

THE WHITE HOUSE  
WASHINGTON

May 16, 1994

**COMMEMORATION OF BROWN v. BOARD OF EDUCATION 40TH  
ANNIVERSARY**

DATE: May 17, 1994  
LOCATION: Martin Luther King, Jr. Middle School  
Beltsville, MD  
TIME: 11:25 am - 12:10 pm  
12:20 pm - 1:00 pm  
From: Stephen B. Silverman  
Donsia Strong

**I. PURPOSE**

The event is to commemorate the 40th Anniversary of the Brown v. Board of Education decision, May 17, 1954. You will have an opportunity to visit with a class of eighth graders to discuss the meaning of Brown and to speak to the entire student body of the Martin Luther King Middle School about the importance of Brown and its continued relevance and impact today.

**II. BACKGROUND**

**Brown v. Topeka Board of Education**

Brown v. Board of Education, 347 U.S. 483 (1955), was a consolidated opinion of four class action cases from Kansas, Delaware, South Carolina and Virginia. The legal question squarely presented to the Supreme Court was: Does the segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities [in contravention of the Equal Protection Clause of the 14th Amendment]? The Court held that it does.

The Court found that separating children from others of similar age and qualifications solely based on race generates a feeling of inferiority as to status in the community in a way that

The 14th Amendment provides in relevant part, no state shall ... deny to any person within its jurisdiction the equal protection of the laws... The Brown plaintiffs asserted that separate educational facilities based upon race, even where the actual physical facilities were equal, violated the 14th Amendment. Brown expressly noted that children separated solely on account of race are detrimentally impacted because most would interpret the separation as denoting inferiority of the minority student. Segregation denies minority students "intangible" considerations and benefits which they would receive in a racially integrated school system. It follows that separate educational facilities are "inherently unequal." Such segregation denies equal protection of the law in violation of the Equal Protection Clause of the 14th Amendment.

In addition, the discussion may also include an analysis of Plessy and Justice Harlan's dissent in that case. Your analysis should include a review of the passage on pgs. 494-5 rejecting the doctrine of "separate but equal."

You may want to specifically address the analysis contained on pg. 493 of the opinion dealing with the importance of education as a function of state and local government and the role education plays in our society. Brown expressly recognized the imperative for public education in America. The ideals set forth in the opinion are no less true today than when they were written forty years ago. In fact, one could reasonably argue that education plays an even greater role in this global society and economy and therefore, state and local governments have an even greater responsibility in ensuring that every child receive a quality education. It is increasingly clear that a child will not succeed without an opportunity for education.

Finally, you may want to wind-up the discussion by relating your experiences as a student in the segregated south which will allow Secretary Riley the opportunity to participate. Ernie Green will participate in the event and could offer his experiences as well. The Arkansas case was styled, Cooper v. Aaron, 358 U.S. 1. Goody Marshall's presence allow you to discuss the key role that Thurgood Marshall played in the Brown case, and his subsequent years on the Supreme Court.

### **Martin Luther King, Jr. Middle School**

Martin Luther King, Jr. Middle School, Beltsville, MD, recently received a national mark of educational excellence by being named a Blue Ribbon school last year. The school's Principal, Bette Lewis, has also recently received two awards, one from Prince Georges County, the second a Washington Post Award of Excellence for Education.

Martin Luther King, Jr. Middle School is a magnet school that features team teaching, interdisciplinary curriculum, cooperative learning, and flexible scheduling. It serves 722 seventh and eighth grade students. Forty-eight per cent of the students are African-American, 43% are white, and 9% are Asian, Hispanic, or Native American. Eighteen per cent of students receive free or reduced lunch. Although the school draws students from homes in the whole northern section of Prince Georges County, its population has been stable, with low annual mobility rates and a high incidence of second-generation students.

Martin Luther King, Jr. Middle School was built with an "open space" design, and it continues to function as a community of learners. To accommodate the limitations imposed by bussing, the school offers enrichment classes and extracurricular activities before, during, and after regular class hours. Students participate in a peer mediation program and take advantage of a state-of-the-art computer lab to extend their learning. A long-term partnership with Washington Gas and Light Company provides further opportunities for learning.

