

CQ Researcher

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School Desegregation

How can the promise of equal education be fulfilled?

This May the nation celebrates the 50th anniversary of the Supreme Court's landmark decision declaring racial segregation in public schools unconstitutional. But the promise of equal educational opportunity for all offered by the once-controversial *Brown v. Board of Education* ruling is widely viewed as unfulfilled. Today, an increasing percentage of African-American and Latino students attend schools with mostly other minorities — a situation that critics blame on recent Supreme Court decisions easing judicial supervision of desegregation plans. Black and Latino students also lag far behind whites in academic achievement. School-desegregation advocates call for stronger steps to break down racial and ethnic isolation and to upgrade schools that serve minority students. Critics of mandatory desegregation, however, say stronger accountability, stricter academic standards and parental choice will do more to improve education for all students.



Most black students today attend majority-black schools, evidence of what civil rights advocates call resegregation.

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RECIPIENT OF SOCIETY OF PROFESSIONAL JOURNALISTS AWARD FOR EXCELLENCE ♦ AMERICAN BAR ASSOCIATION SILVER GAVEL AWARD

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Cover: Most black and Latino students today attend predominantly minority schools. All of the students at the Georgia Avenue Elementary School in Memphis, Tenn., are African-American. (Memphis Public Schools)

School Desegregation

BY KENNETH JUST

THE ISSUES

Civil rights advocates consider Louisville-Jefferson County, Ky., a model of desegregation — but don't tell that to David McFarland.

McFarland says the county's claimed success in racial mixing comes at the expense of his children's education. In his view, Stephen and Daniel were denied admission to the school of their choice simply because they are white. "Diversity should not be used as an excuse for discrimination," he says.

The county's 19 traditional schools — with their reputation for good discipline, structured teaching and parental involvement — are so popular that they cannot accommodate all the students who want to attend. So students are assigned to schools by lottery.

To keep enrollments at each school within racial guidelines, a separate list of African-American applicants is maintained. The county's voluntary "managed-choice" program — which replaced a court-ordered desegregation plan in 2000 — is designed to prevent any school from having fewer than 15 percent or more than 50 percent African-American students.

The program works. In a county-wide system where African-Americans comprise about one-third of the 96,000 students, only one school has a majority-black enrollment.

Jefferson County was one of the first school systems in the country to begin integrating after the U.S. Supreme Court handed down its historic *Brown v. Board of Education* decision declaring racial segregation in schools unconstitutional.¹

Today, as the 50th anniversary of



Getty Images/Mario Villafuerte

Fifty years after the Supreme Court handed down its historic Brown v. Board of Education decision declaring racial segregation in public schools unconstitutional, most black and Latino students attend predominantly minority schools. At Birdwell Elementary in Tyler, Texas, 60 percent of the students are Hispanic.

the May 17, 1954, ruling approaches, Jefferson County stands in stark contrast to the ethnic and racial patterns in most other school districts. Across the country today, most black students attend majority-black schools, and an even larger percentage of Latino students attend majority-Latino schools — evidence of what civil rights advocates call resegregation.

In Louisville, McFarland and three other families sued in federal court to bar the school system from using race in any student assignments.² "It can't be fair to discriminate against a white male because he's a white male," says Ted Gordon, the plaintiffs' attorney. "That can't be fair in anybody's book."

School administrators, however, say a ruling for McFarland would effectively bring back racial segregation in Louisville. "We would be back to majority-white suburban schools and ma-

jority-black inner-city schools," says Byron Leet, lead attorney for the school system. "That would not be in the best interest of young people in the community, who have benefited greatly from attending desegregated schools."

The case is being closely watched at a time when school desegregation litigation nationwide is dormant, but parents in some areas are asking courts to block administrators from continuing to use race to promote integration.

"If the court decides that the sensitive way that Louisville has gone about trying to achieve integration is not acceptable, then I worry that there may be little or no way to reap the benefits of integration for our primary and secondary schools," says Chinh Quang Le, assistant counsel for the NAACP Legal Defense and Educational Fund, which filed a friend of

the court brief on the side of the Louisville school system. The fund directed the court challenges against racial segregation that produced the *Brown* decision and remains the principal litigation center in school desegregation cases.

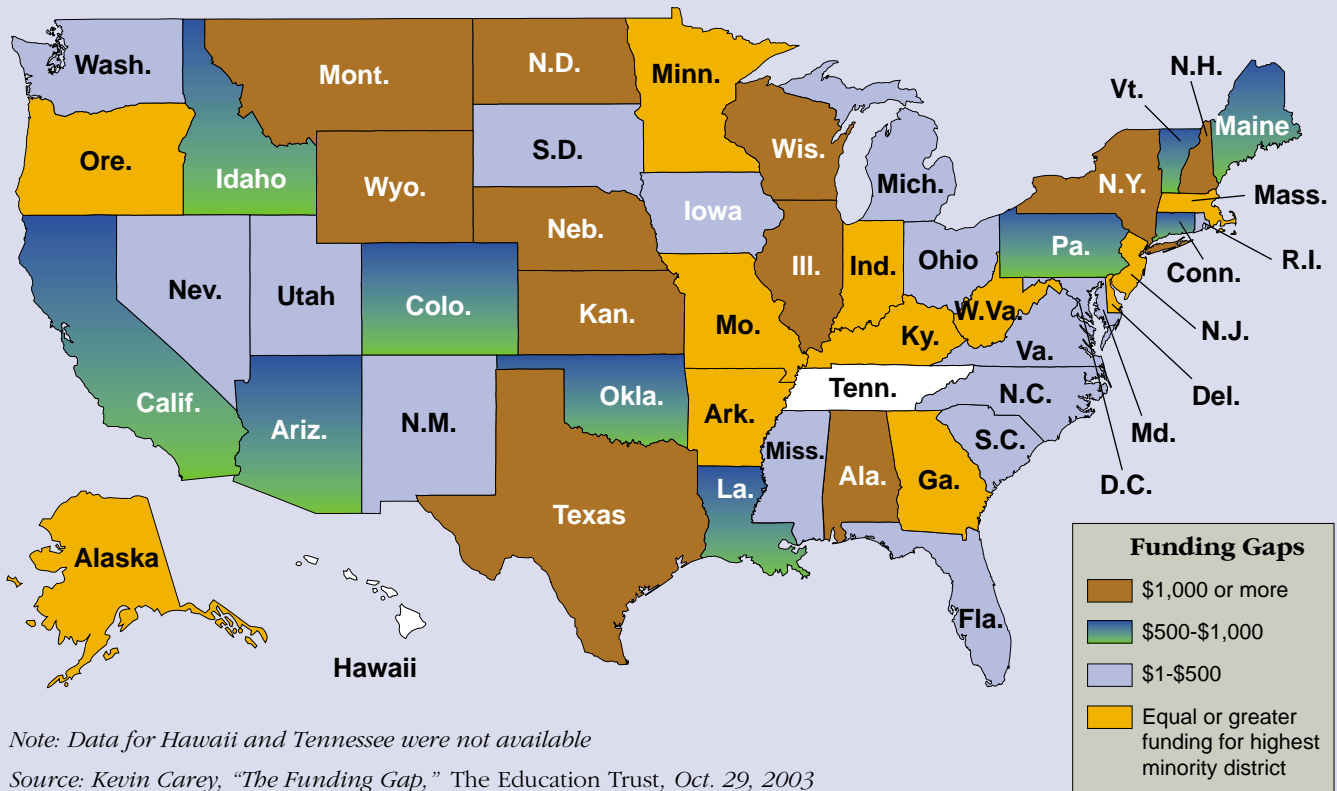
Today's pattern of school desegregation litigation underscores the changes in the nation's schools — and in the nation's attitudes toward race — since the *Brown* decision.³ While the ruling is universally hailed, its promise is widely recognized as unfulfilled and its implications for educational policies today vigorously debated.

"*Brown v. Board of Education* is one of the signal legal events of our time," says Education Secretary Rod Paige, who himself attended racially segregated schools through college in his native Mississippi. But the ruling did not eliminate all the vestiges of segregation, Paige quickly adds. "If the goal

Minority School Districts Receive Less Funding

School districts with high enrollments of minority or low-income students typically receive fewer funds compared to districts with more white or wealthier students. In 11 states, the funding gap between white and minority school districts is more than \$1,000 per pupil.

Per-Pupil Funding Gaps Between Districts with High and Low Minority Enrollments



was equality in education — to level the educational playing field for all children, especially children of color — we’ve yet to achieve that,” he says.

“We have an unfulfilled promise of *Brown*,” says Julie Underwood, general counsel for the National School Boards Association, which once resisted and now strongly supports desegregation. “If the civil rights people were actually seeking fully integrated public schools, we have not reached that point.”

Civil rights advocates acknowledge that *Brown* fundamentally transformed American schools — and America itself. “Both whites and blacks have

been in far more integrated settings than anyone would have imagined before *Brown*,” says Gary Orfield, a professor at Harvard’s Graduate School of Education and director of the Harvard Civil Rights Project.

But Orfield and other desegregation advocates also maintain that the hard-won progress of the post-*Brown* era has not merely stalled but is now being reversed. “We’ve been going backward almost every place in the country since the 1990s,” Orfield says.

A coterie of educational conservatives from academia and various advocacy groups challenge both this view

of present-day conditions and policies for the future. While praising the *Brown* decision, they argue that today’s racial separation is not the result of law or policy and that race-conscious assignments violate *Brown*’s central meaning.

Brown “stands for the principles of integration and color-blindness,” says Curt Levey, director of legal and public affairs for the Washington-based Center for Individual Rights.

“It’s unfortunate that in the past few decades we have abandoned those principles in favor of racial preferences,” Levey says. “It’s just another form of discrimination.” The center has

represented plaintiffs challenging affirmative action in higher education and, in one case from Minneapolis, racial guidelines in public schools.

“Most of our schools became substantially racially balanced,” says David J. Armor, a professor at George Mason University School of Public Policy in Fairfax, Va., and the leading academic critic of mandatory integration. Armor acknowledges that there’s been “some resegregation of schools” but attributes the trend to changes in ethnic and racial residential patterns and the higher percentages of blacks and Latinos in public schools.

The debate over desegregation is waged against the disheartening persistence of large gaps in learning and achievement between whites, blacks and Latinos. “The magnitude of the gap is simply appalling,” says Abigail Thernstrom, a senior scholar at the Manhattan Institute and co-author with her husband Stephan Thernstrom of a book on the subject.⁴

“A typical black student is graduating from high school with junior high school skills,” Thernstrom says, citing figures from the National Assessment of Educational Progress (NAEP) — informally known as “the nation’s report card.” Hispanics, she says, “are doing only a tad better.”

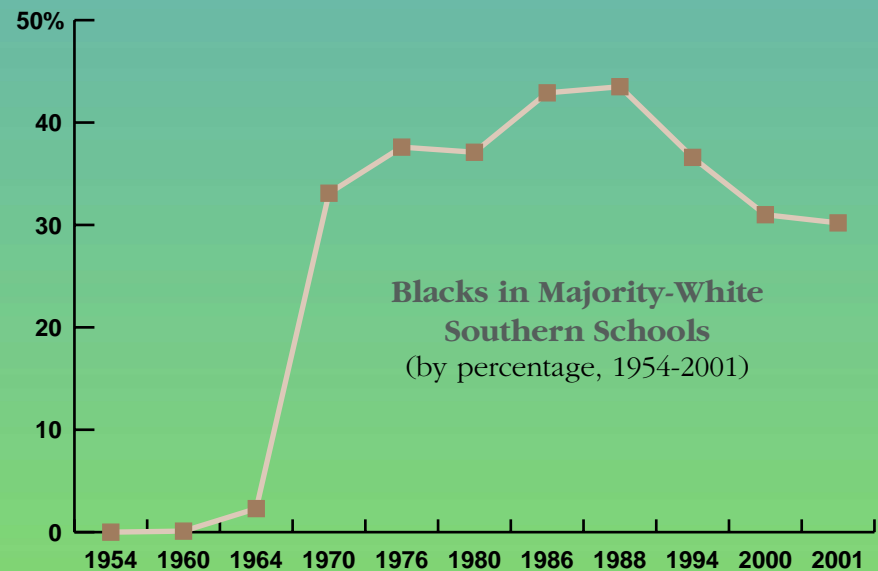
Traditional civil rights advocates acknowledge the gap, but they say that closing the gap requires more thoroughgoing desegregation and better funding for schools with large numbers of minority or low-income students. But educational conservatives discount those solutions, calling instead for changing “school culture” by improving discipline, teaching and student behavior.

One path to those changes, conservatives say, is “school choice” — vouchers that help students pay for private school tuition and charter schools that operate with freedom from traditional regulations. Traditional civil rights groups generally oppose vouchers and voice some doubts about char-

School-Integration Trend Reversing

The Supreme Court’s landmark 1954 Brown v. Board of Education ruling declared racial segregation in public schools unconstitutional. But after more than three decades, the desegregation trend in U.S. schools reversed after 1988 — particularly in the South. Then a series of Supreme Court decisions between 1991 and 1995 eased the pressure on school districts to continue desegregation efforts. Today U.S. classrooms are almost as segregated as they were in the late 1960s, and some experts say the trend is likely to continue.

