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Racism Gets an Education: Brown vs. BOE

by Lauren Hovis

(Criminal Justice 151)

The Assignment: Student is to write a research paper on a Constitutional issue.

In the 1950's, the United States was sound. America had risen out of World War II victorious; and, since 1948, was dearly attempting to defend such a win and Western freedom against the evils of Communism in the Cold War. At home, the economy was booming. Employment was available to millions, middle and upper class families were establishing themselves in suburbs, soldiers were coming home and either going back to work or going to school, why there was even a baby boom! Indeed, the '50's era was a "culture of abundance" (Roark et al. 981).

However, not all Americans reaped the benefits of postwar victory, freedom, wealth. In 1954, a carefree U.S. came to a screeching halt in *Brown v. Board of Education*. Racism, a dark truth that most democratic nations would rather keep quiet, was again forced into an undeserving spotlight. Again forced. Legal racism has a *long* track record in the United States; and, seemingly, this track runs on one line. Thus, before delving into the landmark case that is *Brown v. Board of Education*, let us first turn to her predecessor – *Plessy v. Ferguson*.

Homer Plessy was one-eighth black -- .125 percent. His family was white. However, living in Louisiana, racial codes considered the fraction to be sufficient to classify Plessy as colored (Roark et al. A-50). On June 7, 1892. Plessy purchased a train ticket from New Orleans to Covington, Louisiana. When asked by the railroad company and conductor of his race, he told them he was mixed, and was then required to sit in the blacks-only car. When Plessy refused, he sat in the white section, did not budge from here, and was promptly arrested and thrown in a New Orleans jail (Roark et al. A-50).

When Plessy went to trial, Judge John Ferguson presided. At trial's end, Judge Ferguson ruled guilty. The conviction was later upheld by the Louisiana Supreme Court. Plessy appealed to the United States Supreme Court, asking for an order forbidding the State of Louisiana, in the person of Judge Ferguson, from carrying out the conviction (Knappman 218-220).

On April 13, 1896, Plessy's attorneys (F.D. McKenney and S.F. Phillips) presented oral arguments before the Court. They argued that the state had violated Plessy's Fourteenth Amendment right to equal protection under the law. Attorney General M.J. Cunningham (defense) argued that the law merely made a distinction between blacks and whites, and didn't necessarily deem blacks to be inferior (Knappman 218-220).

On May 18, 1896, the Court issued its decision. In a 7-1 note, the United States Supreme Court upheld the Louisiana law, declaring that "separate but equal" facilities were permissible under section 1 of the Fourteenth Amendment – which calls upon the states to provide 'equal protection of the laws' to anyone within their jurisdiction (Roark et al. A-50). The Court further affirmed Plessy's sentence (\$25 fine or 20 days in jail).

At the time, the case was relatively insignificant. In fact, it was seen as a victory for segregationists. Yet, perhaps Justice John Marshall Harlan recognized the history *Plessy v. Ferguson* did in fact make – he was the only dissenter from the decision. Certainly the South was aware of the case – intimidation and lynching were now justified "to keep the Negro in his place" (Roark et al. 599). "To die from the bite of frost is far more glorious than at the hands of a mob" (Roark et al. 599). In 1895, in an ironic twist one year before the case came to court, Booker T. Washington (former slave and founder of the Tuskegee Institute of Alabama) gave a speech in Atlanta (the "Atlanta Compromise"). Here, he

stated, “In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress” (Roark et al. 760). Most notably, the decision *did* effectively sanction discriminatory practices. “Separate but equal.”

Plessy v. Ferguson was overturned, in 1954 with *Brown v. Board of Education*. However, 58 years lay in the interim. And in this time, the great American pastime, baseball, had segregated leagues. The Ku Klux Klan rose from the depths of hell. Two world wars were fought – segregated ranks during the first and partial segregation during the second. A great depression ravaged the world – African Americans by no means immune to the poverty. Nine black boys in Scottsboro, Alabama (1931-1937) were either imprisoned or sentenced to death after being convicted of rape, based on “trumped-up charges” (Roark et al. 848). African-American arts enjoyed the Harlem Renaissance during the 1920’s, though it was generally viewed as an isolated demonstration of achievement (Roark et al. 834). Blacks were able to open narrow doors of opportunity during the New Deal era of the 1930’s, via federal assistance and the “Black Cabinet,” the first sizable African-American presence in the federal government. However, the major New Deal programs for economic recovery (the NRA, AAA, and WPA) failed greatly to serve Negroes (Roark et al. 881). There was the invention of the car and the television and the moving pictures, and the atom bomb. There was also the outbreak of the Cold War, which, by the 1950’s, had landed blacks in urban poverty.