Parents are deeply involved in supporting academic achievement. Parents, students, and teachers develop individual student contracts setting achievement and other goals, and they review progress toward these goals every three weeks. A homebase mentoring program offers additional support.

The staff at Martin Luther King, Jr. Middle School has an exceptionally low rate of turnover. Student scores on Maryland Functional Tests exceed the averages for the county and the state--in some cases dramatically--in every subject tested.

### **III. PARTICIPANTS**

#### **Classroom Event**

Secretary Richard Riley  
Principal Bette Lewis  
Robin Wilterson, social science teacher  
Carla Willis Morgan, english teacher  
Thurgood Marshall, Jr.  
Ernie Green

#### **Gymnasium Event (In addition to the above)**

Attorney General Janet Reno  
Sen. Paul Sarbanes  
Rep. Steny Hoyer  
PG County Executive Parris Glendening  
William Coleman, Esq.  
Charles Duncan, Esq.  
Jack Greenberg, Esq.  
Oliver Hill, Esq.

### **IV. PRESS PLAN**

Open press.

### **V. SEQUENCE OF EVENTS**

10:45 am      **YOU** depart South Lawn via motorcade.  
                 [35 minute drive time]

11:20 am      **YOU** arrive at Martin Luther King, Jr. Middle School and proceed to

classroom.

11:25 am YOU are introduced by Robin Wilterson, social studies teacher.

11:25 am YOU talk to students, engage students in discussion, and ask Sec. Riley for his recollections of Brown v. Board of Education. (See attached possible questions and answers.)

Option: YOU may refer to Thurgood "Goody" Marshall, Jr. and Ernie Green during the discussion.

12:10 pm Discussion ends.

12:10 pm YOU proceed to the gym.

12:15 pm YOU greet VIPs in hallway:

Sen. Paul Sarbanes  
Rep. Steny Hoyer  
PG Co. Executive Parris Glendening

12:20 pm YOU make remarks to the students of Martin Luther King High School.

Principal Bette Lewis introduces Attorney General Reno.  
Attorney General Reno introduces Secretary Riley.  
YOU are introduced by Secretary Reilly.  
YOU make brief remarks.  
YOU meet and greet students upon exit.

1:00 pm YOU proceed to motorcade.

1:10 pm YOU depart from Martin Luther King School en route to White House.

1:45 pm YOU arrive at the White House.

### Overview of the Decisions: Brown I and II

Brown I involved review of four class action cases brought by African American plaintiffs from four different States (Kansas, South Carolina, Virginia, and Delaware). Although the cases were based on different facts and involved different local conditions, they were consolidated because they raised a common legal question: "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities, [in contravention of the Equal Protection Clause of the 14th Amendment]?""

With the exception of the Delaware case, each of the lower courts had denied relief to the plaintiffs based on the "separate but equal" doctrine enunciated in Plessy v. Ferguson. In the Delaware case, the defendants were alleging that the lower court had erred in ordering the immediate admission of the African American students to the superior white schools, once that court determined that the educational facilities were not equal.

The Court analyzed the history of the 14th Amendment and concluded that the historical sources of the Amendment "cast some light," but were not "enough to resolve the problem..." The Court noted that there was "little in the history of the Fourteenth Amendment relating to its intended effect on public education" because public education "had not yet taken hold" in the South, and was not fully developed in the North. The Court also determined that it had to "consider public education in light of its full development and its present place in American life..."

The Court noted that "education is perhaps the most important function of state and local governments." It elaborated on the role of education and concluded that education, "where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Once it ruled that "separate educational facilities are inherently unequal ... and "a denial of the equal protection of the laws," the Court then turned to fashioning its relief.

