

Court ruling returns us to Plessy days

By Ron Walters

Special to Sentinel-Voice

Getting down to brass tacks requires admitting that the recent Supreme Court decision on school integration involving the Seattle and Louisville school districts merely confirmed what we have known for some time: We are effectively back to the "separate but equal" doctrine of Plessy v. Ferguson of 1896.

The Brown v. Board of Education decision of 1954 eliminated Plessy, but by disallowing the primacy of race in school integration, the high court has officially restored it.

Actually this process has been underway for some time.

In 2004, I participated in many commemorations of the 50th anniversary of the Brown decision and lawyers on panel after panel observed the slow but steady deterioration of Brown.

They cited such factors as: the massive reaction to busing that eventually destroyed it as the main mechanism to foster racial balance; the demographic impact of White flight and then Black flight from the inner city; the persistence of inner-city poverty; the disassembling of the public schools through home schooling, charter schools, private schools, etc. and the lack of attention to urban issues

for over two decades.

Moreover, many of the court orders that were struck with local NAACP branches after Brown was passed to affect busing for racial balance have been eliminated because of the previous factors.

So, Brown has been on a respirator for some time, and, in that sense, the recent Supreme Court decision can be looked at as merely a symbolic nail in its coffin.

Chief Justice Roberts, speaking for the majority, said that the way to end discrimination by race was not to practice discrimination by race.

Here, the bald rejection of the construction of integrated education by the use of processes promoting racial balance was described as "discrimination."

If class rather than race is used as the principle, then the objective is no longer addressed as compensation for racial discrimination.

And since there are so many more poor Whites than Blacks, the issue of race integration becomes an unreliable by-product.

In this decision, the ideological right



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would appear to have achieved one of its major objectives: enshrining a conservative interpretation of race discrimination into law — discrimination against Whites.

If history is any guide, the reaction of school systems all over the country, despite the Supreme Court decision in the Michigan case last year, is to rush to change their practices

in order to avoid lawsuits. That has already happened in response to the Michigan decision.

This Supreme Court is now a neo-Plessy, White nationalist entity that protects the interests of the White majority by making sure they have access to majority White schooling by enacting a principle of non-discrimination that protects their power and privilege.

However, another view that may seem radical to some is not to despair that Brown is gone because a series of issues may be finally clarified.

First, the presumption of Brown was that real equality, not the "separate but equal" myth promoted in Plessy, was a foundational value of American democracy because the Supreme decision was based on the idea that

racial segregation violated Blacks' "equal protection of the laws," a key principle in the 14th Amendment to the Constitution. Second, the real issue raised by the NAACP was resources. Thurgood Marshall was to say sometime after Brown passed that by positioning Black children close to Whites they would have access to the same resources that allow them to achieve the same rate of academic excellence.

Third, the decision of the court raises the question of whether the majority really wants racial integration and is ready to protect this principle in law. But while many Whites routinely profess a majority preference for integration in education, many vote with their feet to escape the experience. Were/are Blacks naive?

What I tried to say in "White Nationalism, Black Interests" was that the conservative movement had a dedicated strategy to reclaim unchallenged racial power in America by capturing and controlling the political system and shaping public policy toward the ends of the White community to the detriment of Blacks. It seems that they have done that. Our strategy must be just as equal to this outcome.

Ron Walters is a Director of the African American Leadership Institute.

Epitaph: 2007—year integration died

By George E. Curry

Special to Sentinel-Voice

The cover of *Time* magazine says it all, "Back to Segregation: After four decades of struggle, America has now given up on integration. Why?"

The article states: "In fact, the high court's action has accelerated the pace at which cities across the country are moving to undo mandatory desegregation. And the federal judiciary, which long staked its authority on the enforcement of desegregation orders, appears eager to depart the field."

Chris Hansen of the American Civil Liberties Union in New York City is quoted: "The courts are saying, 'We still agree with the goal of school desegregation, but it's too hard, and we're tired of it, and we give up.'"

The article observes, "The combination of legal revisionism and residential segregation is effectively ending America's bold attempt to integrate the public schools."

Kevin Brown, a law professor at the Uni-

versity of Indiana and an expert on race and education, stated: "We have already seen the maximum amount of racial mixing in public schools that will exist in our lifetime."