Obviously a great deal of history unfolded by the time 1954 rolled around. But why is 1954 so important? In the 1950’s, most Americans were living in the lap of luxury – enjoying the benefits that could be reaped as victor of a world war. Even with the Cold War, Americans were fighting for democracy and her principles. But why such a narrow focus on 1954? *Brown v. Board of Education* ... that’s why. By 1954, racism and discrimination still existed. Yet, after facing and surviving two world wars, and now in the midst of a war that pitted two powerful political ideologies against each other, suddenly racism paled in comparison “Brown” would revive the age-old social problem.

Brown v. Board of Education was in fact a consolidation of five separate suits – this particular suit happened to gain the most recognition (Roark et al. 1007-1008). Oliver Brown was a welder for a railroad in Topeka, Kansas. For convenience, his home was near the major switchyard. However, not out of convenience, Brown’s eight-year-old daughter’s elementary school was a mile away, and she had to walk. This fact is unfortunate because there was a “white school” just seven blocks away. Tired of such nonsense, in September 1950, Brown took his daughter to the closer school in hopes of enrolling her. Unfortunately, the principal refused. Brown turned to McKinley Burnett, head of the local NAACP branch (Roark et al. 1008).

On March 22, 1951, Brown’s lawyers (all with the NAACP) filed suit in U.S. District Court, requesting an injunction forbidding Topeka from continuing segregation in public schools (Knappman 466-470). During the two-day trial (from June 25 to June 26), parents testified (arguing that the walk their children were forced to take was inconvenient, time-consuming, and dangerous), expert witnesses testified (arguing that segregation was inherently unequal because the message sent to black children was that they were inferior), and Dr. Hugh Spier testified (chairman of the University of Kansas City’s Department of Elementary School Education) (Knappman 466-470). The Board of Education’s lawyers responded with the argument that since most public facilities in Kansas City were segregated, segregated schools were simply preparing black children for the realities of life as black adults. Thankfully, this argument didn’t muse the judges. On August 3, 1951, the court issued a decision – though feeling compelled to deny Brown’s request for an injunction (most likely because of the precedent set of *Plessy v. Ferguson*), the court didn’t necessarily agree with the segregation it was upholding – “Segregation of white and colored children in public schools has a detrimental effect upon the colored children ...” (Knappman 466-470).

On October 1, 1951, Brown and the other plaintiffs (that filled out the other four suits) filed petition for appeal (Knappman 466-470). On June 9, 1952, the U.S. Supreme Court put the case on the docket; and on December 9, 1952, oral arguments were presented (Knappman 466-470). By the time the case reached the Court, not only was it in line with similar cases from other states and District of Columbia, but the plaintiffs (appellants) were being backed by an entire team of lawyers from the

NAACP, led by Thurgood Marshall (later the first black justice to sit on the Court) (Roark et al. A-51).

Oral arguments lasted one day (December 9th). However, when the justices retired to make a decision, they ended in a stalemate (“deadlocked”). Therefore, new hearings were ordered -- though the second time around, the arguments had to be confined to what the justices *needed* to know (i.e. the plaintiffs might mention debates in Congress and state legislatures regarding the Fourteenth Amendment, the opinions of proponents and opponents of the amendment, existing segregation practices). On December 8, 1953, re-arguments were held (Knappman 466-470).

A decision was issued on May 17, 1954. Though the re-arguments did not shed new light on the case, the Court *did* consider specific cases where graduate schools were involved in segregation practices. Here, the Court said that segregation was unequal because blacks’ professional careers were hurt if not destroyed by the stigma of having attended schools considered to be inferior (Knappman 466-470). Using this argument as a factor in the decision, the unanimous Court, led by Chief Justice Earl Warren, declared that, in fact, all segregation in the public schools was unconstitutional (Roark et al. A-51).

The impact the *Brown v. Board of Education* had on history was magnificent. The case officially overturned 58-year-old *Plessy v. Ferguson*. The case allowed the NAACP to declare a massive civil rights movement. The landmark also created crises in later cases. The decision of the case, however, was not formally enforced until 1955, when the Court called for desegregation “with all deliberate speed,” but failed to establish a deadline (Roark et al. A-51).