Given the nationwide importance of its recent decision, in Brown II, the Court "invited the Attorney General of the United States and the Attorneys General of all states requiring or permitting racial discrimination in public education to present their views on the question." It also recognized that "[f]ull implementation of the decision may require solution of varied local school problems," and remanded the cases to local courts to fashion remedies that are guided by the equitable principles of "flexibility" and "a facility for adjusting and reconciling public and private needs." In fashioning their decrees, the Court also noted that the lower courts may consider issues such as administration, the physical condition of the school plant, personnel, transportation, and the revision of local laws and regulations which may be necessary in solving the administration problems. Finally, the Court directed that the lower courts enter orders "as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberative speed the parties to these cases."

Commemoration of Brown v. Board of Education:  
Its Legacy for the Department of Education

School Reform

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where a state has undertaken to provide it, is a right which must be made available to all on equal terms."

The cornerstone of Goals 2000 and the Department's efforts to promote school reform is the principle that all children can learn to high standards. In order to make this principle a reality, all children must have equal opportunities to learn. Commemoration of the Brown decision provides an opportunity to focus attention on efforts to eliminate the continuing barriers -- teenage pregnancy, drop out rates, overrepresentation of minorities in special education classes, disparities in resources, among others -- that restrict access to educational excellence for many children.

Appreciating Diversity in a Multicultural Society

"[Education] is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment."

One of the cultural values that the schools are in a position to transmit, thanks in large measure to the Brown decision, is a respect for diversity. In a society that is becoming increasingly diverse, racially and ethnically, the schools can provide the opportunity for children to learn the value of working with others from a variety of backgrounds and viewpoints in the achievement of common goals. In addition to contributing to a citizenry that views itself as one community, this experience will enhance the ability to function effectively in the diverse workforce they will be entering.

The Use of Traditional and New Strategies to Address  
Desegregation

"[T]he consideration of appropriate relief was necessarily subordinated to the primary question -- the constitutionality of segregation. We have now announced that such segregation is a denial of the equal protection of the laws."

In Brown II, the Supreme Court ordered the physical desegregation of the Nation's elementary and secondary schools. Since that time, student reassignment has been the principal legal strategy

to remedy school segregation. The fortieth anniversary of Brown provides the opportunity to reflect on what we have learned about the successes and weaknesses of this strategy, and to reaffirm our commitment to pursuing the traditional legal strategies while devising innovative approaches to achieving fully the principles embodied in the Brown decision.

#### Affirmation of the Role of Public Education

"Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship ... [I]t is doubtful that any child may reasonably be expected to succeed in life if he [or she] is denied the opportunity for an education."

Brown expressly recognized the imperative for public education in America. The words of Chief Justice Warren are no less true today than when they were written forty years ago. That is why the Clinton Administration is committed to the revitalization of America's public schools.

#### The Importance of Education in Nurturing a Child's Self-Esteem and Dignity

"To separate [children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

Education must start from the premise that it must nurture every child's self-esteem and dignity. Brown clearly recognized that education is not primarily about the nuts and bolts, or physical facilities. Indeed, the question before the Court was: "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe it does."

It is about what Brown referred to as the intangibles: the sense of self-respect and promise that every child must feel to realize his or her educational potential. It is small wonder that we are losing so many of our children who are caught in a cycle of poverty, and of whom so little is expected by teachers and administrators. Those expectations are a self-fulfilling prophecy that perpetuates hopelessness and unequal educational opportunities. All of our educational programs and policies should be measured against these concerns.

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BODY:

The victory brought pure elation and joy. It was May 1954, just days after the Supreme Court's landmark ruling in *Brown v. Board of Education of Topeka, Kansas*. At NAACP headquarters in New York the mood was euphoric. Telegrams of congratulations poured in from around the world; reporters and well-wishers crowded the halls.

In his office, chief counsel Thurgood Marshall picked up the phone and called John Hope Franklin, the Howard University professor who'd supplied historical evidence Marshall had used in his argument before the High Court. Marshall wanted to once again thank his old friend for his help and support over the years. The fight was finally over. Now they talked as winners, full of the laughter of victory, convinced the idea of "equality" in America's public schools had triumphed for all time.