Percentage of black students



Blacks in Majority-White Southern Schools
(by percentage, 1954-2001)

Source: Gary Orfield and Chungmei Lee, “Brown at 50: King’s Dream or Plessy’s Nightmare?” *The Harvard Civil Rights Project*, January 2004

ter schools, saying they drain support from public schools and risk further resegregation of minority students.

The policy debates underscore the shared view that *Brown* — despite its iconic status — has not proved a complete success. “You have to say it was a partial failure,” says James Patterson, a professor emeritus of history at Brown University and author of a new account of the ruling and its impact.

Theodore Shaw, director of the Legal Defense Fund, agrees: “*Brown* changed everything and yet did not change everything.”

As the nation prepares to unite in celebrating *Brown*, here are some of the issues that divide Americans 50 years later:

Is racial imbalance in schools increasing due to court actions?

North Carolina’s Charlotte-Mecklenburg County school system in 1971 became the first in the country to operate under a court-ordered desegregation plan using wide-scale busing to achieve racial balance in school populations. Under the plan, African-Americans comprised between 30 percent and

Latinos' Unheralded Struggles for Equal Education

When school board officials in Lemon Grove, Calif., became concerned in 1930 that Mexican-American students were slowing down the Anglo pupils, they hit upon a simple solution: build a new school solely for the Mexican-Americans.

To the board's surprise, however, Mexican-Americans in the small border community protested, deriding the new facility as a "barn." And — more than two decades before the Supreme Court declared racial segregation in public schools unconstitutional — they won a lower-court order forcing the school board to dismantle the plans for a dual system of education.¹

The Lemon Grove incident is one of many efforts by Latinos to fight for educational equity well before the Supreme Court's landmark 1954 decision in *Brown v. Board of Education*. The history of those efforts, however, has gone largely untold. "These cases are not taught, even in law school," says Margaret Montoya, a professor at the University of New Mexico School of Law.

Today, Latinos continue to receive far less attention in school desegregation debates than African-Americans even though Latinos now comprise the nation's largest ethnic minority, and Latino students are somewhat more likely than blacks to be in ethnically identifiable schools.

"We don't see an equal commitment on the part of educational equity for Latinos," says James Ferg-Cadima, legislative staff attorney for the Mexican American Legal Defense and Educational Fund (MALDEF) in Washington.

The Lemon Grove ruling was never appealed and had no further impact in California. Chicano families won a similar ruling from a lower court in Texas around the same time. It, too, did nothing to undo the advancing segregation of Mexican-American students in that state.²

In 1946, however, a federal appeals court in California ruled in favor of Mexican-American parents contesting school segregation in four districts in Orange County, south of Los Angeles. Ferg-Cadima says the case "could have been a precursor to *Brown v. Board of Education*," but the school districts decided not to appeal. The ruling did lead to a law in 1947, however, that barred school segregation in the state. The act was signed by then-Gov. Earl Warren, who later became chief justice and author of the *Brown* decision.³

Perversely, Mexican-American families prevailed in some of their early legal efforts on the grounds that they were white and could not be segregated as black students were. "We have not been treated as a white subgroup, and we don't think of ourselves as a white subgroup," Montoya says. "But when the litigation was being developed, that seemed to be a reasonable way of trying to get kids educational rights." One consequence, Montoya adds, has been "to drive a wedge between Latinos and African-Americans."

The Supreme Court recognized Latinos as a separate group for desegregation purposes only in 1973 in a case from Denver.⁴ By that time, however, the justices were about to pull back on school-desegregation remedies. "About the time we could have profited from *Brown* and used it ourselves, the protection starts crumbling," Ferg-Cadima says. Latinos have been the principal beneficiaries, however, of the Supreme Court's unanimous 1974 decision that school districts must make sure that non-English-speaking students are given language skills needed to profit from school attendance.⁵

Language is among the educational barriers distinctive to Latino students. Another, Ferg-Cadima says, is the migratory status of many Latino families, especially in agricultural areas in California, Texas and the Southwest.

Today, most Latino students attend majority-Latino schools in every region of the country, according to The Harvard Civil Rights Project.⁶ As with African-American students, ethnic isolation for Latinos increased through the 1990s. The most intense segregation is found in the Northeast, where 45 percent of Hispanic students attend schools that are 90 to 100 percent Hispanic.

As for educational achievement, Latinos lag far behind white students and only slightly ahead of African-Americans. The average Latino student scored around the 25th percentile in both reading and mathematics in the 1999 National Assessment of Educational Performance — the so-called nation's report card.⁷

"The one lesson from *Brown* for all minority communities is that educational equity must be battled for on all fronts — it's something that has to be sought out," Ferg-Cadima says. "The schoolhouse gate isn't always open for our kids, so we have to fight for schools to be open and conducive to learning for all students."

¹ Robert R. Alvarez Jr., "The Lemon Grove Incident: The Nation's First Successful Desegregation Court Case," *The Journal of San Diego History*, Vol. 32, No. 2 (spring 1986). Alvarez is the son of the lead plaintiff in the case, *Alvarez v. Board of Trustees of the Lemon Grove School District*.

² See "Project Report: De Jure Segregation of Chicanos in Texas Schools," *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 7, No. 2 (March 1972), pp. 307-391. The authors are Jorge C. Rangel and Carlos M. Alcalá.

³ See Vicki L. Ruiz, "We Always Tell Our Children They Are Americans: *Méndez v. Westminster* and the California Road to *Brown v. Board of Education*," *The College Board Review*, No. 200 (fall 2003), pp. 20-27. See also Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (1976), pp. 108-135.

⁴ The case is *Keyes v. Denver School District No. 1*, 413 U.S. 921 (1973).

⁵ The case, brought by non-English-speaking Chinese students in San Francisco, is *Lau v. Nichols*, 414 U.S. 563 (1974).

⁶ Gary Orfield and Chungmei Lee, "Brown at 50: King's Dream or Plessy's Nightmare?," Harvard Civil Rights Project, January 2004, p. 21.

⁷ Cited in Abigail Thernstrom and Stephan Thernstrom, *No Excuses: Closing the Racial Gap in Learning* (2001), pp. 19-20.

40 percent of the students at most of the schools through the 1970s and '80s.⁵

With public support for desegregation weakening, however, the school system shifted in the 1990s to volun-

tary measures to maintain racial balance — chiefly by attracting white students to majority-black schools by turn-

ing them into magnet schools. Then, at the end of the decade, white families successfully sued the school system, forcing it to dismantle the busing plan altogether.⁶

The result, combined with increasing percentages of African-American and Hispanic students in the system, has been a growing concentration of minorities in many schools. Today, more than one-third of the county's 148 schools have at least 80 percent non-white enrollment.

Civil rights advocates say Charlotte is one of many school systems where political and legal developments have contributed to a trend toward resegregation. "The federal court required Charlotte to resegregate," says Harvard's Orfield, "and they are resegregating — fast."

Critics of mandatory integration, however, say today's concentration of non-white students, particularly in urban school systems, largely reflects residential demographics. Nationwide, whites comprise only about 60 percent of students in public schools, compared to 80 percent in the late 1960s. In Charlotte today, 43 percent of the system's 114,000 students are black, and only 42 percent white.

"It's wrong to say that schools are segregated or becoming resegregated," says Abigail Thernstrom, a former member of the Massachusetts Board of Education. "Cities are becoming more heavily minority. There's nothing we can do about that. You can't helicopter kids in to get more white kids in the schools."

Orfield acknowledges that the increase in non-white enrollment poses "an obstacle" to racial mixing. But he and other desegregation advocates blame resegregation primarily on the courts, including the Supreme Court.

The percentage of black students attending majority-black schools was declining nationwide through the 1980s, Harvard Civil Rights Project reports show, but it increased during the 1990s — just as the Supreme Court

legal practices," he says. "Ethnic communities cluster together because of a lot of different factors. Some of these factors include preferences; some are economic."

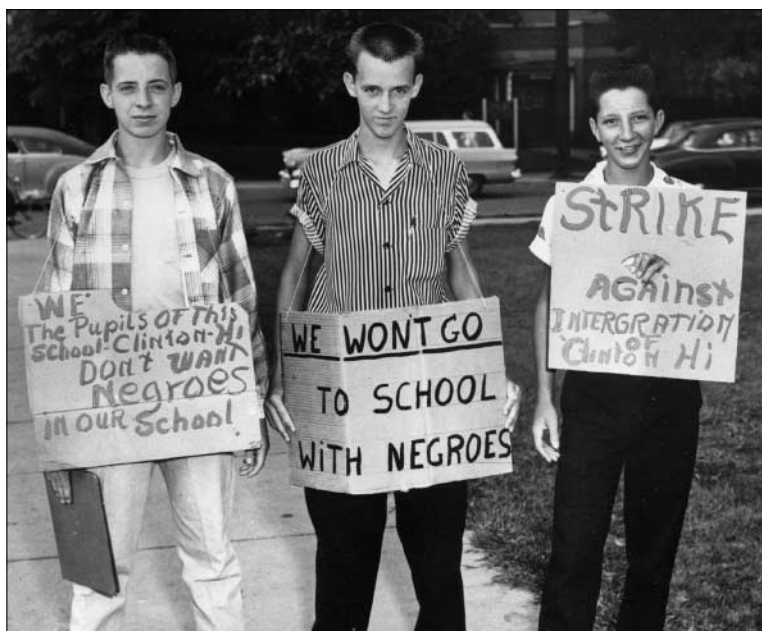
The Harvard civil rights report found that during the 1990s the trend toward integration was reversed, and the percentage of black students attending majority-black schools increased throughout the country. The percentage of Latino students attend-

ing majority-minority schools also increased in every region. Latinos are more likely than African-Americans to be in a racially or ethnically identifiable school, the report shows.

Educational conservatives, however, claim that Orfield presents a misleading picture by focusing exclusively on minority pupils' exposure to white students and not on white students' exposure to blacks and Latinos. "There are fewer white children who have no non-white classmates," says Stephan Thernstrom. "More and more white children have minority classmates."

More broadly, conservatives insist that talk of resegregation ignores the changes wrought by *Brown*. "There is no public school today that is segregated in the way that schools were routinely segregated before *Brown v. Board of Education*," says Roger Clegg, vice president and general counsel of the Center for Equal Opportunity, which opposes racial preferences. "Racial balance in a school that reflects the neighborhood is not segregation in the sense that we had segregation before *Brown*."

Shaw, of the Legal Defense Fund, counters that segregation never was



Three high school students in Clinton, Tenn., peacefully register their feelings about their school becoming the first in Tennessee to integrate, on Aug. 27, 1956. Many other protests were violent.

AP Photo

was signaling to federal courts that they could ease desegregation orders. "The only basic thing that's changed since [the 1980s] is the Supreme Court of the United States," Orfield maintains.⁷

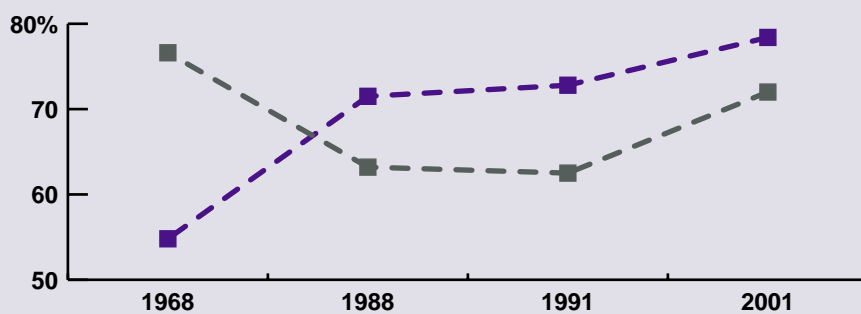
"This is a demographic process," responds Armor, "and has little to do with what the courts are doing in the desegregation area."

Education Secretary Paige also argues that court rulings are not responsible for the increasing racial isolation of blacks or Latinos. "It's not our impression that these patterns are the result of current

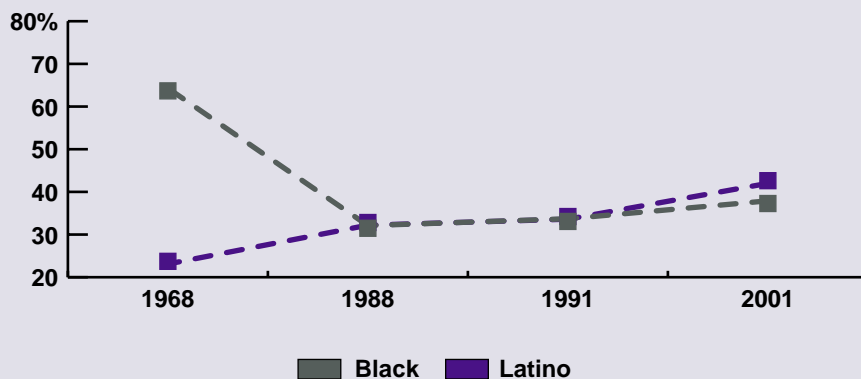
Minority Students Are Now More Isolated

The 1954 Brown ruling led to widespread school integration, but today, due to resegregation, an overwhelming percentage of African-American and Latino students attend schools with predominantly non-white student bodies. Segregation has increased nationwide since 1991, when the Supreme Court began to relax pressure on school districts to integrate.

