. (Spring 1975): 386.

<sup>102</sup> Marian Wright Edelman et al., “Children Out of School in America,” Children’s Defense Fund (October 1974), 133-134.

<sup>103</sup> Marian Wright Edelman, Rochelle Beck, and Paul Smith, “School Suspensions: Are They Helping Children,” Children’s Defense Fund (September 1975), 1-9, 14.

truancy and then placed in jail with adult criminals, who brutally raped and beat them.<sup>104</sup> Luther Seabrook, the Harlem superintendent, saw the pattern as unambiguous. “These black kids were being programmed into the Atticas and Sing Sings,” he told the CDF, “while the white kids were being programmed into the Harvards and Yales.”<sup>105</sup>

With time, it was not just community groups and non-profit organizations that recognized the discriminatory and detrimental nature of school suspensions; the federal government did as well. As early as 1973, the Department of Health, Education, and Welfare (HEW) found, based on data from a school desegregation survey, that “the frequency of expulsions and suspensions of black, Spanish-surnamed, Asian American, and Native American-Indian students is nearly twice that of white students,” with average suspensions lasting almost a day longer for students of color.<sup>106</sup> Results consistently held true in studies that followed. Congressional hearings in 1973 revealed that school districts enrolling at least 90% minority students expelled Black children three times more often than whites. And an NAACP study of the twenty largest school districts with substantial minority enrollment found that Black students received a vastly disproportionate 90,000 of 125,000 total suspensions.<sup>107</sup> “The [racial] disparity is of such a magnitude... as to make any nonracial explanation suspect in some quarters,” another HEW study from 1976 read. Clearly this was no accident. “School desegregation frequently is followed by a toughening of disciplinary rules and regulations, at the urging of white antidesegregation group,” the report noted. Black and Latinx students, the study found, were much more often punished for subjective

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<sup>104</sup> Edelman, “Children Out of School,” 65.

<sup>105</sup> Edelman et al., “School Suspensions,” 22.

<sup>106</sup> United States Department of Health, Education, and Welfare, “Factsheet: Student Discipline,” September 1975.

<sup>107</sup> Elizabeth Kai Hinton, “From Social Welfare to Social Control: Federal War in American Cities, 1968-1988” (PhD diss., Columbia University, 2013).

and culturally-inflected violations, such as “institutionally inappropriate behavior.”<sup>108</sup> This “toughening” took place even as a 1976 Department of Justice study found that most school districts experienced little real violence or disruption related to desegregation. “The evidence produced by the Justice Department shows that an extraordinary social transformation in our schools usually takes place with remarkably little conflict,” Senator Edward Brooke, Republican of Massachusetts and the first popularly elected Black senator, said upon entering the study into the Congressional Record.<sup>109</sup>

The problem was particularly acute in New York, where, according to a 1977 report by HEW’s Office of Civil Rights, city officials engaged in “a pervasive practice of punishing students on the basis of race and ethnicity.” In a school system of 1.1 million pupils, in which two-thirds were Black and Latinx, the report found that such students were disciplined more harshly, disproportionately shunted into special education classes with unequal services at younger ages, and transferred in upper grades to “less desirable and more restricted academic, vocational and special programs” with “less effective” counseling services. Though the BOE took issue with the characterization, the report described a “dual system’ of “high ability” groups that were predominantly white and “low ability” groups that were overwhelmingly Black and Latinx, and the latter students endured more suspensions and higher dropout rates as a result.<sup>110</sup> Several months later, HEW delivered yet another report charging that the BOE illegally maintained thousands of segregated classrooms and doled out discipline with a “discriminatory

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<sup>108</sup> United States Commission on Civil Rights, “Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools,” (August 1976), 255-265.

<sup>109</sup> Senator Edward Brooke, speaking on “Desegregation and the Cities Part XVIII – The Facts on Violence,” June 26, 1976, 94 Congressional Record 20792.

<sup>110</sup> Memorandum from Murray Hart to Charles I. Schonhaut, April 27, 1977, Series 1028, Box 30, Folder 498, BOE Archives; David Vidal, “Christen Says U.S. Report Citing School Bias ‘May Be a Disservice,’” *New York Times*, January 20, 1977.

impact” on Black and Latinx students.<sup>111</sup> The numbers were undeniable. “The Office for Civil Rights has inadvertently documented, and the board, by its response, has conceded, that thousands of suspensions each year for truancy and cutting classes are illegal and in violation of the Board of Education's own rules,” said Ira Glasser, executive director of the NYCLU.<sup>112</sup> Nevertheless, the BOE and the union representing its 5,000 administrators staunchly refused to abide by an Office of Civil rights directive to “maintain an annual file” of suspensions “arranged alphabetically by pupil’s surname,” which would “assist schools in responding to requests” for ethnic breakdowns of disciplinary action. Without seeming to grasp the irony, the union representative claimed such a system would lead to inequality in student discipline.<sup>113</sup>

Amidst this rising tide of suspensions, families and legal advocacy groups began using the courts more aggressively to ensure the rights of schoolchildren. In 1980, Advocates for Children (AFC), a New York City-based community legal action organization, filed *Boe v. NYC Board of Education*, a class action lawsuit challenging the suspension and transfer policies of the nation’s largest school system. A settlement reached two years later compelled schools to abide by Supreme Court decisions that established students’ rights to such due process provisions as notification of suspension hearings, explanation of potential suspensions and reinstatement in school all within set time frames, and the right to alternate instruction during suspensions.<sup>114</sup> The arbitrary implementation of suspensions and the like was hardly benign or accidental. After 10 years working in the field, AFC identified “patterns of school exclusion and student

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<sup>111</sup> Lesley Oelsner, “U.S. Says New York Is Maintaining Thousands of Segregated Classes,” *New York Times*, October 7, 1977.

<sup>112</sup> Marcia Chambers, “Anker Denies a Bias in Pupil Suspension,” *New York Times*, January 21, 1978.

<sup>113</sup> Mark Liff, “Suspensions List by Race Stirs School Controversy,” *Daily News*, July 9, 1978.

<sup>114</sup> Stipulation of Settlement, December 10, 1982, *Boe v. Board of Education of the City of New York*, 80 Civ. 2829 (S.D.N.Y. 1982).

discrimination often ignored, if not encouraged, by legislative statutes, administrative policies and staff practices,” said Miriam Thompson, AFC executive director. The agency even began a program called Project Harvest to chronicle untoward methods of discipline and exclusion that encouraged students to cut school, or drop out entirely, including “discriminatory and arbitrary suspension,” “unfair notice” of rules and regulations, and “‘inappropriate’ placement” of disabled students. In the wake of these practices, the suspension rate in New York doubled during the 1970s. By 1979, the BOE reported a dropout rate of 45% among high school students, which Nathan Quinones, then head of the high school division (and later Schools Chancellor), conceded was “astronomically high.”<sup>115</sup>

In New York, as elsewhere, the pervading and ascendant disciplinary ethos could be summarized in two words: get tough. Perhaps nobody exemplified that strategy more than Joe Louis Clark, the principal of Eastside High School in Paterson, an under-resourced, predominantly Black city in New Jersey. Clark, an army-sergeant-turned-educator, gained prominence in the 1980s for his unsparing disciplinary policies and imperious management style. On a single day during his first week on the job, in 1982, Clark expelled 300 of the school’s 3,000 students for tardiness, absence, and being “disruptive.”<sup>116</sup> Ridiculing the school as “a blackboard jungle,” he dismissed hundreds more over the next five years, and instituted automatic suspensions for violations as minor as wearing a hat in class. He announced a daily list of offenders over the loudspeaker and roamed the hallways with a bullhorn and a baseball bat.<sup>117</sup>

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<sup>115</sup> William Neugebauer, “Hard lessons in pupil rights,” *New York Daily News*, October 26, 1980.

<sup>116</sup> Ezra Bowen, “Getting Tough,” *Time*, February 1, 1988.

<sup>117</sup> Lena Williams, “Tough Principal Tames a Rough Jersey School,” *New York Times*, September 17, 1983; Robert Hanley, “Discipline Stressed in Paterson School,” *New York Times*, September 15, 1986

Though he was Black, Clark adopted a brutally conservative posture that largely originated with white administrators, making him a highly divisive figure among (and often reviled by) other Black educators and parents. “If the students were not poor black children, Joe Clark would not be tolerated,” former Los Angeles principal George McKenna said.<sup>118</sup> Parents of Black students caught up in the Clark doctrine agreed. “You can't look at the ones with the bad grades and just kick them out. Where are they going to go?” said Clarethia Pierce, whose 18-year-old son, George, was “escorted out” of the school for falling behind in credits.<sup>119</sup> Still, Clark garnered extensive media adulation, with fawning depictions on *60 Minutes* and the cover of *Time* magazine (headlined “Is Getting Tough the Answer?”), as well as in the 1989 movie *Lean on Me*, starring Morgan Freeman.<sup>120</sup> When he resigned amidst controversy in 1989, Clark became director of a juvenile detention facility. By then, the “get tough” discipline Clark helped popularize had spread through school districts across the country.

### **“Improper and Illegal”: Zero Tolerance Discipline, Federal Intervention, and Legal Challenges to School Suspensions**

With suspensions soaring, administrative records show that New York City officials expanded the disciplinary bureaucracy by tightening and centralizing suspension policies. Under this model, discretion would shift even more from the hands of principals to those of superintendents and the police. In spring 1981, Schools Chancellor Frank J. Macchiarola released a new “zero tolerance” style weapons policy before that term came into popular usage.

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<sup>118</sup> Bowen, “Getting Tough.”

<sup>119</sup> Sara Rimer, “Patterson Principal: A Man of Extremes,” *New York Times*, January 14, 1988.

<sup>120</sup> Williams, “Tough Principal”; Hanley, “Discipline Stressed”; Bowen, “Getting Tough”; *Lean on Me*. Directed by John G. Avildsen. Burbank: Warner Bros., 1989.

