# \*\*Desegregation Affirmative\*\*

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### File Notes

The Desegregation Affirmative argues that the federal government should take a greater role in ensuring that schools are truly integrated. While schools became less segregated from the early 1960’s through 1980, segregation has been on the rise since. While segregation is “de jure” (in law) illegal, many schools are “de facto” (in fact) majority-white or majority-black. This is often caused by the way districts draw their boundaries for which students attend each school. It is also caused by white areas forming their own school districts. For example, in Alabama, the City of Gardendale, a majority-white suburb, voted to separate from the larger, more diverse Birmingham school district and form their own district instead. This move increased segregation; however, courts upheld the decision because it could not be proven that racial discrimination was the motivation behind the split. The affirmative plan proposes to remedy this through disparate impact regulations. Disparate impact is a method of proving discrimination that looks at the impact of actions rather than the intention behind them. Thus, under these regulations, there would be a judicial presumption against the decisions like the one in Gardendale because it has a segregating impact on students.

This affirmative has two advantages. The first advantage is Desegregation. This advantage argues that segregation increases societal racism and inequality, which we have a moral obligation to stop. The plan would reduce segregation, thus reducing racism and inequality. The second advantage is Civic Engagement. This advantage argues that commitment to democracy in the US is under threat now, as racial scapegoating and authoritarian tendencies in politics are on the rise. Part of this is due to segregation, because children are exposed less to people of different racial and cultural backgrounds and thus are more likely to engage in racial and ethnic scapegoating. The plan would solve by furthering integration.

### Glossary

Achievement gap: The term "achievement gap" is often defined as the differences between the test scores of minority and/or low-income students and the test scores of their White and Asian peers. But achievement gaps in test scores affect many different groups.

Attorney general: The United States Attorney General (A.G.) is the head of the United States Department of Justice, concerned with legal affairs, and is the chief law enforcement officer and chief lawyer of the United States government. States also have attorney generals.

Authoritarian: favoring or enforcing strict obedience to authority, especially that of the government, at the expense of personal freedom.

Brown vs. Board of Education: Brown v. Board of Education (1954), now acknowledged as one of the greatest Supreme Court decisions of the 20th century, unanimously held that the racial segregation of children in public schools violated the Equal Protection Clause of the Fourteenth Amendment.

Demagogue: a political leader who seeks support by appealing to popular desires and prejudices rather than by using rational argument.

Deontology: the normative ethical position that judges the morality of an action based on rules. It is sometimes described as "duty-" or "obligation-" or "rule-" based ethics, because rules "bind you to your duty".

Desegregation: the ending of a policy of racial segregation.

Lee v. Macon County Board of Education: a pivotal civil rights case that sought the integration of the all-white Tuskegee High School in Macon County. The case became a blueprint for school desegregation plans from that time onward.

Scapegoating: the practice of singling out any party for unmerited negative treatment or blame as a scapegoat.

School choice: a term for K–12 public education options in the United States, describing a wide array of programs offering students and their families alternatives to publicly provided schools, to which students are generally assigned by the location of their family residence.

Segregation: the action or state of setting someone or something apart from other people or things or being set apart.

Structural racism: a system in which public policies, institutional practices, cultural

representations, and other norms work in various, often reinforcing ways to perpetuate

racial group inequity.

Title IV of the Civil Rights Act of 1964: prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Utilitarianism: the doctrine that an action is right insofar as it promotes happiness, and that the greatest happiness of the greatest number should be the guiding principle of conduct.

White flight: the move of white city-dwellers to the suburbs to escape the influx of minorities.

## 1AC

### 1AC – Desegregation Advantage

#### Contention 1 – Desegregation

#### School segregation is still rampant – tolerating this, whether in the name of “educational quality” or “school choice” just lets racism win

Black, 6/6/17 --- Professor of Law, University of South Carolina (Derek, “Education in America Has Deep Flaws—and That's Why Racial Segregation Is on the Rise,”

https://theconversation.com/why-schools-still-cant-put-segregation-behind-them-78575, accessed on 6/13/17, JMP)

A federal district court judge has decided that Gardendale – a predominantly white city in the suburbs of Birmingham, Alabama – can move forward in its effort to secede from the school district that serves the larger county. The district Gardendale is leaving is 48 percent black and 44 percent white. The new district would be almost all white. The idea that a judge could allow this is unfathomable to most, but the case demonstrates in the most stark terms that school segregation is still with us. While racial segregation in U.S. schools plummeted between the late 1960s and 1980, it has steadily increased ever since – to the the point that schools are about as segregated today as they were 50 years ago. As a former school desegregation lawyer and now a scholar of educational inequality and law, I have both witnessed and researched an odd shift to a new kind of segregation that somehow seems socially acceptable. So long as it operates with some semblance of furthering educational quality or school choice, even a federal district court is willing to sanction it. While proponents of the secession claim they just want the best education for their children and opponents decry the secession as old-school racism, the truth is more complex: Race, education and school quality are inextricably intertwined. Rationalizing Gardendale’s segregation In some respects, Gardendale is no different from many other communities. Thirty-seven percent of our public schools are basically one-race schools – nearly all white or all minority. In New York, two out of three black students attend a school that is 90 to 100 percent minority. In many areas, this racial isolation has occurred gradually over time, and is often written off as the result of demographic shifts and private preferences that are beyond a school district’s control. The Gardendale parents argued their motivations were not about race at all, but just ensuring their kids had access to good schools. The evidence pointed in the other direction: In language rarely offered by modern courts, the judge found, at the heart of the secession, “a desire to control the racial demographics of [its] public schools” by “eliminat[ing]… black students [from] Gardendale schools.” Still, these findings were not enough to stop the secession. As in many other cases over the past two decades, the judge conceded to resegregation, speculating that if she stopped the move, innocent parties would suffer: Black students who stayed in Gardendale would be made to feel unwelcome and those legitimately seeking educational improvements would be stymied. Simply put, the judge could not find an upside to blocking secessionists whom she herself characterized as racially motivated. As such, the court held that Gardendale’s secession could move forward. Two of its elementary schools can secede now, while the remaining elementary and upper-level schools must do so gradually. The problem with conceding to segregation Unfortunately, there’s no middle ground in segregation cases. No matter what spin a court puts on it, allowing secessions like Gardendale’s hands racism a win. While it’s true that stopping the secession may come with a cost to members of that community who have done nothing wrong, our Constitution demands that public institutions comply with the law. That is the price of living in a democracy that prizes principles over outcomes. In this case, the constitutional principles are clear. In Brown v. Board of Education, the Supreme Court held that there is no such thing as separate but equal schools: Segregated schools are “inherently unequal.” Rather than stick to these principles, the judge in the Gardendale case seemingly tried to strike a bargain with segregation. As long as Gardendale appoints “at least one African-American resident” to its school board and does not do anything overtly racist moving forward, the court will allow the city to pursue its own agenda. <<card continues>>

