

School Desegregation: The Continuing Struggle

Note: this is a two-part document; you must study both parts.

PART ONE

[BROWN V. BOARD: Timeline of School Integration in the U.S.](#)

[Issue 25, Spring 2004](#) April 1, 2004

SOURCE: <https://www.tolerance.org/magazine/spring-2004/brown-v-board-timeline-of-school-integration-in-the-us>

1849 The Massachusetts Supreme Court rules that segregated schools are permissible under the state's constitution. (*Roberts v. City of Boston*) The U.S. Supreme Court will later use this case to support the "separate but equal" doctrine.

1857 With the *Dred Scott* decision, the Supreme Court upholds the denial of citizenship to African Americans and rules that descendants of slaves are "so far inferior that they had no rights which the white man was bound to respect."

1861 Southern states secede from the Union. The Civil War begins.

1863 President Lincoln issues the Emancipation Proclamation, freeing slaves in Southern states. Because the Civil War is ongoing, the Proclamation has little practical effect.

1865 The Civil War ends; the Thirteenth Amendment is enacted to abolish slavery.

1868 The Fourteenth Amendment is ratified, guaranteeing "equal protection under the law"; citizenship is extended to African Americans.

1875 Congress passes the Civil Rights Act of 1875, which bans racial discrimination in public accommodations.

1883 The Supreme Court strikes down the Civil Rights Act of 1875 finding that discrimination by individuals or private businesses is constitutional.

1890 Louisiana passes the first Jim Crow law requiring separate accommodations for Whites and Blacks.

1896 The Supreme Court authorizes segregation in *Plessy v. Ferguson*, finding Louisiana's "separate but equal" law constitutional. The ruling, built on notions of white supremacy and black inferiority, provides legal justification for Jim Crow laws in southern states.

1899 The Supreme Court allows a state to levy taxes on black and white citizens alike while providing a public school for white children only. (*Cumming v. Richmond (Ga.) County Board of Education*)

1908 The Supreme Court upholds a state's authority to require a private college to operate on a segregated basis despite the wishes of the school. (*Berea College v. Kentucky*)

1927 The Supreme Court finds that states possess the right to define a Chinese student as non-white for the purpose of segregating public schools. (*Gong Lum v. Rice*)

1936 The Maryland Supreme Court orders the state's white law school to enroll a black student because there is no state-supported law school for Blacks in Maryland. (*University of Maryland v. Murray*)

1938 The Supreme Court rules the practice of sending black students out of state for legal training when the state provides a law school for whites within its borders does not fulfill the state's "separate but equal" obligation. The Court orders Missouri's all-white law school to grant admission to an African American student. (*Missouri ex rel. Gaines v. Canada*)

1940 30% of Americans — 40% of Northerners and 2% of Southerners — believe that Whites and Blacks should attend the same schools.

A federal court requires equal salaries for African American and white teachers. (*Alston v. School Board of City of Norfolk*)

1947 In a precursor to the *Brown* case, a federal appeals court strikes down segregated schooling for Mexican American and white students. (*Westminster School Dist. v. Mendez*) The verdict prompts California Governor Earl Warren to repeal a state law calling for segregation of Native American and Asian American students.

1948 Arkansas desegregates its state university.

The Supreme Court orders the admission of a black student to the University of Oklahoma School of Law, a white school, because there is no law school for Blacks. (*Sipuel v. Board of Regents of the University of Oklahoma*)

1950 The Supreme Court rejects Texas' plan to create a new law school for black students rather than admit an African American to the state's whites-only law school. (*Sweatt v. Painter*)

The Supreme Court rules that learning in law school "cannot be effective in isolation from the individuals and institutions with which the law interacts." The decision stops short of overturning *Plessy*.

The Supreme Court holds that the policy of isolating a black student from his peers within a white law school is unconstitutional. (*McLaurin v. Oklahoma State Regents for Higher Education*)

Barbara Johns, a 16-year-old junior at Robert R. Moton High School in Farmville, Va., organizes and leads 450 students in an anti-school segregation strike.

1952 The Supreme Court hears oral arguments in *Brown v. Board of Education*. Thurgood Marshall, who will later become the first African American justice on the Supreme Court, is the lead counsel for the black school children.

1953 Earl Warren is appointed Chief Justice of the Supreme Court.

The Supreme Court hears the second round of arguments in *Brown v. Board of Education of Topeka*.

1954 In a unanimous opinion, the Supreme Court in *Brown v. Board of Education* overturns *Plessy* and declares that separate schools are "inherently unequal." The Court delays deciding on how to implement the decision and asks for another round of arguments.

