


10-1-2015

# With All Deliberate Speed: Brown v. Board of Education

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## Recommended Citation

Bond, Julian (2015) "With All Deliberate Speed: Brown v. Board of Education," *Indiana Law Journal*: Vol. 90: Iss. 4, Article 7.  
Available at: <http://www.repository.law.indiana.edu/ilj/vol90/iss4/7>

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## With All Deliberate Speed: *Brown v. Board of Education*

JULIAN BOND\*

On May 17, 1954, speaking for a unanimous Supreme Court in *Brown v. Board of Education*, Chief Justice Earl Warren said:

Today, education is perhaps the most important function of state and local governments. 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 services. It 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. 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 the state has undertaken to provide it, is a right which must be made available to all on equal terms.<sup>1</sup>

Warren wrote those words in response to the brief filed by the National Association for the Advancement of Colored People (NAACP), which argued:

These infant appellants are asserting the most important secular claims that can be put forward by children, the claim to their full measure of the chance to learn and grow, and the inescapably connected but even more important claim to be treated as entire citizens of the society into which they have been born.<sup>2</sup>

Two months later, on July 16, 1954, construction began at Disneyland.<sup>3</sup> Sadly, today *Brown's* promise is still lost in fantasyland. The Magic Kingdom remains closed to children of color in America.

I want to talk about the *Brown* decision and its present legacy. I want to place that discussion in the context of my family's history, while I trace the history of *Brown*.

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1. *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954).

2. Brief for Appellants in Nos. 1, 2 & 4 and for Respondents in No. 10 on Reargument at 191, *Brown v. Bd. of Educ.* (No. 1), *Briggs v. Elliott* (No. 2), *Davis v. Cnty. Sch. Bd.* (No. 4), *Gebhart v. Belton* (No. 10), 347 U.S. 483 (1954).

3. *The Construction of Disneyland*, DESIGNING DISNEY, <http://www.designingdisney.com/content/construction-disneyland>.

I believe in an integrated America—jobs, homes, and schools. I believe it enough to have spent most of my life in its elusive pursuit. I think it is a legal, moral, and political imperative for America—a matter of elemental justice, simple right waged against historic and horrific wrong.

I not only have spent most of my adult life in the cause of integration, but in 1947—when I was seven years old—I was a plaintiff in a lawsuit against segregated schools in rural Pennsylvania. As the suit was pending, the school board tried to settle by giving students achievement tests to decide which school they should attend; most blacks failed and all whites passed, and the schools remained segregated until the sons of the local, white political boss failed the test. Rather than send the boss's children to the black school, that school was closed, and all of Lincoln University Village's children went to a one-room school together.

Recently I visited Berea College in Kentucky, opened by abolitionists as an integrated school in 1855.<sup>4</sup> It was closed by the Civil War but opened again in 1866 with 187 students—ninety-six blacks and ninety-one whites.<sup>5</sup> It dared to provide a rare commodity in the former slave states—an education open to all—blacks and whites, women and men.

One of those early students was my grandfather, James Bond, born a slave, who graduated from Berea in 1892.<sup>6</sup> Berea maintained an integrated student body until the 1900s, when the Kentucky legislature passed a law forbidding the mixing of the races in the state's schools and colleges.<sup>7</sup> The U.S. Supreme Court upheld the Kentucky law in 1908, forcing Berea to choose which students it would educate—it chose to become all white.<sup>8</sup>

My grandfather belonged to a transcendent generation of black Americans born into slavery, freed by the Civil War, determined to make their way as free women and men. From Berea, he studied for the ministry, married, and had six children—one of them my father, Horace Mann Bond.

My father graduated from Pennsylvania's Lincoln University and earned a doctorate in education from the University of Chicago. For him too, education was a means to a larger end—the uplift of his people and the salvation of his race.

How fitting, then, that he would be asked to help the NAACP in its legal campaign against school segregation—the campaign that culminated in *Brown*.

There can be no mistake—the years since *Brown* have seen the fortunes of black America advance and retreat, but the decision is always cause for sober celebration, not impotent dismay.

We celebrate the brilliant legal minds who were the architects of *Brown*; we celebrate the brave families who were its plaintiffs; and we celebrate the legal

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4. OFFICE OF PEOPLE SERVICES, BEREA COLL., BEREA COLLEGE EMPLOYEE HANDBOOK 1 (2014).