The new regulations required “automatic suspension and summoning police” to school any time a student was found with something considered a “dangerous weapon,” which included guns and incendiary devices, as well as switchblades, slingshots, metal knuckles, and straight razors. In addition to arrest, the student would be suspended, possibly indefinitely. Previously, principals had discretion in deciding whether an item constituted a dangerous weapon, whether extenuating circumstances explained possession of the item, and whether the infraction merited suspension, which was limited then to five days. Now the principals retained discretion only for a smaller category of objects that included toy guns, chemical irritants, chains, and “sharp pointed instruments.”<sup>121</sup> Parents often tried to intercede on behalf of their suspended children; many argued that the students passed through dangerous neighborhoods going to school and needed to be able to defend themselves against potential attackers.<sup>122</sup> Strict policies continued to accumulate until 1988, when Mayor Ed Koch decreed that any student who attacked a school worker would be automatically expelled for the remainder of the school year, and faced the possibility of a felony charge punishable by more than a year in jail.<sup>123</sup>

This standardization of disciplinary procedures – purported to remove bias from punishment – reflected what was happening in the criminal justice system as a whole, as automatic suspensions acted in a manner similar to mandatory minimum sentences for adults. What the new regulations did not do was respond to an actual rise in weapons possession in the city’s public schools. At the time the policy was announced, officials had seized 50 handguns, two rifles, 181 knives, and 37 other assorted weapons so far that school year. But the number of

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<sup>121</sup> Regulation of the Chancellor, March 24, 1981, Series III, Box 159, Folder 48, UFT Archives.

<sup>122</sup> Esther B. Fein, “Many Youth, Fearing for Safety, Carry Weapons at City’s High Schools,” *New York Times*, February 25, 1985.

<sup>123</sup> Michel Marriott, “Measures Are Announced to Curb School Violence,” *New York Times*, June 1, 1988

guns actually represented a decrease – from 98 guns that had been confiscated in the same time period the previous year.<sup>124</sup> Advocates for students stepped in quickly to resist the shift and filed lawsuits demonstrating how the new rules deprived students of due process. The legal action resulted in a settlement that took some of the bite out of the chancellor’s new procedures.<sup>125</sup> Arguments over the city’s suspension policies continued well into the decade and covered junior high school and elementary students, as well. In an August 24, 1987 letter to Schools Chancellor Nathan Quinones, Advocates for Children cited “an alarming increase in suspensions” among the younger cohort of students, calling the actions “improper and illegal” and “often with a total disregard of due process and procedural rights.” The violations included hearings without eyewitnesses to corroborate accusations against children; lack of records of hearings; failure to consult with parents, and transferring students to new schools without regard to whether such a move “was in the best interest of the child.”<sup>126</sup>

This action reflected a longstanding pattern of the BOE ignoring both its own procedural regulations and widespread recognition of the damage suspensions caused, and prompted a host of legal challenges. In 1981, in *Doe v. NYC Board of Education*, AFC charged that even students with disabilities were regularly suspended for behavior that threatened nobody’s safety. The suit pushed the chancellor to issue new regulations emphasizing that the suspension of students with special needs was a temporary measure to be used in emergency situations only, and, as with non-disabled students, not for transgressions such as disorderly behavior, cutting school,

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<sup>124</sup> Gene I. Maeroff, “Students Found with a Weapon to Be Suspended,” *New York Times*, May 4, 1981.

<sup>125</sup> Gene I. Maeroff, “New Rules Set on Suspensions of City High School Students,” *New York Times*, February 13, 1983.

<sup>126</sup> Letter to Nathan Quinones, Schools Chancellor, from Roy P. Moskowitz, Managing Attorney, Advocates for Children, August 24, 1987. Series 1125, Box 273, BOE Archives.

smoking, or poor grades.<sup>127</sup> That case was heard while *Lora v. NYC Board of Education* wended its way through the courts. First filed in 1975, *Lora* accused the city of placing Black and Hispanic special education students into “a racially segregated school system” that programmed them for failure.<sup>128</sup> The case finally resolved in 1984, when Chief Judge Jack B. Weinstein found that the system indeed was “racially segregated and discriminatory,” and ordered “extensive retraining of teachers” and other school staff to “remedy the illegalities.”<sup>129</sup>

The illegalities in executing disciplinary procedures, however, remained intractable. The BOE archives are filled with correspondence from organizations including AFC and Legal Aid alerting the Schools Chancellor to repeated violations. Meanwhile, ironically, as it harshly punished students it identified as problematic, the city was lax in dealing with complaints against teachers, who, after being charged with even egregious wrongdoing, held on to jobs and dragged out proceedings while getting paid. In a January 21, 1987 letter to Mayor Koch, Robert F. Wagner, Jr., president of the BOE, complained that disciplinary procedures for teachers might “appear facially neutral,” but, in fact, “experience has demonstrated that they are heavily biased toward protection of the teacher at the expense of school children.”<sup>130</sup>

Outside of New York, legal challenges were often just as assertive. In a 1974 case, Dallas schools’ superintendent Nolan Estes conceded in court that the district’s disparities in

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<sup>127</sup> Steven Robert Kaminsky, “Case Study: Advocates for Children of New York, Inc.,” (PhD diss., University of Massachusetts, 1983), 126-127.

<sup>128</sup> *Lora v. Board of Education of the City of New York*, 456 F. Supp. 1211 (E.D.N.Y. 1978).

<sup>129</sup> *Lora v. Board of Education of the City of New York*, 587 F. Supp. 1572 (E.D.N.Y. 1984).

<sup>130</sup> Letter to The Hon. Edward I. Koch, Mayor, from Robert F. Wagner, Jr., President of the BOE, January 21, 1987, Series 391, Box 9, Folder 149, BOE Archives. Robert F. Wagner, Jr., the BOE president under Mayor Koch, was the son of Robert F. Wagner, Jr., the former mayor. When the former mayor dropped Jr., his son assumed it.

suspensions derived from “institutional racism” and “racism among individuals.”<sup>131</sup> The testimony came in a class action lawsuit filed by Black students, who charged that they were expelled and suspended more often than white students and for longer periods. Testifying at the trial, Ruben McDaniel, an assistant professor at the University of Texas, explained that the district’s disciplinary practices caused deleterious consequences for students, including creating “hostility and aggression” and “extreme passivity” in young people that limited educational horizons.<sup>132</sup> In the first such decision in the country, U.S. District Court Judge Sarah T. Hughes agreed, and she ordered Dallas school officials to overhaul the district’s discriminatory disciplinary system.<sup>133</sup> A year after the Dallas case, the Supreme Court once again affirmed, in *Goss v. Lopez*, that constitutional protections for students and other juveniles did not end at “the schoolhouse gate.”<sup>134</sup> And yet, cases continued to amass of students suspended or shunted into lower-ranking classes without proper notice, in violation of the Court’s directive.

Federal intervention often exacerbated preexisting problems, as with the 1974 Juvenile Justice and Delinquency Prevention Act – a sweeping \$380 million program that vastly expanded the bureaucracy surrounding juvenile crime control programs across departments, including the Federal Bureau of Prisons. In passing the act, Congress called the high financial and human toll of delinquency “a growing threat to the national welfare requiring immediate and comprehensive action by the Federal government.” The legislation derided existing programs

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<sup>131</sup> “Dallas Schools Told Stop ‘Institutional Racism,’” *Corsicana (Texas) Daily Sun*, June 6, 1974; Doris Ann Samples, “Minority Students Are Sent Home More Often,” *New York Times*, December 29, 1974.

<sup>132</sup> Samples, *New York Times*, December 29, 1974.

<sup>133</sup> “Dallas Schools Told Stop ‘Institutional Racism,’” *Corsicana (Texas) Daily Sun*, June 6, 1974; Doris Ann Samples, “Minority Students Are Sent Home More Often,” *New York Times*, December 29, 1974.

<sup>134</sup> *Tinker v. Des Moines*; *Goss v. Lopez*.

based on a “protective” or “rehabilitative model” as “inadequate” to address “the crisis of delinquency.” It called for efforts to target not just children already accused of crimes, but any youth “in danger of becoming delinquent.”<sup>135</sup> This “potentiality clause,” as the scholar Elizabeth Hinton labels it, “brought surveillance equipment, patrol forces, and probation officers into the everyday lives of young Americans who survived on public assistance, lived in housing projects, or attended urban public schools” – overwhelmingly, poor Black children – and “legitimated the entry of law enforcement officials into the homes of children attending segregated urban schools.”<sup>136</sup>

A 1978 report by the Department of Justice made plain that programs designed under these various legislative acts, and subsequent funding patterns, furthered imbalances. The report described this effort as “piloting the demise of the poor and minority youngsters in this nation by pursuing policies” that treat them like hardened criminals. Federally funded programs to combat juvenile crime were “perpetuating class and racial segregation while supplying few resources to the greater at-risk population.” Ignoring effective social welfare investment in favor of law enforcement and correctional programs that “merely process the in and out movement of a small percentage of youth who eventually become ‘hard core’,” the Justice Department found, increased incarceration of minority youth. Moreover, the report excoriated the Office of Juvenile Justice and Delinquency Prevention for having a “near missionary” focus of funds and efforts to deinstitutionalize white, middle-class juvenile offenders rather than poorer, often Black youth – in defiance of the legislation’s stated intent.<sup>137</sup>

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<sup>135</sup> United States Public Law 93-415, September 7, 1974.

<sup>136</sup> Hinton, “Creating Crime,” 815-816.

<sup>137</sup> “The Justice Department’s Fight Against Youth Crime,” Subcommittee on Crime, U.S. Department of Justice (December 1978), 3-10.