The Court rules that the federal government is under the same duty as the states and must desegregate the Washington, D.C., schools. (*Bolling v. Sharpe*)

1955 In *Brown II*, the Supreme Court orders the lower federal courts to require desegregation "with all deliberate speed."

1955 Between 1955 and 1960, federal judges will hold more than 200 school desegregation hearings.

1956 49% of Americans — 61% of Northerners and 15% of Southerners — believe that Whites and Blacks should attend the same schools.

Tennessee Governor Frank Clement calls in the National Guard after white mobs attempt to block the desegregation of a high school.

Under court order, the University of Alabama admits Autherine Lucy, its first African American student. White students and residents riot. Lucy is suspended and later expelled for criticizing the university.

The Virginia legislature calls for "massive resistance" to school desegregation and pledges to close schools under desegregation orders.

1957 More than 1,000 paratroopers from the 101st Airborne Division and a federalized Arkansas National Guard protect nine black students integrating Central High School in Little Rock, Ark.

1958 The Supreme Court rules that fear of social unrest or violence, whether real or constructed by those wishing to oppose integration, does not excuse state governments from complying with *Brown*. (*Cooper v. Aaron*)

10,000 young people march in Washington, D.C., in support of integration.

1959 25,000 young people march in Washington, D.C., in support of integration.

Prince Edward County, Va., officials close their public schools rather than integrate them. White students attend private academies; black students do not head back to class until 1963, when the Ford Foundation funds private black schools. The Supreme Court orders the county to reopen its schools on a desegregated basis in 1964.

1960 In New Orleans, federal marshals shielded Ruby Bridges, Gail St. Etienne, Leona Tate and Tessie Prevost from angry crowds as they enrolled in school.

1961 A federal district court orders the University of Georgia to admit African American students Hamilton Holmes and Charlayne Hunter. After a riot on campus, the two are suspended. A court later reinstates them.

1962 A federal appeals court orders the University of Mississippi to admit James Meredith, an African American student. Upon his arrival, a mob of more than 2,000 white people riots.

1963 62% of Americans — 73% of Northerners and 31% of Southerners — believe Blacks and Whites should attend the same schools.

Two African American students, Vivian Malone and James A. Hood, successfully register at the University of Alabama despite George Wallace's "stand in the schoolhouse door" — but only after President Kennedy federalizes the Alabama National Guard.

For the first time, a small number of black students in Alabama, Mississippi, Louisiana and Mississippi attend public elementary and secondary schools with white students.

1964 The Civil Rights Act of 1964 is adopted. Title IV of the Act authorizes the federal government to file school desegregation cases. Title VI of the Act prohibits discrimination in programs and activities, including schools, receiving federal financial assistance.

The Rev. Bruce Klunder is killed protesting the construction of a new segregated school in Cleveland, Ohio.

1968 The Supreme Court orders states to dismantle segregated school systems "root and branch." The Court identifies five factors — facilities, staff, faculty, extracurricular activities and transportation — to be used to gauge a school system's compliance with the mandate of *Brown*. (*Green v. County School Board of New Kent County*)

In a private note to Justice Brennan, Justice Warren writes: "When this opinion is handed down, the traffic light will have changed from *Brown* to *Green*. Amen!"

1969 The Supreme Court declares the "all deliberate speed" standard is no longer constitutionally permissible and orders the immediate desegregation of Mississippi schools. (*Alexander v. Holmes County Board of Education*)

1971 The Court approves busing, magnet schools, compensatory education and other tools as appropriate remedies to overcome the role of residential segregation in perpetuating racially segregated schools. (*Swann v. Charlotte-Mecklenberg Board of Education*)

1972 The Supreme Court refuses to allow public school systems to avoid desegregation by creating new, mostly or all-white "splinter districts." (*Wright v. Council of the City of Emporia; United States v. Scotland Neck City Board of Education*)

Brown's legacy extends to gender. Title IX of the Educational Amendments of 1972 is passed prohibiting sex discrimination in any educational program that receives federal financial assistance.

1973 Section 504 of the Rehabilitation Act is passed prohibiting schools from discriminating against students with mental or physical impairments.