Percentage of Blacks and Latinos in 50-100% Minority Schools



Percentage of Blacks and Latinos in 90-100% Minority Schools



Source: "Brown at 50: King's Dream or Plessy's Nightmare?" *The Civil Rights Project*, Harvard University, January 2004.

eliminated completely and is increasing today. "The legal fiction is that we've severed the link between present-day segregation and our past segregated and discriminatory actions," Shaw says. "The truth is that the effects of decades and decades of segregation and discrimination were to

segregate housing and to segregate other aspects of life.

"The busing remedies didn't eliminate the effects of that discrimination; they neutralized them," Shaw continues. "Once you get rid of the desegregation plans, those effects become operative once again."

Shaw and Orfield both say school boards should be allowed to consider race and ethnicity in pupil-assignment plans in order to promote integration. But educational conservatives oppose policies to deliberately increase racial mixing.

"I like racially mixed schools better than racially homogeneous schools," Abigail Thernstrom says. "But I do not want computer printouts that say you have no choice as to where to send your kids."

Do minorities suffer educational ly because of racial isolation?

Black and Latino youngsters lag significantly behind whites (and Asian-Americans) on every significant measure of academic achievement. The "racial gap" in learning deeply troubles advocates and experts on both sides of the desegregation debate.

Traditional civil rights advocates largely blame racial isolation for the lagging performance of blacks and Latinos. There is "a very systematic relation" between segregation and the learning gap, Orfield says. "No one has ever made separate schools equal in American history on any scale."

Some critics of mandatory integration, however, see no solid evidence that racially mixed classrooms significantly benefit learning. "There is absolutely no reason to assume that because schools are heavily Hispanic or black that these children can't learn, that they have to sit next to whites or Asians in order to learn," Abigail Thernstrom says.

The social-science evidence on the issue is voluminous but less than clear-cut. In his review of the literature, George Mason University's Armor concludes that racial composition "by itself" has "no significant effect on black achievement." When combined with other educational improvements, he says, desegregation has improved black achievement "to a limited but significant degree."⁸

Desegregation advocates strongly disagree with this minimalist view. Orfield says the effect of desegregation on achievement is “significant, but not transformative.” But he adds that desegregation has a “huge” effect on “life chances,” such as graduating from high school, going to college and “being able to live in an interracial world as an adult.”⁹

In an examination of data from Charlotte-Mecklenburg schools, Roslyn Mickelson, a professor of sociology at the University of North Carolina in Charlotte, found that black and white students both had higher average scores on standardized tests if they had been in racially integrated schools. “There is a small but significant effect on test scores that cumulates over time,” she says.¹⁰

Orfield and other desegregation advocates say the achievement gap for minority students results in part from underfunding of schools with high percentages of black or Latino students. “The resources aren’t equivalent because those are often schools that have a badge of poverty,” says Underwood of the school boards association. “So they have fewer resources.” U.S. schools traditionally have received most of their funding from property taxes, so schools in wealthier neighborhoods usually had more resources than schools in districts with lower property values.¹¹

Armor and the Thernstroms instead blame the racial gap primarily on social and cultural factors. “There are very strong correlations between single-parent households, low birth-weight and performance in school,” says Abigail Thernstrom. Armor lists single-parent households as one of 10 “risk factors” for low academic achievement. Some of the others include poverty, limited education of parents, the size of the family and the age of the mother at pregnancy.¹²

The most incendiary aspect of the issue, perhaps, concerns the claim that

some black students disdain academic achievement for fear of being accused by their peers of “acting white.” The thesis is most often associated with the work of the late John Ogbu, an African-American professor of anthropology at the University of California, Berkeley, who died in 2003. Ogbu first aired the theory in a co-authored article about Washington, D.C., high school students in 1986 and repeated similar views in a book about students in the affluent Cleveland suburb of Shaker Heights.¹³

Education Secretary Paige subscribes to the theory based not only on Ogbu’s research but also on his own experience as school superintendent in Houston. “I had a chance to see examples where some kids were not putting their best efforts into this in an effort to keep status among some of their peers,” Paige says. “It exists.”

Armor, however, discounts the theory, noting that the educational gap for African-Americans can be found at the earliest grades. Abigail Thernstrom also says the evidence is “not very good.” She places greater blame on schools’ failure to instill educational ambitions in minority youngsters. “Schools are delivering a wrong message — that this is a racist society, and there’s a limit to how far you can go,” she says.

But the Legal Defense Fund’s Shaw says there is evidence of an “acting white” syndrome and says the issue needs more discussion among African-Americans. But he adds that some of the debate over the educational gap for black students has “the lurking sense of racial inferiority.”

“If people come to this issue in good faith and they want to focus on the causes, the first thing they have to recognize is that there’s still massive inequality,” Shaw says. “By the time you get to high school, African-American students have had a completely different experience from white students. Let’s not blame the victim. Let’s fix the problem.”

Would “school choice” policies help reduce the racial gap in educational achievement for African-Americans and Latinos?

President Bush touts school vouchers, not integration, as the best way to help disadvantaged students get a better education. “When we find children trapped in schools that will not change, parents must be given another viable option,” Bush told students and teachers at Archbishop Carroll High School in Washington on Feb. 13, 2004. The president used the appearance to plug a new law he had just signed to award vouchers to some 1,700 District of Columbia students per year to help pay tuition at private schools.¹⁴

Educational conservatives say “school choice” programs such as vouchers or charter schools will help improve schools by promoting innovation and overcoming resistance to change from public school administrators and teachers. Education Secretary Paige claims particular support for school choice among African-American families.

“My reading of the polls shows that African-American parents support choice, vouchers, strongly,” Paige says. “The parents are supporters because the parents want the best education for the child.”

The public school establishment strongly opposes vouchers, saying they would drain needed money from public schools. Underwood, the school boards association lawyer, says vouchers also “threaten any kind of diversity agenda that a school district may have.” Private schools, she says, “can choose to discriminate. They can choose not to serve students with special needs or students who are poor or of a particular culture or ethnicity.”

Local voucher programs are already operating in Milwaukee and Cleveland; Florida has a statewide program pushed by Gov. Jeb Bush, the president’s brother. The programs are targeted to middle- and low-income families, but are small-scale because of limited funding. “Vouchers are going to be a sideshow for American education,” Orfield says.

Charter schools — which operate under public auspices but free from some generally applicable regulations — are more widespread.¹⁵ Some 2,700 charter schools were operating as of the 2002-2003 academic year. Many of them were established by black families and educators to serve the educational needs of African-American students. But Orfield and other desegregation advocates are skeptical that they will be better for black pupils than public schools.

“There is no evidence that charter schools are better than average,” Orfield says, “and our studies show that they’re more segregated than public schools.”

Abigail Thernstrom counters that vouchers and charter schools “have the potential” to improve education for minority youngsters. “They have the potential for one very simple reason,” she says. “They are out from under the constraints that make for such mediocre education in so many public schools.”

Armor, however, sees no necessary benefit for minority youngsters from school choice programs. “I don’t see personally why vouchers or charters would have any automatic impact on school quality,” Armor says. “It might or might not. There’s nothing intrinsic about charters that says those teachers are going to have a better subject mastery” than teachers at regular schools. As for vouchers, Armor says they “can also be used to go to a school that doesn’t have better programs” than regular public schools.

Public-education groups cite underfunding as a major barrier to improving education for minority youngsters. Nationwide, schools with the highest minority or low-income enrollments receive \$1,000 less per student than schools with the lowest minority or poverty enrollments, according to a report by the Education Trust, a Washington advocacy group. (See map, p. 348.)

“There is definitely a relationship between the amount of funding a district gets and academic performance,” says Kevin Carey, a senior policy analyst with the group. “There are im-

portant issues besides money: organization, expectations for students, curricula, the way teachers are compensated. But money matters, too.”

“We need to pay attention to sending resources where resources are needed,” Underwood says, “so students with high educational needs get the resources they need to learn, so you really aren’t leaving any child behind.”

But Paige and other educational conservatives discount the importance of funding. “I don’t accept that the achievement gap is a function of funding issues,” Paige says. “It is a factor, but it is not *the* factor. The more important factors are those factors embedded in the No Child Left Behind Act: accountability, flexibility and parental choice — and teaching methods that work.”

Orfield, however, says the No Child Left Behind Act has produced “confusion and frustration” for local school districts with scant evidence of help for minority pupils.¹⁶ And the Legal Defense Fund’s Shaw insists that school choice proposals could help only some minority students while leaving most of them behind.

“Most African-American students, like most students, are going to remain in public schools,” Shaw says. “The promise of *Brown* isn’t going to be realized by focusing on those few students who can escape from public schools. If we don’t talk about fixing public education, then I think we betray not only *Brown* but also the fundamental notion of what public education is all about.” ■

BACKGROUND

Long, Hard Road

The Supreme Court’s celebrated decision in *Brown v. Board of Education* marks neither the beginning

nor the end of the campaign for equal education for black Americans. It was only a turning point in a struggle with roots in the 19th century that now extends into the 21st.¹⁷

Black youngsters received no education in the antebellum South and little schooling in the decades immediately after the abolition of slavery. Where blacks did go to school, they were segregated from whites in most (though not all) parts of the country, by law or custom. Some legal challenges to the practice in the 19th century succeeded, but the Supreme Court thwarted any broad attack on segregation with its 1896 decision in *Plessy v. Ferguson* upholding “separate but equal” in public transportation.

The NAACP — founded in 1909 — won its first victory against racial segregation in education in 1935, with a state court ruling to admit a black student to the University of Maryland’s law school. Four years later, one of the winning lawyers, Thurgood Marshall, was named to head a separate organization: the NAACP Legal Defense and Educational Fund, Inc. The Inc. Fund — as it was then known — won important victories from the Supreme Court with two unanimous decisions in 1950 striking down segregationist practices in graduate education at state universities in Oklahoma and Texas.¹⁸

Meanwhile, Marshall had been helping organize local campaigns against segregation in elementary and secondary education in four Southern and Border States. The four cases, which were consolidated in the *Brown* decision, differed in their facts and in their legal histories: Black schools in Clarendon County, S.C., were mostly ramshackle shanties; those in Topeka, Kansas, were more nearly comparable to schools for whites. The federal judge in the Prince Edward County, Va., case found “no hurt or harm to either race” in dual school systems;

Continued on p. 356

Chronology

Before 1950

Racial segregation takes root in public schools — by law in the South, by custom elsewhere; NAACP begins challenging “separate but equal” doctrine in the 1930s.

1950s-1960s

Supreme Court outlaws racial segregation; ruling provokes massive resistance in South.

1950

Supreme Court bars racial segregation in public graduate education.

1954

Supreme Court rules racial segregation in public elementary and secondary schools unconstitutional on May 17, 1954 (*Brown I*).

1955

Court says schools must be desegregated “with all deliberate speed” (*Brown II*).

1957

President Dwight D. Eisenhower calls out Arkansas National Guard to maintain order when Little Rock’s Central High School is integrated.

1964

Civil Rights Act authorizes federal government to bring school-desegregation suits and to withhold funds from schools that fail to desegregate.

1968

Impatient with limited desegregation, Supreme Court says school districts must dismantle dual school systems “now.”

1970s-1980s

Desegregation advances, but busing triggers battles in many cities.

1971

Supreme Court upholds use of busing as desegregation tool.

1973

Supreme Court orders Denver to desegregate, making it the first non-Southern city ordered to integrate.

1974

Supreme Court bars federal courts from ordering cross-district busing to achieve desegregation . . . Start of busing in Boston provokes fierce opposition.

1975

Coleman report blames white-flight from urban public schools on court-ordered busing; desegregation advocates disagree.

Late 1980s

Integration peaks, with most African-American students still attending predominantly black schools in each of five regions across country.

1990s ***Many school systems freed from court supervision; race-conscious assignments challenged as “reverse discrimination.”***

1998, 1999

Federal courts strike racial preferences used for Boston Latin School, “magnet” schools in two Washington, D.C., suburban districts.

1991

Supreme Court allows judges to lift court orders if segregation has been eliminated to all “practicable” extent.

1995

Supreme Court says judges in desegregation cases should try to end supervision of school systems.

2000-Present

Brown’s promise bailed, impact debated.