"We thought we'd turned the corner that day--even Thurgood felt legal school segregation was over," recalls Franklin, now professor emeritus at Duke University. "There was a feeling of 'We got 'em!' It was fantastic:'

Forty years later, the *Brown* decision remains a landmark in American history. Oliver W. Hill, the Richmond, Virginia, lawyer who worked closely with Marshall, sees *Brown* as the bridge that took the nation across a deep divide and created the setting for the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act. Today black Americans graduate from high school and college at historically high rates; the result is an unprecedented black middle-class, both in size and political clout. Those victories, growing up through the thorny bramble of our nation's history of slavery and forced segregation, are directly rooted in the *Brown* decision of 1954.

But it's also true that 40 years later, school segregation in America remains a bitter fact of life.

A 1993 study by the National School Boards Association reports that 66 percent of the nation's black children attend schools with mostly minority students.

The separate black and white school systems that once kept children apart are no longer the problem. The *Brown* decision changed that. Today's trend stems from a decreasing number of white students. The NSBA report cites "huge

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changes in birth rates and immigration patterns" and notes that from 1972 to 1992 there was a "dramatic drop in the number of school-age white children." Others blame white flight, especially from big-city schools.

"We didn't have a crystal ball. Nobody could see what was coming, certainly not a huge demographic shift," says Constance Baker Morley, a federal judge in New York who worked with Marshall at the Legal Defense and Educational Fund at the time of the, Brown decision. "The cities were deteriorating... and suburbs were being developed . If the Supreme Court had never decided Brown, there was going to be white migration from the cities."

"As white people fled urban areas with greater and greater speed they took the tax base and their middle-class children with them to the suburbs," says Franklin. He also cites the loss of industry, a rise in crime, and other social problems as contributors to the isolation of poor--and especially poor minority--children in big-city schools.

In an unanticipated reversal, the Southern states that once most strictly enforced legal segregation are today among those where black and white students are most integrated. According to the 1993 NSBA study, the South still has the largest percentage of black students; but is also the region that has the second largest percentage (39) attending predominantly white schools.

The highest level of segregation currently exists in the Northeast, where no desegregation plan was thought necessary 40 years ago. There, only 24 percent of black students attend schools that are mostly white, while 50 percent attend schools that are 90-- 100 percent nonwhite.

In the years immediately following the Brown decision minority children made up a little more than one-eighth of our elementary through high school population; now they constitute approximately one-third. Interestingly, the greatest segregation of students no longer involves black children. The most segregated group in the nation's public schools today is the rapidly increasing population of Hispanic students.

In 1989 the NSBA observed in its report: "The United States has a shrinking proportion of white students and a rising share of black and Hispanic students who experience far less success than whites in American public education and are concentrated in schools with lower achievement levels and less demanding competition. These trends suggest the Supreme Court's 1954 conclusion that intentionally segregated schools are 'inherently unequal' remains true today."

The NSBA's 1993 study reports that Hispanics are more likely to attend segregated schools than blacks. In the South the NSBA found that 77 percent of Hispanic students attend predominantly minority schools, in the Northeast 78 percent, and in the West 74 percent.

"Hispanics in California are more segregated than blacks in Alabama or Mississippi in terms of their educational experience," says Gary Orfield, Ph.D., the Harvard University professor of education who led the 1993 NSBA study.

"What we're seeing," he continues, "is a significant increase in the rate of segregation of black students after a long period of integration and a continuing growth in the segregation of Hispanics--now the most racially isolated group." Orfield adds that while black Americans now graduate from

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high school (72 percent of males and 77 percent of females) at about the same rate as white Americans (81 percent of males and 85 percent of females), only 52 percent of Hispanic males and 63 percent of females do so.

Says Orfield: "The high dropout rate of Hispanic students has negative consequences for their future and for America."

In contrast, Asian-American students experience little segregation in public schools, according to the NSBA, which noted: "The vast majority of Asians outside the West attend schools where most of the students are white, in striking contrast to the black and Hispanic record." Even in the West, with its high concentration of Asian students, 44 percent attend school with mostly white children. In California, for example, Asian children attend school with economically "advantaged" white students, while most black and Hispanic children go to school with economically "disadvantaged" students.