### 1AC – Desegregation Advantage

<<card continues>> The sordid roots of school quality – and inequality The ruling in Gardendale is a step toward reinforcing an unfortunate status quo in Alabama. Alabama is one of a handful of states that amended its state constitution in an attempt to avoid desegregation in the 1950s. The amendment gave parents the right to avoid sending their kids to integrated schools and made clear that the state was no longer obligated to fund public education. Alabama preferred an underfunded and optional educational system to an integrated one. Courts quickly struck down the discriminatory parts of the new constitution, but the poor state education system remained. Today, student achievement in Alabama ranks dead last – or near it – on every measure. Most communities don’t have the resources to do anything about it. Funding is relatively low – and unequal from district to district. Even after adjusting for variations in regional costs, a recent study shows that the overwhelming majority of schools in Alabama are funded at ten percent or more below the national average and another substantial chunk is thirty-three percent or more below the national average. Parents trapped in under-resourced schools understandably feel like they need to take action. But rather than demanding an effective and well-supported statewide system of public schools, parents with the means often feel compelled to isolate their children from the larger system that surrounds them. And while whites and blacks struggle over the future of Gardendale’s schools, the real culprits – the current state legislature and the segregationists who gutted public education in Alabama decades ago – go unchallenged. The path forward leads through equal public education The education system in Alabama, like in so many other states, is rigged against a large percentage of families and communities: Those with less money tend to get a worse education. Until these states reform their overall education funding systems, the inequalities and inadequacies that they produce will continue to fuel current racial motivations. The lawsuit in Gardendale was a poor vehicle for fixing Alabama’s education system: The state’s overall education system was not on trial. The only issue before the court was a racially motivated district line in one small community. But our small communities are connected to larger education systems. In my view, we cannot fix those systems by way of more individual choice, charters, vouchers or school district secessions. The fact is, educational funding is down across the board, when compared to a decade ago. If we want all students to have a decent shot at better education, we need to recommit to statewide systems of public education. Only then will our base fears and racial biases begin to fade into the background.

#### Desegregation is the best way to narrow achievement gap --- just making separate schools better isn’t sufficient

Theoharis 15– PHD and a chair in the School of Education at Syracuse

(George, 10/23/15, “‘Forced busing’ didn’t fail. Desegregation is the best way to improve our schools.”, <https://www.washingtonpost.com/posteverything/wp/2015/10/23/forced-busing-didnt-fail-desegregation-is-the-best-way-to-improve-our-schools/?utm_term=.99e5c334fa60>, MW)

Since the Reagan administration’s “A Nation at Risk” report pronounced that schools across the country were failing, every president has touted a new plan to close the racial academic achievement gap: President Obama installed Race to the Top; George W. Bush had No Child Left Behind; and Clinton pushed Goals 2000. The nation has commissioned studies, held conferences and engaged in endless public lamentation over how to get poor students and children of color to achieve at the level of wealthy white students — as if how to close this opportunity gap was a mystery. But we forget that we’ve done it before. Racial achievement gaps were narrowest at the height of school integration. U.S. schools have become more segregated since 1990, and students in major metropolitan areas have been most severely divided by race and income, according to the University of California at Los Angeles’s Civil Rights Project. Racially homogenous neighborhoods that resulted from historic housing practices such as red-lining have driven school segregation. The problem is worst in the Northeast — the region that, in many ways, never desegregated — where students face some of the largest academic achievement gaps: in Connecticut, Maryland, Massachusetts and the District of Columbia. More than 60 years after Brown v. Board of Education, federal education policies still implicitly accept the myth of “separate but equal,” by attempting to improve student outcomes without integrating schools. Policymakers have tried creating national standards, encouraging charter schools, implementing high-stakes teacher evaluations and tying testing to school sanctions and funding. <<card continues>>