Were these fresh reactions to last week's Supreme Court setback severely restricting the use of race in the assignment of students to public schools in Seattle and Louisville? No.

The above quotes were taken from the April 29, 1996 issue of *Time* magazine — more than 11 years ago. In essence, desegregation of public elementary and high schools was abandoned long before the Roberts court ruling put yet another nail in the coffin of integration.

The cruel irony is that at a time when the U.S. is rapidly becoming more racially and ethnically diverse, and when in less than 50



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years Whites will become a minority in this country, the judicial system is mandating a more segregated society.

Conservatives will no doubt hail desegregation as another failed American experiment. That's far from the truth. Like the War on Poverty, it has been a halfhearted experiment lacking courageous or consistent national leadership.

Although few people are willing to admit it, desegregation was never truly a national experiment. Most of the efforts to tear down the walls of segregation were aimed at the South, while the rest of the nation — practicing more subtle forms of racism — looked on.

Because of the 1954 and 1955 Brown v. Board of Education decisions, the South shifted from being the most segregated region in the nation to the most desegregated. The Harvard Civil Rights Project, using figures compiled by the Southern Education Reporting Service, had published a chart to capture the dramatic changes.

In 1954, 0.001 percent of Blacks attended majority White schools in the South. In 1960, the figure was only 0.1 percent. In 1964, a decade after the original Brown ruling, the figure stood at 2.3 percent.

There was a tremendous spurt from 1968 to 1988 when the percentage of African-Americans attending majority White schools in the South jumped from 23.4 percent to 43.5 percent. After peaking in 1988, things started going downhill.

"One of the most consistent trends of the last decade is a reversal of gains in desegregation for Black students made in the South in the late 1960s and 1970s as a result of judicial and executive enforcement of deseg-

regation orders," says a Harvard report.

"In fact, court-ordered desegregation of Black students in Southern states resulted in the South becoming the most integrated region in the country, with 43.5 percent of Black students in majority White schools in 1988.

"In the 1990s, as the desegregation plans have been dismantled across the South, however, the proportion of Black students in majority White schools has decreased by 13 percentage points. In 2000, Black segregation rates in the South continue to increase steadily as they have for over a decade. Today, only 31 percent of Southern Black students are in majority White schools, a rate lower than any year since 1968."

A study by the Harvard Civil Rights Project titled "Racial Transformation and the Changing Nature of Segregation" observes, "For the first 19 years following Brown, the Supreme Court simply ignored segregation outside the 17 Southern and Border states and Washington, D.C., those with a history of state-imposed segregation."

"Since 1980, the Northeast remains the region with the highest share of Blacks attending predominantly minority schools, with almost four out of every five Blacks in these schools," the Harvard report states.

That *Time* magazine article carried an interesting quote 11 years ago by Harvard sociologist Gary Orfield: The whole discussion of desegregation is corrupted by the fact that we mix up race and class. You don't gain anything from sitting next to somebody with a different skin color. But you gain a lot from moving from an isolated poverty setting into a middle-class setting."

The latest Supreme Court ruling makes it more difficult to travel that route.

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Edelman

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In none of the countries Moore visited are children denied care or provided a lesser standard of care for lack of health insurance or money, as is too often the case in the United States.

I hope "SiCKO" pricks our consciences and catalyzes a robust national debate about our broken healthcare system. The film asks timely questions our political leaders need to answer.

If other countries can guarantee healthcare to all of their citizens, why can't ours? If Canada, European nations and Cuba can take the profit motive out of caring for people, why can't we?

As we search for the answers to these questions, we should start with our children

right now as the State Children's Health Insurance Program comes up for renewal before September 30. Why are there 9 million uninsured children in America? And why are many of our leaders claiming we can't afford to cover them all?

We need to find common ground with all Americans of good will to address the nation's healthcare crisis regardless of one's political affiliation. It's a matter of life, death and health.

Tell Congress and the White House to ensure health coverage for all children by calling 1-800-861-5343 or visiting www.childrensdefense.org.

Marian Wright Edelman is president of the Children's Defense Fund and its Action Council.