Separate But Equal: Segregation Full Circle

Sharon Brown Bailey
Denver, CO Public School Board

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This paper examines issues motivating desegregation. An assessment of the evolution of desegregation into the condition from which it evolved, segregation is discussed. This paper also analyzes the post-desegregation period and the Brown legislation through Afrocentric Centered Schools and Curricula.

The Post-Desegregation Landscape

The record of desegregation in America is tarnished. The barriers of continuing white resistance, a less than supportive Supreme Court, and the growing concentration of most poor Blacks in large urban areas render continuing efforts to achieve compliance with Brown through racial balance remedies preposterous.¹

The great crusade to desegregate public schools has failed. There is increasing opposition to desegregation at both local and national levels (not all of which can be condemned as racist). While once vigorous support of the federal court is on the decline, new barriers have risen—inflation makes the attainment of racial balance more expensive. The growth of Black and Brown populations in urban areas renders it more difficult and an increasing number of social science studies have questioned the validity of its educational assumptions.²

Over four decades ago the Supreme Court rendered its landmark decision in Brown v. Board of Education. The Court ruled that the 14th Amendment rights of African American children were being violated to the extent that, to separate black children from others of similar age and qualifications solely because of their race, generated a feeling of inferiority as

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to their status in the community that may affect their hearts and minds in a way unlikely to be undone. \(^3\) With the *Brown* decision came the expectation that public schools in America would eventually cease to be separate and unequal based on race. With *Brown* came an end to the legally sanctioned American apartheid which ignited new hope for race relations and civil rights generally.

Despite the historic declaration that "separate" has no place in education, separate and unequal continues as reality for the majority of African American students. \(^4\) After more than forty years of desegregation efforts, the goal of equal educational opportunity remains elusive. \(^5\) Meaningful progress in integration has not happened. And in many of the largest inner city school districts, there are increasingly more racially isolated schools. Gary Orfield, in *The Growth of Segregation in America: Changing Patterns of Separation and Poverty Since 1968*, 1993, maintains that the amount of physical integration reached its zenith in approximately 1972. Since that time segregation has remained relatively constant. He found that even though significant progress occurred in desegregating public schools in the South, nearly one-half of all African American public school students in the Northeast attend schools that are ninety percent or more Black. Nationwide, sixty-three percent of African Americans attend schools that are at least ninety percent Black.

Legal scholars have identified several Supreme Court decisions since the 1970s which have exacerbated the present condition of urban schools. Some of the most notable cases which have undermined desegregation efforts include: *Keyes v. School District No. 1* (1973), *San Antonio School District v. Rodriguez* (1973), *Milliken v. Bradley* (1974), and most recently *Board of Education v. Dowell* (1991), and *Freeman v. Pitts* (1992). Even though the basic principles of *Brown* are still standing, the courts have done much to diminish the promise of *Brown*. For example, school districts may not enact metropolitan desegregation plans, at least in the absence of a showing of prior

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\(^4\) Ibid.

discrimination.\textsuperscript{6} States have no obligation to fund rich and poverty stricken districts similarly.\textsuperscript{7} In addition, segregation which results from white flight or demographic shifts is essentially irremediable.\textsuperscript{8}

Moreover, Kevin Brown states that,

\begin{quote}
Not only has America failed to integrate its public schools, but the Supreme Court in two of its most recent desegregation rulings, \textit{Board of Education v. Dowell} and \textit{Freeman v. Pitts}, has set the judicial stage for the termination of school desegregation decrees. There are currently over 500 school districts under some form of supervision. Termination of these decrees will return faculty and student assignment decisions back to the control of local and state education officials.\textsuperscript{9}
\end{quote}

In other words, it's a form of educational devolution. Somehow, we have forgotten that in the history of \textit{Brown} and its progeny, that it was the resistance to fairness in education at state and local levels which led to the intervention of the Court. Because student assignments will no longer be motivated by an attempt to maintain a desegregated student body, during post-desegregation, the result of the termination of a large number of existing desegregation orders during the 1990s, will be an increase in the amount of racial separation in public schools. With this in mind, it is not farfetched to reason that public schools have already achieved the maximum, amount of desegregation that will be achieved in the near future.