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<<card continues>> These efforts sought to make separate schools better but not less segregated. Ending achievement and opportunity gaps requires implementing a variety of desegregation methods – busing, magnet schools, or merging school districts, for instance – to create a more just public education system that successfully educates all children. Public radio’s “This American Life” reminded us of this reality in a two-part report this summer, called “The Problem We All Live With.” The program noted that, despite declarations that busing to desegregate schools failed in the 1970s and 1980s, that era actually saw significant improvement in educational equity. When the National Assessment of Educational Progress began in the early 1970s, there was a 53-point gap in reading scores between black and white 17-year-olds. That chasm narrowed to 20 points by 1988. During that time, every region of the country except the Northeast saw steady gains in school integration. In the South in 1968, 78 percent of black children attended schools with almost exclusively minority students; by 1988, only 24 percent did. In the West during that period, the figure declined from 51 percent to 29 percent. But since 1988, when education policy shifted away from desegregation efforts, the reading test score gap has grown — to 26 points in 2012 — with segregated schooling increasing in every region of the country. Research has shown that integration is a critical factor in narrowing the achievement gap. In a 2010 research review, Harvard University’s Susan Eaton noted that racial segregation in schools has such a severe impact on the test score-gap that it outweighs the positive effects of a higher family income for minority students. Further, a 2010 study of students’ improvements in math found that the level of integration was the only school characteristic (vs. safety and community commitment to math) that significantly affected students’ learning growth. In an analysis of the landmark 1966 “Coleman Report,” researchers Geoffrey Borman and Maritza Dowling determined that both the racial and socioeconomic makeups of a school are 1¾-times more important in determining a student’s educational outcomes than the student’s own race, ethnicity or social class. But we continue to think about segregation as a problem of the past, ignoring its growing presence in schools today. Desegregating schools has become a political third rail, even though it is an essential solution to one of our nation’s most persistent problems. This month, Education Secretary Arne Duncan announced he would step down in December and his deputy, John King, would replace him. King, during his tenure as New York state’s education commissioner, visited both school districts mentioned above to advance the national Race to the Top agenda, but he never acknowledged the increasing school segregation apparent in the region. In 1989, Syracuse city schools were about 60 percent white, and just 20 percent of black and Latino students attended predominately minority schools. Today, the district is 28 percent white, while 55 percent of Latino students and 75 percent of black students attend predominately minority schools. Racial and economic segregation affects schools in various ways. Federal and state policies that impose sanctions on poor-performing schools — state takeovers and forced replacement of school leaders, for example — often make matters worse. For example, Westside Academy , the Syracuse middle school where no students passed the state eighth-grade math assessment, has has had multiple principals and saw 44-percent teacher turnover in the 2012-2013 school year. About a decade ago, the elementary schools that feed into Westside Academy and Wellwood Middle School adopted the same math curriculum program, touted as one of the best standards-based elementary programs available. As is typical, both districts struggled to implement the new curriculum initially. But a decade later, the schools in Wellwood’s district are still using it, with teachers becoming more skilled and comfortable with the new way to teach math. The schools in Westside’s district, however, changed their math program at least two more times, leaving teachers, students, and families in a constant state of churn and undoubtedly affecting student learning and test scores. In this era of accountability, this instability is not forced upon white, upper-middle class families. While much has been said about the failure of busing, it’s time to move beyond this myth. In one of the most famous examples of court-ordered desegregation, Boston began busing students between white and black neighborhoods in 1974, sparking violent white protests and boycotts by white students. White families fled to the suburbs. Supporting neighborhood schools and opposing school bus rides became rhetoric to fight desegregation without overtly racist language. But as black activists in Boston noted at the time, “It’s not the bus, it’s us.” Before the court order, nearly 90 percent of high school students rode a bus to school without protest. Today, most children get on a school bus to attend a segregated school. Busing ended because of a combination of white protest, media that overemphasized resistance, and the lack of systematic collection to judge the impact of desegregation. So we need to be sober about our history: Busing didn’t fail; the nation’s resolve and commitment to equal and excellent desegregated schools did. Busing is not the only way to desegregate our schools. We can unify school districts so they encompass racially and economically diverse neighborhoods. The countywide district centered in Raleigh, for instance, has been successful in integrating schools and achieving academic success, in contrast to the 18 schools districts across the metropolitan Syracuse area. Shaping districts like pie pieces, so they cut across urban, suburban and even rural spaces, could have the same effect. Creating more open-enrollment magnet schools would also bring families of various races and incomes into well-funded and themed schools. For existing public schools, we could merge two neighborhood campuses in segregated communities, so they attend one neighborhood school together from kindergarten through second grade and the other from third through fifth grades. Or we can incentivize school districts to take action, imposing segregation and providing financial resources to districts with aggressive desegregation plans. Certainly, none of these approaches is easy or perfect, and desegregation alone is not a magic bullet to end the achievement and opportunity gaps. Even integrated schools face racial gaps. Many black and Latino kids end up in lower academic tracks and white parents protect exclusive opportunities for their kids. Still, knowing the benefits of integrated learning environments, we can’t continue to ignore the growing hold segregation has on our schools. We’ve heard soaring words from Duncan and Obama touting education as the route to a better life, saying it is a moral imperative that we work tirelessly to improve the education of our most vulnerable children. But rhetoric is no match for our failure of will to change the disparate realities of our separate educational systems. It is no match for our failure of courage to call out the persistent segregation of our schools. Some scholars have argued that King will be good for school integration. Time will tell if we are entering a moment that moves beyond rhetoric toward substantial desegregation. In this time of transition for the Education Department — in the last year of the Obama administration — are we going to continue ignoring the moral implications of separate schools? Our history shows that policy cannot focus on improving “failing” schools; it needs to also emphasize desegregating them. No matter how much we seek to improve the back of the education bus, it will always be the back.

#### Closing the academic achievement gap directly challenges social inequality and boosts health outcomes

Lynch & Oakford, 14 --- \*professor of economics in the Department of Economics at Washington, AND \*\*Policy Analyst at the Center for American Progress (Robert & Patrick, “The Economic Benefits of Closing Educational Achievement Gaps; Promoting Growth and Strengthening the Nation by Improving the Educational Outcomes of Children of Color,” <https://www.americanprogress.org/issues/race/reports/2014/11/10/100577/the-economic-benefits-of-closing-educational-achievement-gaps/>, accessed on 7/1/16, funk+JMP)

Our nation is currently experiencing growing levels of income and wealth inequality, which are contributing to longstanding racial and ethnic gaps in education outcomes and other areas. These large gaps, in combination with the significant demographic changes already underway, are threatening the economic future of our country. Thus, closing racial and ethnic gaps is not only key to fulfilling the potential of people of color; it is also crucial to the well-being of our nation. This report quantifies the economic benefits of closing one of the most harmful racial and ethnic gaps: the educational achievement gap that exists between black and Hispanic children and native-born white children. Gaps in academic achievement are a function of a host of factors, such as income and wealth inequality, access to child care and preschool programs, nutrition, physical and emotional health, environmental factors, community and family structures, differences in the quality of instruction and school, and educational attainment. This suggests there are a wide range of public policies that could help narrow educational achievement gaps; this report demonstrates that there are enormous payoffs to closing the gaps through public policies. It also outlines effective public policy strategies to achieve this goal, though their details are left to future research. After briefly summarizing the analysis’s findings, this report places the educational achievement gaps in context to help explain their significance and the reasons they exist. In particular, the report reviews data on growing inequality, demographic changes, and intensifying global economic competition. This clarifies the need to address educational achievement gaps and helps explain why the benefits of closing gaps are great. The report then describes factors that cause educational achievement gaps and offers public policies that could help close them. The subsequent sections of the report discuss the literature on the importance of academic achievement to economic growth, the methodology used in the analysis, and its detailed findings. This report illustrates one aspect of the staggering economic cost of the failure to adequately invest in the development of our people: It estimates the increases in U.S. economic growth that would occur if racial and ethnic achievement gaps were closed and the educational playing field were leveled. Specifically, this analysis projects how much greater U.S. gross domestic product, or GDP, would be from 2014 to 2050 if the educational achievements of black and Hispanic children were raised to match those of native-born white children. This study does not examine gaps that exist among other groups—such as Native Americans, Asians, and children of more than one race—because of data limitations and small sample sizes. This does not imply that achievement differentials among other groups do not exist, are not harmful, or do not deserve attention. If the United States were able to close the educational achievement gaps between native-born white children and black and Hispanic children, the U.S. economy would be 5.8 percent—or nearly $2.3 trillion—larger in 2050. <<card continues>>