Of course, the greatest impact *was* the ensuring Civil Rights Movement. *Brown v. Board of Education* seems reminiscent of *Dred Scott v Sandford* (1856) in that it pitted Americans against Americans and highlighted the South’s true colors. In fact, the Civil Rights Movement wasn’t warfare *per se*, but the intensity between racists and fighters for black rights, and the racism itself, made it seem like a second Civil War *could* have been in the works.

In the 1950’s and the 1960’s, the South was vicious. Southern cities avoided integration in education by closing public schools and using tax dollars to support private, white-only schools (Roark et al. 1008).

President Harry S. Truman quoted, “My very stomach turned over when I learned that Negro soldiers just back from overseas were being dumped out of army trucks in Mississippi and beaten” (Roark et al. 963).

Truman acted more boldly on civil rights than any other president to his time; and he was the first president to address the NAACP – announcing that “all American should have equal rights to housing, education, employment, and the ballot” (Roark et al.) 964). However, President Truman failed to follow up aggressively on his bold declarations, nor rally support for racial justice (Roark et al. 964).

President Dwight D. Eisenhower ordered the integration of public facilities in Washington, D.C., and on military bases, and he supported the Civil Rights Acts of 1957 and 1960¹. However, President Eisenhower did take hold of racial prejudice and insensitivity to black aspirations via refusing to urge the South to comply with the Supreme Court’s order for sweeping desegregation (Roark et al. 1008).

President John F. Kennedy was an idealist, and if ever we needed one. He championed the belief, “ask not what your country can do you – ask what you can do for your country” (Roark et al.1024). He declared a “new generation” that emphasized America’s defensive stance on freedom (Roark et al. 1024). In the summer of 1963, he issued a call for passage of a comprehensive civil rights bill. However (and ironically), President Kennedy’s idealism was cut short by his assassination on November 22, 1963 (Roark et al.1026).

¹ Civil Rights Acts of 1957 & 1960

The Civil Rights Acts of 1957 and 1960 established federal bodies to focus on civil rights, though representing only marginal progress towards enfranchisement

Perhaps not until Lyndon B. Johnson's oath onboard Air Force One did a president finally take a stand on racism. In 1964, Johnson announced President Kennedy's original goal of a "Great Society, which rests on abundance and liberty for all. It demands an end to poverty and racial injustice" (Roark et al.1026). In Johnson's sudden administration, three civil right acts were passed as well as a host of legislation dealing with the antipoverty, education, medical care, housing, consumer protection, etc. (Roark et al.1027).

One of the most well-know confrontations of the movement occurred on December 1, 1955, when Montgomery, Alabama, police arrested Rosa Parks for violating the local segregation ordinance (Roark et al. 1009). Her refusal to give up her seat in the white section of a bus to a white man ignited the local NAACP branch and the local Women's Political Council, and aided in the founding of the Montgomery Improvement Association – headed by Martin Luther King, Jr., and organized the infamous bus boycott by the African American community (Roark et al.1012-1013). In November 1956, the U.S. Supreme Court ruled on a suit brought about by Parks' arrest, declaring unconstitutional Alabama's state and local bus segregation laws (Roark et al.1014). The minor victory in the larger war demonstrated "that blacks could sustain a lengthy protest and would not be intimidated" (Roark et al.1014).

In April 1963, Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC) launched a campaign in Birmingham, Alabama, to integrate public facilities and open jobs (Roark et al. 1035). Like *Dred Scott v. Sandford*, this act perhaps sparked the soon-coming peak of the movement and responses to the movement. As masses formed in demonstrations, Birmingham's police chief, Eugene "Bull" Connor, responded with police dogs, electric cattle prods, and high-pressure hoses. Hundreds of demonstrators, including children, were jailed. Four months later, a bomb murdered four children attending Sunday school in Birmingham (Roark et al.1035).

The peak of the Civil Rights demonstrations came in August 1963 with the forever-famous March on Washington. The largest demonstration, the March drew 250,000 blacks and whites to Washington, D.C. – most notably Martin Luther King. Speaking from the Bible, Negro spirituals, and national anthems, King declared to all of America that he had a dream in which "the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood" (Roark et al.1035). King declared, "... when all of God's children ... will be able to join hands and sing ... 'Free at last, free at last; thank God Almighty, we are free at last'." (Roark et al. 1035). The March was indeed one of the most well known demonstrations, and response was in fact quite positive. However, continued violence in the South stained and dashed the hopes of a bright, more just future for all (Roark et al.1035).