5. *Descendants Gather at Berea as College Honors Founder John Gregg Fee Oct. 13*, BEREA C. (Sept. 30, 2005), <http://www.berea.edu/media-relations/descendants-gather-at-berea-as-college-honors-founder-john-gregg-fee-oct-13/>.

6. WAYNE J. URBAN, BLACK SCHOLAR: HORACE MANN BOND, 1904–1972 at 4, 5 (1992).

7. *Id.* at 4.

8. *See Berea Coll. v. Kentucky*, 211 U.S. 45, 58 (1908).

principle that remains its enduring legacy—that, in the words of Chief Justice Earl Warren, “the doctrine of ‘separate but equal’ has no place.”<sup>9</sup>

If it took the Depression in 1929 to convince America it was obligated to protect each citizen’s well-being, the Supreme Court decision of 1954 began to convince reluctant white Americans they would have to share their knowledge, their bounty, and their world.

As Richard Kluger wrote: “Not until the Supreme Court acted in 1954 did the nation acknowledge it had been blaming the black man for what it had done to him. His sentence to second-class citizenship had been commuted; the quest for meaningful equality—equality in fact as well as in law—had begun.”<sup>10</sup>

It is easy to cast a cynical eye on the status of school desegregation in America today—or the sorry state of race relations—and minimize the significance of *Brown*. That is a grave mistake, for *Brown*—by destroying segregation’s legality—gave a nonviolent army license and power to attack and destroy its morality as well.

But *Brown* did more than that.

In 1930, the Margold Report, commissioned by the NAACP to chart the direction the civil rights organization ought to take in the courts, suggested “boldly challenging the constitutional validity of segregation” and predicted the legal effort itself would “stir . . . the spirit of revolt among blacks.”<sup>11</sup>

*Brown* did just that. In its aftermath, the black South was emboldened and soon exploded in protests, and the decision’s annual anniversary quickly became a celebratory signpost for the growing movement for civil rights.

Martin Luther King Jr.’s first national address was at a Prayer Pilgrimage on the third anniversary of *Brown* at the Lincoln Memorial in Washington, DC, in 1957.<sup>12</sup>

I was one of several thousand Atlanta sit-in students in a march on Georgia’s State Capitol to commemorate the 1960 anniversary of *Brown*.

The Freedom Rides through the South were timed to conclude in New Orleans on *Brown*’s seventh anniversary in 1961.<sup>13</sup>

That the quest for meaningful equality—political and economic equity—remains unfulfilled today is no indictment of past efforts. It is testament to the challenges ahead.

Today this slave’s grandson is a professor emeritus at the university founded by slave master Thomas Jefferson in Virginia, having taught young black and white Americans about the modern day struggle for human liberty.

My students learned about a more modern transcendent generation than my grandfather’s. They studied a generation born in segregation in the twentieth century, freed from racism’s restraints through their own efforts, determined to make their

9. *Brown v. Bd. of Educ.*, 347 U.S. 483, 495 (1954).

10. RICHARD KLUGER, *SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA’S STRUGGLE FOR EQUALITY* 748 (Alfred A. Knopf ed., 1976).

11. NATHAN R. MARGOLD, *PRELIMINARY REPORT TO THE JOINT COMMITTEE SUPERVISING THE EXPENDITURE OF THE 1930 APPROPRIATION BY THE AMERICAN FUND FOR PUBLIC SERVICE TO THE NAACP* (1931).

12. *Prayer Pilgrimage for Freedom, Washington, D.C.*, C.R. DIGITAL LIBR., [http://crdl.usg.edu/events/prayer\\_pilgrimage/?Welcome](http://crdl.usg.edu/events/prayer_pilgrimage/?Welcome) (last modified Nov. 20, 2013).

13. SAMUEL WALKER, *PRESIDENTS AND CIVIL LIBERTIES FROM WILSON TO OBAMA: A STORY OF POOR CUSTODIANS* 208 (2012).

way as free women and men. This generation shares confidence with the slave-born generation that preceded and produced it.

Speaking in 1901, my grandfather viewed the world before him hopefully. He said then:

The false partitions set up to separate classes and races are falling down. Illogical and un-Christian distinctions, though still disgracing the age and hampering the spirit of progress must soon yield to justice and right . . . . Then forward in the struggle for advancement. Wrong for a time may seem to prevail and the good already accomplished seem to be overthrown. But forward in the struggle, inspired by the achievements of the past, sustained by a faith that knows no faltering, forward in the struggle.<sup>14</sup>

Today's students are confused, as are many of their elders, about what the civil rights movement's aims and goals were, what it accomplished and where it failed, and what their responsibilities are to complete its unfinished business today.