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<<card continues>> The cumulative increase in GDP from 2014 to 2050 would amount to $20.4 trillion, or an average of $551 billion per year. Thus, even very large public investments that close achievement gaps would pay for themselves in the form of economic growth by 2050. WinningEconomy-webfig1 Closing racial and ethnic achievement gaps—by raising incomes and increasing the size of the economy—would also have significant positive impacts on federal, state, and local tax revenues. From 2014 to 2050, federal revenues would increase by $4.1 trillion, or an average of $110 billion per year. State and local government revenues would increase by another $3.3 trillion, or $88 billion annually. Therefore, government investments in closing educational achievement gaps that cost less than an average of $198 billion annually over the next 37 years would pay for themselves even in strictly budgetary terms. To put this figure in perspective, consider that the annual cost to implement the Obama administration’s high-quality, universal pre-K program averages $7.5 billion per year over the first 10 years. As explained in the report, these projections understate the impact of closing achievement gaps for at least three reasons. First, they assume that educational achievement improvements are limited to black and Hispanic children; in the real world, policies that increase these children’s educational achievement are likely to improve all children’s achievement. Second, the model does not take into account any of the social benefits—such as better health outcomes—that are likely to occur as a result of educational improvement. Finally, the model does not calculate the potential positive effects on children born to future parents who, because of improved academic achievement, will have higher incomes and thus be able to provide them better educational opportunities. If the model properly accounted for all of these factors, the benefits of improving educational achievement would be substantially larger than those estimated in this study. The benefits of closing educational achievement gaps amount to much more than just increased GDP and tax revenues. The current generation of children will be better off when they are adults because they will have higher earnings, higher material standards of living, and an enhanced quality of life. Future generations of children will be more likely to grow up in families that can offer them the enriching opportunities of a middle-class lifestyle; they will therefore be less likely to grow up in families struggling in poverty. Present-day adults, whether working or in retirement, will benefit from the fact that higher-earning workers will be better able to financially sustain public retirement benefit programs such as Medicaid, Medicare, and Social Security. The retirement of the Baby Boomers will put pressure on the federal budget in the coming decades as more retirees draw from these benefit programs. Investing in the nation’s educational achievement will provide future budget relief as Americans earn more and, thus, pay more in taxes. For example, closing racial and ethnic educational achievement gaps would lift Social Security tax contributions by $877 billion by 2050. Similarly, Medicare tax revenues for the Hospital Insurance Fund would increase by $265 billion from 2014 to 2050, providing a substantial boost to Medicare solvency.6 In other words, strengthening the educational achievement of our youth will help provide economic security for us, the elderly, and future generations.These potential economic gains illustrate in stark terms the massive waste of human talent and opportunity that we risk if achievement gaps are not closed. They also suggest the magnitude of the public investments the nation should be willing to make now and in the decades to come to close achievement gaps. Even from a very narrow budgetary perspective, the tax revenue gains this study forecasts suggest that investments to close racial and ethnic achievement gaps could amply pay for themselves in the long run.

### 1AC – Desegregation Advantage

#### Inequality kills tens of thousands each year

Bezruchka, ‘14 — Senior Lecturer in Health Services and Global Health at the School of Public Health at the University of Washington, holds a Master of Public Health from Johns Hopkins University and an M.D. from Stanford University (“Inequality Kills,” Divided: The Perils of Our Growing Inequality, Edited by David Cay Johnston, p.194-195)

Everyone in a society gains when children grow up to be healthy adults. The rest of the world seems to understand this simple fact, and only three countries in the world don’t have a policy, at least on the books, for paid maternal leave – Liberia, Papua New Guinea, and the United States. What does that say about our understanding , or concern about the health of our youth? Differences in mortality rates are not just a statistical concern—they reflect suffering and pain for very real individuals and families. The higher mortality in the United States is an example of what Paul Farmer, the noted physician and anthropologist, calls structural violence. The forty-seven infant deaths occur every day because of the way society in the United States is structured, resulting in our health status being that of a middle-income country, not a rich country. There is growing evidence that the factor most responsible for the relatively poor health in the United States is the vast and rising inequality in wealth and income that we not only tolerate, but resist changing. Inequality is the central element, the upstream cause of the social disadvantage described in the IOM report. A political system that fosters inequality limits the attainment of health. The claim that economic inequality is a major reason for our poor health requires that several standard criteria for claiming causality are satisfied: the results are confirmed by many different studies by different investigators over different time periods; there is a dose-response relationship, meaning more inequality leads to worse health; no other contending explanation is posited; and the relationship is biologically plausible, with likely mechanisms through which inequality works. The field of study called stress biology of social comparisons is one such way inequality acts. Those studies confirm that all the criteria for linking inequality to poorer health are met, concluding that the extent of inequality in society reflects the range of caring and sharing, with more unequal populations sharing less. Those who are poorer struggle to be accepted in society and the rich also suffer its effects. A recent Harvard study estimated that about one death in three in this country results from our very high income inequality. Inequality kills through structural violence. There is no smoking gun with this form of violence, which simply produces a lethally large social and economic gap between rich and poor.

### 1AC – Desegregation Advantage

#### Challenging institutional racism is a prior ethical question

Memmi, 2k --- Professor Emeritus of Sociology @ U of Paris, Naiteire (Albert, Racism, Translated by Steve Martinot, p. 163-165)

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet, for this very reason, it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism; one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim (and which man is not himself an outsider relative to someone else?. Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one’s moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is ‘the truly capital sin. It is not an accident that almost all of humanity’s spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. Bur no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. “Recall.” says the Bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming one again someday. It is an ethical and a practical appeal—indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality because, in the end, the ethical choice commands the political choice, a just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

### 1AC – Civic Engagement Advantage

#### Contention 2 – Civic Engagement

#### Democracy is seriously at risk now – reinvigorating public education is necessary to reverse the tide

Kahlenberg and Janey 16 – Kahlenberg is a senior fellow at The Century Foundation with expertise in education, civil rights, and equal opportunity and Janey is a senior research scholar at Boston University’s School of Education.

(Richard and Clifford, 11/10/16, “Putting Democracy Back into Public Education”, <https://tcf.org/content/report/putting-democracy-back-public-education/>, MW)

Cost to Ignoring Democracy’s Role

Today, however, we are seeing the costs of an unbalanced approach to public education that focuses on markets far more than democracy: dangerously low levels of civic knowledge, and a reduced faith in democratic values among Americans. These developments are particularly troublesome because they have occurred alongside two larger societal trends that undermine our democracy: a decline in labor unions, and increased political polarization by residential areas, all of which we explore below. Low Levels of Civics Knowledge Americans’ knowledge of basic civics is frighteningly scant. A 2015 survey conducted by the Annenberg Public Policy Center of the University of Pennsylvania found that only 31 percent of Americans can name all three branches of government, and 32 percent cannot identify a single one. (See Figure 1.) The survey found that only 53 percent of Americans understood that a 5–4 decision by the U.S. Supreme Court constitutes law and must be followed; 15 percent believed that a 5–4 decision is sent back to Congress for reconsideration, and 13 percent thought that the decision would be returned to lower courts and decided there.40 Performance among students on the 2010 National Assessment of Educational Progress (NAEP) was also disturbingly low. Only 27 percent of fourth-graders, 22 percent of eighth-graders, and 24 percent of twelfth-graders performed at or above the proficient level in civics. Thirty-six percent of twelfth grade students failed to even reach the basic level in civics, signifying that they were unable to describe forms of political participation in a democracy, or draw simple conclusions from basic graphs, charts, maps, or cartoons.41 What is particularly disturbing is that civic literacy has not risen despite considerable gains in educational attainment. As scholar William Galston observed in 2003, “Although the level of formal schooling in the United States is much higher than it was fifty years ago, the civic knowledge of today’s students is at best no higher than that of their parents and grandparents.”42 Among college graduates, older respondents perform significantly better than younger ones according to the American Council of Trustees and Alumni. While over 98 percent of college graduates over 65, for example, knew that the president cannot establish taxes, only 74 percent of graduates aged 25–34 understood this concept.43 Adherence to Democratic Values If schools are doing a poor job of imparting civic knowledge, they are also doing a poor job of inculcating an appreciation for the democratic values embodied in the Bill of Rights. In the 2015 Annenberg Survey, for example, over one-quarter of people (26 percent) would vote to alter or eliminate the Fifth Amendment so that courts could require a person testify against herself. Almost half (46 percent) opposed a prohibition on “double jeopardy”; the same percentage of people believe that the government should be permitted to prohibit a peaceful march down a main street if those marching expressed offensive views; and only half of respondents thought that the government should not be able to prohibit practice of a religion if a majority of voters perceived it to hold “un-American” views.44 The problem has grown over time, giving rise to some startling attitudes. Columnist Catherine Rampell points out that Americans have become, “steadily more open to anti-democratic, autocratic ideals.”45 <<card continues>>