"Bloody Sunday" took place in March 1965 in Selma, Alabama. In January of that same year, the SCLC and the student Nonviolent Coordinating Committee launched a voting drive in Selma, against incredible opposition. In March, state troopers used sever force to turn back a 54-mile March from Selma to the state capitol in Montgomery. By the campaign's end, three demonstrators were shot or beaten to death, and the Alabama National Guard had to be called to duty by President Johnson ((Roark et al.1036).

Some other events (out of the *many* not included here but that spanned two decades) included sit-ins, freedom rides, a black power movement led by Malcolm X, and the Civil Rights Acts of 1964, 1965, and 1968.²

Though the Civil Rights Movement was the most blatant and perhaps violent response to "Brown," it was in fact not the only reaction. Examples of legal reaction included the Little Rock Crisis of 1958 and *Milliken v Bradley* of 1974.

² The Civil Rights Acts of 1964, 1965, & 1968

The CRA of 1964 "banned discrimination in public accommodations, public education, and employment" and guaranteed access to all Americans (Roark et al. 1030). This act officially sent to death the South's system of segregation and discrimination (Roark et al. 1037).

The Voting Rights Act of 1965 "banned literacy tests and other voting tests and authorized the federal government to act directly to enable African Americans to register and vote" (Roark et al. 1030).

The CRA of 1968 "banned discrimination in housing and in jury service" (Roark et al. 1030).

Shortly after the Brown decision was declared in May 1954, the Little Rock, Arkansas Board of Education underwent steps to implement a plan for desegregation, starting at the senior high school level in 1957 and being completed at the junior high and elementary school levels in 1963 (358 U.S.1). Though there was a brief challenge by a group of Negroes to expedite the process, the plan still went through (at the expected rate). (This challenge is entitled *Aaron v. Cooper*, which is the official name of the case.) (358 U.S.1).

While changes for the better were making headway, higher state authorities, in contrast, were putting the brakes on desegregation. For instance, in November 1956, an amendment to the Arkansas State Constitution commanded the General Assembly to oppose “in every Constitutional manner the Unconstitutional desegregation decisions of May 17, 1954, and May 31, 1955 [the U.S. Supreme Court’s announcement of official, nationwide desegregation] ...”(358 U.S.1) A law was also enacted in February 1957, ‘relieving school children from compulsory attendance at racially mixed schools’ (358 U.S. 1).

Despite such pressure, the School Board and Superintendent persevered. And in September 1957, Central High School (in Little Rock) opened its doors to 2,000 students, nine of whom were black (358 U.S. 1). However, and unexpectedly, Central High School also opened its doors to opposition in the form of the Arkansas National Guard, dispatched by the governor. Their purpose was to protect against the entrance of colored students. Of course, their presence had *not once* been requested or desired by the Board; nor had there ever been communication between the Board and the Governor or State (358 U.S. 1).

From this time on, hostility towards the plan for desegregation increased greatly, as did criticism of School Board and District officials. When tensions became so unrestrained, the Board asked the nine negro students not to attend until things simmered, and turned to the local District Court. The court ordered the School Board and Superintendent to proceed with plans of desegregation (358 U.S. 1) On September 4, 1957, the black students tried unsuccessfully to enter the high school when units of the Arkansas National Guard “acting pursuant to the Governor’s order, stood shoulder to shoulder at the school grounds and thereby forcibly prevented the nine Negro students ... from entering” (358 U.S. 1). On September 7, the District Court again denied petition for an order temporarily suspending continuance of the plan (358 U.S. 1). However, after preliminary investigation by the United States Attorney and Attorney General, the District Court granted temporary relief on September 20, 1957, finding that the Governor had in fact overstepped his boundaries and should in no way attempt to interfere with the court’s decision or the Board’s plan (358 U.S. 1). Thus, on September 23, the students entered under the protective wing of the Little Rock Police Department and Arkansas State Police. (However, this proved inadequate and President Eisenhower was later called on to make the final protective dispatch of federal troops.) (358 U.S. 1).