## **“Gestapo Tactics”: School Police Professionalization, Surveillance Technology, and Student Resistance**

Even as school law enforcement and disciplinary tactics came under fire, the fledgling school security forces in New York City and across the country increasingly sought to gain legitimacy, professionalization, and power by coordinating and lobbying on the national level. Among the most active proponents of this effort was Joseph Grealy, a security official in the Broward County (Florida) School District, who touted his former career as an FBI agent in building his reputation in the field and founding the National Association of School Security Directors (NASSD). In speeches, published commentary, and government testimony, Grealy and representatives from NASSD consistently portrayed the nation’s schools as dangerously overwhelmed by student violence and urged district and federal officials to intervene. At a 1973 Congressional hearing for the Safe Schools Act, testimony by Grealy (read into the record) bemoaned “a terrifying increase in violent crimes in schools throughout the country.” He called for “full scale hearings involving our members,” and advocated for his organization and other representatives in the field to be greater participants in the dialogue about school safety.<sup>138</sup> A year later, the International Association of School Security Directors pressed for standardized “incident” reporting methods to better show trends in school violence as a means of reinforcing the need for a professional cadre of guards and administrators.<sup>139</sup>

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<sup>138</sup> “Safe Schools Act,” Hearing before the General Subcommittee on Education of the Committee on Education and Labor, 93rd Congress, First Session, Washington, D.C., February 26, 1973. Testimony by Joseph I. Grealy, National Association of School Security Directors, read into the Congressional Record.

<sup>139</sup> Terry Ryan, “Students Armed While Attending School Classes,” *The Anniston (Alabama) Star*, January 31, 1973.

Like many security officials, Grealy often blamed desegregation for much of the supposed chaos in the schools. In a 1974 speech at the American Association of School Administrators annual convention, he questioned the “wisdom of our Courts in ordering forced busing.” Rather than giving responsibility for security to education administrators, whom he described as “not qualified to handle it,” he proposed hiring experts such as himself.<sup>140</sup>

This business of school security, however, swelled in size and prominence in response to a questionable enemy. A 1978 study by HEW entitled “Violent Schools – Safe Schools: The Safe School Study Report to Congress,” found that “it does not appear that school violence and vandalism is getting worse.” The study, which covered 1971 to 1976, concluded that a surge in school violence from the late sixties into the early seventies had actually “levelled off” and the data even “suggested some improvement in urban areas.”<sup>141</sup> Nevertheless, Grealy and the NASSD continued to advocate with great success for expanded funding and authority for school security forces. By 1975, NASSD had hundreds of members in at least 42 states, D.C., Canada, and the Panama Canal zone, and more such professional organizations were established.<sup>142</sup> As the field grew, Grealy lobbied more forcefully for government support of his colleagues and mission. “We need more federal money for training and hardware,” he said at a conference in Alexandria, Va., sponsored by his organization and attended by 300 security experts and school officials from 30 states.<sup>143</sup> Often these pleas succeeded. In 1976, for example, the LEAA

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<sup>140</sup> Joseph I. Grealy, “How Can School Security Be Strengthened?” Speech given before the American Association of School Administrators Annual Convention (Atlantic City, N.J., February 22-26, 1974).

<sup>141</sup> National Institute of Education, U.S. Department of Health, Education, and Welfare, “Violent Schools – Safe Schools: The Safe School Study Report to Congress” (Washington, D.C.: U.S. Government Printing Office, 1978), 2, 11.

<sup>142</sup> Florence Mouckley, “School Violence is on the Rise,” *Philadelphia Inquirer*, January 5, 1975

<sup>143</sup> “Price Put on School Damage,” *The Daily News (Port Angeles, Washington)*, July 21, 1976.

invested \$1.2 million in a national pilot program to provide security training and personnel at 81 schools with 565 team members. The following year, the LEAA spent an additional \$2.8 million to expand the program to 291 schools.<sup>144</sup>

The ensuing years brought regular conventions where school security officials fraternized, shared strategies, and perused products aimed at the growing market. A reporter for the *New York Times* described a 1976 conference of the Council for Educational Development and Research as being “more like a convention of prison wardens than a gathering of educators.” The event, in Washington, D.C., boasted panels about “guards, weapons, motion-detection systems and other security devices referred to as ‘hardware’” – including “Dick Tracy-style wrist radios” – that cost schools \$600 million annually.<sup>145</sup> In announcing the 17th annual National Association of School Security Directors conference in West Palm Beach, local officials advertised that the exhibit hall would feature state-of-the-art alarm systems, a sniffer dog program to search student lockers for drugs, and other high-tech security products. At this and many other of the group’s annual conferences, the featured speakers were typically not teachers, social workers, or child psychologists, but almost always law enforcement and even military officials, who framed school disorder as a kind of domestic war. In West Palm Beach, the headliner was D. Glenn Foster, a renowned interrogation expert with experience working for the FBI, State Department, and U.S. Army counterintelligence forces.<sup>146</sup>

Over time, the push to establish a more formal school security profession outside the education system got taken up by the federal government. The U.S. Department of Justice, for

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<sup>144</sup> Law Enforcement Assistance Administration, News Release, August 28, 1977, Series 2, Folder: School Crime #2 Philip McGuire Papers (NYPD Archives).

<sup>145</sup> Gene I. Maeroff, “Educators Debate Security,” *New York Times*, December 17, 1975.

<sup>146</sup> Ken Swart, “Crimefighters Meet to Compare Notes on School Security,” *Fort Lauderdale News*, July 13, 1986.

example, mirroring Grealy's rhetoric, also promulgated the theme of desegregation as a root cause of school disciplinary problems, despite other government evidence to the contrary. A 1979 DOJ publication attributed a rise in school violence directly to school integration "and the climate of fear that is resulting," without offering substantive proof that was happening. The DOJ also advocated that school security officials expand their roles, such that they were not just responding to emergencies, but proactively and preventatively "influencing the development of an educational climate."<sup>147</sup> The federal engagement in professionalizing the school security ranks culminated in January 1984, when the Justice Department funded the creation of the National School Safety Center, as well as the International Association of School Safety Professionals. The move came after President Ronald Reagan derided schools as hazardous and pledged to study the problem.<sup>148</sup> In a radio address, Reagan stirred public angst on the issue when he said, "Many schools are filled with rude, unruly behavior, and even violence." He insisted that he was not "asking for a police state," but that "we can't get learning back into our schools until we get the crime and violence out." He recited a litany of alarming data about crime in classrooms, culled from a report by the President's Working Group on School Discipline entitled, "Disorder in Our Public Schools," and he asked for help in trying to "restore order" to the nation's schools.<sup>149</sup> The address set an alarming tone that drew criticism from some education advocates, who chided the president for using outdated statistics from a nine-year-old report to score

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<sup>147</sup> U.S. Department of Justice, "School Security: Guidelines for Maintaining Safety in School Desegregation, International Association of Education Security Personnel" (Washington, D.C.: Community Relations Service, 1979), 1-3.

<sup>148</sup> Robert Pear, "Reagan Expected to Present Plan to Fight Crime in Public Schools," *New York Times*, January 1, 1984; Francis X. Clines, "Reagan Steps Up Partisan Attack," *New York Times*, February 8, 1984.

<sup>149</sup> Ronald Reagan, "Radio Address to the Nation on School Violence and Discipline," January 7, 1984.

political points. “The last thing we needed was someone at the national level painting as bleak a picture as he did,” said Richard Levey, assistant to the general superintendent of the Detroit Public Schools. “People are being misled.”<sup>150</sup>

That same year, at a four-day conference of the NASSD at the World Trade Center in Manhattan, Bruce Irushalmi, director of the New York City Board of Education’s Office of School Safety, revealed that despite the heated grandstanding, crime in the city’s schools had, in fact, been declining. He said that the 1983-84 school year saw a 3-4% drop in the number of “incidents,” which cover everything from harassment to assault.<sup>151</sup> Others in the field acknowledged that the focus on high-tech security devices and an increasingly professionalized personnel force was a flawed, short-term approach and undermined the real means of solving any school discipline crisis. But they still persisted with the buildup. “We cannot wait for promising social practices and educational programs,” said William L. Lucas, assistant school superintendent in Los Angeles, “even though in the long run these practices hold out the promise of ultimate rather than ad hoc solutions.”<sup>152</sup>

The documented downward trend in school-based violence did not seem to penetrate the cacophony about juvenile delinquency that overwhelmed the political and cultural dialogue. Indeed, between 1975 and 1987, the arrest rates nationwide for juveniles committing major violent offenses, like murder and rape, remained steady. Yet, in 1982, a national public opinion survey found that 87% of people believed that serious juvenile crime was climbing at a

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<sup>150</sup> Cindy Currence, “President’s Approach to School Discipline Draws Criticism,” *Education Week*, January 25, 1984.

<sup>151</sup> Nicole Simmons, “School Security Directors Confer on Crime, Gangs and Legal Issues,” *New York Times*, July 10, 1984.

<sup>152</sup> Maeroff, “Educators Debate Security.”

frightening pace.<sup>153</sup> In an NEA poll, the number of teachers who reported that they had been physically attacked at school in the previous year rose by 53% between 1977 and 1983; those reporting “malicious damage to their personal property” increased by 63% during that time.<sup>154</sup> And a 1982 survey by the *New York Times* found that more than 25% of New York State teachers reported concern for their “personal safety.” Just under a quarter statewide responded that they had been “physically assaulted by a student while on school premises,” with the number at around 30% for teachers in New York City.<sup>155</sup> Although these impressionistic responses conflicted with official data showing a steady decline in school violence during this period, they revealed an undercurrent of fear – one that the growing school safety industrial complex exploited.

With soaring budgets and an ever-more aggressive and expansive vision of school security taking hold, New York City and other districts around the country increasingly shelled out for advanced hardware and surveillance technology. In 1982, at the recommendation of its Task Force on School Safety, the city began spending more than \$2.3 million installing panic buttons and central monitoring systems across many schools even as the BOE acknowledged a “dramatic” decline in student crime.<sup>156</sup> Around the same time, the BOE intensified the carceral atmosphere by directing all school security personnel to wear police-style uniforms.<sup>157</sup> And the

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<sup>153</sup> Ira Schwartz, Martha Wade Steketee, and Jeffrey Butts, “Business as Usual,” *Notre Dame Journal of Law, Ethics, and Public Policy* 5 (1991): 377-380.

<sup>154</sup> Department of Education, “Disorder in Our Public Schools: Report of the Cabinet Council of Human Resources (CCHR) Working Group on School Violence/Discipline to the President” (Washington, D.C.: January 3, 1984), 7.