"As a general proposition, minority children living in the innercity don't get as good an education today as I got when I came along in the innercity. But I wouldn't have handled it differently then," says Hill, recalling his work on the Brown case. "It's only when you look back from today's perspective that everything looks so different."

Little progress was made immediately following the 1954 decision. The Court delayed its ruling on methods of desegregation until 1955, when it decreed that individual school districts could submit their own plans for approval to the nearest federal district court. Once the school districts began desegregating, the High Court said the lower courts "may find that additional time is necessary to carry out the ruling in an effective manner." As a result, says Orfield, 99 percent of black students remained in segregated schools between 1954 and 1964.

Desegregation efforts--often in the form of controversial court-ordered busing--reached their peak in the early '70s. From 1968 through 1972 the proportion of black students attending virtually all-black schools dropped from 64 to 39 percent, according to the NSBA. Social scientists claim efforts have been stalled by political opposition to busing, and by the Supreme Court's 1974 Milliken v. Bradley decision. In that case, the Court ruled in favor of suburban areas adjacent to Detroit that did not want to be lumped into an areawide desegregation plan that merged urban and suburban school systems. As a result, Detroit schools could not achieve a racial mix-- there were too few whites in any part of the city.

But in yet another irony, polls report that public opposition to busing has steadily declined. While 78 percent of Americans were against it in the mid-1970s, a 1989 Louis Harris survey found that nearly two-thirds of the white and black parents whose children were bused to integrated schools reported that their experience had been "very satisfactory?"

Although politics and racial tensions have thwarted attempts to integrate America's schools, the biggest obstacle to providing quality education to children of all races has been the fact of continued residential segregation. In their 1993 book *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press) Douglas S. Massey and Nancy A. Denton argue that segregated schools, like high rates of unemployment and minority crime, are the result of white, black, and brown neighborhoods.

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"Residential segregation is the institutional apparatus that supports other racially discriminatory processes and binds them into a coherent, uniquely effective system of racial subordination," the authors write. "Until the black ghetto is dismantled as a basic institution of American urban life, progress ameliorating racial inequality in other arenas will be slow, fitful, and incomplete."

The author is national correspondent for The Washington Post and author of *Eyes on the Prize: America's Civil Rights Years 1954-1965* (Penguin, 1991). He is currently writing a biography of Thurgood Marshall for Times Books/Random House.

Free at Last?

It is both odd and sad that 40 years after the Supreme Court of the United States ruled in *Brown v. Board of Education*, African-Americans are facing what historian John Hope Franklin describes as their greatest peril since slavery: a socioeconomic devastation that affects 40 percent of them and contributes to the continuing disintegration of the black family.

During the next 40 years we must make a sustained effort to rebuild the black family--especially in that besieged part of society. But before I sketch out my prescription, let me give a brief overview of the problem and a glimpse at how we arrived at this catastrophe.

A third of America's black population lives below the official poverty line, as opposed to 11 percent of whites. More than 60 percent of all black births are to single women, and almost 50 percent of black children are being raised in poverty. According to William Spriggs, Ph.D., of the National Commission for Employment Policy, the unemployment rate for black males (excluding those who've become so discouraged they've given up looking for work) has been above 10 percent since the late 1970s. During the 1980s it averaged almost 12 percent. Those are figures white Americans absolutely would not tolerate for themselves.

This economic devastation has resulted in hideous social disintegration. Murder is now the leading cause of death among black males ages 15 through 24. Our innercities and the schools in them are so dangerous that the majority of law-abiding people who live there and the children who want to learn lead lives of sheer terror.

The rest of the nation sees the crime and the family disintegration and recoils. The political manifestation of this revulsion is a precipitous drop in federal support for cities from 11.5 percent in 1980 to 3.8 percent in 1990, according to the Census Bureau. Our national leaders respond with loud cries about getting people off welfare and being tougher on crime. They give precious little emphasis to jobs and community-development programs in the devastated ghettos.