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<<card continues>> As researchers Roberto Stefan Foa and Yascha Mounk note, trends in the World Values Survey show that Americans have shown a declining trust in institutions, including democracy.46 When asked whether democracy is a good or bad way to run a country, 17 percent said bad or very bad, up from 9 percent in the mid-1990s. Among those ages 16 to 24, about a quarter said democracy was bad or very bad, an increase of one-third from a decade and a half earlier (see Figure 2). Some 25 percent of millennials said it is “unimportant,” that in a democracy, people should “choose their leaders in free elections.” Among U.S. citizens of all ages, the proportion who said it would be “fairly good” or “very good” for the “army to rule,” has risen from one in sixteen in 1995, to one in six today.47 Likewise, a June 2016 survey by the Public Religion Research Institute and the Brookings Institution found that a majority of Americans showed authoritarian (as opposed to autonomous) leanings. Moreover, fully 49 percent of Americans agreed that “because things have gotten so far off track in this country, we need a leader who is willing to break some rules if that’s what it takes to set things right.”48 Decline in Unions as Schools of Democracy The decline of public schools’ emphasis on democracy has been particularly disturbing because it has been accompanied by a parallel decline of labor unions, which serve as critical civic associations in healthy democracies. From the 1950s to today, union membership fell precipitously, from one in three to one in ten. This decline is closely associated with the hollowing out of the American middle class, which thriving democracies need to survive. But the drop in labor membership also has reduced the role of unions as incubators of democratic practice. Throughout much of the twentieth century, labor unions served as what Harvard political scientist Robert Putnam calls “schools for democracy.”49 Being involved in workplace decisions and collective bargaining, and voting for union leadership are important drivers of “democratic acculturation.” Union members also staff phone banks and go door to door recruiting voters, which increases civic participation among union members and nonmembers alike.50 Relatedly, research shows that unions played an important role in countering “an authoritarian streak” among working-class voters. Seymour Martin Lipset found that organized labor made workers more inclined to embrace democratic norms by inculcating “civic virtues in its members.”51 That critical force is greatly diminished today. Political Polarization through Residential Segregation Finally, the crisis in civic education in our public schools comes at a time of increasing political polarization—including by residential areas—that makes it harder for democracy to operate well. Part of the democratic process is the education of citizens—by neighbors and news sources—that will help them consider a wide range of views and make up their minds about candidates and policy issues. But that continuing lifelong education through dialogue in a democracy no longer works the way it used to in the United States. Sociologist Robert Cushing and political analyst Bill Bishop have found that Americans have become increasingly likely to live in close proximity to those who share a political ideology. In the presidential election of 1976, 27 percent of voters lived in so called “landslide counties”—counties in which the winning presidential candidate won by twenty points or more. By the 2004 election, that number had reached 48 percent.52 In 2016, a poll of Virginia voters found that more than half of Hillary Clinton supporters said they had no close friends of family voting for Donald Trump, and vice versa.53 We also are increasingly engaging with news sources and social media that confirm our preexisting hunches, creating political echo chambers that inhibit critical thinking. According to the Pew Research Center, consistently liberal voters are most likely to block, un-follow, or defriend someone on social media because they disagreed with that person’s political stance. Meanwhile, consistent conservatives do the same and tend to receive their news from one conservative source, FOX News.54 In this way, political polarization is helping compound the ineffectiveness of schools in making us good citizens. <<card continues>>

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<<card continues>> Case Study: Donald Trump’s Presidential Candidacy—A Twenty-First-Century Sputnik Moment These anti-democratic developments came to a head in the 2016 election and the disturbing rise of an authoritarian presidential candidate, Donald Trump, who ran on a platform that consistently rejected mainstream liberal democratic norms that historically have been embraced by Republicans and Democrats alike and nevertheless managed to win the presidency. The rise of a candidate who questioned several elements of constitutional democracy—including freedom of religion, freedom of the press, the rule of law, the independence of the judiciary, and the peaceful transition of power following elections—should serve as a Sputnik moment for civics education and the need to model democratic values in how our schools are run. Just as Soviet technological advances triggered investment in science education in the 1950s, the 2016 election should spur renewed emphasis on the need for schools to instill an appreciation for liberal democratic values. Attack on Widely Accepted Constitutional Norms Against a backdrop in which the American public school system has deemphasized democratic citizenship, and in which Americans have demonstrated less commitment to democratic institutions, Trump called for a series of attacks on liberal democratic values. While candidates have often been chided by the opposing party for rejecting constitutional norms, Trump’s candidacy was different in kind. Fellow Republicans repeatedly had to distance themselves from their own standard-bearer for rejecting essential democratic norms. Michael Gerson, a former speechwriter for President George W. Bush, said that with Donald Trump, “we have reached the culmination of the founders’ fears: Democracy is producing a genuine threat to the American form of self-government.”55 Peter Wehner, another veteran Republican official, wrote of Trump’s candidacy: “The founders, knowing history and human nature, took great care to devise a system that would prevent demagogues and those with authoritarian tendencies from rising up in America. That system has been extraordinarily successful. We have never before faced the prospect of a political strongman becoming president. Until now.”56 What set Trump apart, wrote University of Texas historian Jeffrey Tulis, is that “no other previous major party presidential candidate has felt so unconstrained by . . . constitutional norms.”57