Briefly stepping away from historical reference, as an education minor, I would like to say that this is a blatant violation of learning ethics. The protection received in Little Rock lasted through the course of the school year, thus affording *no* child at least the minimal level of concentration needed to learn, understand, and appreciate. The increased levels of hostility and racism throughout the town were also factors in the decreased levels of concentration, I am sure.

On February 20, 1958, the Board and Superintendent filed petition in District Court seeking postponement of approximately two and one-half years, of the desegregation program. Extreme public hostility riled by the governor and state legislature, endangered the maintenance of a sound educational system at Central High School. And continuation of attendance by the negro children had become impossible (358 U.S. 1). The court granted relief, as well as allowed the black students to once again be sent to segregated schools (358 U.S. 1).

The Little Rock Crisis. The District Court, in granting relief, found that the year 1957 produced conditions of “chaos, bedlam, and turmoil; that there were repeated incidents of more or less serious violence directed against the Negro students and their property; that there was tension and unrest among the school administrators, the classroom teachers, the pupils, and the latter’s parents, which inevitably had an adverse effect upon the educational program; that a school official was threatened with violence; that a serious financial burden had been cast on the School District; that the education of the students had

suffered and under existing conditions will continue to suffer; that the Board would continue to need military assistance or its equivalent; that the local police department would not be able to detail enough men to afford the necessary protection; and that the situation was intolerable” (358 U.S. 1).

Indeed, the case had reached a crisis.

John Aaron and several members of a class-action suit called quits in segregation (even though the Board and Superintendent truly did not aim for such). Aaron appealed to the Court of Appeals, and likewise filed for a petition for certiorari to the U.S. Supreme Court without delay. The Supreme Court denied the right. The lower appellate court, however, granted reversal of the District Court’s decision to halt desegregation plans (358 U.S. 1). However, this was not satisfactory. Through a series of motions, the United States Supreme Court convened in Special Term on August 28, 1958 to hear oral arguments by William Cooper (et al) representing the Board of Directors of the Little Rock, Arkansas, Independent School District; Thurgood Marshall (et al) representing the Negro respondents; and Solicitor General Rankin (et al) representing the United States as *amicus curiae* (“friend of the court” (358 U.S. 1)).

On September 12, 1958, the United States Supreme Court issued a *per curiam* (9-0) decision – affirmation of the Court of Appeals, the desegregation program must continue (358 U.S. 1). Of the several and complex points addressed in the opinion, the ones with the greatest impact appeared to be the following:

“The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed ... upon the actions of the Governor and Legislature ... “(358 U.S. 1).

The nine black students, as well as their families, had Fourteenth Amendment equal protection rights which *needed* to be protected by the State in the name of the Governor of Arkansas. Furthermore, though education is not a Constitutional right, it is a fundamental right which likewise needed protection by, not from, the state.

“The interpretation of the Fourteenth Amendment enunciated by the Court in the Brown case is the supreme law of the land, and Article VI of the Constitution makes it of binding effect on the State ... “(358 U.S. 1).

Though such issues as education generally reside with the state, once they enter into the federal arena, they are no longer matters a state can pursue. Arkansas had attempted to prove otherwise, thus violating the clearly stated Supremacy Clause of Article VI of the U.S. Constitution (“This Constitution, and the Laws of the U.S. ... and all Treaties made ... under the Authority of the U.S., shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby ...”) (Klotter et al. 740).

“No state legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it” (358 U.S. 1).

The Governor of Arkansas clearly betrayed his loyalty to the United States and her Constitution when he attempted to ignore the Supreme Court’s sweeping desegregation order. Indeed, he had allowed the evils of racism to overcome him.

In *Milliken v. Bradley*, held some 16 years after *Cooper v. Aaron*, the supreme law of the land was yet again faced with the issue of segregation in the public schools.

By 1970, the Detroit School District was two-thirds black, and schools were racially identifiable. As the city of Detroit grew larger in the black population, the suburbs grew larger in the Caucasian population as a result of “white flight” (Ingles 672).

In recognizing this imbalance, the Detroit School Board put into effect the “April 7, 1970 Plan” in which white students were to be bused to traditionally black-only schools (Ingles 672). However, the Michigan Legislature soon responded with Public Act 48, which nullified “April 7” and effectively sanctioned a manner of segregation (Ingles 672)

The local branch of the NAACP soon challenged the Michigan Legislature on the grounds that the school system was being kept racially segregated (Ingles 672). “The NAACP presentation was so effective that it convinced conservative District Court Judge Stephen Roth and Alex Ritchie ... (Ingles 673) . A metropolitan panel was appointed to design a plan that would achieve maximum integration (Ingles 673). However, the defendants appealed, and in 1973, certiorari was granted. In 1974, a tight 5-4 defeat for desegregation was handed down by a newly conservative U.S. Supreme Court (Ingles 673).

