

Court

(Continued from Page 1) promise of Brown," Breyer wrote. "To invalidate the plans under review is to threaten the promise of Brown. The plurality's position, I fear, would break that promise. This is a decision that the court and the nation will come to regret."

The opinion of the court, rendered by stark conservative Chief Justice John G. Roberts Jr., said the court would allow the use of race when there is a "compelling interest" for racial integration, but the program has to be "narrowly tailored."

But, the court ruled that the Seattle and Jefferson cases went too far.

"Before Brown, schoolchildren were told where they could and could not go to school based on the color of their skin. The school districts in these cases have not carried the heavy burden of demonstrating that we should allow this once again — even for very different reasons," Roberts states.

"For schools that never segregated on the basis of race, such as Seattle, or that have removed the vestiges of past segregation, such as Jefferson County, the way to achieve a system of determining admission to the public schools on a nonracial basis... is to stop assigning students on a racial basis. The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."

The cases before the court were upheld as constitutional by federal appeals courts. The U.S. Court of Appeals for the Sixth Circuit in the Jefferson County, Ky., case and the U.S. Court of Appeals for the Ninth Circuit in the Seattle case, ruled that the programs did not violate the Equal Protection Clause of the 14th Amendment, meaning that race may be considered as a factor in the placement of students. An adverse ruling by the reconstituted Supreme Court, however, could have the affect of overturning the desegregation mandates set forth in the 1954 Brown v. Board of Education of Topeka, Kan.

Justice Kennedy, who voted with the majority, was less adamant than Roberts.

"The decision today should not prevent school districts from continuing the important work of bringing together students of different racial, ethnic, and economic

"What it means is that today we are approving, at least in theory, the idea of separate and unequal education."

— Charles Ogletree
Executive Director
Charles Hamilton Institute
for Race and Justice



backgrounds," Kennedy states in a separate opinion. "Those entrusted with directing our public schools can bring to bear the creativity of experts, parents, administrators, and other concerned citizens to find a way to achieve the compelling interests they face without resorting to widespread governmental allocation of benefits and burdens on the basis of racial classifications."

Civil rights leaders say they will fight back by pressing to elect a fair president. The president makes Supreme Court appointments, subject to the confirmation of the U.S. Senate.

But, Supreme Court appointments are for life. They only change in the cases of retirements, resignations or deaths.

"We, the members of the Congressional Black Caucus, 43 members from 23 states, representing 40 million Americans will speak out and to mobilize America that they vote that they change the seat that appoints the power that rules the Supreme Court," said CBC Chairman Carolyn Cheeks Kilpatrick, who also joined the group of rights leaders outside the court. "Shame on the Court, Justice Thomas included," she said of the lone Black on the court, an avowed conservative.

Harvard University law professor, Charles Ogletree, executive director of the Charles Hamilton Houston Institute for Race and Justice, said the court not only diminished the problem of segregation in public education that still exists but has possibly worsened the effects of racial segregation, such as low-quality education.

"What it means is that today we are approving, at least in theory, the idea of separate and unequal education," Ogletree said. "That is that this opinion will make Seattle not change. And Black students who can't afford to live in other parts of the city will still go to lesser schools

and White students to better schools. The same thing will happen in Louisville."

An NAACP LDF statement explains the cases:

"Concerned about how these trends were affecting their own children and community, locally elected school boards in Louisville and Seattle adopted student assignment measures to foster integrated, diverse schools," says the statement. "In doing so, they joined hundreds of other communities around the country that have also taken steps to see that children from different backgrounds learn to live, play, and solve problems together."

Both the Louisville and Seattle lawsuits were filed by parents of White students who complained that their children weren't allowed to attend the schools of their choice.

Jefferson County's school-assignment program ensures that each school's enrollment is between 15 percent and 50 percent African-American. The aim of

the Louisville plan is to diversify a school district that is 58 percent White and 36 percent African-American.

In Seattle, Kathleen Brose claims her daughter, Elisabeth, was separated from her friends in 2000 when she was denied her choice of a high school because she is White. In Jefferson County, the district used what they called a "tiebreaker" system by using race to determine where a student should be assigned.

Breyer vehemently argued that the school programs were well within the guidelines of earlier court rulings since Brown. He cited a 1971 case:

"Before Brown, schoolchildren were told where they could and could not go to school based on the color of their skin."

— John G. Roberts Jr.
Chief Justice

educational policy is within the broad discretionary powers of school authorities," he quoted from Swann v. Charlotte-Mecklenburg Board of Education.

For months, tension over the new cases by civil rights leaders has been especially high because they perceive a shrinking window for the voluntary desegregation plans. They were also anxious because swing voter Sandra Day O'Connor has retired from the court. Justices Clarence Thomas, Antonin Scalia, Samuel Alito and Roberts are the court's most ardent conservatives. David Souter, Ruth Bader Ginsburg, Breyer and Justice



John Paul Stephens are considered liberals. Rights leaders had hoped that Justice Anthony M. Kennedy would emerge as the court's new swing voter. But, he did not. He joined the four conservatives, even while expressing reservations.

Some fear the ruling could send a chilling effect beyond school districts.

"Without the use of race

in decision-making, polarized communities, poverty concentration, minimal corporate diversity, limited minority business initiatives and strangled affirmative action plans will become the norm," said Gary Flowers, executive director of the Black Leadership Forum.

"Civil rights advocates must now turn our attention to drafting legislation to protect minorities and women. It is only through legislation that Brown's promise will remain."

The small window appears not to be enough to prevent other successful challenges to school desegregation programs or to cause enough fear to prevent them from even getting started.

Breyer agrees:

"Many parents, [W]hite and [B]lack, alike, want their children to attend schools with children of different races. Indeed, the very school districts that once spurned integration now strive for it. The long history of their efforts reveals the complexities and difficulties they have faced. And in light of those challenges, they have asked us not to take from their hands the instruments they have used to rid their schools of racial segregation," he writes. "Instruments that they believe are needed to overcome the problems of cities divided by race and poverty. The plurality would decline their modest request. The plurality is wrong to do so."

Mayor Pro Tempore

William Robinson (Ward 2)

Community Meeting

Wednesday, July 11, 2007 6 p.m. - 8 p.m.

C.V.T. Gilbert Elementary School
2101 West Cartier Avenue
N. Las Vegas, NV 89032

Topics: Neighborhood Services, Code Enforcement, Streets Maintenance, Police - Community Services

For more information regarding the meeting contact

633-1005

Neighborhood Clean-up - Delmonico Neighborhood

Saturday, July 14, 7:30 a.m. to 2:30 p.m

Anyone interested in participating can call Dr. Shelia Thompson at 633-2687 or Steve Rehberger at 633-2734