#### School segregation fuels racial scapegoating, which undermines democracy

Klein 16 - education reporter for HuffPost

(Rebecca Klein, 11-15-2016, "What School Segregation Has To Do With The Rise Of Donald Trump", http://www.huffingtonpost.com/entry/donald-trump-segregation\_us\_582a36f7e4b060adb56ff7ff, MW)

Donald Trump’s personal life ― in all likelihood ― has not been directly impacted by the patterns of public school segregation. Trump attended a private school in Queens as a child, before transferring to a private military boarding school as a teen. His four older kids attended private high schools, and his youngest is also currently enrolled at a private school in Manhattan. But his rise to power ― as the nation’s newest president-elect ― is likely related to the dismantling of school desegregation policies, according to several researchers and academics who study school diversity. In recent years, integration of schools has largely been abandoned as a national priority ― an indicator that various racial groups are spending less time interacting. This lack of familiarity makes it easy for students, parents and stakeholders to demonize groups who don’t look like them ― a staple of Trump’s campaign, said Gary Orfield, distinguished professor and co-director of the Civil Rights Project at UCLA. “The American dream is very, very similar across racial and ethnic lines. People who actually experience interracial contact, especially under appropriate conditions, develop more positive attitudes,” said Orfield, who has been studying this issue for decades. <<card continues>>

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<<card continues>> “Racial segregation fosters prejudice. It fosters false understandings.” Trump’s strategy to embolden racists with hate rhetoric ― speaking of Mexican immigrants as “rapists” and proposing a ban on Muslims entering the country ― did not become a winning one in a vacuum. In part, the dismantling of school desegregation efforts ― coupled with demographic changes that have resulted in the country being more diverse ― may have created the landscape that allowed Trump’s racially-charged agenda to thrive. However, when people from different groups spend time together ― whether it be at a school soccer game or PTA meeting ― prejudices typically fade. Latinos ― who bore the brunt of much of Trump’s rhetoric ― are especially segregated in schools. Because of this isolation and a sustained population surge, it makes sense that Latinos have been targeted by Trump and his supporters, says Orfield. The average Latino student attends a school that is 57 percent Latino, while the average white student attends a school that is 73 percent white ― suggesting that these two populations are not often in situations where they are raising families together. Decades of evidence on racial integration suggest that racially integrated school environments reduce racial prejudice and bias, according to Richard Kahlenberg, a senior fellow at the Century Foundation, a public policy research group. “That’s been a major setback in this country where we’ve seen resegregation by race and class in the public schools,” Kahlenberg said. This can open the door to “scapegoat minorities.” Trump’s election has emboldened racists so much so that in the days since Nov. 8, a rash of racial and religiously-based hate crimes have broken out around the country. Research shows that GOP voters who feel most warmly about Trump seem to have the most negative attitudes about immigrants, Islam and living in a majority-minority nation. In schools’ demographics we see how these negative attitudes may have been borne. Between 1968 and 2011, there was a 28 percent decline in white public school enrollment, and a 495 percent increase in levels of Latino students, according to Orfield’s research. Nationwide, school populations now have a majority of minority children. Black students in regions like the south and west are now more segregated than they were in the late 80s and 90s, and schools in the northeast are more segregated than they were before 1968. This is partly because Brown v. Board of Education ― the supreme court case that made state-sanctioned segregation unconstitutional in 1954 ― only dealt with the question of white and black students, making Latinos largely invisible in subsequent school desegregation policies. “We just assumed we could go through this very dramatic demographic change without really working on it, from either side really,” Orfield said. “Its been a change so dramatic and so fast, I think many whites are stunned. Especially older whites, they think their society is going away. And it is. We’re creating a different society.” But it’s not just in schools where populations can be exposed to diversity. In previous decades, the military brought together groups from different racial and economic backgrounds, Kahlenberg said. Once the draft ended in 1973, the military no longer served such a function. Religious institutions, too, could make a difference in promoting racial tolerance, although there is little indication that this is happening, said Matthew Delmont, a professor of history at Arizona State University. “We’re really left with public schools as the place where people of different backgrounds can come together and learn from one another,” Kahlenberg said. The most recent election cycle has brought explicit hate back into the national discourse, Delmont said. Schools could provide a long-term solution to this by providing “more daily interactions across racial and ethnic lines,” he said. There’s opportunity for more nuanced and informed conversations to take place. “Watching how the debates unfolded in this last presidential cycle, white Americans and people of color are talking past each other and fundamentally understand issues of race and prejudice in very different terms,” said Delmont, who wrote a book about resistance to school desegregation in the north. He said he couldn’t guarantee that racially integrated schools would change the political outlook, but it does encourage people to talk to each other. “When you have conditions of segregation as we do in this country,” he said, “It’s easy for people to let their fears dominate how they view the world.”

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#### Integration ensures more engaged minority participation in the political process, which is key to check right-wing authoritarianism

Campoy, 16 (Ana Campoy, "US schools can rescue civics education, if only the left and the right will let them", Quartz, 12-11-2016, Accessed 6-29-2017, [https://qz.com/839041/american-values-are-at-risk-if-we-dont-teach-kids-what-it-is-to-be-american/)//DGV](https://qz.com/839041/american-values-are-at-risk-if-we-dont-teach-kids-what-it-is-to-be-american/%29//DGV)