The Supreme Court rules that states cannot provide textbooks to racially segregated private schools to avoid integration mandates. (*Norwood v. Harrison*)

The Supreme Court finds that the Denver school board intentionally segregated Mexican American and black students from white students. (*Keyes v. Denver School District No. 1*) The Court distinguishes between state-mandated segregation (*de jure*) and segregation that is the result of private choices (*de facto*). The latter form of segregation, the Court rules, is not unconstitutional

The Supreme Court rules that education is not a "fundamental right" and that the Constitution does not require equal education expenditures within a state. (*San Antonio Independent School District v. Rodriguez*) The ruling has the effect of locking minority and poor children who live in low-income areas into inferior schools.

1974 The Supreme Court blocks metropolitan-wide desegregation plans as a means to desegregate urban schools with high minority populations. (*Milliken v. Bradley*) As a result, *Brown* will not have a substantial impact on many racially isolated urban districts.

Non-English-speaking Chinese students file suit against the San Francisco Unified School District for failing to provide instruction to those with limited English proficiency. The Supreme Court rules that the failure to do so violates Title VI's prohibition of national origin, race or color discrimination in school districts receiving federal funds. (*Lau v. Nichols*)

1978 A fractured Supreme Court declares the affirmative action admissions program for the University of California Davis Medical School unconstitutional because it set aside a specific number of seats for black and Latino students. The Court rules that race can be a factor in university admissions, but it cannot be the deciding factor. (*Regents of the University of California v. Bakke*)

1982 The Supreme Court rejects tax exemptions for private religious schools that discriminate. (*Bob Jones University v. U.S.*; *Goldboro Christian Schools v. U.S.*)

1986 For the first time, a federal court finds that once a school district meets the *Green* factors, it can be released from its desegregation plan and returned to local control. (*Riddick v. School Board of the City of Norfolk, Virginia*)

1988 School integration reaches its all-time high; almost 45% of black students in the United States are attending majority-white schools.

1991 Emphasizing that court orders are not intended "to operate in perpetuity," the Supreme Court makes it easier for formerly segregated school systems to fulfill their obligations under desegregation decrees. (*Board of Education of Oklahoma City v. Dowell*) After being released from a court order, the Oklahoma City school system abandons its desegregation efforts and returns to neighborhood schools.

1992 The Supreme Court further speeds the end of desegregation cases, ruling that school systems can fulfill their obligations in an incremental fashion. (*Freeman v. Pitts*)

The Supreme Court rules that the adoption of race-neutral measures does not, by itself, fulfill the Constitutional obligation to desegregate colleges and universities that were segregated by law. (*United States v. Fordice*)

1995 The Supreme Court sets a new goal for desegregation plans: the return of schools to local control. It emphasizes again that judicial remedies were intended to be "limited in time and extent." (*Missouri v. Jenkins*)

1996 A federal appeals court prohibits the use of race in college and university admissions, ending affirmative action in Louisiana, Texas and Mississippi. (*Hopwood v. Texas*)

2001 White parents in Charlotte, N.C., schools successfully seek an end to the desegregation process and a bar to the use of race in making student assignments.

2002 A report from Harvard's Civil Rights Project concludes that America's schools are resegregating.

2003 The Supreme Court upholds diversity as a rationale for affirmative action programs in higher education admissions, but concludes that point systems are not appropriate. (*Grutter v. Bollinger*; *Gratz v. Bollinger*)

A federal district court case affirms the value of racial diversity and race-conscious student assignment plans in K-12 education. (*Lynn v. Comfort*)

A study by Harvard's Civil Rights Project finds that schools were more segregated in 2000 than in 1970 when busing for desegregation began.

2004 The nation marks the 50th anniversary of *Brown v. Board of Education*.

2007 In *Parents Involved*, the Supreme Court finds voluntary school integration plans unconstitutional, paving the way for contemporary school segregation to escalate.

The nation marks the 50th anniversary of the *Little Rock Nine*.

PART TWO

Little Rock 60 Years Later

Issue 57, Fall 2017 August 25, 2017 By [Hasan Kwame Jeffries](#)

SOURCE: <https://www.tolerance.org/magazine/fall-2017/little-rock-60-years-later>

When the U.S. Supreme Court ruled in *Brown v. Board of Education* (1954) that segregated education was unconstitutional, segregationists rallied to maintain separate schools. In Little Rock, Arkansas—and in other communities throughout the South—well-heeled whites established a chapter of the White Citizens' Council to intimidate black parents and pressure white elected officials into blocking desegregation efforts. They succeeded in winning over Arkansas Governor Orval Faubus, who ignited the Little Rock school desegregation crisis in September 1957 by sending the Arkansas National Guard to the city's flagship white secondary school, Central High School.