<sup>155</sup> Edward B. Fiske, “Survey of Teachers Reveals Moral Problems,” *New York Times*, September 19, 1982.

<sup>156</sup> “Final Recommendations of the Task Force on School Safety,” November 30, 1982, Series 391, Box 39, Folder 573, BOE Archives; Paula Bernstein, “Security in schools gets better grades,” *Daily News*, September 27, 1984.

<sup>157</sup> “Uniform for School Guards,” *New York Times*, January 7, 1982.

following year, the city passed a law mandating that every public school student wear and display at all times an identification badge, with failure to do so resulting in removal from school as well as possible additional disciplinary penalties.<sup>158</sup> By the 1980s, the sociologist Christian Parenti notes, low-income New York City students were enduring an undeniably carceral daily routine, with “an unofficial, unacknowledged curriculum on how to be searched, scanned, ID’d, detained, interrogated, and expelled.”<sup>159</sup>

During this time, the word “disruptive” kept its grip on the mindset of education officials, who continued using the amorphous term as a means of spreading the net of punishable behavior. At a 1984 Senate hearing on juvenile delinquency, Albert Shanker suggested that “disruptive” behavior was even more problematic than student violence. He acknowledged that the core failure was that school systems did not address early enough underlying issues undermining children’s learning and behavior. “[T]he greatest cause of disruption in schools comes from those children who have given up hope that they can learn,” he said. “...The big problem we have is our failure to do the job at the time it can be done, at the time when the child still has faith and confidence, at a time when it is very cheap to do it, at a time when we can be successful.” Nonetheless, Shanker proposed isolating children who cause “disruptions” – “removing the child, placing that child in some temporary facility within the school...or to some other location” – in what sounded uncannily like the “Fourth Floor” confinement at the House of Refuge, or a jail holding pen.<sup>160</sup>

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<sup>158</sup> New York City Council, A Local Law, Int. No. 694, December 8, 1983, Series VII, Box 213, Folder 2, UFT Archives.

<sup>159</sup> Christian Parenti, *Lockdown America* (New York: Verso, 2000), 78.

<sup>160</sup> “Crime and Violence in the Schools,” Hearing Before the Subcommittee on Juvenile Justice of the Committee on the Judiciary, 98<sup>th</sup> Congress, Second Session, January 25, 1984. At the time of his testimony, Shanker had become president of the American Federation of Teachers, a national union.

The onslaught of enhanced security measures roused fierce resistance from students weary of further carceral incursions in their young lives. One particularly dramatic conflict began on a November morning in 1982, when students at Thomas Jefferson High School, in the East New York section of Brooklyn, were greeted upon arrival by a complement of security guards, who searched the children one-by-one with hand-held metal detectors. Compounding what students already saw as an indignity was the fact, some children complained, that they had been pushed, kicked, and shoved by guards conducting the searches. A 10<sup>th</sup> grader named Mike Taylor said that one guard struck him in the chest when he did not open his jacket for inspection quickly enough. Word of the violations quickly spread through the school and some students overturned tables and chairs in the cafeteria before staging a walkout. More than 1,600 students – nearly everyone present that day – poured out of the school and onto the intersection of Pennsylvania and Dumont Avenues for an impromptu protest. “Gestapo tactics!” they yelled, as police dispersed the crowd. “The guards disrupted everything,” Eugene Jackson, a 10th grader, told the *Daily News*. “Everybody was on edge because of the atmosphere. It was like being in a prison.”<sup>161</sup>

Some city officials expressed concerns about the implications of such searches and the larger school security apparatus. Brooklyn City Councilman Enoch Williams called the searches “very demeaning,” and insisted that “the Board of Education can find other ways of curtailing any violence or disorder.”<sup>162</sup> That did not happen. Instead, just days after the protest at Jefferson, the city Task Force on School Safety finalized its recommendations that actually “expanded”

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<sup>161</sup> Joseph B. Treaster, “Students Protest Weapons Search at Their School,” *New York Times*, November 11, 1982; Larry Celona and Paul Meskil, “Students walk out after arms search,” *Daily News*, November 11, 1982.

<sup>162</sup> Angela Jones, “Search for reasons in search of students,” *New York Amsterdam News*, November 20, 1982.

conditions under which schools were now compelled to “give access to police officers for removal of a student,” beyond the alleged commission or witnessing of a crime on school grounds, or to execute an arrest warrant.<sup>163</sup> Eventually, concerns about academics being drowned out by the carceralization of the school system nagged at Schools Chancellor Nathan Quinones – although many severe security initiatives were implemented under his watch (1984 to 1987). Speaking on April 15, 1986, at the President's Child Safety Partnership Hearings, in Washington, D.C., Quinones confessed, “We may find ourselves running prisons instead of schools if we do not simultaneously pay even greater attention to the established principles of effective education.”<sup>164</sup>

With no abatement of the security force buildup, students continued challenging the intrusion of police officers into their places of learning. In November 1987, Black and Latnix students staged a rally outside City Hall after five heavily armed NYPD officers and two detectives stormed the International Community School on the Lower East Side to arrest a 12-year-old Black student named Tamika Williams for allegedly robbing two 11-year-old boys from a nearby school. The school’s principal, Wallie Simpson, insisted the matter between the children had been resolved and denied entry to the police due to lack of a search warrant. But the officers would not abide the interruption of their mission, so they handcuffed the principal and then charged through the school to arrest Tamika. In the process, a 10-year-old named James Howard said he was pinned against a wall by an officer when he failed to provide Tamika’s

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<sup>163</sup> “Final Recommendations of the Task Force on School Safety.”

<sup>164</sup> Testimony by Nathan Quinones, April 15, 1986, Series 1126, Box 18, Folder 327, BOE Archives; Robert McFadden, “Principal is Robbed at Harlem School,” *New York Times*, September 20, 1986.

location. At the City Hall demonstration, students made their outrage clear, bearing signs that read, “Keep our schools safe” and “Stop police invasion.”<sup>165</sup>

Nonetheless, the BOE steadily moved forward with a comprehensive – and costly – expansion of the metal detector program as part of a larger push for school security and surveillance equipment. In 1988, New York City introduced electronically-locked doors and silent buzzer systems in every classroom, along with a \$2.8 million pilot program that brought 40 guards with hand-held metal detectors to five schools.<sup>166</sup> The following year, the city extended the metal detector program to 10 additional schools, with up to 100 more getting supplemental outside patrols by a special security force. Both Democratic and Republican city officials alike remained unmoved by concerns over students’ rights and potential abuses. “The public need has long since overcome the objections of civil libertarians,” said Democratic City Councilman Herbert E. Berman.<sup>167</sup> By 1994, after the city pumped an additional \$28 million into security measures at the city’s 40 “most dangerous” public schools, the hand-held metal detector program was in 59 high schools, with \$1 million allotted for walk-through metal detectors at 50 more schools.<sup>168</sup>

Principals of some of those so-called “most dangerous” schools saw immediate cause for alarm. At Jefferson, principal Carol Burt-Beck condemned what she called an emerging “police state” in the school. “I’m not going to run this school like it is a Rikers Island annex,” she said,

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<sup>165</sup> J. Zamgba Browne, “Students protest police raid of Eastside school,” *New York Amsterdam News*, November 21, 1987.

<sup>166</sup> Michel Marriott, “Measures Are Announced to Curb School Violence,” *New York Times*, June 1, 1988; “Fearing for Teachers,” *New York Times*, September 4, 1988.

<sup>167</sup> Sarah Lyall, “A Losing Fight On Violence In the Schools,” *New York Times*, February 27, 1989.

<sup>168</sup> Jacques Steinberg, “Dinkins Promises Money for Safety in Violent Schools,” *New York Times*, March 2, 1992; Sam Dillon, “Cortines Wants 50 High Schools To Get Walk-Through Detectors,” *New York Times*, September 21, 1994.

invoking the notorious city jail complex. Many civil libertarians agreed. “Too often in the zeal to win the war on drugs, school officials disregard the Bill of Rights,” said Norman Siegel, NYCLU executive director.<sup>169</sup>

Even the BOE itself had to admit that many of its security tactics were unwarranted in the face of an exaggerated crisis. A confidential 1987 memo by Bruce Irushalmi, the BOE’s director of school safety, to Schools Chancellor Nathan Quinones, touted an uninterrupted continuation of school safety, to Schools Chancellor Nathan Quinones, touted an uninterrupted continuation of the drop in school crime that Irushalmi trumpeted at the 1984 conference of school security directors. The new data showed a 17% decrease in city-wide school incidents for the 1986-87 school year, on top of a 19% decrease the previous year, with serious incidents (comprising assault, robberies, sex offenses, weapons possession, and possession of controlled substances) declining by 8%.<sup>170</sup> But despite such encouraging findings, less than a year later, the acting director of the city’s high schools sent a memo to new Schools Chancellor Richard R. Green, seeking to further expand the metal detector program.<sup>171</sup> Then in February 1990, officials of the Joint Commission on Integrity in the Public Schools announced that a covert investigation in which they sent five NYPD officers undercover as high school students at several of the “most dangerous” schools found almost no evidence of drug use, weapons, or gang activity. “Basically, the media suggest the schools are full of drugs and full of weapons,” said Austin V. Campriello, the commission's chief counsel, deflecting responsibility for the city’s school security escalation onto journalists. “Frankly, I thought that was true... The bottom line is, as far as I can tell, there

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<sup>169</sup> Michel Marriott, “Detection Methods Raise Issue of Student Rights,” *New York Times*, January 10, 1990.

<sup>170</sup> Memo from Nathan Quinones, Schools Chancellor, to Members of the Board of Education, August 7, 1987, attaching a confidential memo from Bruce Irushalmi, Director of the Office of School Safety, to Quinones, n.d., Series 391, Box 39, Folder 573, BOE Archives.

