



A Dream Deferred

by Ellis Cose

***Brown* or Bust**

Sometimes history serves as a magnifying mirror – making momentous what actually was not. But *Brown v. Board of Education* of Topeka, Kansas, is the real thing: a Supreme Court decision that fundamentally and forever changed America. It jump-started the modern civil-rights movement and excised a cancer eating a hole in the heart of the Constitution. So why is the celebration of its 50th anniversary so bittersweet? Why, as we raise our glasses, are there tears in our eyes? The answer is simple: *Brown*, for all its glory, is something of a bust.

Clearly *Brown* altered forever the political and social landscape of an insufficiently conscience-stricken nation. "*Brown* led to the sit-ins, the freedom marches... the Civil Rights Act of 1964... If you look at *Brown* as... the icebreaker that broke up... that frozen sea, then you will see it was an unequivocal success," declared Jack Greenberg, former head of the NAACP Legal Defense & Educational Fund Inc. and one of the lawyers who litigated *Brown*. Still, measured purely by its effects on the poor schoolchildren of color at its center, *Brown* is a disappointment – in many respects a failure. So this commemoration is muted by the realization that *Brown* was not nearly enough.

While most white and Hispanic Americans (59 percent for each group) think their community schools are doing a good or excellent job, only 45 percent of blacks feel that way, according to an exclusive NEWSWEEK Poll. That is up considerably from the 31 percent who thought their schools were performing well in 1998, but it means a lot of people are still unhappy with the deck of skills being dealt to black kids.

Only 38 percent of blacks think those schools have the resources necessary to provide a quality education, according to the poll. And African-Americans are not alone in feeling that funding should increase. A majority of the members of all ethnic groups support the notion that schools attended by impoverished minority children ought to have equivalent resources to those attended by affluent whites. Indeed, most Americans go even further. They say schools should be funded at "whatever level it takes to raise minority-student achievement to an acceptable national standard." Sixty-one percent of whites, 81 percent of Hispanics and a whopping 93 percent of blacks agree with that statement – which is to say they agree with the proposition of funding schools at a level never seriously countenanced by the political establishment: a total transformation of public education in the United States.

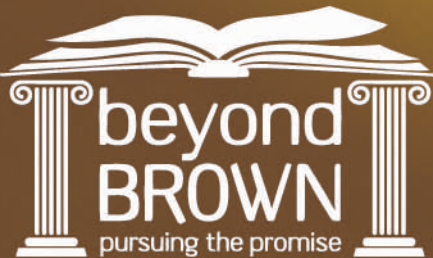
So now, 50 years after the court case that changed America, another battle is upon us – and only at this moment becoming clear. It began at the intersection of conflicting good intentions, where the demands of politicians and policymakers for high educational standards collided with the demands of educators and children's advocates for resources. Throw in a host of initiatives spawned, at least in part, by frustration at low student achievement – vouchers, charter schools, privatization, curbs on social promotion, high-stakes testing (all issues now swirling around the presidential campaign) – and you have the making of an educational upheaval that may rival *Brown* in its ramifications. It may in some ways be the second phase of *Brown*: a continuation by other means of the battle for access to a decent education by those whom fortune left behind.

After the Decisions

On May 17, 1954, the day the walls of segregation fell, the Supreme Court actually handed down two decisions, involving five separate cases – in South Carolina, Virginia, Delaware, Kansas and Washington, D.C. – all of which came collectively to be known as *Brown*. Instead of abolishing segregation straightaway, the justices sought advice on how – and when – desegregation was to come about. So *Brown* spawned what came to be known as *Brown* –

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a decision in May 1955 that provided neither a timetable nor a plan. Instead it ordered the South to proceed with "all deliberate speed," which the South took as an invitation to stall. But something more was wrong.

The decision rested on an assumption that simply wasn't true: that once formal, state-mandated segregation ended, "equal educational opportunities" would be the result. A half century later, school segregation is far from dead and the goal of educational equality is as elusive as ever. Since the early 1990s, despite the continued growth of integration in other sectors of society, black and Latino children are increasingly likely to find themselves in classes with few, if any, nonminority faces.