The legal frameworks of \textit{Freeman}, \textit{Dowell} and now \textit{Keyes} (1995), make it too easy for district courts to dissolve desegregation decrees, thus enabling the reemergence of racially identifiable stigmatizing schools that the

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\textsuperscript{8}See Milliken 433 U.S. 267. Metropolitan desegregation plans are permissible only if the segregation results from official action, not the aggregate of individual decisions by white families to move to the suburbs. For discussion regarding the impact of this case on subsequent desegregation efforts see, Raina Brubaker, "Widening the Mistakes of Milliken v. Bradley," \textit{Case Western Reserve Law Review} 46 (1996): pp.579-601.

decrees were designed to eradicate. While not advocating a mandated separation of the races, proposals to eliminate or scale back decades-old desegregation remedies will return many school districts to a system of segregated and mostly unequal neighborhood schools. Once a decree is lifted, parents and children will have a tougher time attacking a school board's actions, even if they result in "reseggregation." Plaintiffs must prove discriminatory intent and overcome a variety of other discouraging obstacles.\(^\text{10}\)

In a dissenting opinion, the late Justice Marshall observed that, "the majority of the Court signals that it regards racial discrimination as largely a phenomenon of the past, and that government bodies need no longer preoccupy themselves with rectifying racial injustice."\(^\text{11}\) With a variety of shifts in attitudes and tactics,\(^\text{12}\) the legal framework of desegregation law is unraveling to the point where it has been characterized as "contradictory, surrealistic, and incoherent."\(^\text{13}\) Some insist that the remedy for "de jure" segregation (i.e., desegregation through racial balance), has effectively duplicated and worsened the disease it was designed to cure.\(^\text{14}\) The harshest critics insist that the Court has helped to seal off inner cities,\(^\text{15}\) reinforced the "badge of inferiority" by

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\(^\text{10}\) Frank Brown, "Brown and Educational Policy Making at Forty," *Journal of Negro Education* 63 (1994): p.337. Six basic changes in school desegregation litigation have tended to retard or discourage plaintiff challenges to alleged discriminatory practices by school districts. These changes involve (1) standing, the right to sue; (2) restrictions on class action suits; (3) tests of evidence; (4) de jure/de facto distinction and intent to segregate; (5) remedies of desegregation; and (6) attorney's fees and rights.


\(^\text{14}\) Kevin Brown, "Has the Supreme Court Allowed the Cure for De Jure Segregation to Replicate the Disease?" *Cornell Law Review* 78 (1992): pp.1-83. This article identifies the new harm that flows from the Court's ideological framework of decisions like *Freeman* and *Dowell*.

\(^\text{15}\) Girardeau Spann, pp.104-118. Also, Brown v Board of Education has served more recently to lull minorities into believing that efforts at
insisting that black schools are inferior, and obfuscated our understanding of race and rights.

Taking their cures from the conservative restoration, public sentiment and the federal courts seem to have returned us full circle to a pre-Brown posture that says—segregation is “OK”. In fact, the Plessy v. Ferguson’s “traditions of the people”—the tradition of separateness, racial hierarchy, and racial tensions has resurfaced in the area of public education.

Facial with the disillusionment of the ability of busing to guarantee quality education for all, urban districts are sending a message that the 1990’s version of neighborhood schools can truly be “separate but equal.” However, the conclusion that there is a clear and certain path to providing quality education to racially isolated neighborhood schools is premature given the current state of educational inequity in urban school districts. The experiences of districts that have decided to dismantle their desegregation plans illustrate a variety of troublesome problems that suggest the need to re-examine basic assumptions regarding race, the law, and the right to equal educational opportunity. Gary Orfield and David Thronson, in their examination of the “Uncertain Gains and Unexpected Costs” of dismantling desegregation efforts, 1993, warn that school districts are moving forward in this murky landscape with unsupported expectations. The idea, for example, that political conflict will diminish and that non-judicial mechanisms can assure equity in the re-segregated minority schools are not supported empirically in several districts. Local commitments to special programs for re-segregated schools last only a limited time. Furthermore, the assumption that we know how to provide equal education in segregated schools has not proved true in spite of considerable efforts. Costs are not likely to decline. In some districts, racial tensions and high legal disagreements across racial lines have continued at a high level. The hoped for end of white flight and the return of white students have not

political self-determination are futile, fostering a seductive dependence and over reliance on the Court as the caretaker of minority rights.