2001

President Bush wins passage of No Child Left Behind Act, providing penalties for school districts that fail to improve students’ overall scores on standardized tests. . . . Federal court in September lifts desegregation decree for Charlotte-Mecklenburg schools in North Carolina.

2003

Supreme Court upholds affirmative action for colleges and universities. . . . Federal judge in December hears challenge to racial guidelines for Louisville-Jefferson County Schools; federal appeals court in same month considers suit to bar use of race as “tiebreaker” in pupil assignments in Seattle.

2004

Brown decision widely celebrated as 50th anniversary approaches; civil rights advocates decry “re-segregation,” while others say emphasis on racial balance is divisive and unproductive. . . . Federal appeals court to hear challenge in June to racial-balance transfer policy for Lynn, Mass., schools.

Success Asian-American Style

Uncivilized, unclean and filthy beyond all conception . . . they know not the virtues of honesty, integrity or good faith,” fulminated Horace Greeley, the 19th-century abolitionist and social reformer, describing Chinese immigrants.¹

But the numbers today tell a different story. By any measure, Asian-Americans have been phenomenally successful academically. As a result, the concentration of Asian students in top American schools is wildly disproportionate to their ratio in the U.S. population.

For example, Asians make up approximately 70 percent of San Francisco’s most prestigious public school, Lowell High, with Chinese-Americans alone constituting over 50 percent, although Chinese make up only 31.3 percent of the school district.

The excellent scholastic record of Asian students dates back at least to the 1930s, when California teachers wrote of “ideal” Japanese students who could serve as an example to other students. Their delinquency rate was one-third that of whites.

Today, although Asians make up only 3.8 percent of the U.S. population, Asian-Americans accounted for 27 percent of the freshman class at the Massachusetts Institute of Technology in the 2000-2001 school year, 25 percent at Stanford, 24 percent at the California Institute of Technology and 17 percent at Harvard; Asians were a phenomenal 40 percent of the freshmen at the University of California, Berkeley, in 1999. One in five American medical students is Asian.² Similarly, between 10 and 20 percent of the students at the nation’s premier law schools are Asian.

The achievement gap between whites and Asians is greater than the gap between blacks and whites, by some measures. In 2001, 54 percent of Asian-Americans between ages 25 and 29 had at least a bachelor’s degree, compared with 34 percent of whites and 18 percent of blacks.

Academics have long disputed the reasons for Asians’ stellar performance. The controversial 1994 book, *The Bell Curve*, held that Asians did better because they were inherently more intelligent than others. But numerous academics attacked Richard J. Herrnstein and Charles Murray’s methodology and racial conclusions. Some studies show that Asians, particularly Chinese, consistently score higher on IQ tests than other groups.³ But there is increasing evidence that racial differences are minimal.⁴

Another explanation attributes the relative success of Asians in America to the socioeconomic and educational status of the Asian immigrants who were allowed to enter the United States. In 1965, immigration reforms allotted immigrant visas preferentially to people with needed skills. Many came from India or China with advanced degrees in medicine or technology.

The parents’ educational and occupational attainments “far exceed the average for native-born Americans,” according to Stephen L. Klineberg, a Rice University sociology professor studying Houston-area demographics.⁵ With such parents, the children seem primed for success, but critics of socioeconomic explanations point out that even though many early Asian immigrants were mainly laborers and peasants, they still performed exceptionally well in school.

Most of those early Asian-Americans, mainly Chinese, lived in California, where school segregation developed quickly. By 1863, “Negroes, Mongolians and Indians” were prohibited from attending schools with white children.⁶ Statewide restrictions were soon amended so non-white children could attend public schools with whites where no separate schools existed; in areas with fewer Chinese immigrants, they often attended schools with whites. San Francisco responded by building a separate school for Chinese children in 1885.

In 1906, Japanese and Koreans also were ordered to attend the so-called Oriental School in San Francisco, although the Japanese resisted, and by 1929 the vast majority of Japanese children attended integrated schools.⁷ The courts and legislature ended legal segregation in California schools in 1947.

However, Chinese immigrants in California have staunchly opposed integration proposals that required their children to be bused out of local neighborhoods. “One time, in the 1960s and ’70s, when integration of schools was the big issue, I almost got lynched in Chinatown by Chinese-Americans for supporting integration,” said Ling-chi Wang, a professor of ethnic studies at Berkeley and veteran civil rights advocate.⁸ More recently, Chinese-American parents successfully challenged a San Francisco school-integration plan, arguing that their children were losing out due to racial quotas at magnet schools.⁹

Today, regardless of their parents’ income level or education, Asian students perform better academically than other groups, though

Continued from p. 354

the state judge in the Delaware case declared that state-imposed segregation “adversely affected” education for blacks. The federal judge in Topeka also had agreed that separate schools were harmful for blacks but abided by Supreme Court precedent in rejecting any relief for the plaintiffs.

The four cases were argued before the Supreme Court twice — first in December 1952 and then again in December 1953. The justices were divided after the first argument. Five or six justices appeared inclined to declare segregation unconstitutional, according to later reconstructions of the deliberations.¹⁹ But Chief Justice Fred

M. Vinson hesitated to press for a final decision and accepted the suggestion of Justice Felix Frankfurter to ask for a reargument.

Vinson’s death in September 1953 paved the way for the appointment of Chief Justice Earl Warren, who as governor of California had signed a law abolishing racial segregation in that

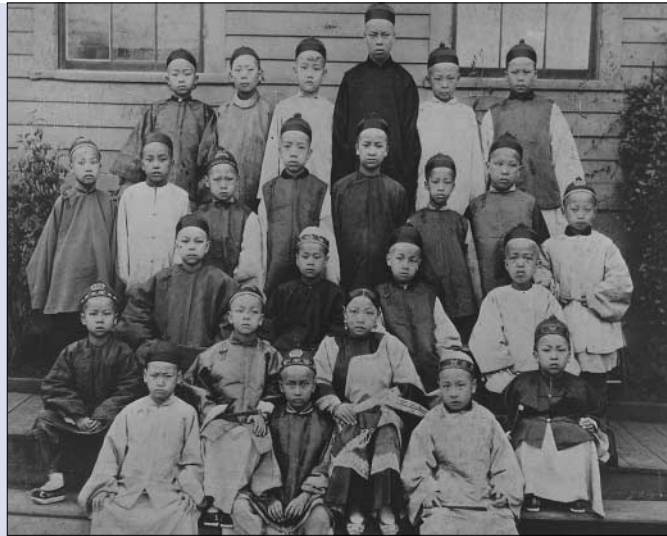
their performance does improve as parental education and income increase. The persistent performance gap, even accounting for socioeconomic factors, leads to a third explanation for Asians' success: the great emphasis put on education by Asian parents, higher academic expectations and the attitude that successful achievement is simply a question of hard work.

For instance, a study by Temple University's Laurence Steinberg of 20,000 Wisconsin and California students found that Asian-American students felt any grade below A- would anger their parents; for whites the anger threshold was B-, for blacks and Latinos a C-. And research shows that more than 50 percent of Asian-American high school seniors spend an hour or more per night on homework, compared to 30 percent of Latinos and less than 25 percent of whites.¹⁰

Education experts often blame the gap between how white children and new immigrants perform educationally on the language barriers faced by the immigrants. But evidence suggests that newly arrived Asians learn English faster than Latinos, thus breaking down those barriers faster. For instance, 1990 Census data showed that 90 to 95 percent of third-generation Asian-American children spoke only English at home, compared to only 64 percent of Mexican-Americans.¹¹

But Asian immigrants are not a monolithic "model minority." Asians who arrive already speaking English, such as Filipinos or Indians, fare better educationally and economically. The poverty rate among Filipino immigrants — who come from a country with a 95 percent literacy rate — is only 6.3 percent, compared with 37.8 percent among the Hmong — a mostly uneducated ethnic group from Southeast Asia.

In Sacramento, where Hmong comprise about 8 percent of



Asians were segregated from whites in California schools at the end of the 19th century. In 1885, San Francisco built a separate school for Chinese children.

Library of Congress

public school students, they are the lowest-performing group, according to Suanna Gilman-Ponce, director of the school district's multilingual education department.¹² For example, only 3 percent of the Hmong had a bachelor's degree, according to the 1990 census, compared with 24 percent of the nation as a whole.

But there is progress: Among the 25-to-34 age group, the first Hmong generation to grow up in the United States, 13.5 percent had degrees. And of the Vietnamese, many of whom also arrived as refugees, 26.9 percent had a college degree; the national average is 27.5 percent.

— **Kenneth Lukas**

¹ Quoted in Andrew Gyory, *Closing the Gate* (1998), p. 17.

² Abigail Thernstrom and Stephan Thernstrom, *No Excuses: Closing the Racial Gap in Learning* (2003), p. 85.

³ Jeff Wise, "Are Asians Smarter?" *Time International*, Sept. 11, 1995, p. 60.

⁴ Natalie Angier, "Do Races Differ? Not Really, Genes Show," *The New York Times*, Aug. 22, 2000, p. F1 and Steve Olson, "The Genetic Archaeology of Race," *The Atlantic Monthly*, April 2, 2001, p. 69.

⁵ Quoted in Mike Snyder, "Survey: Area Asians Have Head Start," *The Houston Chronicle*, Oct. 1, 2002, p. A1.

⁶ For background on Asians in California, see Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (1976).

⁷ Bill Hosokawa, *Nisei: The Quiet Americans* (2002), pp. 85-89.

⁸ Quoted in Sam McManis, "Activist Fights for Asian Americans at U.S. Labs," *San Francisco Chronicle*, March 27, 2002, p. A1.

⁹ David J. Hoff, "San Francisco Assignment Rules Anger Parents," *Education Week*, June 4, 2003, p. 9. See also "All Things Considered," National Public Radio, Aug. 10, 2002, and April 5, 2004.

¹⁰ Thernstrom, *op. cit.*, p. 94.

¹¹ *Ibid.*, pp. 111-113.

¹² Quoted in Erika Chavez, "Hmong Cry for Help Has Been Heard," *Sacramento Bee*, May 28, 2002, p. B1.

state's public schools.²⁰ Warren used his considerable political skills to forge the unanimous decision on May 17, 1954, which buried the "separate but equal" doctrine, at least in public education. "Separate educational facilities," Warren wrote near the end of the 13-page opinion, "are inherently unequal."

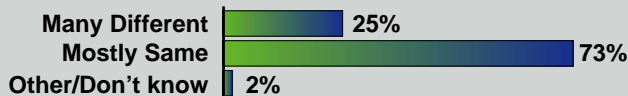
A year later, the justices rejected both Marshall's plea to order immediate desegregation and a federal recommendation that a specific timetable for desegregation be established. Instead, the court in *Brown II* ruled that the four school districts be required to admit pupils on a racially non-discriminatory basis "with all deliberate speed."²¹

Public opinion polls indicated a narrow majority of Americans favored the ruling, but the court's gradualist approach allowed the formation of what became massive resistance. More than 100 members of Congress signed the "Southern Manifesto" in 1956 vowing to use "all lawful means" to reverse the ruling. Most school districts

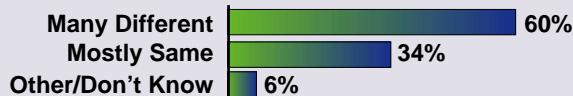
What Americans Think About School Desegregation

While 60 percent of Americans think classroom racial diversity is “very important,” 66 percent think school officials should not try to increase the diversity of local schools.

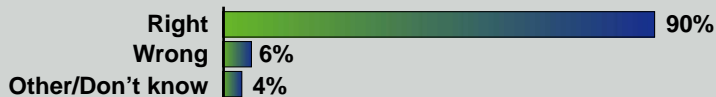
In elementary school, were your classmates of many different races, or mostly the same race?



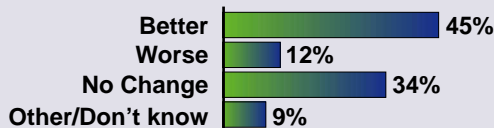
Do the public elementary schools in your community today have kids mostly of the same race, or many different races?



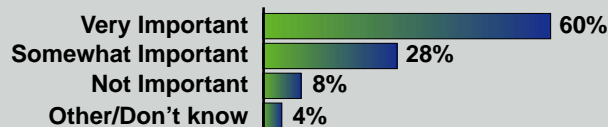
Did the Supreme Court make the right decision to end racial segregation in schools?



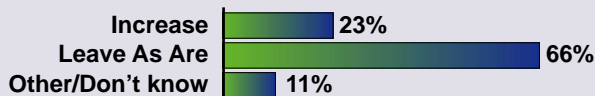
How did ending racial segregation affect the quality of America's schools?



How important is it that students of different races are in class together?



Should school officials try to increase the racial diversity of schools in your community?