America’s founding fathers viewed education as an essential tool for preserving democracy. In school, Americans would learn democratic ideals, foster a meritocracy, and become savvy enough to sniff out demagogues who could threaten the republic. But America’s schools are failing at moving the US toward a more perfect union. How else to explain the startling lack of civics knowledge among today’s Americans? The disturbing new research suggesting a widespread attitude of indifference to democratic systems? The preference, by more than a quarter of the American voting public, for a presidential candidate who repeatedly challenged American constitutional values? The abstention of the 42% who didn’t vote, skirting what is arguably an adult citizen’s most important responsibility? At the same time, public education is struggling to come up with a narrative of the American experience that encompasses the expanding diversity of the country’s population. To some, the definition of what it is to be American, as it’s taught in the classroom, feels too limiting; to others, it’s being stretched beyond recognition. Either way, the overall effect is disorienting, and public discourse is feeling the strain. “As our nation becomes increasingly diverse, we don’t really have any choice but to find ways to reach across racial and ethnic divides to find common ground,” says Richard Kahlenberg, senior fellow at The Century Foundation, a progressive public-policy think tank. As one of the few neutral zones where Americans of all stripes meet, public schools are a good place to take that on. A Sputnik moment Kahlenberg has called Trump’s election a “Sputnik moment” that should spur the same kind of investment in civics education as the Soviet satellite did for science back in the late 1950s and 1960s. As the US seeks to compete with other world economies, practical subjects such as reading and math have crowded out civics lessons, he argued in a recent report. That strategy has taken its toll. Only a third of Americans can name the three branches of government, according to a 2015 survey by the Annenberg Public Policy Center at the University of Pennsylvania. Perhaps even more worrisome, a large number of Americans are straying from the founders’ democratic ideals. Roughly 30% of those polled believe their Constitution need not stop the government from interfering in religious practices and public protests if they are offensive or un-American—in clear contradiction to what the Constitution says. Other polls show a disturbing bent towards authoritarianism. One in six US citizens agree that it would be “good” or “very good” for the army to rule, up from one in 16 in 1995, according to another analysis, which was based on World Values Surveys and published in the Journal of Democracy in July. Yet another alarming survey, conducted by PRRI and the Brookings Institution in May and April, found that nearly 60% of Americans have authoritarian tendencies. More than half of those with a highly authoritarian streak said the US needs a leader willing to break the rules to set the country on track. Trump’s America They might have just gotten that kind of leader in Trump, who throughout the campaign displayed an inclination to dispense with longstanding democratic norms. (His threat to jail his political opponent and his refusal to commit to the election results are two examples of that.) To be sure, president Trump might distance himself from his brash political candidate persona once he takes over the Oval Office. But the fact remains that the millions of Americans who voted for him, some whom see themselves as patriots for doing so, didn’t feel that his attacks on core American principles disqualified him from filling the highest office in the land. Why? Pundits and academics have been struggling with that question even before Trump’s electoral victory. Jonathan Haidt, a business ethics professor at New York University’s Stern School of Business, suggests the answer lies beyond the racism and xenophobia espoused by some Trump supporters, or the economic desperation of others. He points to the work of Karen Stenner, a former Princeton University professor who developed a simple formula that can explain what is going on: intolerance = authoritarianism × threat (pdf). These days, authoritarian-prone Americans are definitely feeling under threat. The PRRI/Brookings survey found that more than 60% of respondents with highly authoritarian leanings believe the American way of life has gone down hill from the 1950s. Roughly the same proportion live in fear that they or their families could be attacked by terrorists or violent criminals. They believe Islam is un-American, and interacting with non-English speaking immigrants bothers them. Haidt sees that kind of behavior as a reaction to the rise of a cosmopolitan citizenry that, in the eyes of authoritarians, has given up allegiance to its country of origin and culture in favor of broader global society. “Authoritarians are not being selfish,” he writes in The American Interest. “They are not trying to protect their wallets or even their families. They are trying to protect their group or society.” (Italics his.) Since the source of the threat is diversity, trying to better acquaint insurgent authoritarians with “the other” will only make things worse, he concludes. He quotes Stenner: “[We] can best limit intolerance of difference by parading, talking about, and applauding our sameness. Ultimately, nothing inspires greater tolerance from the intolerant than an abundance of common and unifying beliefs, practices, rituals, institutions, and processes.” E pluribus unum For public education, the implication is that schools should avoid polices that single out difference, such as multicultural curriculums and bilingual programs. Robert Pondiscio, a senior fellow at the Thomas B. Fordham Institute, suggests instead to revive the “melting pot” metaphor, making it “more capacious and generous” than the original. The melting pot image was forged during a period in which the US was taking in millions of European immigrants, and for a long time served as shorthand for the American experience. But in the 1960s, social scientists and minorities began to question the assumption that immigrants were melding into the dominant culture—and whether they should. The pot was replaced by the “salad bowl,” to represent American society as an assemblage of different ingredients, each retaining its characteristics but coated with a common dressing. Now there’s pushback against the salad bowl concept from people who believe it favors diversity to the point of undermining American identity. <<card continues>>

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<<card continues>> Bruce Thornton, a professor at California State University in Fresno, expresses that sentiment in a 2012 piece published by the Hoover Institution. [S]o the common identity shaped by the Constitution, the English language, and the history, mores, and heroes of America gives way to multifarious, increasingly fragmented micro-identities. But without loyalty to the common core values and ideals upon which national identity is founded, without a commitment to the non-negotiable foundational beliefs that transcend special interests, without the sense of a shared destiny and goals, a nation starts to weaken as its people see no goods beyond their own groups’ interests and successes. It doesn’t sound all that different from the threat to society perceived by authoritarians described by Haidt. Against that kind of backlash, “it’s worth asking whether the best way to increase tolerance and honor diversity is by focusing on shared civic ideals,” said Pondiscio. Will they listen? Getting schools to focus on Americans’ shared identity won’t be easy. Take the Rust Belt towns that switched parties to elect Trump, becoming one of the biggest election stories. People in these communities tend to see their local schools as a source of local identity; they don’t take well to outside edicts, particularly those that originate in big cities, says Katherine Cramer, a professor at University of Wisconsin-Madison whose research for the past 10 years has involved chatting with rural Midwest residents. “How do you not make it sound like ‘Oh, yet again urbanites are telling us that we are backward and we need to be brought back in line with urban society?’” she said. Trump hasn’t elaborated on his education policies, but he has vowed to get rid of the national academic standards known as “common core.” “Education has to be at a local level,” he says in this campaign spot. “We cannot have the bureaucrats in Washington telling you how to manage your child’s education.” American identities Convincing Trump supporters on the shared-identity question is only half the hurdle. The melting pot image doesn’t have a very good reputation among minorities, many of whom would argue that they were never allowed to fully blend into the US’s bubbling cauldron. They feel just as marginalized and misunderstood as Trump rural voters—and also threatened, now that a candidate who was openly hostile to (or plainly ignorant of) their communities has won the presidency. Americans in these communities want to be acknowledged, and for many of them, that means including their accomplishments in K-12 curriculums. They’re unlikely to back down, as demonstrated by an ongoing textbook fight in Texas. The state’s population is nearly 40% Hispanic, including people whose ancestors, before the American Revolution, settled in what is now Texas. Hispanic activists and scholars have long argued that this experience should be reflected in what Texas children are learning in school. They say that rather than displace American values, ethnic studies are an opportunity to teach all Americans how connected they are through history. “Learning about each other’s diversity is a sign of strength for our nation,” says Celina Moreno, a lawyer at Latino civil rights group MALDEF. MALDEF and other groups involved in the Texas textbook dispute won a small victory in 2015, when the State Board of Education made a call for Mexican-American history textbooks for optional courses. The sole submission, however, contained factual errors and assertions such as the one below: Stereotypically, Mexicans were viewed as lazy compared to European or American workers… Mexican laborers were not reared to put in a full day’s work so vigorously. There was a cultural attitude of “mañana,” or “tomorrow,” when it came to high-gear production. It was also traditional to skip work on Mondays, and drinking on the job could be a problem. Hispanic activists revolted against the book, calling it racist and inaccurate. In a telling sign of the country’s gaping cultural divide, some just didn’t see their point. “It’s really kind of perplexing as to what all the controversy is,” education board member David Bradley told the Texas Tribune. “I am French-Irish, and you don’t see the French or the Irish pounding the table wanting special treatment, do you?” He also indicated in an email obtained through an open records request that board members should skip the meeting to discuss the text to “deny the Hispanics a record vote,” according to the Tribune. He was the only member who didn’t show up to the Nov. 16 meeting. Dozens of Hispanic activists attended. They prevailed: The board rejected the book. But the curriculum remains unchanged, so they’re still losing on that front. Research shows that minorities benefit when they learn about their communities. A paper published by Stanford Center for Education Policy Analysis earlier this year looked at the effects of ethnic studies courses in San Francisco high schools and found that they increased ninth-grade attendance by 21% and GPA by 1.4 grade points. Another one, from the University of Arizona, showed that students who took Mexican-American studies courses were more likely to pass state standardized texts and graduate from high school. (Some academics suggest that white students also benefit from the exposure.) The gains go beyond report cards, says Albert Camarillo, a Stanford University professor credited with helping start the Mexican-American studies field. “It gives people a sense that they too are part of the fabric of the larger society, rather than marginal people on the side of it,” he says. That feeling might go a long way in turning out minorities to the polls. Hispanics and Asians, two of the fastest-growing demographic groups, vote at much lower rates than their white peers. Their failure to fully participate in the political process is as big a risk to representative democracy as an authoritarian insurgency. Learning together In the end, the curriculum may be less important than the overall school experience. As Thurgood Marshall, the country’s first black Supreme Court justice, put it: “Unless our children begin to learn together, there is little hope that our people will ever learn to live together.” He wrote that in a 1974 opinion on a case about school segregation. More than 40 years later, US classrooms are still not integrated. In fact, the share of intensely segregated schools, those that are 90% to 100% nonwhite, has been rising in past decades, according to a May report by the Civil Rights Project at the University of California, Los Angeles. That kind of segregation, says Kahlenberg, of the Century Foundation, “undercuts the message that in a democracy everyone is equal and should have equal voice.” But that’s the message Americans need to figure out how to restore, whether by civics courses or ethnic studies, school integration, or any other methods, if they want to preserve their democracy.