<sup>171</sup> Memo from Stephen E. Phillips, Acting Executive Director, Division of High Schools, to Dr. Richard R. Green, Schools Chancellor, April 27, 1988, BOE Series 391, Box 39, Folder 573.

was precious little drug use and few weapons.” Even the BOE’s president, Robert F. Wagner Jr., was forced to concede that, overwhelmingly, failure in the schools was not due to student impropriety but rather municipal inadequacy. “Our schools are not the blackboard jungles people assume,” said Wagner. “Our greatest failure is reaching at-risk kids and getting over the image that all these kids are terrible kids. The truth is, they're not.”<sup>172</sup>

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<sup>172</sup> Felicia R. Lee, “Violence Is Scarce In Schools, Police Find,” *New York Times*, February 13, 1990.

## Epilogue

Mayor David N. Dinkins was preparing for a difficult speech he was set to deliver on the morning of February 26, 1992, to students at Thomas Jefferson High School. The school, which had a reputation for violence, was teeming with safety officers intended to maintain calm. Three months earlier, one student fatally shot another in the hallway and critically wounded a teacher as stunned children shuffled between classes. So on this morning, the mayor intended to speak with a firm hand and a kind heart to children traumatized by what they had seen and heard. He wanted to tell them that they had to rise above the violence and the drugs that plagued their neighborhood and their school. He planned to use his own life, his journey as the son of a maid and a barber who became the first Black mayor of New York City, as an example of a different path forward. And then the call came in. At 8:40 that morning, as the second period bell sounded and just an hour before the mayor's scheduled arrival, gunshots rang out at Jefferson again. Khalil Sumpter, a 15-year-old student, pointed a stolen .38-caliber pistol and, without warning or words, shot two schoolmates in a bustling second-floor corridor – 17-year-old Ian Moore in the chest and 16-year-old Tyrone Sinkler in the back of the head – over a long-simmering dispute. The two boys were pronounced dead on arrival at Brookdale Hospital. Khalil was charged as an adult with two counts of second-degree murder and two counts of criminal possession of a deadly weapon.<sup>1</sup>

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<sup>1</sup> Robert D. McFadden, "16-Year-Old Is Shot to Death In a High School in Brooklyn," November 26, 1991; Alison Mitchell, "2 Teen-Agers Shot to Death in a Brooklyn School," *New York Times*, February 27, 1992; David Oestreicher and Dick Sheridan, "2 Students Slain at School," *Daily News*, February 27, 1992; Joseph A. Gambardello, "Slain at School," *Newsday*, February 27, 1992; Robert D. McFadden, "David N. Dinkins, New York's First Black Mayor, Dies at 93," *New York Times*, November 24, 2020; Larry Celona and Patrice O'Shaughnessy, "Best friends 'til end," *Daily News*, February 27, 1992.

Metal detectors deployed for spot security checks at designated city high schools since 1988 were absent at Jefferson the day of Mayor Dinkins's visit. Principal Carol Burt-Beck philosophically opposed their regular use for fear her students would see the school as an armed encampment instead of an educational haven. But Burt-Beck could not eschew entirely the escalating citywide school security web even as she deplored it and questioned its effectiveness. Indeed, two police officers were standing within 15 feet of the shootings, 13 security guards milled about the school, and an additional 10 police officers stood outside in preparation for the mayor's arrival. Yet the amped up police presence did nothing to prevent the tragedy at Jefferson that day.<sup>2</sup>

It was hard to say exactly how dangerous schools really were at the time. Different factions cherry-picked and massaged facts and events to suit their positions. Newspaper headlines flipflopped regularly from, "Officials Report Drop in Violence in Schools," to "A Losing Fight on Violence in the Schools," back to "Violence is Scarce in Schools, Police Find."<sup>3</sup> But the statistics and evidence culled by the police seemed to support the case that violence in the schools was, in fact, ebbing, and that when it did unfold – as at Jefferson – it reflected mostly the harsh conditions of the surrounding neighborhoods, not anything endemic to school. Moreover, despite public pronouncements to the contrary, even the BOE's own data revealed an overall, years-long, and continuing drop in violent incidents in the schools.<sup>4</sup> Those favorable local numbers aligned with national studies. The National Center for Education Statistics, for

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<sup>2</sup> Mitchell, "2 Teen-Agers Shot to Death"; Suzanne Daley, "5 Schools to Use Detectors for Guns," *New York Times*, May 5, 1988; Michel Marriott, "Detection Methods Raise Issue of Student Rights," *New York Times*, January 10, 1990.

<sup>3</sup> "Officials Report Drop in Violence in Schools," *New York Times*, August 31, 1987; Sarah Lyall, "A Losing Fight on Violence in the Schools," *New York Times*, February 27, 1989; Felicia R. Lee, "Violence is Scarce in Schools, Police Find," *New York Times*, February 13, 1990.

<sup>4</sup> Lee, "Violence is Scarce."

example, found that from 1976 to 1993, students did not report any rise in their sense of feeling threatened or victimized at school.<sup>5</sup>

But as Mayor Dinkins pulled up to Jefferson that wintery morning, none of this context mattered. Police investigators swarmed the school and blood still stained the hallway floors. “You have got to learn from this, you must learn from this,” the mayor told several hundred shaken students and faculty, who wept at an assembly in the school auditorium. Above their heads, a banner bore a picture of the Rev. Dr. Martin Luther King, Jr., and his words: “The choice today is not between violence and nonviolence. It is either nonviolence or nonexistence.”<sup>6</sup>

Dinkins did not support the decades-long student movement to dismantle entirely the school security infrastructure, but he had been trying to take small steps toward reimagining the system. He set up community drug prevention centers in public schools to address addiction problems, for example, and funded a \$3 million school conflict resolution effort even as he pulled \$50 million from traditional security responses, including yanking \$2.5 million earmarked for metal detectors.<sup>7</sup> After all, despite the uproar over school safety, national and local reports, like the 1990 one from Joint Commission, showed a distinct slowdown in school-based violence. Yet, as has been the case so often through New York City history, one extreme incident could nevertheless shift the narrative. And in this instance, an impending election only heightened that tendency.

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<sup>5</sup> Tamar Lewin, “School Codes Without Mercy Snare Students Without Malice,” *New York Times*, March 12, 1997.

<sup>6</sup> Mitchell, “2 Teen-Agers Shot to Death”; Gambardello, “Slain at School”; Oestreicher and Sheridan, “2 Students Slain at School.”

<sup>7</sup> Joseph B. Traister, “Dinkins Plans Drug-Fighting Centers at 9 Schools,” *New York Times*, May 22, 1990; Mitchell, “2 Teen-Agers Shot to Death.”

In the aftermath of the Jefferson tragedy, the Dinkins administration largely retreated from its community policing and engagement model in the schools and projected a newly-hardened stance of cracking down on students. A day after the shootings, Schools Chancellor Joseph A. Fernandez called for an extensive expansion of the metal detector program to include more schools and daily, rather than spot, usage.<sup>8</sup> And that Sunday, at the Concord Baptist Church of Christ, in Bedford-Stuyvesant, Mayor Dinkins announced from the pulpit that he was committing \$28 million more to shore up school security, in part for hiring extra police officers to patrol inside the city's most violent schools and on the streets outside them, and for expediting the expansion of metal detector use. When asked, however, where the money would come from, with the city and the school system facing crushing financial deficits, the mayor obfuscated and refused to guarantee that educational funds would not be tapped to cover the security surge. "We're going to streamline, adjust and do what we must," he vacillated.<sup>9</sup>

But in the rush to ramp up security measures, City Hall seemed to ignore key statistics that gave insight into the atmosphere at Jefferson: at that time, fully half the students who enrolled at Jefferson did not graduate and a staggering 25% of students were absent on any given day.<sup>10</sup> "You can't reduce personnel at school," Schools Chancellor Fernandez said, "do away with deans, increase classroom size, do away with materials, do away with the full support services and counselors and not expect some of these to exacerbate the situation."<sup>11</sup>

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<sup>8</sup> Joseph Berger, "After 2 Killings, a Plan for More School Security," *New York Times*, February 28, 1992.

<sup>9</sup> Jacques Steinberg, "Dinkins Promises Money for Safety in Violent Schools," *New York Times*, March 2, 1992; Joseph Berger, "Fight Looms Over School Safety Funds," *New York Times*, March 3, 1992.

<sup>10</sup> Berger, "After 2 Killings, a Plan for More School Security."

<sup>11</sup> Berger, "Fight Looms."

The issue of school safety hung heavy in New York City's political air during the early 1990s. Mayor Dinkins tried to walk a precarious line between staying the course of encouraging disciplinary reform and pivoting to a harsher position on policing and punishing students. The result was that his administration was beset by an image both of ineffectual reformism and of pandering to hardliners. It also faced allegations of serious illegalities and improprieties by senior members of the Division of School Safety, including possible criminal activity. The BOE's special commissioner for investigations, Edward F. Stancik, described in a 1992 report a climate of "deceit, cronyism and nepotism" in the division's leadership, including hiring family members and former police officers not cleared to work in city jobs while collecting city pensions.<sup>12</sup> An outside panel of experts commissioned by Chancellor Fernandez issued a report in April 1993 that found the school security division was riddled, among other failures, with deficient coordination between principals and other BOE officials, poor hiring standards for its guards, and inadequate supervision of its force.<sup>13</sup>

Meanwhile, Rudolph W. Giuliani, the Republican former federal prosecutor, who lost the previous mayoral contest to Dinkins in 1989 by only about 47,000 votes out of 1.75 million cast, began plotting a rematch by taking aim at the administration's record on crime. Frequently, his target was violence and racial unrest in schools. He made clear his intent, if he became mayor, to subsume the school security structure, including the 3,200 school safety officers, into the NYPD, which would have made New York the first large urban school system whose municipal police

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<sup>12</sup> Rob Pollner, "School Cops Shocker, Report: Cronyism, fraud at top," *Daily News*, July 20, 1992; Joseph Berger, "Schools Safety Chief Accused of Improprieties in New York," *New York Times*, July 21, 1992.