“The mission of the State Militia is to maintain or restore order and to protect the lives and property of citizens,” insisted Faubus the day before school started. “They will act not as segregationists or integrationists, but as soldiers called to active duty to carry out their assigned



tasks.” But the actions of the soldiers, who did nothing to disperse a furious mob of whites, exposed the governor's claims as false, making clear that he had sent them solely to prevent nine black students from registering for classes.

Members of the 101st Airborne Division take positions outside Central High School, 1957

The governor's blatant disregard for the authority of the U.S. Supreme Court compelled President Dwight D. Eisenhower to act. With great reluctance, the president federalized the Arkansas National Guard and sent paratroopers from the U.S. Army's 101st Airborne Division to escort the Little Rock Nine to and from school and between classes.

Sixty years later, Central High is nothing like it once was. In fact, it is the exact opposite. Today, it is an exemplar of school integration. The student demographic closely reflects the community's population, and student success belies the myths often used to justify segregation.

But Central High School, unfortunately, is unlike most schools across the country, which remain rigidly segregated by race. It is even unlike most schools in the Little Rock School District, which was taken over by the state in 2015 because of problems stemming directly from the persistence of segregation.

The reason for Central High School's success is no mystery. It is the result of several decades of intense grassroots organizing in the face of extreme resistance to school desegregation, resistance that continues to keep schools in Arkansas (and just about everywhere else in the country) largely segregated by race. The history of Central High is, therefore, a blueprint for change, a roadmap pointing the way toward better schools and a more hopeful future.

Historical Resistance to Desegregation

While Eisenhower's bold move ended riotous behavior on the part of white protesters outside Central High School, it did not keep white students from violently harassing the black students attempting to learn inside. It also did nothing to keep white elected officials from continuing to fight school desegregation. In a move as daring as the president's, Governor Faubus—acting under new authority granted to him by the state legislature—closed all of the public high schools in Little Rock for the 1958–1959 school year, a period that came to be known as the “Lost Year.”

The coalition of black activists, lawyers, businesspeople, parents and students who had led the initial school desegregation charge eventually forced the reopening of Little Rock's public schools. However, segregated education persisted. The city's gradual desegregation plan meant that only seven black students attended Central High School that year. At the same time, increasing numbers of white parents pulled their children out of the public school system, sending them instead to one of the growing number of private white academies that had sprung up since the school desegregation crisis began.

The pace of school desegregation picked up over the next few years, spurred in large part by the 1964 Civil Rights Act and federal court orders requiring compliance with *Brown*. Still, it remained painfully slow. Feeble desegregation plans compelling students to choose which schools to attend prolonged segregated education by placing the burden of desegregation on black families.

When given the option, white families never chose to send their children to historically all-black schools. Most continued to balk at desegregation, vehemently opposing any and all efforts, such as busing, designed to diversify student populations. They also continued to leave public schools for the rapidly expanding network of private white schools, such as Heritage Christian School, which, according to its founding pastor, was established “to combat the ‘moral pollution’ in public schools.”

Despite the slow pace of progress, proponents of school desegregation kept fighting for change. They knew that segregated schools created unequal opportunities and perpetuated racial hierarchies. They also understood that desegregated schools provided access to the best available educational resources, reduced racial prejudice and increased comfort with diversity.

Their determination paid off. In recent years, Little Rock Central's student population has been 58 percent black, 30 percent white, 8 percent Asian and 4 percent Hispanic; the school has also been among Arkansas' best performing in terms of graduation rates and achievement on standardized

tests. “This is my school,” said black student Malik Marshall a few years back when he was enrolled there. “I love it here.”

But things have been far from perfect at Central. “We’re desegregated,” said Marshall, referring to the fact that racial divisions were plain to see inside the school. “We’re not integrated because integration comes from the heart of the people that go here. . . . It’s something that you have to want to do,” he added.

Desegregation, though, is the necessary starting point for integration, and few schools have made this long, arduous journey as successfully. The question, then, is why is Central High such an anomaly?

Beyond Central High

By almost every measure, segregated education has been spreading and deepening. Researchers at UCLA’s Civil Rights Project have found that over the last 25 years, “intensely segregated nonwhite schools with zero to 10 percent white enrollment have more than tripled.” Indeed, fully one-third of African-American and Latino students now attend such schools. Making matters worse, these schools tend to serve communities with high poverty levels, isolating resource-poor students. Not surprisingly, this kind of racial and economic segregation produces low student performance.

Desegregated schools provided access to the best available educational resources, reduced racial prejudice and increased comfort with diversity.