Source: Scripps Survey Research Center, Ohio University, www.newspolls.org. The national telephone survey of 1,013 people was taken Feb. 15-24, 2004.

dragged their feet, while even token integration efforts brought forth scattered bombings and violence and more widespread intimidation and harassment. In the most dramatic instance, President Dwight D. Eisenhower had to call out National Guardsmen in September 1957 to maintain order at Central High School in Little Rock, Ark., after nine black students were enrolled. As of 1964, only 2 percent of black students in the South were attending majority-white schools.

Facing resistance both active and passive, the Supreme Court left local federal courts largely on their own for nearly a decade. In 1964, however, Congress included provisions in the landmark Civil Rights Act that authorized the federal government to file school desegregation suits and to withhold funds from school districts that failed to desegregate. Four years later, the court — with Marshall now serving as the first African-American justice — announced that its patience was at an end. The justices rejected a “freedom of choice” plan offered by a rural Virginia school board and declared that school districts had to develop plans to dismantle dual systems “root and branch” — and to do it “now.”

Given patterns of residential segregation, many plans devised by federal judges inevitably involved busing — typically, transporting black students to schools in predominantly white areas. Many white parents objected, but the court — under a new chief justice, Warren Burger — unanimously ruled in the *Charlotte-Mecklenburg* case in 1971 that courts had discretion to order busing as part of a desegregation plan.

Bumps in the Road

In the 1970s and '80s, desegregation advanced generally in the South and in most of the rest of the country. But the use of busing as a prin-

cial tool for racial mixing provoked fierce protests in some cities and widespread opposition from officials and the public at large. Meanwhile, Latino enrollment in public schools began to increase dramatically — and so, too, did the percentage of Latino students attending predominantly Latino schools.

The busing issue dominated the headlines and the policy debates in the 1970s, obscuring the less dramatic evidence of changes in public schools, especially in the South. From 1968 to 1988, the percentage of black students attending predominantly minority schools fell sharply in the South — from more than 80 percent to around 55 percent — and declined significantly in every other region except the Northeast.²² As historian Patterson notes, most of the heavily black schools in the South were more nearly comparable to white schools by the end of the 1980s, salaries for black teachers were more nearly equal to those for whites and teaching staffs were integrated.

Public education in the South, he concludes, “had been revolutionized” — thanks to pressure from the then-Department of Health, Education and Welfare and rulings from federal courts.²³

For many Americans, however, desegregation came to be understood only as court-ordered transportation of stu-

dents out of their neighborhoods to distant schools of uncertain character and quality. The polarizing issue erupted most dramatically in ostensibly liberal Boston, where a federal judge ordered racial mixing between heavily white South Boston and predominantly black Roxbury. Patterson notes that

complained that busing “brought fear to black students and white students.” President Jimmy Carter, a Democrat, was lukewarm toward the practice. Sociologist James Coleman — who authored an influential report in 1968 documenting the educational achievement gap for African-American students — added re-

spectability to the anti-busing critique with a report in 1975 blaming “white flight” from central-city schools on court-ordered busing and calling instead for voluntary desegregation.²⁵

Civil rights supporters countered that opponents were exaggerating the costs and disruption of court-ordered busing when their real objection was to racial mixing altogether. They also sharply disputed Coleman’s “white flight” theory, insisting that the movement of whites to the suburbs — and the resulting concentration of African-Americans in inner cities — stemmed from social and economic trends dating from the 1950s unrelated to school desegregation.

The Supreme Court itself acknowledged the logistical problems of busing in some of its decisions, but the justices couched their emerging disagreements on desegregation in legalistic terms. In 1973, the court

established a critical distinction between “de jure” segregation — ordered by law — and “de facto” segregation resulting only from residential segregation. The ruling allowed a lower court to enforce a desegregation plan, but only on the grounds that the school district had intentionally drawn zones



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Pioneering civil rights attorney Thurgood Marshall, shown here in 1957, successfully argued the landmark Brown v. Board of Education case before the U.S. Supreme Court. President Lyndon B. Johnson appointed Marshall to the high court in 1967.

on the first day of the plan in September 1974, only 10 of the 525 white students assigned to Roxbury High School showed up, while buses carrying 56 black pupils bound for South Boston High School were stoned.²⁴

Busing had few vocal supporters. President Gerald Ford, a Republican,

SCHOOL DESEGREGATION

to separate black and white pupils. (The ruling also recognized Hispanic students as an identifiable class for desegregation purposes.) In a partial dissent, Justice Lewis F. Powell Jr. criticized the distinction between “de facto” and “de jure” segregation, saying any racial separation of students was constitutionally suspect.

A year later, the court dealt integration advocates a more serious setback in a 5-4 ruling that barred transportation of students across school-district lines to achieve desegregation. The ruling struck down a desegregation plan for the heavily black Detroit school district and the predominantly white schools in surrounding Wayne County suburbs. For the majority, Chief Justice Burger said school district lines “could not be casually ignored.” In dissent, Marshall called the ruling “a large step backwards.”

Three years later, the court dealt another blow to desegregation advocates by ruling — in a case from Pasadena, Calif. — that a school district was not responsible for resegregation of students once it had adopted a racially neutral attendance plan.

The rulings combined with political opposition and socioeconomic trends to stall further increases in racial mixing of students by the end of the 1980s. The percentage of black students attending predominantly minority schools increased after 1988 in the South and West and after 1991 in the Northeast, Midwest and Border States. The Supreme Court, under the lead-

ership of conservative Chief Justice William H. Rehnquist, then eased the pressure on school districts to continue desegregation efforts with three more decisions between 1991 and 1995.

The rulings — in cases from Oklahoma City; suburban DeKalb County, Ga.; and Kansas City — effectively told federal judges to ease judicial supervision once legally enforced segregation had been eliminated to the extent practicable. For the majority, Rehnquist wrote in the Kansas City case that federal judges should re-

its effects had been largely eliminated and that apparent racial and ethnic separation reflected residential neighborhoods and the growing proportion of African-American and Latino students in public schools.

As federal courts backed away from desegregation suits, white students brought — and in a few cases won — so-called reverse-discrimination suits contesting use of race in school-assignment plans. Meanwhile, some civil rights supporters shifted direction by bringing school-funding cases in state courts.

School-desegregation litigation all but petered out during the 1990s. Nearly 700 cases remain technically alive nationwide, but a law professor’s examination of the period 1992-2002 found only 53 suits in active litigation.²⁶ Professor Wendy Parker of the University of Cincinnati College of Law also showed that school districts had succeeded in every instance but one when they asked for so-called unitary status — in order to get out from under further judicial supervision of desegregation decrees — even if enrollments continued to reflect racial imbalance.

In addition, Parker said judges were somewhat lax in requiring racial balance of teaching staffs and that any racial imbalance in teaching assignments invariably mirrored a school’s racial composition: Schools with a disproportionate number of black teachers were predominantly black, those with disproportionate numbers of white teachers were predominantly white.

Meanwhile, a few federal courts were curbing school districts’ discretion to consider race in assigning students to elite or so-called magnet



Police escort school buses carrying African-American students into South Boston in 1974, implementing a court-ordered busing plan to integrate schools.

AP Photo

member that their purpose was not only to remedy past violations but also to return schools to the control of local and state authorities.

Reversing Directions?

By the mid-1990s, traditional civil rights advocates were strongly criticizing what they termed the resegregation of African-American and Latino students. Critics of mandatory integration replied that legal segregation and

schools. In 1998, the 1st U.S. Circuit Court of Appeals had ruled against the use of “flexible race/ethnicity guidelines” for filling about half of the places each year at the elite Boston Latin School. The court said the Boston School Committee had failed to show that the policy either promoted diversity or helped remedy vestiges of past discrimination.²⁷

The next year, another federal appeals court ruled in favor of white students’ claims that school boards in two suburban Washington, D.C., school districts — Montgomery County, Md., and Arlington, Va. — violated the Constitution’s Equal Protection Clause by considering race in magnet-school placements. In both rulings, the 4th U.S. Circuit Court of Appeals said the use of race was not narrowly tailored to achieve the goal of diversity. The Supreme Court refused to hear the school districts’ appeals.²⁸

With federal courts seemingly uninterested in desegregation initiatives, civil rights groups put more resources into school-funding challenges before state legislatures or courts.²⁹ The various efforts, pushed in some 40 states, generally aimed at narrowing or eliminating financial disparities between well-to-do and less-well-off school districts. Funding-equity advocates succeeded in part in several states — sometimes through court order, sometimes by legislative changes spurred by actual or threatened litigation.

The initiatives helped cause a shift in education-funding sources away from the historic primary reliance on local property taxes. Today, just over half of local education funding comes from state rather than local revenues, according to Carey, of the Education Trust. Nonetheless, school districts with high minority or low-income enrollments still receive fewer funds compared to districts with more white or wealthier students.

The limited progress on funding issues gave civil rights advocates only slight consolation for the evidence of increasing racial imbalance in public schools. By 2001, at least two-thirds of black students and at least half of Latino students nationwide were enrolled in predominantly minority schools. Significantly, the Northeast is more segregated: More than half of black students (51 percent) and nearly half of Latino students (44 percent) attended intensely segregated schools with 90 to 100 percent minority enrollment. “We’ve been going backward almost every place in the country since the 1990s,” Harvard’s Orfield says.

Critics of mandatory integration, however, viewed the figures differently. They emphasized that white students’ exposure to African-American and Latino students has continued to increase. In any event, they say, residential patterns, city-suburban boundary lines and the increasing percentages of African-American and Latino students in overall enrollment make it impractical to achieve greater racial mixing in many school districts.

“The proportion of minorities in large districts is growing,” says George Mason’s Armor. “When it crosses 50 percent, whatever your racial-assignment plan, you’re going to have minority schools.”

For his part, President Bush has pushed education reform aimed in part at helping low-income students but without adopting traditional civil rights goals or rhetoric. “American children must not be left in persistently dangerous or failing schools,” Bush declared as he unveiled — on Jan. 23, 2001, his second full day in office — what eventually became the No Child Left Behind Act. Approved by Congress in May 2001, the law prescribes student testing to measure academic progress among public school students and provides

financial penalties for school districts that fail to improve student performance.

Education Secretary Paige says the law seeks to continue the effort to improve educational opportunities for all students started by *Brown v. Board of Education*. The law passed with broad bipartisan support. By 2004, however, many Democrats were accusing the administration of failing to provide funding to support needed changes, while many school administrators were criticizing implementation of the law as excessively rigid and cumbersome. ■

CURRENT SITUATION

Race-Counting

Schools in Lynn, Mass., were facing a multifaceted crisis in the 1980s, with crumbling buildings, tattered textbooks, widespread racial strife and rapid white flight. To regain public confidence, the school board in 1989 adopted a plan combining neighborhood-school assignments with a transfer policy that included only one major restriction: No child could transfer from one school to another if the move would increase racial imbalance at either of the schools involved.

The Lynn school board credits the plan with stabilizing enrollment, easing race relations and helping lift academic performance throughout the 15,000-student system. But lawyers for parents whose children were denied transfers under the plan are asking a federal appeals court to rule that the policy amounts to illegal racial discrimination.

'We've Yet to Achieve' Equality of Education

Secretary of Education Rod Paige was interviewed on March 24, 2004, in his Washington office by Associate Editor Kenneth Jost. Here are verbatim excerpts from that interview.

On his experience attending racially segregated schools:

"The fact that [white students] had a gym was a big deal. They played basketball on the inside. They had a big gym with lights and stuff on the inside. We played basketball on the outside with a clay court. We played up until the time that you couldn't see the hoop any more. . . . I wanted to take band, but there was no music. I wanted to play football, but there was no football team [until senior year]. . . . The concept of separate but equal is not at all academic for me. It is very personal. And even today . . . I don't know what I missed."

On the impact of the Brown v. Board of Education decision:

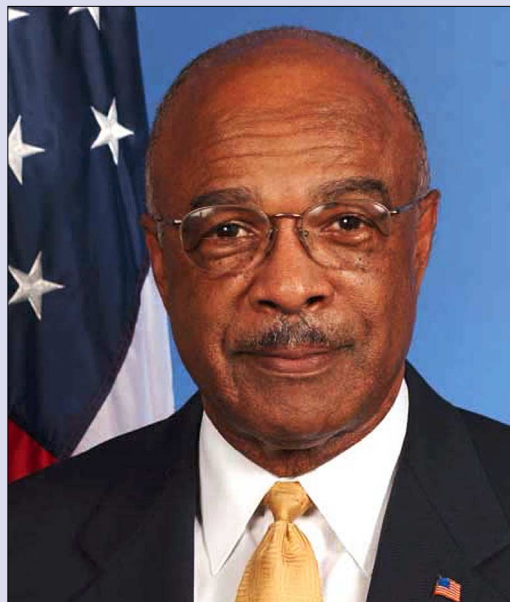
"Was the goal to take 'separate but equal' away . . . ? The answer would be [yes], in a very strong and striking way. If the goal was equality education, to level the educational playing field for all children, especially children of color, the answer is we've yet to achieve that."