See G. Orfield.

Several critics of the racial balance approach of Brown have commented that the remedy that grew out of the Brown decision stigmatizes African Americans as second class citizens. By labeling separate black schools as inferior, and insisting on racial mix, the Court inculcated a belief in the inferiority of African Americans. See Donald Lively, Foreshadows of the Law: Supreme Court Dissents and Constitutional Development (Westport, Connecticut: Praeger, 1992). See also, K. Brown.
materialized at all in some districts, and have been far below predictions in others.

As urban districts become more racially isolated and unequal, the dilemma of race and education will continue to generate intense debate whether the discussion centers on long-standing desegregation orders in school busing cases, the inclusion of minority perspectives in the curriculum, the use of race-based scholarships or assumptions of the "bell curve" philosophers. The most frustrating aspect of our forty year experience with desegregation, is that "there is no political or intellectual consensus about where we are, what we have learned, and where we should be going from here." There is, however; general agreement on at least two points with regard to the history of public school desegregation—the racially integrated school systems we sought have not been as productive as we hoped, and the equal educational opportunities envisioned by the architects of the Brown strategy have not been realized. As a result of these developments, an increasing number of contemporary educators and legal theorists are beginning to advocate policies more closely aligned to Plessy than Brown.

Many leaders of traditional civil rights groups have remained undaunted. They press on convinced that without integration there can be no truly effective education for minority children. Racial balance proponents are convinced that unless Black children attend school with white children, the

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19. Several of the critics of Brown and the desegregation strategy have insisted that we should return to the legal posture of the separate but equal doctrine to achieve equal opportunity in today's landscape. See, e.g., G. Spann, p.115. Brown conveniently rescued the majority from the potentially burdensome separate-but-equal requirement of Plessy v. Ferguson by replacing that requirement with an integration requirement that could be satisfied without really integrating the schools. By invalidating the separate-but-equal doctrine of Plessy, Brown has deprived racial minorities of their only constitutional weapon for securing equal treatment in the light of the failure of integration. Moreover, contemporary racial minorities still seem to prepare the demonstrably hollow promise of school desegregation to the more realistic potential of minority-controlled minority schools as a strategy for improving the quality of minority education. A separate-but-equal-strategy now seems more promising than a strategy of integration.

But Equal essential benefits of Brown cannot be realized. For them, even the most effectively functioning Black school is simply a segregated and inferior institution. They argue that the racial balance approach has not been given the time or the resources to achieve full success, and that the effort to integrate the American educational system should be enhanced. There are those who argue that since the desegregation effort has failed to achieve either racial balance or educational equity for African American children, the effort should be re-focused on enhancing the quality of education provided in predominately Black schools. There are proposals offering privatization and voucher systems as a means of improving public schooling, and controlled choice plans as a means of both enhancing the quality of education and fostering desegregation. There are suggestions that multicultural education is the most appropriate focus for effective education of all Americans. Still others offer an Afrocentric curriculum as a strategy for improvement of the academic achievement of African American students. In fact, there are efforts to establish publicly supported all-Black, or even all-Black male schools as a means of enhancing the chances of success for this “endangered” population.