This decision was based on the belief that Michigan's actions were "isolated" and "incidental" – presumably never to occur again as they were a gross error. However, Justice Thurgood Marshall was one of three dissenters who saw Michigan's hidden agenda. Marshall strongly believed that the state attempted to maintain status quo. When a district "strayed" from sight (i.e. Detroit), Michigan moved in swiftly to regain residential segregation and henceforth school segregation (Ingles 674). Justice William Douglas also brought about the point that blacks tended to be poorer which permitted the continuance of financial disparities between school districts – segregation (Ingles 674).

"If *Milliken v. Bradley*, the momentum in favor of court-ordered desegregation came to a halt. The political heat was too intense, even for the heavily insulated Supreme Court. The Court could not risk losing its authority and prestige among the politically powerful suburban middle class. Instead, it gambled that black achievement and white tolerance had developed enough that judicial activism was no longer necessary to break down segregated schools in the North and West" (Ingles 674).

If blacks had progressed even a millimeter, that was enough for the once caring U.S. Supreme Court to back off. Blacks could fend for themselves in a harsh, dominating world.

But that was 1974. We are in 2003. Clarence Thomas sits on the U.S. Supreme Court, Colin Powell is Secretary of State (third in line to the Presidency), why Denzel Washington and Halle Berry won the 2002 Oscars. Surely, the United States has advanced. To see, let us consider 1992's *Freeman v. Pitts* and 1995's *Missouri v. Jenkins*.

The case *Freeman v. Pitts* actually dates back some 34 years to 1969 when the DeKalb County, Georgia, school district was ordered into desegregation (Green 678). For the next 17 years, various desegregation strategies were attempted. In 1986, the district filed motion for final approval under the belief that it had achieved maximum practical desegregation (503 U.S. 467). Unfortunately however, by the time the motion was filed, a massive flood of black residents to the southern part of the county and a migration of white families to the northern section, left for greatly divided schools along racial lines. Luckily for the school district, the motion was still granted.

However! Upon challenge by colored plaintiffs, a Georgia circuit court reversed, stating that desegregation needs to be 100%. Thus, if the DeKalb school district desired unitary status, it must assure desegregation of *all* elements of the school system and that "affirmative steps be taken to desegregate the predominantly black and white schools ..." (Green 678).

In the 1977 *Missouri v. Jenkins* suit, the Kansas City School District was discovered to be complicit with the state in operating a segregating school system (Green 678). In 1985, a local district court issued remedial orders intending the elimination of state-imposed segregation (even if this meant lowered student achievement) (Green 678). The most comprehensive set of measures in the history of school desegregation, the total cost came to over a billion dollars (Green 679). Yet by 1989, the school district and state had fully complied. However, on appeal, the U.S. Supreme Court rejected the sanctions, claiming that certain remedies went beyond permissible scope (i.e.: salary increases were not a permissible means to remedy legally mandated segregation) (Green 680).

"The clear message of the conservative majority was that if the country wants to address the problems of minority-dominated, inner-city schools, from this time forward it will have to do so outside the judicial arena. The courts had gone far enough" (Green 680).

As was the case in *Milliken v. Bradley*, blacks now had to fend for themselves in the legal war. Perhaps the judiciary is too good (too pompous) for them.

Based on what has been written, one might argue that I agree with affirmative action. I do not. However, I will forever believe in, in fact fight for, the advancement of colored Americans. The United States declares freedom and justice for all. And as is related here, I thought (dare say *assumed*) we had received such in "Brown." However in a legal sense, I suppose blacks must be content to wait, and this is unfortunate. When there is no communication, ideas are lost (irrespective of value). Now that the judiciary has closed its doors to blacks, America will have to wonder what amazing insights could have been produced by another human being, just because they are black.

Over the past nine pages, I have covered roughly 107 years. So let me ask, has racism gotten an education? My answer – NO. If racism and America had learned anything in this span of time, we

wouldn't have had the violence of the Civil Rights Movement, or the high statistics of racial hatred and stereotypes. Racism needs to go back to school before facing reality.

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