<sup>13</sup> Sam Dillon, "On the Barricades Against Violence in the Schools; As Fears Over Security Grow, New York's School Safety Force Struggles to Keep Up," *New York Times*, December 24, 1993.

department would directly oversee school security. This effort was part of the mayoral contender's larger plan to concentrate more power in the NYPD by consolidating other security forces – including the transit police, public housing police, and public hospitals security force – directly under NYPD control. This arrangement would increase the NYPD's ability to seamlessly surveil students in virtually every domain of their lives. Giuliani won the election in 1993 – defeating Dinkins by roughly the same slim margin of his earlier loss. And even before he took office, he began inflaming the rhetoric about increasing police involvement in school security. “I believe that police officers have to be able to go on the school premises,” he said days after being elected, adding that, “we will have to do things differently than we have done in the past.”<sup>14</sup>

Opinion polls at the time Giuliani took office showed that the public in New York City supported the strong crackdown on crime that the new mayor proposed, including harsher consequences for young people caught committing offenses inside or outside schools. Around 87% of people surveyed in a 1994 *Daily News*/NBC Harris poll, for example, favored police aggressively stopping teenagers on the street during school hours to check if they were truant and punishing transgressors firmly.<sup>15</sup> Some parochial and private schools capitalized on this fear by advertising their schools as safe.<sup>16</sup> “What people obviously are looking for is a much more

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<sup>14</sup> James Dao, “Dinkins and Giuliani Split on Public Safety Issues,” *New York Times*, October 11, 1993; Sam Roberts, “Dinkins Defeats Giuliani in a Close Race,” *New York Times*, November 8, 1989; Dillon, “On the Barricades Against Violence in the Schools”; Randal C. Archibold, “New Era as Police Prepare to Run School Security,” *New York Times*, September 16, 1998; Alison Mitchell, “Giuliani Sees Role for the Police in Schools,” *New York Times*, November 9, 1993.

<sup>15</sup> Frank Lombardi and Joel Siegel, “City's Up On Crackdown: New Yorkers Back Mayor's Crime Plan,” *Daily News*, April 4, 1994.

<sup>16</sup> City Council, City of New York, Transcript of the Minutes of the Committee on Education, September 29, 1994: 74.

visible and assertive police presence,” said Giuliani-appointed Police Commissioner William J. Bratton, whose approval ratings surpassed the mayor’s. “That is what we are going to give them.”<sup>17</sup>

The focus on the danger of schools and students in the city and across the country – despite the statistical decline in violent incidents – reflected a nationwide obsession with the subject, one that mirrored, in many ways, the fears over juvenile delinquency that gripped the country in the 1950s. The 1990s saw the rise of the term “superpredators” to describe a supposedly new breed of impulsive and remorseless young people.<sup>18</sup> Congress led a wave of zero-tolerance policies and legislation at that time, including the 1994 Gun-Free Schools Act, which mandated a year-long out-of-school suspension for any child caught carrying a weapon to school. Schools that failed to comply strictly risked losing federal funding. The definition of “weapon” stretched to the absurd, with, for example, a child who brought a grandfather’s antique watch with a tiny penknife attached to show-and-tell, or a student who bit a sandwich to mimic a pistol, lumped with gang members caught with real handguns. Like many cities and municipalities, New York also had another powerful incentive to elevate its reliance on police and prisons in addressing juvenile crime: the Violent Crime and Law Enforcement Act of 1994, touted by then President Bill Clinton. That law provided strong funding inducements that encouraged locales to employ police for resolving all manner of misbehavior by adults and children. Among the programs was the Community Oriented Policing Services (COPS), which eventually included a special department for subsidizing the hiring of school security officers.<sup>19</sup>

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<sup>17</sup> Lombardi and Siegel, “City’s Up On Crackdown.”

<sup>18</sup> Kim Taylor-Thompson, “Op-Ed” Why America is still living with the damage done by the ‘superpredator’ lie,” *Los Angeles Times*, November 27, 2020.

<sup>19</sup> Public Law 103-322, 103<sup>rd</sup> Congress, September 13, 1994; Lauren-Brooke Eisen, “The 1994 Crime Bill and Beyond: How Federal Funding Shapes the Criminal Justice System,” *Brennan*

The debates, passage, and proliferation of such laws underscored a desperate frenzy at the time by local and national authorities to get tough on juvenile misbehavior, regardless of the outcome.<sup>20</sup>

Even while advocating for an expansion of the school security force, New York City officials had to grapple with an alarming torrent of criminal charges filed against its school safety officers. In the first two years of Giuliani's mayoralty, more than 16 safety officers were arrested for sexual abuse, including counts of raping students, coercing sexual liaisons, and sexually assaulting students they were hired to protect.<sup>21</sup> Other officers were charged with corruption and importing drugs.<sup>22</sup> The scandal forced the head of the Division of School Safety, Zachary Tumin, to resign, but it did nothing to dampen the mayor's enthusiasm for amplified policing in the schools.<sup>23</sup>

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*Center for Justice*, September 9, 2019; Cathy Girouard, "School Resource Officer Training Program," U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, OJJDP Fact Sheet no. 05 (Washington, D.C.: March 2001); "Education Under Arrest: The Case Against Police in Schools," *Justice Policy Institute* (Washington, D.C.: November 2001).

<sup>20</sup> Lewin, "School Codes Without Mercy"; Libby Nelson and Dara Lind, "The school-to-prison pipeline explained," *Vox*, October 27, 2015.

<sup>21</sup> Michael Cooper, "Once Again, Sex Abuse by Employee at a School," *New York Times*, June 10, 1995; Dennis Hevesi, "School Guard Is Charged in Rape of Brooklyn Schoolgirl," *New York Times*, June 24, 1995; Norimitsu Onishi, "School Guard is Charged with Statutory Rape of Student," *New York Times*, June 29, 1994; "A School Rape Case," *New York Times*, June 24, 1995; Ronald Sullivan, "School Officer Held in Abuse of Student, 14," September 22, 1995.

<sup>22</sup> George James, "2 Officers Are Charged With Taking Bribes for Jobs," *New York Times*, December 9, 1994; David Stout, "School Safety Officer Is Arrested With Pinata Full of Marijuana," *New York Times*, May 25, 1995; Randi Roberts, Tom Comiskey, and Andre Jenkins, "An Investigation Into Recruiting, Screening, and Hiring Practices at the Board of Education's Division of School Safety," City of New York, the Special Commissioner of Investigation for the New York City School District (November 1995).

<sup>23</sup> Board of Education Special Commissioner of Investigation for the New York City School District, "Allegations Against Executive Director of the Division of School Safety Zachary Tumin: Summary of Investigative Results," September 1994; Maria Newman, "School Safety Chief Resigns, Urging Job Be Done by Police," *New York Times*, May 31, 1995.

The Giuliani administration did not provide data demonstrating the efficacy of their proposals for minimizing violence in the schools, but through forceful language and posturing, the mayor and his advisors concretized the potential of school security officers becoming employees of the NYPD rather than the Board of Education. Such a shift would be not merely administrative, a paycheck signed by one city entity over another. The new mayor was telegraphing that he believed student conduct in school should be viewed through a criminal prism rather than an educational one. His policies presumed that having police personnel, in many cases regular armed NYPD officers, stationed in schools and adjudicating behavior, instead of teachers, principals, or security staff hired and trained by the BOE, would invariably increase the number of students shunted to the courts and prison.

Initially, the BOE and many school officials resisted moving the school security force under the aegis of the NYPD, wanting to retain authority over matters taking place in school and fearing that under such an arrangement, obstreperous or defiant – though non-criminal – student behavior would end up criminalized. The schools chancellor when Giuliani was elected, Ramon C. Cortines, did not even support having uniformed NYPD officers regularly working in the schools, let alone having the entire safety division nestled under the NYPD, and he did not hide his opposition. “Do I want them patrolling the school? The uniform in the school?” Cortines said at a joint event with the new mayor-elect. “I believe that the school safety department that we presently have is doing a satisfactory, good job.”<sup>24</sup> Education officials increasingly worried that the city’s schools were morphing into carceral feeders, and that such outsized focus on policing student behavior deflected much-needed attention away from improving the quality of teaching and learning. At a City Council Committee on Education meeting on September 29, 1994,

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<sup>24</sup> Mitchell, “Giuliani Sees Role for Police.”

Council Member Wendell Foster lamented that “it is as though we are reading a prison report, not a school report.” Other attendees noted that the school security system was rife with racism and that authorities dumped challenging students in special education classes rather than addressing their underlying issues, an echo of mid-century practices that proliferated amid desegregation battles. Various members observed that an amped-up security apparatus was doomed if more entrenched socio-economic and cultural crises in the city were not resolved – and if the education system itself was not strengthened and its facilities in poor neighborhoods upgraded – because those structural inequities drive up crime rates among children and adults alike.<sup>25</sup>

Mayor Giuliani methodically built his case for the transfer – he established a commission to investigate the option, held hearings, and more – still the move took longer than he had wanted or anticipated.<sup>26</sup> Parents, activists, and many teachers and principals vigorously fought City Hall’s plan. But by 1998, the BOE makeup had slowly shifted and was now comprised mainly of Giuliani supporters. That September 16, the seven members unanimously approved the NYPD takeover of the Division of School Safety and its roughly 3,200 officers, citing the need to control violence in the schools.<sup>27</sup>

One day after the vote, however, the BOE released a report that detailed how violent crime actually had been declining in the city’s schools. Although the annual statistics were

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<sup>25</sup> Transcript of the Minutes of the Committee on Education, September 29, 1994: 68, 69-71, 76, 66-67, 86.

<sup>26</sup> Vivian S. Toy, “Panel Backs a Police Role in School Security,” *New York Times*, October 11, 1995.