The shift is due, at least in part, to Supreme Court decisions that essentially undermined *Brown*. In 1974 the court ruled that schools in white suburbs were not obliged to admit black kids from the inner city. And in 1992 the court decided that local school boards, even if not in full compliance with desegregation orders, should be released from court supervision as quickly as possible. "Racial balance is not to be achieved for its own sake," proclaimed the court.

For most black parents, of course, *Brown* was never about integration "for its own sake" – though blacks strongly support integration. Instead, it was about recognition of the fact that unless their children went to school with the children of the whites who controlled the purse strings, their children were likely to be shortchanged.

Most blacks are no longer convinced their kids necessarily do better in integrated settings. Some 57 percent of black parents say the schools' racial mixture makes no difference, significantly more than the 41 percent who said that in 1988. But they also know resource allocation is not colorblind. Hence, 59 percent of blacks, 52 percent of Hispanics and 49 percent of whites agree that it will be impossible to provide equal educational opportunities for all "as long as children of different races in this country basically go to different schools."

Desegregation Blues

Today, by virtually any measure of academic achievement, blacks, Puerto Ricans and Mexican-Americans are, on average, far behind their white and Asian-American peers. A range of factors, from bad prenatal care to intellectually destructive neighborhood or home environments have been implicated to explain the disparity. Certainly one reason for the difference is that blacks (and Puerto Ricans and Mexican-Americans) do not, for the most part, go to the same schools, or even the same types of schools, as do the majority of non-Hispanic whites. They are more likely to go to schools such as those found in parts of rural South Carolina – schools that, were it not for the American flags proudly flying over the roofs, might have been plucked out of some impoverished country that sees education as a luxury it can barely afford.

Take a tour of Jasper County and you will find a middle school with a drainpipe in the corridor, which occasionally spills sewage into the hallway. You'll find labs where the equipment doesn't work, so children have to simulate, rather than perform, experiments. In nearby Clarendon County resources are also lacking. Were Thurgood Marshall to find himself in Clarendon County today, "he would think [*Brown*] had been reversed," state Sen. John Marshall told a visitor. So Clarendon County is again in court, refighting the battle for access to a decent education that Clarendon's children, and all the children of *Brown*, presumably won a long time ago.

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The saga of Clarendon County began in 1947 with a simple request for a bus. The county's white schoolchildren already had 30 school buses at their disposal. Though black children outnumbered whites by a margin of nearly three to one, they had not a single bus. So a local pastor, J. A. DeLaine, went on a crusade. His request for transportation led angry whites to burn down his church and his home, to shoot at him and to literally run him out of town under cover of night. It also spawned a lawsuit known as *Briggs v. Elliot*, which challenged the doctrine of "separate but equal" and was later bundled into *Brown*.

Instead of integrating its school systems, as *Brown* had decreed, South Carolina maneuvered to keep segregation alive. It structured school districts in such a way that blacks were largely lumped together, and having clustered them together, the state "systematically neglected to adequately fund those districts," says Steve Morrison, a partner in the law firm that is currently suing the state for additional resources for Clarendon and more than 30 other counties.

It is a sign of how much, in some respects, attitudes have changed that the state's largest law firm – Nelson Mullins Riley & Scarborough – is on the side of the plaintiffs. During a conversation in the offices of the law firm that bears his name, Richard Riley, former governor of South Carolina and former U.S. secretary of Education, remarked, "If *Brown* had been 100 percent successful, we wouldn't have this situation." In opening arguments Carl Epps, another Nelson Mullins attorney, compared the suit to *Brown* itself, calling it the kind of case that comes along only "every generation or two."

Certainly, when aggregated with a multitude of similar cases, the *Clarendon* case – known as *Abbeville County School District, et al. v. The State of South Carolina, et al.* – represents a major shift in tactics among those fighting for the educational rights of poor people. Once upon a time the emphasis was on "equity": on trying to ensure that the most economically deprived students were provided with resources equal to those lavished on the children of the rich. Now the cases are about whether states are providing sufficient resources to poor schools to allow the students who attend them to effectively compete in society. They are called "adequacy" cases, and they aspire to force states to produce graduates capable of functioning competently as citizens and as educated human beings.