What and how civil rights is taught reflects a great change in historiography, a rethinking of by whom and for whom the movement was made. Looking back at that movement from today, we now see a different view of the events and personalities of the period. Instead of the towering figures of Kennedys and Kings standing alone, we now see an army of anonymous women and men. Instead of famous orations made to multitudes, we now see the planning and work which preceded the triumphant speech. Instead of a series of well-publicized marches and protests, we now see long organizing campaigns and brave and lonely soldiers often working in near solitude. Instead of prayerful petitions for government's deliverance, we also see now aggressive demands for equal citizenship and the prevailing ethic of self-help.

We now realize our view of the movement's goals was narrow too. In addition to integrated classes, that movement wanted teachers in the classrooms, principals in the school offices, and presidents on the boards of education. And instead of a movement that began with *Brown* in 1954 and *Montgomery* in 1955, we now see a long and unceasing history of aggressive challenges to white supremacy that began as long ago as slavery time.

That history is a never-ending struggle between wrong and right. The movement whose story that history tells has long followed, in general outline, a plan articulated when the twentieth century was new—a plan which still fits our circumstances almost exactly today, in the newness of the twenty-first century.

In 1905, the scholar W. E. B. DuBois proposed:

We must complain. Yes, plain, blunt complaint, ceaseless agitation, unflinching exposure of dishonesty and wrong—this is the ancient, unerring way to liberty, and we must follow it. . . . Next we propose to work. These are the things that we as black men must try to do:

To press the matter of stopping the curtailment of our political rights.  
To urge Negroes to vote honestly and effectively.  
To push the matter of civil rights.

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14. James Bond, *Address of Reverend James Bond*, BEREA Q., Feb. 1901 (alteration in original).

To organize business cooperation.  
To build school houses and increase the interest in education.

.....  
To bring Negroes and labor unions into mutual understanding.  
To study Negro history.

.....  
To attack crime among us . . . . to do all in our power by word and by deed to increase the efficiency of our race, the enjoyment of its manhood, rights the performance of its just duties.<sup>15</sup>

Building schoolhouses and increasing the interest in education fit easily into DuBois's plan for black America. Like his contemporaries, he understood the importance of education.

In 1912 he wrote:

[E]ducate your children. Give them the broadest and highest education possible; train them to the limit of their ability, if you work your hands to the bone in doing it. . . . Never forget that if we ever compel the world's respect, it will be by virtue of our heads and not our heels.<sup>16</sup>

From slavery until now, black Americans have placed their faith in education, a faith well documented in my father's work.

Describing the period after emancipation, he wrote:

At no time or place in America has there been exemplified so pathetic a faith in education as the lever of racial progress. Grown men studied their alphabets in the fields, holding the "blue-back speller" with one hand while they guided the plow with the other. Mothers tramped scores of miles to towns where they could place their children in school. Pine torches illumined the dirt-floored cabins where men, women, and children studied until far into the night. No mass movement has been more in the American tradition than the urge which drove Negroes toward education soon after the Civil War.<sup>17</sup>

When my father was asked to contribute to the NAACP's brief in *Brown*, he pursued this task with the optimism exhibited by his father many years before.

When *Brown* came before the Supreme Court, both its presenters and the Justices who heard it understood clearly its historic potential. In an unusual, but not unheard of procedure, the case—actually five cases combined from Kansas, South Carolina, Virginia, the District of Columbia, and Delaware—was argued first in the 1952 term and reargued in the next.<sup>18</sup>

15. W. E. B. DuBois, *The Niagara Movement*, 2 VOICE NEGRO 619, 621 (1905).

16. W. E. B. DuBois, *Editorial*, THE CRISIS, June 1912, at 76.

17. HORACE MANN BOND, THE EDUCATION OF THE NEGRO IN THE AMERICAN SOCIAL ORDER 23 (2d ed. 1966).

18. See LACKLAND H. BLOOM, JR., DO GREAT CASES MAKE BAD LAW? 217–18 (2014).

Among other issues, the Court struggled with the meaning of the Fourteenth Amendment, that portion of the Constitution adopted after the Civil War, guaranteeing equal protection of the laws, as well as due process.