<sup>27</sup> Nancie L. Katz, “Board sees model in cop-principal alliance,” *Daily News*, September 16, 1998; Archibold, “New Era”; Nancie L. Katz, “Bd. OKs cop-security takeover,” *Daily News*, September 17, 1998; Lynette Holloway, “Board Votes to Give Police Control of School Security,” *New York Times*, September 17, 1998; “Memorandum of Understanding,” (September 17, 1998) Series 2, Folder: NYPD Board of Ed, Philip McGuire Papers. John Jay.

released previously in August, this year they came out one month late, bypassing the heated debate. Opponents of the transfer accused the Giuliani administration of manipulating release of the data in a cynical and deceptive effort to buttress its case with false impressions of dire, emergency conditions in the city's schools.<sup>28</sup>

And then came Columbine. On April 20, 1999, Eric Harris and Dylan Klebold, twelfth-graders at Columbine High School in Littleton, Colorado, went on a meticulously-plotted shooting spree at their school, massacring 12 students and a teacher and wounding 28 others with semi-automatic rifles and pistols they had hid under dark trench coats. Bombs and booby traps scattered throughout the building failed to detonate or were dismantled by the police, sparing countless more lives. At the end, Harris and Klebold shot themselves, too, in the school library.<sup>29</sup>

The tragedy forever cemented the atmosphere in American schools into one of proactive discipline and carcerality. But Columbine did not just cause a flood of rigid new regulations and laws. The massacre took place *despite* a flood of zero tolerance policies and laws that had escalated throughout the 1990s. And yet, in the wake of Columbine, lawmakers and education officials dug deeper into the same policies to quell public fears. An increase in COPS funding, through the COPS In Schools and the Secure Our Schools programs, caused a rapid acceleration of the deployment of security officers in schools, with a notable spike in the years 2000 to 2002. Although the amount dropped off from its 2002 peak, since 1999, COPS has doled out nearly \$1 billion for hiring school security guards around the country.<sup>30</sup>

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<sup>28</sup> Susan Edelman, "Tempers Flare Over Timing of School-Crime Report Card," *New York Post*, September 18, 1998.

<sup>29</sup> Mark Obmascik, "Columbine High School shooting leaves 15 dead, 28 wounded," *Denver Post*, April 21, 1999.

<sup>30</sup> John Cloud, "The Columbine Effect," *Time*, November 28, 1999; "Education Under Arrest," 6.

In New York City, the effect of all these changes was undeniable. In just the first year of transferring the Division of School Safety to the NYPD, the use of criminal court summonses to deal with student behavioral issues increased by a striking 101%.<sup>31</sup> Two years later, in 2001, however, more than two thirds of principals surveyed by the city reported that despite this controversial transition, there had been no improvement in the climate of safety in their schools.<sup>32</sup>

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<sup>31</sup> Archives of the Mayor's Press Office, Release #451-00, "Mayor Giuliani Announces Release of First Annual Joint Committee on School Safety Report," December 1, 2000.

<sup>32</sup> Adamma Ince, "Preppin' for Prison," *The Village Voice*, June 12, 2001.

### Conclusion

In February of 2002, a student at Franklin K. Lane High School named Daniel Espinal went to pick up his program card for the new semester when a guidance counselor told him he was too old to continue taking classes. Daniel was more than a little confused. At the time, he was only 17 years old and eager to graduate, so he continued returning to school for two weeks in hopes of getting a program card. He even brought his father to advocate on his behalf. But the school remained firm and pressured Daniel's father to sign a contract dispatching the boy from Lane permanently. Daniel was not alone. According to a class-action lawsuit filed in federal district court the following year, Lane had recently pushed out hundreds of students administrators deemed problematic even though New York state law grants children the right to remain in school until the age of 21.<sup>1</sup> By then, Lane was one of the most heavily policed schools in the city and nearly all its students were Black and Latinx. Around 90% lived below the poverty line. "We never even got a chance, you know," Tenisha Miller, another student who had been pushed out of Lane, told the *New York Times*. "It's just like they decided, 'no, you can't stay.' And then boom, we had to go."<sup>2</sup> Soon after, students at two other high schools filed similar class-action lawsuits.<sup>3</sup>

This was hardly the first time Lane had been accused of forcing out vast numbers of Black and Latinx students. In 1969, the NYCLU filed a federal lawsuit charging that the school wrongly dismissed hundreds of Black and Puerto Rican students – an action the sociologist

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<sup>1</sup> *Ruiz v. Pedota*, U.S. Dist. (2004).

<sup>2</sup> Jennifer Medina and Tamar Lewin, "High School Under Scrutiny For Giving Up on Its Students," *New York Times*, August 1, 2003.

<sup>3</sup> *RV v. Department of Education*, U.S. Dist. (2004); *SG v. Department of Education*, U.S. Dist. (2004).

Kenneth B. Clark said at the time made “a mockery of the 1954 *Brown* decision.”<sup>4</sup> In nearly half a century, it seemed little had changed at Lane. Even the same judge, Jack B. Weinstein, presided over both cases. This time, in settling the lawsuit, Judge Weinstein called the practice of “pushing out” challenging students a “lesion” that “has been festering for years.” He lamented that, “Resolution of these cases will not solve the deep-seated socioeconomic, political and educational issues that underlay failures of our educational system.” But, he noted, “On the fiftieth anniversary of the historic *Brown v. Board of Education* case, it is a fitting reminder that the American struggle for educational excellence for all – a *sine qua non* of equality of opportunity – goes on.”<sup>5</sup> Six years later, the city ordered that Lane be shut down for poor performance.<sup>6</sup>

This thesis sought to understand the history of the carceral turn in American public education by tracing the roots, rise, and repercussions of New York City’s system of school policing and student discipline. It combined primary sources from more than 40 different archives along with more than 20 original oral histories to examine this evolution – from the criminalization of Black education during slavery, to Progressive Era education and juvenile justice reforms and early school-police partnerships, to the post-World War II fears over delinquency and desegregation, to the high-pitched battles for community control and students’ rights in the late 1960s, to the expansion and professionalization of school security amidst fiscal crises and the War on Drugs during the 1970s and into the 1980s, to the creation of modern day school police forces in the 1990s. In doing so, this thesis found that school policing and student discipline historically acted as instruments of social control and racial dominance, expanding

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<sup>4</sup> Johnston, “Reminder of Tension.”

<sup>5</sup> *Ruiz v. Pedota*.

<sup>6</sup> “School Closure Discharge Reporting,” New York City Board of Education (June 2012).

most extensively not in response to threats to student or faculty safety, but rather as a reaction to challenges to the status quo in education, most notably the movement for school desegregation. New York City schools put into place highly punitive disciplinary policies, collaborated with municipal police, and established their own security forces as part of a system of student criminalization that exacerbated social hierarchies, violated student rights, and broadened the scope and authority of the carceral system. Indeed, over time, carcerality increasingly became a crucial operational principle among educational officials in New York City schools. And very often, these carceral advances in the schools were pitched as liberal reforms meant to ensure safety for students and professional autonomy for teachers and administrators. Even so, however, Black students, parents, community members, and many teachers identified the dangers of such punitive policies and worked tirelessly, if often futilely, to end them.

In building upon and complicating the literature on the carceral turn in public education, this thesis has suggested a number of important interventions and contributions to several areas of scholarship. For the field of education history, this thesis has demonstrated the centrality of student punishment and the carceral state in battles over race and education during the latter half of the 20<sup>th</sup> century, and, indeed, since the very founding of public schooling. It has helped reveal how so many of the battles over desegregation, progressive education, delinquency, community control, professional authority, and bureaucratic structuring fundamentally hinged on discipline and policing – the question of which students were worthy of an education and which ones would be abandoned and exiled to a cycle of misconduct, punishment, and even arrest. Beyond that, this thesis suggests that education historians must continue to reckon with the degree to which schools have historically acted not simply as institutions of education and welfare but as carceral institutions, as well. Not only have schools systematically channeled children towards

the police and prisons, they have also come themselves to resemble carceral bodies. With expansive security forces and advanced policing technology, schools have methodically surveilled students, treated them as criminally suspect, segregated them, and targeted them for punishment and harassment, often for committing minor violations, and other times for just resisting the injustices they witness.

For the discipline of carceral history, this thesis has demonstrated how historically, school policing was incorporated directly into public schooling as its own professionalized field, apart from municipal police forces, with its own distinct origins, methods of training, and modes of operation. It has shown how the education system was not just another realm of life that was infiltrated by the slow creep of the ever-growing carceral state but an institution with its own unique carceral history and culture whose carceral turn did not always directly correspond with developments in other institutions. Indeed, this thesis suggests that schools were a central and early locus of aggressive policing, and that the threat of desegregated schooling and a breakdown of the entrenched social order in schools were key contributing factors in the broader carceral turn.

Lastly, for the emerging field of scholarship historicizing school policing and student discipline, this thesis has challenged the popular periodization by identifying the threat of school desegregation in the post-World War II period as a key origin point of the carceral turn in public schooling. And while it has already been well documented that backlash to the civil rights movement of the 1960s was central to the broader carceral turn, this thesis nuances that point by demonstrating that the pushback was responding not only to Black political organizing in general, but to the implicit challenge to the status quo represented by the very presence – or even possible presence – of Black students in predominantly white schools. As this thesis has shown,

that carceral turn in the schools was pitched as a liberal reform just as much as a conservative crackdown. Beyond that, this thesis has challenged the popular “school-to-prison pipeline” metaphor that seems to imply a direct line from the classroom to correctional institutions. While many students are, in fact, arrested in school and sent to prison as a result, this thesis has shown how scholars should understand this phenomenon more capaciously to include also students neglected, alienated, pushed out, and set up to fail, all with significant and lifelong carceral consequences.

While this thesis offers several crucial scholarly contributions, there were, as with every study, some notable limitations to consider. Police history is notoriously difficult to research, as departments are typically quite opaque and offer little by way of archives, and the NYPD, despite its size and significance, is more impenetrable than most. Even as this thesis relied on numerous archival discoveries related to school policing, including previously confidential NYPD records, the dearth of accessible material allows for possible deficiencies and uncertainties. Furthermore, while this thesis made a point of demonstrating how this evolution in New York City reflected, defied, and at times influenced national trends, there are always inherent limits to a study focused on one specific place, and it would be worth continuing to study how these trends played out elsewhere. It also focused less on the contemporary history of this phenomenon, as that period is much better documented already. Additionally, this thesis largely set aside analyses of gender, sexuality, disability, immigration, and citizenship status as factors in the carceral turn in public schooling in favor of a focus on race, which, while central, was of course not the only factor at play.