The idealists--both black and white--who fashioned the legal strategy that cracked segregation did not foresee the economic and social disasters that have befallen the most vulnerable blacks in our society. Had they contemplated the trajectory of blacks coming out of slavery, they might have had some inkling of the problems that face the country today.

The masses of blacks who were at the bottom of society when the *Brown* case was evolving (and whom Richard Kluger described so well in *Simple Justice*, his

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masterful recapitulation of Brown) were trapped in the post-Civil War semislavery of the South. They had never been integrated into the mainstream of the economy. Kluger described conditions among the rural blacks of Clarendon County, South Carolina, in the late 1940s this way:

"It was nothing short of economic slavery, an unbreakable cycle of poverty and ignorance breeding more poverty and a bit less ignorance, generation upon generation. 'We had to take what was given us, says a Clarendon farmer, or leave.' And a lot of them did leave, for urban ghettos. ... But wherever they went and whatever they tried to do with their lives they were badly disabled, irreparably so for the most part, by the malnourishment the poverty and meanness their Clarendon birthright had inflicted upon their childhood years ."

The boom economy of the 1960s and the attitudes fostered by the Civil Rights Movement permitted some poor blacks to break out of that vicious cycle. But in 1973 the boom ended. Income growth began to decline and the subsequent deindustrialization and globalization of the economy meant that those who had not escaped the pull of their slave history had nothing to offer America but unskilled labor.

The problem of integrating those African-Americans most damaged by history into the rest of society has troubled some of the best minds this country has ever produced. Jefferson, Madison, Monroe and Lincoln all thought former slaves should be deported. Ralph Bunche, the first black winner of the Nobel Peace Prize, thought that only a coalition of black and white workers could save the poorest blacks from being excess labor. W. E. B. Du Bois, who struggled for equality for three-quarters of a century, concluded that poor blacks would always be condemned to the expendable fringe of the labor pool.

So the problem of the undigested black masses still confronts us. Not only is it destroying black lives, it is also destroying our cities, dividing our country, and warping our political priorities.

The only adequate response is to develop and nurture healthier black families. Families are transmitters of values, discipline, a sense of connection to the economy, and, ultimately, hope and self-respect.

But it is almost impossible for families to function effectively or even exist when people live in ghetto conditions with no jobs. Just as lack of work is the most destructive force in the innercity, jobs are the central organizing principles of families. They provide a positive connection to the outside world; they offer self-respect; they force the household to develop discipline, and they give children a reason to believe study and hard work will give them a future. Government and industry should form councils that would place as many unemployed people as possible in private employment. Then government--at the federal, state, and local levels-- should develop coordinated plans to offer employment as a last resort to those who cannot find work in the private sector.

But, important as it is, work alone cannot undo the damage. The children who live in these devastated communities need better parents than they now have, better schools than they now attend. Innercity schools should be physically connected to multipurpose service centers that meet the welfare, child-and health-care needs of parents and children. Most important, these centers should provide parenting classes for immature young people so they can support their children's education, and job-counseling services for those seeking work.

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The final arm of this strategy is to support the many effective grassroots organizations that exist in our communities. These groups know the problems intimately and could provide superb assistance if they only had the resources.

Many white Americans believe that contemporary racial problems stem from a lack of black leadership. Nothing could be further from the truth. There is a broader, richer, abler array of black leadership in this country than at any time in our history. What is missing is white leadership. The black leaders of the '60s could not have changed the country by themselves. Whites in Congress, in city halls and statehouses, in pulpits, and ultimately in the White House provided leadership to white Americans that made it possible to destroy some of the shackles history had placed on us all.

Now, many white political leaders and opinionmakers push to marginalize the strongest black voices and condemn the behavior of those blacks most damaged by history and our current economic conditions.

Condemnation misses the point. People and families of all backgrounds fall apart under severe economic stress. Black America has been in a depression for 20 years, but white America rushes past obvious economic answers to settle on an ugly and persistent fretting about the wretched behavior patterns of the black poor. In fact, vast numbers of poor black people desperately want to work. Last November, when there was a strong hint of a new enterprise in Detroit, 10,000 people, mostly black, lined up in the cold to apply.