For the African American community this lack of consensus, a shifting doctrinal framework, declining public support for desegregation, and the persistence of ethnic enclaves in urban centers, have fostered a renewed inquiry into the legitimacy of the integration model of the civil rights movement as the only way to achieve equal educational opportunity. The post-desegregation landscape has become unsettling with the decline in civil rights, attacks on affirmative action and growing racial hostilities. In this setting, exploring alternative approaches to equal educational opportunity has for


22 David Armor, Forced Justice: School Desegregation and the Law (New York: Oxford University Press, 1995); Armor finds that voluntary plans, which let parents decide which school program is best for their children, are just as effective in attaining the long-term goals as mandatory busing, and that these plans generate far greater community support.

some African Americans become a matter of survival. While integration of public schools may have been the best strategy to address the educational struggle for the African American community in 1954, it may not be the best strategy in 1996 and beyond. This separate and unequal landscape raises critical issues which will shape the future of educational opportunity for African American students.

If the desegregation era is over we must then ask: How do we provide equal educational opportunity for African American students? If racial balance is not the remedy for persistent educational inequities, then what is the formula for achieving this forgotten goal of Brown? What form must the content of educational offerings take to constitute equal education? Is de jure segregation really less harmful than the more “accidental” de facto segregation of our communities and schools? Can we truly provide an education for these students that is separate yet truly equal? If resistance in the courts and political realm have made desegregation impractical, why not try to ensure that separate does not mean unequal. The emergence of all-Black Afrocentric schools bring with them the hope that the promise of Brown can still be fulfilled in this uncertain and changing landscape.

Revisioning Brown Through Afrocentric Centered Schools and Curricula

The immediate and urgent need of the Black urban poor is the attainment in real life terms, and in the setting of virtually total Black-white school separation, at least some of the guarantees that Brown requires. The only way to ensure that thousands of Black urban poor will have a remote chance of obtaining the tools needed for them to compete in the marketplace for a decent job and its accompanying benefits, is to concentrate on having quality education delivered to the schools where these African Americans are attending, and in all likelihood will be attending for at least another generation.24

Given the persistence of segregation and inequality reflected in the nation’s public schools, some educators have begun to promote the development of Afrocentric schools and curricula. As we move beyond desegregation and busing, educators are revisioning equal educational

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opportunity for racially isolated urban schools that is separate and yet equal. These approaches are recognized by some as a realistic and practical parental choice given the ongoing crisis in the education of African American students. The primary issue is whether the adoption of Afrocentric schools and curricula in racially homogeneous schools may be viewed as an appropriate remedial device to ensure equal educational opportunity for Black students.

There are as many definitions and approaches to Afrocentric education as there are advocates. Wade Nobles offers a comprehensive definition of “Afrocentricity” and its application to educational praxis in “Definition of Afrocentricity.”

Afrocentric, Africentric, or African Centered are interchangeable terms representing the concept categorizing a “quality of thought and practice” which is rooted in the cultural image and interests of people of African ancestry and which represents and reflects the life experiences, history and traditions of people of African ancestry as the center of analysis.

Afrocentricity, therein, represents the intellectual and philosophical foundations upon which people of African ancestry should create their own scientific and moral criterion for authenticating the reality of African human processes. It represents the core and fundamental quality of the “Beingness” of people of African ancestry. In essence, Afrocentricity represents the fact that as human beings, people of African ancestry have the right and the responsibility to “Center” themselves in their own subjective possibilities and potentials and through a re-centering process to reproduce and refine the best of themselves.

When applying these definitions to educational practice Nobles explains that:

African Centered educational praxis is the systemic process of developing and/or stimulating the knowledge, skill, ability, attitude, and character necessary for Black people to undertake socially

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25 Vincent Harding, Hope and History: Why We Must Share The Story of the Movement (Maryknoll, New York: Orbis Books, 1990), p.34. In light of the current ideological makeup of the Supreme Court, this topic provides an excellent opportunity to revision the amount of dependence that can be placed on the nation’s highest court as a source of democratic expansion. It will therefore also be important to discuss creative alternatives to the Court in the democratizing process.

defined, goal-oriented and culturally meaningful activity designed to allow them to achieve mastery of all aspects of human functioning. Accordingly, “African Centered educational praxis should be conscious and rational educational experience that is intentionally designed to reproduce and refine the best of African peoplehood via the utilization of African and African American cultural precepts, traditions, and information that is essential and meaningful to our sense of excellence and higher order human functioning. African Centered educational praxis is simply the idea that the educational and developmental experience should be based in and reflect the African philosophical and cultural systems of human development, psychology, pedagogy, and learning.  