On the resegregation of black and Latino students:

"Ethnic communities cluster together because of a lot of different factors. Some of these factors include preferences; some are economic. So our goal should be now to provide a quality education for a child no matter where they are in this system."

On efforts to promote racial balance in schools:

"If anybody is in a segregated school based on unfairness, then, yes, they should work against that. But . . . we don't want to get integration confused with educational excellence. We want to provide educational excellence to kids no matter what their location is [or] the ethnic makeup of their community."



Secretary of Education Rod Paige

U.S. Dept. of Education

On the use of race in pupil assignments:

"A person should not be disadvantaged because of the color of their skin. Nor should that person be advantaged because of the color of their skin. . . . That's the principle I would apply to any set of circumstances."

On "equal" opportunities for African-American and Latino students:

"I've got to come down on the side that there's a large amount of lower expectations for minority kids. . . . If there are lower expectations for a child, then the answer to your question has to be that there is not a fair opportunity."

On causes of the "racial gap" in learning:

"There are three drivers. One is the quality of instructional circumstances. . . . The second is the quantity of it . . . And the third one is student engagement. Learning is an active activity between the teacher and the student. So the student does have some responsibility here in terms of student engagement."

On underfunding of minority and low-income schools:

"I don't accept that the achievement gap is a function of funding issues. I think it is a factor, but it is not *the* factor. . . . The more important factors are those embedded in the No Child Left Behind Act: accountability, flexibility and parental choice — and teaching methods that work."

On school choice proposals — vouchers and charter schools:

"My reading of the polls show[s] that African-American parents support choice, vouchers, strongly. . . . The parents are supporters because [they] want the best education for the child. . . . Enforcing monopolistic tendencies on schools is a detriment to schools. The people who force these monopolistic tendencies on schools deny schools the opportunity to innovate, create and reach their potential."

"They're denying school assignments based on the color of the kid who's asking for the assignment," says Michael Williams, a lawyer with the Boston-

based Citizens for the Preservation of Constitutional Rights.

The case — expected to be argued in September 2004 before the 1st U.S.

Circuit Court of Appeals in Boston — is one of several nationwide where school boards with voluntary integra-

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At Issue:

Should the federal government do more to promote racial and ethnic diversity in public schools?

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WRITTEN FOR *THE CQ RESEARCHER*, APRIL 2004

the federal government has taken no significant, positive initiatives toward desegregation or even toward serious research on multiracial schools since the Carter administration.

In fact, Presidents Richard M. Nixon, Gerald Ford, Ronald Reagan and both George Bushes were generally opposed to urban desegregation and named like-minded appointees to run the major federal civil rights and education agencies. Attorney General John Ashcroft, for example, fought desegregation orders in St. Louis and Kansas City, and Reagan Supreme Court appointee Chief Justice William H. Rehnquist has consistently opposed urban desegregation.

Between 1965 and 1970, federal leadership played a decisive role in ending educational apartheid in the South and transforming it into the nation's most desegregated region. Southern schools were the most integrated for more than three decades, during which time black achievement, graduation and college attendance increased, and educational gaps began to close. But those schools now are seriously resegregating.

President Nixon largely ended enforcement of the 1964 Civil Rights Act in schools and intentionally stirred up national division over busing as part of his "Southern strategy." Then, in two separate 5-4 decisions in 1973 and 1974, four Nixon justices helped block school-finance equalization and desegregation across city-suburban lines. The federal government never enforced the Supreme Court's 1973 decision recognizing Latinos' right to desegregation. And in the 1990s the Rehnquist court thrice ended desegregation orders, effectively producing resegregation. Nearly 90 percent of the heavily segregated minority schools produced by this process have high rates of poverty and educational inequality.

Federal policy could help reverse the resegregation trend. First, leaders must make the compelling case that desegregation, properly implemented, is valuable for all students, preparing them to live and work in a multiracial society. Second, judicial vacancies and civil rights enforcement agencies should be staffed with progressives. Third, the desegregation-aid program could be revived to help suburbs experiencing racial change without preparation or resources.

In addition, serious research needs to be done on resegregation. Educational choice programs should forbid transfers that increase segregation and reward those that diminish it. And magnet school programs should be expanded. Finally, fair-housing enforcement should be greatly increased and policies adopted to help stabilize desegregated neighborhoods.

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WRITTEN FOR *THE CQ RESEARCHER*, APRIL 2004

to answer this question, we must ask three related questions. First, do legal constraints prevent the promotion of diversity in public schools? The answer is yes. The Supreme Court has provided a legal framework for using race in public policy, and the justices recently clarified that framework in two cases involving college admissions in Michigan. Racial diversity can be a compelling government purpose, but policies must be narrowly tailored to reflect the use of race or ethnicity as only one factor, not the predominant factor, in the policy.

Applying this framework to public schools, race could not be used as the primary basis for assigning students to schools (as in old-fashioned busing plans), unless a school district was remedying illegal segregation. The use of race might be justified for controlling enrollment in a voluntary magnet school on the grounds that students should be allowed to choose racially diverse programs, but even this limited use of race is being challenged in the courts. The Supreme Court has yet to rule on diversity for K-12 public schools.

Second, does diversity bring clear social and educational benefits to public school children? Diversity unquestionably has social value, since it allows children from different backgrounds to learn about other cultures and how to work together. However, it is hard to find social outcomes that have consistently benefited from desegregation. For example, race relations have sometimes worsened after desegregation programs, particularly if they involved mandatory busing. Moreover, the formal educational value of diversity has not been proven, since large-scale school-desegregation programs have not reduced the racial gap in academic achievement.

The third question we must ask is what kind of promotion, if any, might be appropriate for the federal government? Federal agencies have an important but limited role in policies for K-12 public schools. They conduct research, sponsor special programs, conduct assessment and recently adopted policies to raise academic standards and accountability under the No Child Left Behind Act. Given the legal constraints on diversity programs and the uncertain educational benefits of diversity in K-12 schools, I do not think promoting diversity should be a high priority at this time.

However, since there is still a debate over the educational benefits of racial diversity programs, it would be appropriate for the federal government to sponsor research to help resolve this important issue.

SCHOOL DESEGREGATION

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tion plans are facing legal actions aimed at eliminating any use of race in student assignments. Attorneys for the school boards are vigorously defending race-conscious policies.

“You cannot ignore race and expect that the issue will not be present in your school system,” says Richard Cole, senior counsel for civil rights in the Massachusetts attorney general’s office, who is defending the Lynn plan. “The only way is to take steps to bring kids of different racial groups together.”

Meanwhile, the federal appeals court for Washington state is considering a challenge to the Seattle School District’s use of race as one of several factors — a so-called “tiebreaker” — in determining assignments to over-subscribed schools. The 9th Circuit appeals court heard arguments on Dec. 14, 2003, in a three-year-old suit by the predominantly white Parents Involved in Community Schools claiming that the policy violates equal-protection guarantees.³⁰

Opposing experts and advocates in the desegregation debate are also closely watching the Louisville case, where U.S. District Judge John Heyburn II is expected to rule by the end of the school year on Jefferson County’s racial guidelines for pupil assignments. And in another case, a conservative public-interest law firm is in California state court claiming that a statewide initiative barring racial preferences prevents the Berkeley school system from asking for racial information from students and fami-

lies or using the information for assignment purposes.³¹

Schools in Lynn, a gritty former mill town 10 miles north of Boston, were in “dire straits” in the 1980s before adoption of the integration plan, according to Cole. Attendance was down; violence and racial conflict were up. White students — who comprised more than 80 percent of the enrollment as of 1977 — were fleeing the schools at the rate of 5 percent a year. There was also evidence that white students were being allowed to transfer

ment stabilized. The district’s students are 58 percent minority, 42 percent white.

The citizens’ group, which had earlier filed a suit that forced Boston to drop its use of busing for desegregation, sued Lynn schools in August 1999. Williams acknowledges the school system’s past problems and more recent progress. But he says all of the improvements resulted from “race-neutral stuff that could have happened if the plan had not included a racial element.”



CQ/Scott J. Ferrell

Stanton Elementary School, in Stanton, Ky., reflects the current status of school integration in most of the nation. Most public schools are as segregated today as they were in 1969. During the 2000-2001 school year, for instance, only 30 non-white students were enrolled in the 2,500-student Stanton school district.

out of predominantly black schools in violation of the district’s stated rules.

The school board adopted a multipronged strategy to try to stem white flight and improve schools for white and minority youngsters alike, Cole says. A neighborhood-school assignment plan was combined with the construction of new schools, including magnet schools, using funds under a state law to aid racial-balance programs. Cole says attendance rates and achievement levels are up, discipline problems down and enroll-

U.S. District Judge Nancy Gertner rejected the group’s suit in a 156-page ruling in December 2003. “The Lynn plan does not entail coercive assignments or forced busing; nor does it prefer one race over another,” said Gertner, who was appointed by President Bill Clinton. “The message it conveys to the students is that our society is heterogeneous, that racial harmony matters — a message that cannot be conveyed meaningfully in segregated schools.”³²

Legal Defense Fund Director Shaw calls the legal challenges to voluntary desegregation plans “Orwellian.” “Our adversaries have this perverted sense of the law and the Constitution that holds mere race consciousness — even if it’s in support of desegregation — as discriminatory,” he says.

But Clegg of the Center for Equal Opportunity says schools should not assign students on the basis of race or ethnicity. “The social benefits to achieving a predetermined racial or ethnic mix are very small compared to the social costs of institutionalized racial and ethnic discrimination,” he says.

Race-Mixing?

Some two-dozen Washington, D.C., high school students gathered on a school day in late February for a “dialogue” with the president of the American Bar Association and the city’s mayor about *Brown v. Board of Education*. Dennis Archer, a former mayor of Detroit, is black — as is Washington’s mayor, Anthony Williams. And so, too, are all but three of Woodson High School’s 700 students.

The students — chosen from an advanced-placement U.S. history course — listen respectfully as Archer and Williams relate the story of the *Brown* case and the implementation of the ruling over the ensuing 50 years. The students’ questions, however, make clear that they feel little impact from the ruling in their daily lives.

“Why is there such a small percentage of white students in D.C. schools?” Danyelle Johnson asks. Wesley Young echoes the comment: “I feel that to make it better we should be like Wilson [High School] and have different races in schools,” he says, referring to a well-regarded integrated school in a predominantly white neighborhood.

“It’s really hard for me to make [*Brown*] relevant to them,” assistant principal Phyllis Anderson remarks afterward, “because they’ve been in an all-black environment all their lives, and their parents before them.”

With 84 percent of its 65,000 public school students black, another 10 percent Hispanic and only 5 percent white, Washington provides an extreme, but not unrepresentative, example of the situation in central-city school districts throughout the country. Nationwide, central-city black students typically attend schools with 87 percent minority enrollment, according to the Harvard Civil Rights Project. For Latinos, the figure is 86 percent. This “severe segregation” results

from residential segregation and the “fragmentation” of large metropolitan regions into separate school districts, the project’s most recent survey explains.³³

The Supreme Court’s 1974 ruling barring court-ordered interdistrict desegregation plans virtually eliminated the possibility of racial mixing between inner cities and suburbs except in countywide systems like those in Louisville-Jefferson County and Charlotte-Mecklenburg County. The court’s ruling in the Kansas City desegregation case in 1995 also limited federal judges’ power to order costly improvements for central-city schools in an effort to attract white students from the suburbs.

Over the past decade or so, middle-class blacks and Latinos have themselves migrated to the suburbs, but because of residential segregation the movement has not fundamentally changed the pattern of racial isolation in the schools, according to the Harvard report. Even in the suburbs of large metropolitan areas, the typical black student attends a school that is 65 percent minority, the typical Latino a school that is 69 percent minority.³⁴

Federal courts, meanwhile, have been freeing dozens of school districts from judicial supervision by declaring the segregated systems dismantled and granting the districts “unitary status.” In an examination of 35 such districts, the Harvard study found that black students’ exposure to whites had fallen in all but four — typically, by at least 10 percent. “Desegregation is declining rapidly in

places the federal courts no longer hold accountable,” the report concludes.³⁵

The Legal Defense Fund’s Shaw says the trends result from judicial solicitude for school districts that once practiced segregation. “If a snapshot reveals a desegregated district,” he says, “the court can grant judicial absolution, and the district can return to a segregated status.”

The Manhattan Institute’s Abigail Thernstrom counters that the focus on racial mixing is beside the point. “Teach the kids instead of worrying about the racial composition of the school,” she says. “Otherwise, we’re chasing demographic rainbows. Cities aren’t going to get whiter. And they’re not going to get more middle-class.” ■

OUTLOOK

Mixed Records

Fifty years after the Supreme Court declared the end of racial segregation, the four communities involved in the historic cases present mixed records on the degree of progress in bringing black and white children together in public schools.³⁶

Topeka — home of Oliver Brown and his daughter Linda, then in elementary school — achieved “substantial levels of integration” while under a court-ordered desegregation plan,

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according to the Harvard Civil Rights Project. But integration has receded slightly since the system was declared unitary and judicial supervision was ended in 1999.