The shift in strategy stems, in part, from the Supreme Court's making equity cases more difficult to win but leaving the door open to adequacy claims. In a seminal moment for this new movement, the Kentucky Supreme Court decided in 1989 that students in Kentucky had a right to a much better education than they were receiving. In response, the legislature totally overhauled the state's educational system.

Elsewhere, legislative reforms – so far – have been less dramatic as politicians have fought efforts to mandate spending increases. But in several states, including New York, judges are looking on adequacy suits with favor. Indeed, last week a group of high-profile businessmen called on New York politicians to heed the call for more and smarter education funding. The notion that schools ought to invest more in those whose need is greatest goes against American tradition, but it seems an idea whose time is coming. Conversely, the notion that integration ought to be an explicit goal driving policy seems to be an idea whose time (at least among most whites) has passed. While close to two thirds of blacks and Hispanics feel that "more should be done" to integrate schools, only one third of whites agree. And only 18 percent of whites think whites receive a better education if they are in a racially mixed environment.

Taking Pride in Integration

This is not to say that the push for integration has been a total failure. Indeed, in Farmville, Va., a small town little more than an hour's drive southwest of

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Richmond, the state capital, the dream of school integration is thriving. In the early 1950s, black high-school students in Farmville were relegated to a tiny structure. Students who could not be accommodated in the main building were relegated to flimsy shacks covered with tar paper, each heated with a single wood-burning stove. As former student leader John Stokes recalls, "The buildings were so bad that the people sitting near the windows or the door had to wear an overcoat, and the person sitting near the stove burned up." In 1951 the students walked out and took their complaints to the NAACP. That led to a case called *Davis v. County School Board of Prince Edward County*, which was eventually made part of *Brown*.

After the Supreme Court declared the era of separate but equal over, Virginia's legislature prohibited expenditure of funds on integrated schools. And when delay was no longer an option, Prince Edward County closed its public schools altogether. From the fall of 1959 through much of 1964 the schools were shuttered. Those whites whose parents had a little money could go to Prince Edward Academy, the newly established "private" school. But most blacks, who were barred from the (state subsidized) segregation academies, saw their educational hopes wither.

On May 25, 1964, the Supreme Court finally brought Prince Edward County's resistance to an end. "The time for mere 'deliberate speed' has run out," wrote Justice Hugo Black. But it was only this year that the Virginia State Legislature (prodded by Viola Baskerville, a black delegate, and Ken Woodley, editor of *The Farmville Herald*) passed a bill to provide some belated scholarship assistance to those who had missed school so long ago.

For Farmville's current generation of high-school students, integration has become a way of life. The racial composition (60 percent black, 39 percent white, in a high school of nearly 3,000) is a source of delight: "I talk about being proud that we are diverse," says school superintendent Margaret Blackmon. And nearly three fourths of those who graduate from Prince Edward County High go to college.

One reason Prince Edward County was able to integrate successfully no doubt has to do with size. Once desegregation was forced on it, tiny Farmville didn't really have the option of carving out separate black and white districts. And once the region's racial madness ended and the segregation academy fell on hard times, the public school seemed a less objectionable alternative. There was, in other words, no real room for whites to flee and, as time wore on, increasingly less reason to do so. In much of the rest of America, there are plenty of places to run. Nonetheless, to visit a place like Farmville, with full knowledge of its wretched history, is to experience a certain wistfulness – to wonder about what might have been.

If integration is not the answer (at least not now), what is? If the heat generated around the issue is any indication, there are two popular answers: testing and choice, considered either separately or in combination.

How High the Stakes?

In one state after another, politicians have seized on tests as the solution. Without question, testing is popular with the public. And though it may come as a surprise to some, testing is particularly popular with the black and Latino public. Blacks (83 percent) and Hispanics (91 percent) are much more likely than whites (73 percent) to believe that it is important or very important to use "standardized tests to raise academic standards and student achievement." Some 74 percent of blacks and 64 percent of Hispanics think "most" or "some" minority students would show academic improvement if required to pass standardized tests before being promoted from one grade to another.