Neither, however, should white leaders embrace the fantasy that all poor blacks are saintly victims. They are not. Poverty and isolation have produced some very bad and some very reckless people. But many more people want law, order, and opportunity.

In any event, the black poor are part of us; a part of America that will have an enormous impact on our common future.

White politicians will not respond to this need until white opinion leaders join black leaders in demanding that we begin the final push to repair the deep and ugly racial damage our history has done to us all. But this will take time. Blacks arrived on the North American continent in 1619. For almost 250 of the ensuing 375 years we had slavery or something very close to it. And for a century after that we had Constitutionally sanctioned racial subordination. We have had something other than slavery or legal racial subordination for only 29 years.

The question for white leaders is simple: Would you rather spend our treasure on police and prisons or on programs that promote families and put people to work? Both are very expensive. It's just that the family program works a whole lot better for the people who are targeted--and for America's future as well.

Roger Wilkins is Clarence J. Robinson Professor of History and American Culture at George Mason University in Fairfax, Virginia, and a regular commentator for National Public Radio.

Topeka comes full circle

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Forty years after the Supreme Court of the United States handed down its landmark ruling on *Brown v. the Board of Education*, Topeka Unified School District 501 is finally taking steps to fully integrate the city's elementary schools.

Few people know it, but Topeka didn't feel the effects of the *Brown* ruling with the same immediacy as other school districts around the country. In the fall of 1955 the school district simply started closing its four all-black elementary schools (junior high and high schools were already integrated) and allowed all children to attend neighborhood schools.

Over the next few years, federal urban renewal and low-income-housing dollars flowed into Topeka. City fathers put most of the housing projects on the east side of the city; single-family dwellings grew on the west side. By 1979, east-side schools were serving mostly poor children and had much higher percentages of minority students than those on the west side.

Linda Brown, daughter of Oliver Brown, one of the suit's original plaintiffs, was by that time a mother herself. Claiming that segregation still existed, she was a co-plaintiff in the 1979 resurrected version of the original case. Topeka attorney Richard Jones and ACLU attorney Chris Hunsen charged the school district with taking the lazy route to correcting the problem. For its part, the district claimed that the crux of the original *Brown* case involved Linda Brown's right to attend Sumner Elementary, the neighborhood school four blocks from her home, which was all-white at the time; Topeka's segregated system had forced her to attend all-black Monroe Elementary, more than 20 blocks away. In the second suit the school district further claimed it wasn't responsible for housing patterns that had developed subsequent to the 1954 ruling.

In 1987, U.S. district judge Richard Rogers ruled in favor of the school system, saying "there is no illegal, intentional, systematic or residual separation of races" in Topeka schools. The case then went to the U.S. 10th Circuit Court of Appeals in Denver, which reversed the ruling. In 1990, the school district appealed to the Supreme Court.

It took two years for the Court to respond. During that time, however, it issued two other major desegregation rulings: One supported a move by Oklahoma City to stop busing grade-school children; the other held that De Kalb County, Georgia, wasn't responsible for segregated housing patterns and did not have to implement forced desegregation methods.

The Court then kicked the *Brown* ruling back to the 10th Circuit, telling the judges to review their first decision in light of the De Kalb County and Oklahoma City rulings.

It didn't take long for the 10th Circuit to confirm its original finding on the grounds that Topeka, unlike De Kalb County and Oklahoma City, had not implemented a formal desegregation plan. The Topeka school district made one last appeal to the Supreme Court, which in June of last year again refused to review the case.

This meant that Topeka must finally implement some sort of desegregation plan.

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As we go to press both sides are preparing their proposals for approval by the courts. Two strong options involve the redrawing of school boundaries--a plan that would go into effect this fall--and school consolidation--which would take three to five years. The district could also set up magnet schools, expand its current transfer policy, or start busing, though neither side thinks the latter is likely.

The author is the education reporter for The Topeka Capital-Journal.

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