In scheduling *Brown* for reargument, the Court asked the lawyers to prepare written responses to five questions, two of them dealing with the history of the Fourteenth Amendment and public education.<sup>19</sup> The lawyers turned to historians and constitutional experts, including my father, for assistance.

While C. Vann Woodward and John Hope Franklin were studying post-Reconstruction policies regarding race relations in the South and Alfred Kelley and Howard J. Graham were working on the intent of the framers of the Fourteenth Amendment, my father was researching the intentions of the ratifying states with respect to school segregation.

Some scholars, like Henry Steele Commager, declined to help the NAACP in this work; they believed the facts would not support the NAACP's position. My father knew, however, that the historical record need not be sacrificed for political goals—he pursued both without sacrificing either. In the end, the Court regarded the historical evidence as “inconclusive,”<sup>20</sup> a draw, which may have meant victory for the NAACP. It may have allowed the Court to overcome *Plessy*'s flat statement that Congress condoned segregation.<sup>21</sup> Free to look for guidance elsewhere, the Court was able to speak for what one historian has called “the American conscience.”<sup>22</sup>

Perhaps, having done the right thing by denouncing “separate but equal,” the Court then felt free to delay the implementation of what it had announced. Whatever the reason, the phrase “with all deliberate speed” was added to the lexicon of ignominious judicial pronouncements less than a year after one of the most shameful judicial doctrines had been discarded.<sup>23</sup>

The Court, a year after announcing its decision on the merits, ordered the nation to make haste slowly in disintegrating the system of separate and unequal schools. The defendants were required, in a masterpiece of ambiguity, “to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.”<sup>24</sup>

For the first time, the Court had declared a right and then delayed its enjoyment. For the first ten years after 1954, the emphasis was more on “deliberate” than on “speed.” The focus was on dismantling the dual school systems in the South, the products of de jure segregation, and, in southern accents, all deliberate speed meant any conceivable delay. Actual integration was more a legal fiction than fact. President Dwight Eisenhower had lobbied Chief Justice Warren to rule for the southern states and segregated schools; he never endorsed the *Brown* decision, and the resistant white South, emboldened by his rectitude, reacted with evasion and delay. Southern resistance tactics included violence, expansion of private schools,

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19. *See id.* at 218–19.

20. *Brown v. Bd. of Educ.*, 347 U.S. 483, 489 (1954).

21. *Plessy v. Ferguson*, 163 U.S. 537 (1896).

22. Alfred H. Kelly, *An Inside View of Brown v. Board*, reprinted in 108 CONG. REC. 19021, 19025–26 (1962).

23. *See Brown v. Bd. of Educ. (Brown II)*, 349 U.S. 294, 301 (1955) (deciding the issue of relief).

24. *See id.*

state support for fleeing white students, proposals to abolish public education, repeal of compulsory attendance laws, and the long-discarded theories of interposition and nullification.<sup>25</sup> Prince Edward County, Virginia, simply closed its public schools for five years, believing that uneducated children were preferable to integrated ones.<sup>26</sup>

There were costs too. In North Carolina, from 1963 to 1970, the number of black elementary school principals dropped from 620 to 170; secondary school principals went from 209 to ten.<sup>27</sup> By 1973, only three were left.<sup>28</sup>

By 1972, 3051 black North Carolina schoolteachers—one-fifth of the state's black teachers—had lost their jobs as black and white schools merged.<sup>29</sup>

Lost too was history—revered school names, mottoes, mascots, and traditions. Plaques, trophy cases, and school colors—all the artifacts that honored black achievement—disappeared. Black students found themselves in formerly all-white school buildings that retained the character and identity acquired in the segregated past—Booker T. Washington High School vanished; Robert E. Lee High School persevered.

By the end of 1964, ten years after *Brown*, more than ninety-seven percent of all Southern black children still attended segregated schools.<sup>30</sup>

The Civil Rights Act of 1964 prohibited discrimination wherever federal funds were spent, and for the first time, under a southern president, Lyndon Johnson, the federal government began to take an active role. This period saw the percentage of black children in school with white ones rise from three to thirteen percent.

Those four years—from 1964 to 1968—represent the only period since *Brown* in which there was active, positive support from both the courts and the executive branch.

Let me repeat. Since *Brown* was decided sixty years ago, there have only been four years when both the courts and the executive branch actively supported its implementation. And those four years ended forty-six years ago!