This field of scholarship would benefit greatly from future studies that address these areas more fully and directly, exploring, in particular, how gender and disability factored into the

carceral turn in public schooling. It would also be worth examining this history through a transnational lens to more thoroughly consider the possible ways in which these phenomena were shaped by global conflict, transnational political ideologies and movements, and international coordination and inspiration between police and school systems, among other angles. The field could also benefit from a historical analysis that was more rooted in political economy to scrutinize more closely how school policing and student discipline reshaped municipal budgetary priorities and how the criminalization of poor Black students served the capitalist class. Future scholars may also want to take up the possibility raised by this thesis that the battles over desegregation, delinquency, and student discipline were a contributing factor not just in the carceral turn within schools but throughout society more broadly.

Still, there are limits to academic study alone. As Robert Woodson, former director of the National Urban League's administration of justice division, put it in 1976, "The Harvards of this country can never solve the problems of the Harlems of this country."<sup>7</sup> Woodson was speaking then about a series of unsuccessful programs and research initiatives regarding youth gang violence, but his words continue to resonate for scholars of the carceral state today. More recently, some legal scholars, including Catherine Y. Kim, Daniel J. Losen, and Damon T. Hewitt, have noted that court challenges can only go so far as well, pointing out the "limitations of impact litigation to stem the pipeline."<sup>8</sup> And yet history is a perpetual – and highly political – battleground. As the scholar Erica R. Meiners maintains, those who study education and the carceral state must work to "reclaim definitions of safety" from the popular narratives that equate

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<sup>7</sup> Judith Cummings, "Funds to End Youth-Gang Violence Termed Misspent," *New York Times*, October 29, 1976.

<sup>8</sup> Catherine Y. Kim, Daniel J. Losen, and Damon T. Hewitt, *The School-to-Prison Pipeline: Structuring Legal Reform* (New York: NYU Press, 2010), 145.

child welfare and security with policing and punishment. “Scholars that are invested in work that interrupts and transforms the school-to-prison nexus must build other futures and participate in rethinking safety,” she writes.<sup>9</sup>

Perhaps, then, scholars might look to support and learn from the ongoing work of student organizers, who have built in recent years a powerful and widespread movement to rid their schools of police. Since the summer of 2020, following the police killings of George Floyd, Breonna Taylor, Tony McDade, and numerous other Black Americans, students in districts across the country have come together to demand an end to the racism and police violence they face daily in their schools. Many of them have called for the eradication of the school-to-prison pipeline and the abolition of school police. For months, they led protests by the thousands in Minneapolis, Seattle, Oakland, Denver, Portland, Los Angeles, Houston, and elsewhere, gathering outside school boards and city halls. And in several cities, municipal leaders actually seemed to pay attention. School boards in Minneapolis, Denver, Seattle, Portland, and Oakland all pledged to terminate or phase out their contracts with local police departments, though it remains to be seen exactly how those plans will be implemented.<sup>10</sup>

In New York, however, city officials were not as easily moved. Briefly, during a particularly fraught round of municipal budget negotiations that followed weeks of protest in the summer of 2020, the City Council appeared to entertain possible reform in school policing. The officers would remain in schools, but their budget line would transfer from the NYPD back to the Department of Education (previously known as the Board of Education). Though this might

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<sup>9</sup> Erica R. Meiners, “Ending the School-to-Prison Pipeline/Building Abolition Futures,” *The Urban Review* 43 (2011): 559.

<sup>10</sup> Moriah Balingit, Valerie Strauss and Kim Bellware, “Fueled by protests, school districts across the country cut ties with police,” *Washington Post*, June 12, 2020.

have potentially led to some stronger regulatory guidelines for officers, the institution of school policing in New York would have remained, for all intents and purposes, intact. But when the final budget was settled, even that mild plan was ultimately quashed.<sup>11</sup> Many of the city's students were exasperated. According to one recent survey, 76% of New Yorkers 21 years and under ranked security officers as the last area of schooling where they would invest funds, and nearly two-thirds favored removing all school police entirely.<sup>12</sup>

Though many students may paint a dismal picture of New York City schools as appallingly carceral institutions, the work of these young organizers also points to another path worth building towards – schools as genuinely liberatory places of learning. Just as students in the late 1960s led liberation schools and freedom classes, contemporary youth organizers have led teach-ins, put together progressive curricula, and organized restorative justice workshops. Far from cynical or disengaged, these students are deeply invested in forging new forms of education and justice, and in continuing to demand more from city officials.

On a cloudless Monday afternoon in June of 2020, hundreds of students converged upon Brooklyn Borough Hall for just one of many rallies that summer demanding police-free schools. “Our schools are segregated. Our communities are under-resourced. Our prison systems need to be abolished,” Obrain Rosario, an 18-year-old student from Corona, Queens, bellowed through a bullhorn. The throngs of students screamed and cheered in affirmation. The mood felt focused and uncompromising. “We are students, not suspects,” declared Alexandra Stevens, a 17-year-old student from Flatbush, Brooklyn, as she told the crowd of a classmate who was tackled and

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<sup>11</sup> Joe Anuta, “School safety agents will stay under NYPD this year, despite city's claims of \$1B cut,” *Politico New York*, July 2, 2020.

<sup>12</sup> Kate Hamaji and Kate Terenzi et al, *Arrested Learning: A survey of youth experiences of police and security at school* (New York: New York City Public Schools, April 2021).

arrested by officers at her school for possessing a pin that held together his broken eyeglasses. That incident had happened five years earlier, but she was keenly aware of the longer history at work. “Twenty years ago, my parents were out here in this same city fighting this same fight, fighting for justice for Amadou Diallo, a young Black man who was shot 41 times in front of his own home,” she said. “I am sick and tired of these lying elected officials telling us that they will be the change and I am sick and tired of people believing them.” The sun was beating down on the building’s marble edifice and Alexandra’s voice was growing hoarse, yet she remained resolute as she continued to address the crowd. “It’s time to revolt,” she said. “I am done trying to make little tweaks and reforms and thinking that’s enough. I am ready for a full-on revolution because our children deserve better.”<sup>13</sup>

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<sup>13</sup> Interviews and reporting by author, Brooklyn, New York, June 8, 2020.

### Acknowledgements

Perhaps the greatest gift of working on a sustained piece of historical writing is the way in which it welcomes you into lineages of scholars, archivists, and organizers, and builds further communities that continue to nourish you well into the future.

Though I came to Oxford with little knowledge of the world of academia – and perhaps even a healthy dose of skepticism towards it – I was immediately welcomed with extraordinary grace and warmth by my supervisor, Professor Stephen Tuck. It is hard to overstate my gratitude towards Professor Tuck, whose keen insight, good humor, and generosity of spirit set the tone for my experience at Oxford and offered me an inspiring model for a mode of academic life that was not limited to the ivory tower but deeply engaged in the world. And before I ever stepped foot overseas, there was my undergraduate supervisor at Yale, Professor Glenda Gilmore, who taught me the rigors and joys of being a historian and has been a mentor of unparalleled brilliance and graciousness. I recall attending a conference honoring Professor Gilmore's life and career upon her retirement from Yale. The sheer number of acolytes in attendance who credited their entire careers to her guidance was astounding and deeply moving. I count myself lucky to be among them. I have also been privileged to receive guidance and encouragement from a number of other illustrious and unfailingly caring scholars, including Professors Elizabeth Alexander, Barbara Savage, Jeanne Theoharis, and Donna Murch.

But I can hardly only credit my professors. I was profoundly fortunate to be amidst an extraordinary cohort of friends and scholars. I could list any number of fellow students, but I would be remiss not to mention my dear friend Aryn Frazier, who, during my MSt in US History, provided unsparing, invaluable, and inevitably always accurate advice as I was only just beginning to formulate my thinking on this subject. Above all, though, I would like to thank my

fellow DPhil candidate, Professor Tuck advisee, and remarkable friend Grace Watkins, whose intelligence, humor, and moral compass have steered my work and life in indescribable ways.

*Disruptive Children* was possible because many of the people who have lived through this history generously and courageously shared their stories with me. There are not enough words for me to thank: Edward Baptiste, Willie Baptiste, Cleaster Cotton, Dana Driskell, Kesi Foster, Sally Lee, Erroll Maitland, Kate McDonough, Sgt. Matt McGee, Johanna Miller, Robert Newton, Maxine Orris, Charlotte Pope, Ira Schwartz, Rohini Singh, Alexandra Stevens, Howard Swerdloff, Milan Taylor, José Velázquez, and Onyx Walker.

No historian can begin or end any project without the tireless efforts and assistance of archivists and librarians, and I am grateful to so many in Oxford, California, Washington, D.C., Albany, Chicago, Princeton, New Haven, and beyond. But my deepest thanks go to the researchers and librarians at the New York City Municipal Archives, in particular Rossy Mendez and David Ment. Working on a dissertation during COVID presented unique challenges, with archives and libraries closed for much of the time I desperately needed them. When New York City and the country began to open, however tentatively, several librarians went above and beyond by retrieving needed documents and transmitting them to me. The list is too full, but then the gratitude is equal to it.

I have also been the very fortunate recipient of the kindness, community, and generosity of the Rhodes Scholarship, which supported and sustained this lifechanging experience. I would also like to thank Balliol College, the history department, and the Rothermere American Institute, all of which also supported my studies at various times and in invaluable ways.

Of course, my greatest teachers have been my students, the ones I have tutored and mentored at Oxford and the ones I have been honored to work with in both the Metropolitan Correctional Center in Manhattan and the Metropolitan Detention Center in Brooklyn.

And lastly, but without a doubt most of all, I am forever grateful to my family – their fantastic meals and terrible jokes, their perpetual support and rare exasperation. They have taught me how to write, to argue, to question, to engage, and, always, to care.

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