As of 2001, black students in Topeka were in schools with 51 percent white enrollment — down from 59 percent in 1991. Just outside the city limits, however, better-off suburban school districts have predominantly white enrollments. “The city was then, as it is now, physically and emotionally segregated,” Ronald Griffin, a black professor at Washburn University Law School in Topeka, remarked at a symposium in 2002. “That has not changed.”³⁷

The Delaware case “led to the merger and full desegregation of all students” in Wilmington and adjoining suburban districts, the Harvard report says. The federal court lifted judicial supervision in 1996, but Wilmington and the entire state remain as some of the most integrated school systems in the country, according to the report.

The two Southern communities involved in the four cases present a sharp contrast. Prince Edward County, Va., resisted integration to the point of closing all public schools from 1959 until the Supreme Court ordered them reopened in 1964. Today, however, the school system has an integration level “far above the national average” and student achievement in line with other Virginia districts, despite a predominantly black enrollment, according to the Harvard report.

In Clarendon County, S.C., however, School District Number One in tiny Summertown has only 60 white students among a total enrollment of 1,100. Other white students attend a private academy set up at the start of desegregation in 1969. When an *Education Week* reporter recently asked Jonathan Henry — a great-great-grandson of one of the plaintiffs — about his interactions with white students,

Henry seemed “bewildered. . . . He really doesn’t know any.”³⁸

The legacy of the *Brown* cases is “mixed,” according to historian Patterson. “It seems in the early 2000s to be somewhat more complicated, somewhat more mixed than anybody in the 1970s could have imagined.”

“We are miles ahead because of *Brown*,” Education Secretary Paige says. “But we have yet to achieve” the goal of equal educational opportunities for all students.

Whatever has or has not been accomplished in the past, the nation’s changing demographics appear to be combining with law and educational policy to push ethnic and racial mixing to the side in favor of an increased emphasis on academic performance. Schools “are going to be more racially identifiable,” the Legal Defense Fund’s Shaw says. “I don’t see any public policy right now that’s going to turn that around.”

Critics of mandatory integration applaud the change. “At the end of the day, what you want to ask is, ‘Are the kids getting an education?’” Abigail Thernstrom says. “The right question is what are kids learning, not whom are they sitting next to.”

The emphasis on academic performance makes the challenges for schools and education policy-makers all the more difficult, however, not less. “The black kid who arrives at school as a 5- or 6-year old is already way, way behind, and it just gets worse as they go on,” historian Patterson says. “There’s only so much the schools can do.”

Latino youngsters enter school with many of the same socioeconomic deficits, often combined with limited English proficiency. In any event, the debates about educational policy have yet to catch up with the fact that Latinos are now the nation’s largest minority group.³⁹ “We don’t see an equal commitment on the part of educational equity for Latinos,” says James Ferg-Cadima, an attorney for the Mexican

American Legal Defense and Educational Fund.

“It’s a major challenge for all of us to work together collegially to make sure that our children get the education they deserve,” ABA President Archer says. “We’re going to have to do a lot more to make sure all of our children in public schools — or wherever they are — graduate with a good education and can be competitive in a global economy.” ■

Notes

¹ The decision is *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). The ruling came in four consolidated cases from Topeka; Clarendon County, S.C.; Prince Edward County, Va.; and Wilmington-Kent County, Del. In a companion case, the court also ruled racial segregation in the District of Columbia unconstitutional: *Bolling v. Sharpe*, 347 U.S. 497 (1954).

² The case is *McFarland v. Jefferson County Public Schools*, 3:02CV-620-H. For coverage, see Chris Kenning, “School Desegregation Plan on Trial,” *The* (Louisville) *Courier-Journal*, Dec. 8, 2003, p. 1A, and subsequent daily stories by Kenning, Dec. 9-13. McFarland’s quote is from his in-court testimony.

³ For background, see Kenneth Jost, “Rethinking School Integration,” *The CQ Researcher*, Oct. 18, 1996, pp. 913-936.

⁴ Abigail Thernstrom and Stephan Thernstrom, *No More Excuses: Closing the Racial Gap in Learning* (2003). For a statistical overview, see pp. 11-23.

⁵ Some background drawn from Roslyn Arlin Mickelson, “The Academic Consequences of Desegregation and Segregation: Evidence From the Charlotte-Mecklenburg Schools,” *North Carolina Law Review*, Vol. 81, No. 4 (May 2003), pp. 1513-1562.

⁶ The decision is *Belk v. Charlotte-Mecklenburg Board of Education*, 269 F.3d 305 (4th Cir. 2001). For coverage, see Celeste Smith and Jennifer Wing Rothacker, “Court Rules That Schools Unitary,” *The Charlotte Observer*, Sept. 22, 2001, p. 1A.

⁷ See Gary Orfield and Chungmei Lee, “*Brown* at 50: King’s Dream or *Plessy*’s Nightmare,”

The Civil Rights Project, Harvard University, January 2004.

⁸ David J. Armor, "Desegregation and Academic Achievement," in Christine H. Rossell *et al.*, *School Desegregation in the 21st Century* (2001), pp. 183-184.

⁹ See Orfield and Lee, *op. cit.*, pp. 22-26.

¹⁰ Mickelson, *op. cit.*, pp. 1543ff.

¹¹ For background, see Kathy Koch, "Reforming School Funding," *The CQ Researcher*, Dec. 10, 1999, pp. 1041-1064.

¹² See David J. Armor, *Maximizing Intelligence* (2003).

¹³ See John Ogbu, *Black Students in an Affluent Suburb: A Study of Academic Disengagement* (2003).

¹⁴ Quoted in Justin Blum, "Bush Praises D.C. Voucher Plan," *The Washington Post*, Feb. 14, 2004, p. B2. For background, see Kenneth Jost, "School Vouchers Showdown," *The CQ Researcher*, Feb. 15, 2002, pp. 121-144.

¹⁵ For background, see Charles S. Clark, "Charter Schools," *The CQ Researcher*, Dec. 20, 2002, pp. 1033-1056.

¹⁶ See Gary Orfield *et al.*, "No Child Left Behind: A Federal-, State- and District-Level Look at the First Year," The Civil Rights Project, Harvard University, Feb. 6, 2004.

¹⁷ For a recent, compact history, see James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*, 2001. The definitive history — Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* — was republished in April 2004, with a new preface and final chapter by the author.

¹⁸ The decisions are *Sweatt v. Painter*, 339 U.S. 629, and *McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637. *Sweatt* required Texas to admit a black student to its main law school even though a "black" law school was available; *McLaurin* ruled that the University of Oklahoma could not deny a black student use of all its facilities, including the library, lunchroom and classrooms.

¹⁹ For a recent reconstruction of the deliberations, see National Public Radio, "All Things Considered," Dec. 9, 2003.

²⁰ See Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (1976), p. 108.

²¹ The case is *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955).

FOR MORE INFORMATION

Center for Equal Opportunity, 14 Pidgeon Hill Dr., Sterling, VA 20165; (703) 421-5443; www.ceousa.org. Opposes the expansion of racial preferences in education, employment and voting.

Center for Individual Rights, 1233 20th St., N.W., Washington, DC 20036; (202) 833-8400; www.cir.org. A nonprofit, public-interest law firm that opposes racial preferences.

Harvard Civil Rights Project, 125 Mt. Auburn St., 3rd floor, Cambridge, MA 02138; (617) 496-6367; www.civilrightsproject.harvard.edu. A leading civil rights advocacy and research organization.

Mexican American Legal Defense and Educational Fund, 1717 K St., N.W. Suite 311, Washington, DC 20036; (202) 293-2828; www.maldef.org. Founded in 1968 in San Antonio, MALDEF is the leading nonprofit Latino litigation, advocacy and educational outreach organization.

NAACP Legal Defense and Educational Fund, Inc., 99 Hudson St., 16th floor, New York, NY 10013; (212) 219-1900; www.naacpldf.org. The fund's nearly two-dozen attorneys litigate on education, economic access, affirmative action and criminal justice issues on behalf of African-Americans and others.

National School Boards Association, 1680 Duke St., Alexandria, VA 22314; (703) 838-6722; www.nsba.org. The association strongly supports school desegregation.

²² "Brown at 50," Harvard Civil Rights Project, *op. cit.*, Appendix: Figure 5.

²³ Patterson, *op. cit.*, p. 186.

²⁴ *Ibid.*, p. 173.

²⁵ James S. Coleman, Sara D. Kelly and John A. Moore, *Trends in School Segregation, 1968-1973*, The Urban Institute, 1975. The earlier report is James S. Coleman, *et al.*, *Equality of Educational Opportunity*, U.S. Department of Health, Education and Welfare, 1966.

²⁶ Wendy Parker, "The Decline of Judicial Decisionmaking: School Desegregation and District Court Judges," *North Carolina Law Review*, Vol. 81, No. 4 (May 2003), pp. 1623-1658.

²⁷ The case is *Wessmann v. Gittens*, 160 F.3d 790 (1st Cir. 1998).

²⁸ The decisions are *Tuttle v. Arlington County School Board*, 195 F.3d 698 (4th Cir. 1999) and *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123 (4th Cir. 1999).

²⁹ See Koch, *op. cit.*

³⁰ The case is *Parents Involved in Community Schools v. Seattle School District No. 1*. For coverage, see Sarah Linn, "Appeals Judges Told of Schools' Racial Tiebreaker," *The Associated Press*, Dec. 16, 2003.

³¹ The case is *Avila v. Berkeley Unified School District*, filed in Alameda County Superior Court. For coverage, see Angela Hill, "Suit Accuses District of Racial Bias," *The Oakland Tribune*, Aug. 9, 2003.

³² The decision is *Comfort v. Lynn Schools Committee*, 283 F Supp, 2d 328 (D.Mass. 2003). For coverage, see Thanassis Cambanis, "Judge OK's Use of Race in School Assigning," *The Boston Globe*, June 7, 2003, p. A1.

³³ Orfield and Lee, *op. cit.*, p. 34.

³⁴ *Ibid.*

³⁵ *Ibid.*, pp. 35-39.

³⁶ *Ibid.*, pp. 11-13, 39 (Table 21).

³⁷ Quoted in Vincent Brydon, "Panel: Segregation Still Exists in U.S. Schools," *The Topeka Capital-Journal*, Oct. 26, 2002. The Topeka district has a Web site section devoted to the *Brown* case (www.topeka.k12.ks.us).

³⁸ Alan Richard, "Stuck in Time," *Education Week*, Jan. 21, 2004.

³⁹ For background, see David Masci, "Latinos' Future," *The CQ Researcher*, Oct. 17, 2003, pp. 869-892.

Bibliography

Selected Sources

Books

Armor, David J., *Forced Justice: School Desegregation and the Law*, Oxford University Press, 1995.

A professor of public policy at George Mason University offers a strong critique of mandatory desegregation. Includes table of cases and seven-page bibliography.

Cushman, Clare, and Melvin I. Urofsky (eds.), *Black, White and Brown: The School Desegregation Case in Retrospect*, Supreme Court Historical Society/CQ Press, 2004.

This collection of essays by various contributors — including the lawyer who represented Kansas in defending racial segregation in *Brown* — provides an historical overview of the famous case, from a variety of perspectives.

Klarman, Michael J., *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*, Oxford University Press, 2004.

A law professor at the University of Virginia offers a broad reinterpretation of racial issues, from the establishment of segregation through the *Brown* decision and passage of the Civil Rights Act of 1964. Includes extensive notes and a 46-page bibliography.

Kluger, Richard, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*, Vintage, 2004.

A former journalist and book publisher has written a definitive history of the four school-desegregation suits decided in *Brown v. Board of Education*. Originally published by Knopf in 1976, the book has been reissued with a new chapter by the author.

Ogletree, Charles J., Jr., *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education*, Norton, 2004.

A well-known African-American professor at Harvard Law School offers a critical examination of the unfulfilled promise of the *Brown* decision. Includes notes, case list.

Patterson, James T., *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*, Oxford University Press, 2001.

A professor emeritus of history at Brown University provides a new compact history of *Brown* and its impact.

Rossell, Christine H., David J. Armor and Herbert J. Walberg (eds.), *School Desegregation in the 21st Century*, Praeger, 2001.

Various academics examine the history and current issues involving desegregation. Rossell is a professor of political science at Boston University, Armor a professor of public policy at George Mason University and Walberg a professor emeritus of education and psychology at the University of Illinois, Chicago. Includes chapter notes, references.

Thernstrom, Abigail, and Stephan Thernstrom, *No Excuses: Closing the Racial Gap in Learning*, Simon & Schuster, 2003.

An academic-scholar couple provides a strongly argued case for adopting educational reforms, including school choice, instead of racial mixing to reduce the learning gap for African-American and Latino pupils. Abigail Thernstrom is a senior scholar at the Manhattan Institute; Stephan Thernstrom is a professor of history at Harvard. Includes detailed notes.