When one examines Afrocentric approaches to education one can’t help but agree that educational experiences for African American students may be more relevant and productive for community when placed in the context of this racial/cultural grounding. Recent developments in education have challenged Brown’s central premise that separate schools are inherently unequal. Since Brown, numerous studies have shown that while some Black children benefit from attending school with white children, others lose confidence and actually perform more poorly because of discriminatory tracking programs, teachers negative attitudes and low expectations for Black children. Jarvis observes that, “Afrocentric education, even in segregated settings, seeks to enhance the self-esteem and academic performance of African American students in a way that is consistent with Brown.” Advocates for the adoption of an Afrocentric approach argue that because integration has not resulted in equal educational opportunity for African American students, educators should focus more attention on culturally sensitive ways to improve schools whose students are virtually all

27 Ibid., p.2.  
29 Jarvis, p.1287.
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Black. “And that where de facto segregation exists, the Afrocentric school is a viable vehicle by which local authorities can eliminate the stigmatizing effect of segregation.” Advocates argue that, the courts ruling in Pitts and Dowell, reasoning that the Court need not continue to address the vestiges of discrimination, make it difficult for courts to characterize culturally sensitive curricula as unreasonable under the very circumstances the Supreme Court continues to hold that courts are powerless to redress racial inequities and disparities created by demographic factors. Schools should be free to adopt programs that are culturally sensitive to the resulting student bodies, so long as such programs are not racially exclusive.

With no way to effectively provide most of these children with integrated education, these predominantly Black schools must address themselves to the realities facing the children they are responsible for educating.

Opponents of Afrocentric approaches claim separatism and increase racial/ethnic tensions. Critics also complain that the establishment of all-Black schools undermine the efforts to eliminate segregation. They argue further, that the isolation of these students from mainstream society will only reinforce racial stigma.

The segregation argument is weak because most inner-city schools are already segregated despite the law. Even in otherwise “integrated public schools, the tracking system segregates African Americans within schools by enrolling Anglo students in college bound classes and minorities disproportionately in vocational, special education or other low level programs.

The stigma argument is also weak. This assumption is challenged by the successes of historically Black colleges. Since Brown overturned the separate but equal standard, historically black colleges have been criticized for remaining racially identifiable, yet these colleges have produced a larger number of Black graduates. Black students are attracted to Black campuses for a variety of reasons. Among these is the fact that these institutions have a

30 Ibid., p.1294.
31 Ibid., p.1291.
32 Donald Lively, p.670.
tradition of concern and caring for these students. The reason for fewer Black graduates of integrated institutions is because at the integrated institutions, students report that they feel like "visitors, like guests, like foreign or colonized citizens in relation to a traditional canon that fails to represent their cultural identities."34 Proposals for all-Black Afrocentric schools are empirically supported by the historic role of these institutions in providing the African American community with leadership and professionals.

Moreover, the idea of single-race schools is not unique. Alternative and private schools for African American, Native Americans and Jewish Americans have existed for years.35 Public schools, unlike private schools are subject to laws prohibiting race and sex discrimination. However, one has to wonder why it is only all-Black Schools which have been stigmatized as inferior.

In response to what many feel is a growing crisis for African American children, several public school districts have turned to some form of Afrocentric or all-Black male programs to address the academic and cultural needs of these students. Baltimore, Detroit, and Milwaukee are examples of cities that have experimented or considered experimenting with these school designs. The most controversial version of this approach has been in the efforts to establish all-male African centered schools. The proposals for these schools are based on two premises: that young Black males need a special, exclusively Black educational environment to survive, and that the curriculum of such an institution providing that educational environment should be Afrocentric. The proponents of these schools argue for their constitutionality on the grounds that "the segregation involved is voluntary self-segregation and not a segregation required by law; and that because young African American males have suffered inordinately in American society, they can, as a class be treated differently from whites, and females (both Black and white)."36

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34 Ibid.
36 Cummings, p.725.
Legal disputes have arisen over this perspective and the use of public funds to establish all-Black, all-male academies. The Detroit case Garrett v. Board of Education is illustrative of the types of legal (race and sex discrimination) challenges which have emerged with these schools. In September 1991, the Detroit Board of Education announced plans to open an all-male Black academy to deal with special problems of African American boys. The academy would also incorporate an Afrocentric curriculum, and Black male role models. The ACLU and the NOW Legal Defense Fund filed suit on the basis of sex discrimination. The district subsequently agreed to admit girls and redesign its program.