So do not let anyone tell you that *Brown* is responsible for the sorry state of public education today. Had it been allowed to work, *Brown* could have elevated education—and much else—for millions of minority children across the country.

Indeed, even as it fought headwinds, the desegregation process, especially for southern blacks, was very substantial from the mid-1960s to the late 1980s.

In the ten years following the 1964 Act, the Department of Justice brought legal actions against more than five hundred school districts, and the Department of Health, Education and Welfare filed more than six hundred actions.<sup>31</sup> It would be a

25. See generally Kenneth M. Holland, Compliance with *Brown v. Board of Education*: the Role of the Elementary and Secondary Education Act of 1965, Benjamin L. Hooks Symposium (Mar. 12–14, 2004), available at <http://web0.memphis.edu/benhooks/pdfs/Holland.pdf>.

26. See *The Closing of Prince Edward County's Schools*, VA. HIST. SOC'Y, <http://www.vahistorical.org/collections-and-resources/virginia-history-explorer/civil-rights-movement-virginia/closing-prince>.

27. DAVID S. CECELSKI, ALONG FREEDOM ROAD: HYDE COUNTY, NORTH CAROLINA, AND THE FATE OF BLACK SCHOOLS IN THE SOUTH 8 (1994).

28. *Id.*

29. *Id.*

30. See *School Desegregation and Equal Educational Opportunity*, LEADERSHIP CONF., <http://www.civilrights.org/resources/civilrights101/desegregation.html>.

31. See JAMES CARTER HARDEN, III, MEASURING EQUITY: FOSTER SCHOOL DISTRICT'S



full thirteen years after *Brown* before the Court—in the *Green* decisions—declared “separate but equal” dead and required school districts to produce plans that “promise[] realistically to work, and promise[] realistically to work now.”<sup>32</sup>

But in 1968, with the election to the White House of a candidate—Richard Nixon—resurrected from political death, a slumbering and sullen America, resentful of civil rights demands, gained a platform and a voice. An effort began then, halting and disorganized at first but in solid lockstep now, to roll back the gains made by minorities in the past. They cut back on school integration, on federal aid to education, and on the pathetically small programs begun to make war on economic inequality. They changed the courageous Earl Warren Court that gave us *Brown* in 1954 to the cautious Warren Burger clique that gave us *Bakke* in 1978.<sup>33</sup> The last major Supreme Court decision expanding school desegregation was more than forty years ago, in 1973.<sup>34</sup>

The present Court has proved itself no friend to minorities, most infamously in the June 2013 decision that gutted the Voting Rights Act of 1965.<sup>35</sup>

Since the 1990s, the Court fundamentally has worsened desegregation law. As desegregation plans have been terminated in many large school districts, segregation predictably has increased substantially.

Many think it is just a matter of time before the Court declares itself “colorblind”—blind to what it means to be the wrong color in America.

But the worst damage was done when the victim was made responsible for the crime, and the national government began a hasty and undignified retreat from its role as protector of the poor. The burden of racial problem solving shifted from racism’s creators to its victims. Black behavior—not white racism—became the reason why blacks and whites live in separate worlds. Racism retreated and pathology advanced. In a kind of nonsensical tautology we heard again and again, “Those people are poor because they are pathological; they are pathological because they are poor.”

As the focus shifted away from de jure segregation in the South toward de facto segregation in the North, the tactics of evasion and delay were given new life. In President Nixon’s rhetoric, the familiar yellow school bus became a menacing machine, mowing down an American shrine, the neighborhood school.

In President Lyndon Johnson’s last year in office, the federal government reviewed twenty-eight communities for compliance with desegregation guidelines; in Nixon’s first year, the figure dropped to sixteen.<sup>36</sup> By the second year, it stood at

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ATTEMPT TO MEET THE DEMANDS OF A CONSENT DECREE 49 (2008); Julian Bond, Leadership Challenges in Civil Rights Law, Remarks at the University of Virginia Series on Explorations in Black Leadership (Sept. 13, 2000), available at <http://www.virginia.edu/uvanewsmakers/newsmakers/marsh.html>.

32. *Green v. Cnty. Sch. Bd.*, 391 U.S. 430, 439 (1968) (emphasis in original).

33. *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978).