It is no mystery why segregated education has persisted in most places and has gotten worse in others. Above all else, racism and poverty have bedeviled desegregation efforts. A recent report on the state of public education published by the Government Accountability Office found, “While much has changed in public education in the decades following this landmark decision and subsequent legislative action, research has shown that some of the most vexing issues affecting children and their access to educational excellence and opportunity today are inextricably linked to race and poverty.”

In the South

In the deepest parts of Dixie, in small towns and rural communities, opposition to school desegregation by white elected officials has endured. In Cleveland, Mississippi, a town of 12,000 in the heart of the Mississippi Delta, a federal district court ruled in 2016 that the school board had been intentionally operating a dual education system based on race for the past 50 years by maintaining an all-black middle school and high school on the African-American side of town, and a historically white middle school and high school on the white side. The court ordered the

immediate consolidation of the schools so that student population ratios would be nearly identical to that of Little Rock's Central High.

Beyond the South

Outside the South, where federal courts have been far less involved, segregated education has proven equally intractable. In fact, major metropolitan areas like New York City now have the ignominious distinction of setting the standard for school segregation. To a great extent, this reflects patterns of residential housing segregation, arrangements created by racially discriminatory local, state and federal housing, and urban planning policies dating back to the New Deal. Housing and urban planning policies have historically been designed to preserve and promote segregated schools. But the persistence of segregated education outside the South also reflects educational policies—such as New York City's eighth-grade school choice plan—that have concentrated students in intensely segregated schools.

Regardless of region, opposition to integrated schools by white families has not only made it difficult to desegregate schools but also seemingly impossible to maintain integrated ones. White families continue to leave desegregated public schools for white private schools and relocate to communities, usually in the suburbs, that still have nearly all-white public schools.

“If parents can't get over race or class, they're not going to put their kids in our schools,” explained Michael Hinojosa, the superintendent of the Dallas, Texas, school system, which is 93 percent African American and Latino and more than 90 percent low income. And this reality is important: “Every major city in America has to find some way to deal with this issue,” Hinojosa added. “When you have a mix of kids, the affluent kids don't suffer and the children of intergenerational poverty do better.”

Modern Pushback

Remedying school segregation has become substantially more difficult in recent years. The U.S. Supreme Court is no longer an ally in the struggle to desegregate the nation's schools, having invalidated voluntary school desegregation plans in Louisville, Kentucky, and Seattle, Washington, in 2007 because the plans considered race in pupil assignments—which is, quite obviously, the simplest and surest way to guarantee racially diverse schools. Neither is the U.S. Department of Education under the Trump Administration, which has already defunded “Open Doors, Expanding Opportunities,” a grant program that provided school districts with up to \$12 million to improve socio-economic diversity within their schools. Republican state legislatures have also proven unfriendly to desegregation efforts by promoting school voucher programs that The Century Foundation has found “serve a disproportionate percentage of white and wealthy students.”

The Way Forward

Although ending school segregation is clearly a complicated goal with many obstacles, it is far from impossible. Parental choice is important, but it must be controlled as it is in Louisville so white people cannot choose their way out of desegregation. And choice must be granted early. Starting in the eighth grade is eight grades too late. Special-emphasis schools should be used to attract college-educated, middle- and upper-income white families back to the public schools, as is being done in Dallas, but not at the expense of African-American, Latino and lower-income students, who gain no benefit if displaced. And socio-economic criteria should figure prominently in pupil-placement formulas, a shift that has proven effective in maintaining racially diverse schools in Charlotte-Mecklenburg, North Carolina.

Fully desegregating the nation's public schools will be neither quick nor easy. "We live in a complex multiracial society with woefully inadequate knowledge and little support for constructive policies geared toward equalizing opportunity, raising achievement and high school completion rates for all groups, and helping students learn how to live and work successfully in a society composed of multiple minorities," explains Myron Orfield, the Director of the Institute for Metropolitan Opportunity.

The fact that there will be resistance and setbacks, both locally and nationally, is a crucial lesson learned from the school desegregation struggle at Little Rock's Central High School. But the fight for educational equality that has taken place at Central over the last 60 years also teaches us that school desegregation is possible and, when achieved, benefits everyone. Indeed, Little Rock is an essential reminder of how far the nation has come since nine black students needed members of the 101st Airborne to escort them to school. It is an equally important reminder of how far the nation has to go before all students, regardless of race or income, have equal access to quality education.

Jeffries is an associate professor of history at The Ohio State University.