This case reflects the political inertia to the establishment of these schools. The heightened controversy over Afrocentric schools and curricula arises not from a concern for white students or other non-Black students who might chose to withdraw from a school adopting such an approach. Rather the political heat is generated by the political nature of this movement—the dispute concerns who should control the educational content of what children should learn. The politics of race and education is clearly demonstrated in the resistance to these schools. The exacerbation of racial/ethnic tensions around the establishment of these schools is always a potential when issues of power and control of education are considered. Policy makers must decide whether racial tensions created by these alternative schools will be greater than the racial tensions which will emerge with the growing number neglected and disenchanted inner city youth. One observer finds that, “as long as inadequately funded inner city Black schools continue using traditional Eurocentric models for instruction, the public will remain unconcerned about the generic quality of education in those schools, namely whether these students are warehoused or taught. But, if an inner city school instead proposes an Afrocentric model, based on Black cultural experience and values, that school can expect a legal challenge to the implementation of such a program.”

Challenges to Afrocentric schools and curricula are also likely to come from African American parents as well. More middles class Black parents send their children to public schools than their white counterparts.

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37 Jarvis, p.1292.
Black parents, regardless of class, are concerned that their children do not have an equal chance to be competitive and productive members of society. To the extent that an Afrocentric school or curriculum would not adequately prepare Black children to take state-mandated tests or standardized national tests, Black parents might argue that such a program in a re-segregated setting only further stigmatizes graduates of the program.\textsuperscript{38}

A more difficult challenge would arise if an Afrocentric curriculum were initiated in a school that was predominately, but not exclusively Black (for example 70% Black, 15% Hispanic and 15% Anglo). The non-Black students might argue that a racially centered curriculum constitutes “reverse discrimination” against them by promoting the needs of Black students to the detriment of others. In addition, these students might assert that the Afrocentric curriculum actually fosters segregation through the explicit use of certain racial perspectives making them, as non-Black, feel excluded.\textsuperscript{39} In this instance, multicultural approaches may be the more appropriate approach.

Matching the need for Afrocentric or multicultural schools and curricula to a given community will depend on the political, social, and cultural dynamics, the ethnic composition and awareness of the school district or local school site. In Denver, for example, the proposal for an Afrocentric school has emerged in the context of the development of a number of magnet schools in the Park Hill community. The success of this proposal will depend on strong advocacy for it from the African American community and support of the community at large. As with experiences in other districts, the establishment of these schools becomes a community educational process which allays fears and misconceptions about such an approach. Such a school must demonstrate high academic standards as well as reflect the cultural elements presented in Nobles definition above. The establishment of the Afrocentric school in Denver would offer parents a choice without negatively impacting students who may choose one of the other magnet school options.

The success of all-Black academies is beginning to challenge the controversies that have plagued these schools. A district audit assessing Detroit schools found that in their first year these schools performed on par, marginally better, or in a few cases worse than other schools. However, in the second and third years of operation, test scores, attendance, and conduct records have nullified the criticism. Praise and inquiry regarding these schools

\textsuperscript{38} Ibid., p.1285.
\textsuperscript{39} Ibid., p.1302.
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has begun to extend way beyond their doors. One principle reports that "visitors from as far away as Ethiopia, Japan, and Los Angeles, California, have come to see what all the hoopla is about." Throughout the country, there is a growing interest in the positive potential these schools can add to a fairly dismal educational landscape.

Sharon Bailey is a former member of the Denver Public School Board.

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