34. See *Keyes v. Sch. Dist. No. 1*, 413 U.S. 189 (1973).

35. See *Shelby Cnty. v. Holder*, 133 S. Ct. 2612 (2013).

36. See generally Christopher Bonastia, *Housing Desegregation in the Era of Deregulation*, 2 KALFOU 138 (2014).

fifteen; the third year, at eleven; the fourth year, at nine; the first year of his second term, at one, and by the next year, the number dropped to none.<sup>37</sup>

The *Alexander* decision in 1969 ordered integration now;<sup>38</sup> by the early 1990s, a Court shaped by President Ronald Reagan gave permission to school districts to dismantle desegregation plans despite remaining vestiges of de jure segregation.<sup>39</sup>

*Brown* may be sixty years old, but it was only for a period of about twenty years that any school systems were under an immediate mandate to remove segregation, root and branch. It is hardly a surprise, then, that when the current state of school integration is examined, discouraging results abound.

While it is not true, as many claim, that the South is more segregated now than it was before *Brown*, it “has lost all of the additional progress made after 1967 . . . .”<sup>40</sup> Even at that, it “is still the least segregated region for black students”<sup>41</sup>—which tells you something about the country.

Segregation has increased the most for Latinos. In the West, where there was substantial integration in the 1960s, “segregation has soared.”<sup>42</sup> The suburbs of the country’s largest metropolitan areas are now half nonwhite, and there “Latinos are significantly more segregated than blacks . . . .”<sup>43</sup>

As you might expect, segregation is severe in central cities of all sizes and worst in the central cities of the largest metro areas.<sup>44</sup> Nationally, “the typical white student is now in a school [which is] nearly three-fourths white, one-eighth Latino and one-twelfth black.”<sup>45</sup> The typical black or Latino student, in a class of thirty, would have at least twenty black or Latino classmates and only eight white ones.

There are few matters on which experts in any given field agree. Educational experts, however, agree that no school district in America has managed to create equal education on a large scale in segregated schools, be they black or Hispanic schools. This is not to say that there are no successful segregated schools. There are—particularly on the elementary level. But the bottom line is that students who attend schools that are segregated by race and income consistently rank lower in educational achievement, especially at the secondary school level.<sup>46</sup> In short, the United States cannot afford separate schools.

The educational damage done by racial segregation does not grow from the relationship between blacks and whites alone; it grows from the relationship between blacks and whites and green.

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37. *Id.*

38. *Alexander v. Holmes Cnty. Bd. of Educ.*, 396 U.S. 19, 20 (1969).

39. *See, e.g., Freeman v. Pitts*, 503 U.S. 467, 471 (1992); *Bd. of Educ. v. Dowell*, 498 U.S. 237, 249–51 (1991).

40. GARY ORFIELD & ERICA FRANKENBERG, *BROWN AT 60: GREAT PROGRESS, A LONG RETREAT AND AN UNCERTAIN FUTURE 2* (2014).

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.* at 12.

46. *See* Gary Orfield & David Thronson, *Dismantling Desegregation: Uncertain Gains, Unexpected Costs*, 42 EMORY L.J. 759, 780 (1993).

In America, the education dollar follows the white child. The students who are most likely to find themselves in schools of concentrated poverty today are not white; they are black and Latino.<sup>47</sup>

Compared with poor whites, poor blacks are more likely to live in neighborhoods where a high percentage of the residents are poor.<sup>48</sup> They interact mainly with others who are poor, who share their disadvantage. They live, squeezed together, in less-than-standard housing, in neighborhoods denuded of essential services. They shop at stores owned by merchants geared to do business with a poor clientele. Their neighborhoods are economically and racially segregated, bereft of opportunity, out of sight and out of mind.

Their children attend schools only with other poor, minority children. As the New Jersey Supreme Court said, “They face, through no fault of their own, a life of poverty and isolation that most of us cannot begin to understand or appreciate.”<sup>49</sup>

Fewer dollars in the parents’ pockets mean fewer dollars in the school board’s treasury. Children in high poverty schools read less, get lower grades, and miss more days of school.<sup>50</sup>

Conversely, “[s]tudies have shown that desegregated settings are associated with heightened academic achievement for minority students . . . .”<sup>51</sup> Graduation rates, earnings, and physical well-being all increase, and these benefits extend across generations. Indeed, “a mounting body of evidence indicat[es] that desegregated schools are linked to profound benefits for *all* children.”<sup>52</sup> These settings foster critical thinking skills, heightened communication abilities, and friendships across racial lines. Economic and racial integration are preconditions for equal opportunity. Once achieved, they permanently alter the pattern of minority-majority relationships.