Articles

Cohen, Adam, "The Supreme Struggle," *Education Life Supplement, The New York Times*, Jan. 18, 2004, p. 22.

A *Times* editorial writer offers an overview of the 1954 *Brown* decision and its impact.

Henderson, Cheryl Brown, "Brown v. Board of Education at Fifty: A Personal Perspective," *The College Board Review*, No. 200 (fall 2003), pp. 7-11.

The daughter of Oliver Brown, first-named of the 13 plaintiffs in *Brown v. Board of Education of Topeka*, provides a personal reflection on the landmark case. Henderson is executive director of the Brown Foundation for Educational Equity, Excellence and Research in Topeka (www.brown-vboard.org).

Hendrie, Caroline, "In U.S. Schools, Race Still Counts," *Education Week*, Jan. 21, 2004.

This broad survey of racial issues in public schools was the first of a five-part series marking the 50th anniversary of *Brown*. Other articles appeared on Feb. 18 (Charlotte-Mecklenburg County, N.C.), March 10 (Chicago; Latinos), April 14 (Arlington, Va., challenges of integration), with a final story scheduled for May 19 (parental choice).

Reports and Studies

Orfield, Gary, and Chungmei Lee, "Brown at 50: King's Dream or Plessy's Nightmare?" *The Civil Rights Project, Harvard University*, January 2004.

The project's most recent analysis of school-enrollment figures finds that racial separation is increasing among African-American and Latino students.

The Next Step:

Additional Articles from Current Periodicals

Achievement Gap

Asimov, Nanette, "Testament to Testing," *San Francisco Chronicle*, Dec. 18, 2003, p. A21.

In San Francisco, frequent diagnostic testing to pinpoint students' problem areas in reading and math has made significant headway in closing the achievement gap.

Barnes, Julian, et al., "Unequal Education," *U.S. News & World Report*, March 22, 2004, p. 66.

Legally enforced segregation is no longer an issue in schools, but the disturbing gap in performance between children of different races remains troubling.

Bok, Derek, "Closing the Nagging Gap in Minority Achievement," *The Chronicle of Higher Education*, Oct. 24, 2003, p. 20.

The president emeritus of Harvard University discusses the causes of the achievement gap and recommends ways to reduce it.

Johnson, Darragh, "A Classroom Crusade," *The Washington Post Magazine*, Nov. 10, 2002, p. W22.

Eric Smith is an educational reformer with one mission — to close the racial achievement gap in schools.

Mathews, Jay, "As Data Show Fewer Report Race, Minority Scores on SAT Questioned," *The Washington Post*, April 4, 2004, p. A6.

With 25 percent of SAT takers declining to disclose their race, some question whether it can still be useful in measuring the racial achievement gap.

Olson, Lynn, "Panel Asks for Action on Hispanic Achievement Gap," *Education Week*, April 16, 2003, p. 21.

A presidential commission notes the educational problems faced by Hispanics and proposes measures to help.

Reid, Karla Scoon, "'Value Added' Study Finds NAEP Gains for Black Students," *Education Week*, March 17, 2004, p. 7.

A study using a new methodology finds that blacks improved their reading assessment scores by a wider margin than whites or Asians.

Taylor, Stuart, "Closing the Racial Gap in Learning: What Does Not Work," *National Journal*, Oct. 25, 2003.

A discussion of Abigail and Stephan Thernstrom's social research, which argues that more integration and more money would not help close the achievement gap between white and minority students.

Winerip, Michael, "In the Affluent Suburbs, an Invisible Race Gap," *The New York Times*, June 4, 2003, p. B8.

Even controlling for economic factors, a performance gap exists between black and white students in prosperous schools.

Elementary and Secondary Schools

Gewertz, Catherine, "Racial Gaps Found to Persist in Public's Opinion of Schools," *Education Week*, May 21, 2003, p. 9.

Whites express the highest levels of satisfaction with their schools and blacks the lowest, reflecting the educational divide facing America.

Hendrie, Caroline, "City Boards Weigh Rules on Diversity," *Education Week*, Nov. 5, 2003, p. 1.

School districts in Boston, Little Rock and San Francisco weigh changes to their racial policies as they ponder possible court challenges.

Olszewski, Lori, and Darnell Little, "Integration a Dream Never Lived," *Chicago Tribune*, March 23, 2003, Metro Section, p. 1.

Chicago's school integration plan achieved very little for \$108 million per year; a changing ethnic balance in the city means that old plans are increasingly outdated.

Powell, Michael, "Separate and Unequal in Roosevelt, Long Island," *The Washington Post*, April 21, 2002, p. A3.

The schools in Roosevelt, Long Island, combine segregation and an inequitable property tax system, and the result is some of the nation's poorest performing schools.

Smith, Celeste, "Resegregation; When Busing Ends," *The New York Times*, Jan. 18, 2004, Section 4A, p. 30.

With the end of its decades-old court-ordered desegregation plan, North Carolina's Charlotte-Mecklenburg schools are making extraordinary efforts to maintain high academic success rates.

Winter, Greg, "Schools Resegregate, Study Finds," *The New York Times*, Jan. 21, 2003, p. A14.

As court-ordered desegregation plans end, racial isolation is increasing in America's schools as a result of housing patterns and demographic factors.

Higher Education

Cavanagh, Sean, "Ed. Dept. Report Lists Alternatives to Race Use in College Admissions," *Education Week*, April 9, 2003, p. 28.

The Department of Education releases a report on race-neutral policies to foster diversity; critics call the report misleading.

Dobbs, Michael, "At Colleges, an Affirmative Reaction," *The Washington Post*, Nov. 15, 2003, p. A1.

Most don't realize it, but minority students with strong academic credentials are intensely fought over by selective colleges; selling SAT data is big business.

Fears, Darryl, "At U-Michigan, Minority Students Find Access — and Sense of Isolation," *The Washington Post*, April 1, 2003, p. A3.

The University of Michigan boasts about its commitment to diversity, but black students often feel racially isolated and misunderstood.

Kantrowitz, Barbara, and Pat Wingert, "What's at Stake," *Newsweek*, Jan. 27, 2003, p. 30.

The questions surrounding affirmative action are complex — a 10-step overview to help sort out the issues may make things clearer.

Merritt, Jennifer, "B-Schools: A Failing Grade on Minorities," *Business Week*, May 12, 2003, p. 52.

Only about 12 percent of students at the best business schools are black or Hispanic; outside the best schools, the numbers are slightly lower.

Orfield, Gary, and Susan Eaton, "Back to Segregation," *The Nation*, March 3, 2003, p. 5.

With elementary and secondary schools becoming more segregated, the authors maintain there is a moral duty to allow affirmative action to level the playing field.

Schmidt, Peter, "New Pressure Put on College to End Legacies in Admissions," *The Chronicle of Higher Education*, Jan. 30, 2004, p. 1.

Schools are coming under increased pressure to end legacy admissions, which due to previous segregation are biased against minority students.

Taylor, Stuart, "Racial Preferences in Admissions: The Real Choice We Face," *National Journal*, Jan. 25, 2003.

The affirmative action status quo amounts to pervasive racial discrimination against whites and Asians; x-percent plans could be damaging to academic standards.

Winter, Greg, "Study Challenges Case for Diversity at Colleges," *The New York Times*, March 20, 2003, p. A28.

A new study challenges the idea that more diversity automatically increases racial tolerance and the educational experience.

History

Cohen, Adam, "The Supreme Struggle," *The New York Times*, Jan. 18, 2004, Section 4A, p. 22.

The outcome of *Brown* seems inevitable now, but at the time there were considerable doubts about what verdict the Supreme Court would render.

Ewers, Justin, "Making History," *U.S. News & World Report*, March 22, 2004, p. 76.

The first cracks in segregation had already appeared by 1954, but *Brown v. Board of Education* was the legal thunderbolt that smashed the legal basis of segregation.

Knickerbocker, Brad, "Evolution of Affirmative Action," *The Christian Science Monitor*, June 24, 2003, p. 1.

From President John F. Kennedy to the many major corporations that lined up to support racial preferences at the University of Michigan, affirmative action has a long history in America.

Reid, Karla Scoon, "Va. Expresses 'Regret' for Closures Aimed at Resisting Desegregation," *Education Week*, Feb. 19, 2003, p. 17.

The Virginia state Senate voted to express regret for the closure of the Prince Edward County, Va., public schools for five years to resist integration.

Improving Integration and Performance

Dobbs, Michael, "For Vouchers, a Mixed Report Card," *The Washington Post*, Sept. 23, 2003, p. A1.

Some private schools provide an outstanding education, some not so much; Milwaukee statistics suggest funding for vouchers is not draining public schools.

Hubler, Eric, "Group: Mix Rich, Poor Students," *The Denver Post*, Dec. 8, 2002, p. A1.

After the apparent success of voluntary economic integration in North Carolina, hopes are high in Denver that the same can be achieved there.

MacGillis, Alec, "Basing Affirmative Action on Income Changes Payoff," *The Baltimore Sun*, May 25, 2003, p. 1C.

Studies show that income-based affirmative action, as opposed to race-based, would actually decrease the number of blacks and Latinos at top colleges.

Rimer, Sara, "Schools Try Integration by Income, Not Race," *The New York Times*, May 8, 2003, p. A1.

Cambridge, Mass., is one of a small but growing number of cities that are using economic status as the basis of school integration, not race.

Thernstrom, Abigail, "Education's Division Problem," *Los Angeles Times*, Nov. 13, 2003, p. B17.

A prominent educational researcher decries low educational performance among blacks and Latinos and praises charter schools as a way of closing the achievement gap that exists between white and minority students.

Tienda, Marta, and Sunny Niu, "Texas' 10 Percent Plan: The Truth Behind the Numbers," *The Chronicle of Higher Education*, Jan. 23, 2004, p. 10.

An empirical study of Texas students sets the record straight about the actual effects of the 10 percent admissions plan.

Toppo, Greg, "School Integration Helps in Game of Life," *USA Today*, April 14, 2004, p. 6D.

Interviews with the Class of 1980 show that most valued

an integrated education because it helped them to be more tolerant and to interact with people of other races.

Winerip, Michael, "What Some Much-Noted Data Really Showed About Vouchers," *The New York Times*, May 7, 2003, p. B12.

A much-publicized study detailing the gains of students in voucher programs suffered from flaws in its methodology.

Yardley, Jim, "Desperately Seeking Diversity," *The New York Times*, April 14, 2002, Section 4A, p. 28.

The University of Texas' admissions plan admitting the top 10 percent of high school graduates has had effects on a broad stratum of Texas students, opening doors for some, closing them for others.

Recent Court Decisions

"Judge Accepts Plan to End Chicago Desegregation Case He Calls Outdated," *The New York Times*, March 3, 2004, p. B8.

Saying that it's time "for Big Brother to bow out," a judge indicates he may soon agree to an end for the government's desegregation decree affecting Chicago's schools.

Greenhouse, Linda, "The Supreme Court: Affirmative Action," *The New York Times*, June 24, 2003, p. A1.

Justice O'Connor maintains that race as a factor in a holistic evaluation of an applicant, not in a "mechanical way," is consistent with the earlier *Bakke* ruling.

Greenhouse, Linda, "The Supreme Court: School Tuition," *The New York Times*, June 28, 2002, p. A1.

The court's 5-to-4 ruling upheld the use of public money for tuition at religious schools as part of taxpayer-funded voucher programs.

Lane, Charles, "Affirmative Action for Diversity Is Upheld," *The Washington Post*, June 24, 2003, p. A1.

Although the Michigan decisions upheld the principle of using race in college admissions, swing voter Sandra Day O'Connor noted that in 25 years racial preferences are not expected to be in use.

Lee, Henry K., "Desegregation Plan Ruled OK," *San Francisco Chronicle*, April 8, 2004, p. B5.

A judge rules that a long-standing desegregation plan for Berkeley, Calif., does not violate Proposition 209, the state's law banning racial preferences.

Schmidt, Peter, "Affirmative Action Fight Is Renewed in the States," *The Chronicle of Higher Education*, July 18, 2003, p. 9.

Although the Supreme Court upheld race as a factor in college admissions, affirmative action opponents are still working through referendums and legislation.

Funding Disparities

Olszewski, Lori, and Darnell Little, "School Spending Disparity Revealed," *Chicago Tribune*, March 2, 2004, News Section, p. 1.

With a court prepared to end a decades-old desegregation agreement, a study shows funding gaps; mostly Hispanic schools receive the least money.

Richard, Alan, "Poor Districts Seen to Face 'Funding Gaps' in Many States," *Education Week*, Sept. 4, 2002, p. 28.

The richest quarter of school districts on average receive about \$1,000 more per pupil than the poorest quarter, although in some places this tendency is reversed.

Symonds, William, "Closing the School Gap," *Business Week*, Oct. 14, 2002, p. 124.

An outdated system for funding schools results in economic segregation between rich and poor districts; but high-spending districts sometimes have poor results.

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