My guess is that the numbers measure support more for the idea of testing than for the reality of what testing has become. The idea – that ability can be

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recognized and developed, that deficiencies can be diagnosed and remedied – is impossible to argue with. It is far from clear at this juncture that that is what is happening.

In a report assessing the first-year results of the No Child Left Behind Act in 11 urban districts, researchers from the Civil Rights Project at Harvard concluded: "In each of the districts we studied, fewer than 16% of eligible students requested and received supplemental educational services. In most of these districts it was less than 5% of the eligible students, and in some it was less than 1%."

The Battle over Vouchers

The use of choice as a tool of educational reform has also been controversial, particularly when it comes to the issue of vouchers. On one side are those who claim that poor kids in ghettos and barrios have the right (and ought to receive public money) to leave crummy schools and seek a quality education elsewhere. On the other side are those who say that vouchers will not appreciably increase the options of children attending wretched schools but will instead deprive public schools of resources they can ill afford to lose.

In the last several years, voucher programs have sprouted in a number of states. Florida's program – actually three different programs – is the most ambitious. In December 2003 an audit of those programs by the state's chief financial officer led to several probes for criminal irregularities. In a blistering editorial in February, *The Palm Beach Post*, which had written several critical investigative pieces on the programs, concluded that "as the state is running it, the entire voucher program is a fraud." Even the Florida Catholic Conference, a presumptive beneficiary of the programs, appealed for reforms. At the very least the conference wanted schools to be accredited, to have some kind of track record and to give standardized tests so parents would know how the schools were performing relative to others.

Certainly there is evidence that voucher programs can help some students. And most people view vouchers in a positive light. Some 66 percent of blacks and 67 percent of Hispanics favor vouchers, as do 54 percent of whites. But most people understand quite clearly that in the real world they are not likely to get a voucher that will allow them to send a child to any school of their dreams. So it is not inconsistent that a majority of Americans favor increasing funding for public education over providing parents with vouchers. Nor it is surprising that blacks, even more than whites, strongly support funding for public schools.

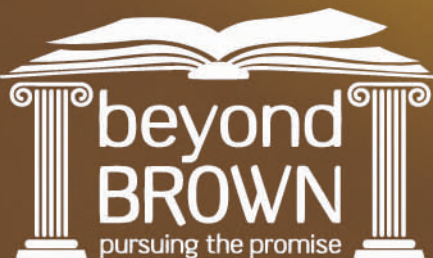
The voucher debate is bound to rage for years to come. With the backing of the Bush administration, Washington, D.C., is launching an ambitious new voucher experiment. Indeed, George W. Bush is running for re-election as the education president, as the leader who championed No Child Left Behind and who is making schools accountable with testing regimes and more demanding curricula. Not to be outdone, John Kerry has come up with his own education proposals, which include programs to keep young people, particularly people of color, in school and more funding for NCLB and special education.

Where *Brown's* Children Are Today

The national dialogue on education that is emerging from the rhetoric of warring politicians--and from all these suits, all this testing and all these experiments with choice – must ultimately get beyond what happens in the school to what is happening in the larger society, and in the larger environment in which children exist.

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In too many ways, when it comes to children of color, we continue to ask the wrong questions. We poke and probe and test those kids as we wrinkle our brows and ask, with requisite concern, "Why are you such a problem? What special programs do you need?" when we should be asking, "What have we not given to you that we routinely give to upper-middle-class white kids? What do they have that you don't?"

The answer is simple. They have a society that grants them the presumption of competence and the expectation of success; they have an environment that nurtures aspiration, peers who provide support and guardians who provide direction. If we are serious about realizing the promise of Brown, about decently educating those who begin with the least, we will have to ponder deeply how to deliver those things where they are desperately needed.

In the end, it may be that the true and lasting legacy of Brown has little to do with desegregation as such. It may instead be that Brown put us on a path that will, ideally, let us see children of color--and therefore our entire country – in a wholly new and beautiful light.

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About the author: Ellis Cose is the author of eight books including the best-selling *The Rage of a Privileged Class* and *The Envy of the World*. His most recent book, *Bone to Pick*, is a wide-ranging discussion of the power of reconciliation. He lives in New York City with his wife and daughter.

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