In cities where school integration exists, it is not only the most visible form of desegregation but the only one that impacts personally on the lives of millions of whites.<sup>53</sup> This is why whites have so strongly resisted it; it is also why blacks and other minorities must continue to insist upon it.

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47. See ORFIELD & FRANKENBERG, *supra* note 40, at 2.

48. See, e.g., Algernon Austin, *African Americans Are Still Concentrated in Neighborhoods with High Poverty and Still Lack Full Access to Decent Housing*, ECON. POL’Y INST. (July 22, 2013), <http://www.epi.org/publication/african-americans-concentrated-neighborhoods/> (“In addition to much higher poverty rates, blacks suffer from concentrated poverty. Nearly half (45 percent) of poor black children live in neighborhoods with concentrated poverty, but only a little more than a tenth (12 percent) of poor white children live in similar neighborhoods.”); Elizabeth Kneebone, *The Growth and Spread of Concentrated Poverty, 2000 to 2008–2012*, BROOKINGS INST. (July 31, 2014), <http://www.brookings.edu/research/interactives/2014/concentrated-poverty#/M10420> (“In 2008–2012, 23 percent of poor white suburban residents lived in higher-poverty tracts, compared to 53 percent of poor blacks and 54 percent of poor Latinos in suburbs.”).

49. *Excerpts from Court Ruling Ordering Parity in New Jersey School Funding*, N.Y. TIMES, July 13, 1994, at B7.

50. See ORFIELD & FRANKENBERG, *supra* note 40, at 38–39.

51. *Id.* at 39.

52. *Id.* (emphasis added).

53. See Gary Orfield, *School Desegregation After Two Generations: Race, Schools, and Opportunity in Urban Society*, in RACE IN AMERICA: THE STRUGGLE FOR EQUALITY 237 (Herbert Hill & James E. Jones, Jr. eds., 1993).

I recently heard Minnie Jean Brown reflect on her experiences as one of the heroic Little Rock Nine who integrated Central High School in 1957. Someone asked why she kept coming back to school day after day, despite daily harassment and intimidation that would have driven most people away. From the ferocity of her enemies, she said, “I knew there was something precious inside that school,” and she was more determined to get it than they were to keep it from her grasp.

There are those who scoff at *Brown* as if the advantages to black children were to be gained simply by sitting next to white ones in a classroom, as if a skin-to-skin transfer of knowledge and education could occur. These critics miss the point of integrated schools.

One writer called it “truly radical.”<sup>54</sup> A public educational system that is truly integrated and treats minorities and whites equally is the antithesis of the larger society, which is profoundly segregated and unequal. The goal of putting minorities and whites in the same classrooms does not only equalize education but also changes the formative racial experiences of the next generation.

Our future as a nation depends on our willingness to continue to reach into the racial cleavage that defines American society and change the racial contours of our world.

In 1954, the federal government’s brief in *Brown* argued that school desegregation was a Cold War imperative, a necessary weapon to win America’s battles overseas.<sup>55</sup> Current events give us the same imperative—to prove to enemy and ally alike that our commitment to justice is sincere.

Again my grandfather’s words speak to us. He said:

The pessimist from his corner looks out upon the world of wickedness and sin, and blinded to all that is good or hopeful in the condition and progress of the human race, bewails the present state of affairs and predicts woeful things for the future.

In every cloud he beholds a destructive storm, in every flash of lightning an omen of evil and in every shadow that falls across his path a lurking foe. He forgets that the clouds also bring life and hope, that the lightning purifies the atmosphere, that shadow and darkness prepare for sunshine and growth, and that hardships and adversity nerve the race as the individual for greater efforts and grander victories.<sup>56</sup>

“Greater efforts and grander victories.” That was the promise made by the generation born in slavery 150 years ago. That was the promise made by the generation that won the great World War for democracy seven decades ago. That was the promise made by the generation that brought democracy to America’s darkest corners five decades ago, and that is the promise we must all seek to honor today.

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54. See Orfield, *supra* note 53, at 238.

55. See Brief for the United States as Amicus Curiae at 6, *Brown v. Bd. of Educ.*, 349 U.S. 294 (1955) (Nos. 1–5) (“The existence of discrimination against minority groups in the United States has an adverse effect upon our relations with other countries. Racial discrimination furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith.”).

56. James Bond, *Commencement Address*, BERA C. REP., June 1892.