### 1AC – Civic Engagement Advantage

#### Right-wing authoritarianism threatens the lives of millions and emboldens white supremacists – active political engagement is critical to resistance

Creamer, 16 --- partner in Democracy Partners and a Senior Strategist for Americans United for Change (11/9/16, Robert, “What Now For Progressives?” [www.huffingtonpost.com/robert-creamer/what-now-for-progressives\_b\_12881474.html](http://www.huffingtonpost.com/robert-creamer/what-now-for-progressives_b_12881474.html))

First, we can’t sugar coat the magnitude of the disaster. Trump’s election has the potential at least, to be the single most catastrophic event in modern American political history. The implications for our economy, for peace in the world, for the welfare of millions of ordinary people are staggering. That is especially true for the most vulnerable members of our society — for immigrants, for Muslims, for the poor, for all of those who desperately need health insurance, for those who need protection from gun violence — for the victims of sexual harassment and abuse. Trump’s victory will, in fact, do more than allow him to implement policies that inflict harm on millions. It will legitimate the worst instincts of white supremacists, bigots and misogynists. And of course, Trump will control the nuclear launch codes. Second, we must resist the impulse to give up and sink back into “non-political” activity — to close our eyes and cover our ears and hope this nightmare will somehow blow itself out like a hurricane that will pass. I guarantee you that after almost 50 years of progressive battle, that alternative some time sounds attractive to me. And I know there have been reports massive numbers of Americans inquiring about immigration to Canada. But we can’t give up on America. And we can’t give up on politics. Like it our not politics defines our life together. No one can escape climate change. And ask the people of Syria how easy it is to avoid a war. For a lot of activists it may take some time to heal. But we cannot allow the horrific experience of this electoral defeat to defeat us. Third, our first priority must be to organize to defend ordinary Americans from the worst excesses of a Trump presidency and of the organizations that lead the fight to promote progressive values. That means that Progressives cannot turn on each other. There has never been a time in modern American history when it is so clear that if we do not hang together, we will all hang separately. It is not a time for recriminations and circular firing squads. It is not a time to blame Hillary Clinton or her campaign. It is certainly not a time to blame President Obama or his Administration. And it is a time to make certain that the other side is not allowed to pick off vulnerable people or vulnerable organizations. Fourth, more than ever we must stand up straight for progressive values — both because they are right and because they are good politics. Donald Trump did not win because America rejected progressive values or solutions. In fact, of course, a majority of Americans actually voted for Hillary Clinton — they just weren’t spread evenly through critical swing states. We can’t give into the temptation to waffle or soft-pedal our commitments and values. One of the things voters actually liked about Trump is that he seemed to say what he things — which he appeared to be “authentic.” Even though in fact he was offering nothing but resentment and demagoguery. But most importantly, we have to stand up straight for progressive values because they actually address the real underlying cause of the Trump phenomena. That brings us to point number five. We know a lot already about the main underlying cause of last night’s Trump victory, and we must keep it firmly in mind as we plan for the future. The resonance of Trump’s message was rooted in the failure of our economic system to deliver for ordinary Americans over the last thirty years. Remember that over the last three decades America has experienced a 48% increase in gross domestic product per person. That means if it were evenly distributed all Americans should have been 48% better off than they were 30 years ago. <<card continues>>

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<<card continues>> But instead the real incomes of ordinary people were stagnant and all of those gains went to the top 1%. That is the fertile ground where resentment filled, scapegoating messages find resonance. Our strategy going forward needs to forcefully address this underlying issue or it will never succeed. One thing we know. The policies Trump has so far embraced do not do anything to actually address this underlying problem. Progressive policies will. We must place them center stage. Sixth, we cannot allow the other side to frame who is and who is not the “political establishment” that the public rejected last night. You bet we need to change the rules of the game that govern our economy. You bet we need to allow the voices of ordinary people govern the future direction of American policy instead of corporate elites. But leaders who stand up for progressive values are NOT the “establishment” that has been rejected by the voters and we can not allow “everyone in Washington” to be painted with the same brush. Seventh, we must be willing to be bold as we take action to defend our values and the interests of ordinary Americans. Timidity will not be rewarded in a battle with someone like Donald Trump, his Alt-right collaborators — or his more traditional right wing Congressional allies. We will take casualties in the battles ahead. But they must not be casualties that we timidly accept. It is no time to cower. If there are going to be casualties they need to be inflicted in battles we initiate.

#### Public schools are critical to challenge the war on education

Whitaker 17 — The University of North Georgia (Westry Whitaker, “The Dying of the Light: The Cause to Illuminate in this State of Fragile Democracy” in Deconstructing the Education-Industrial Complex in the Digital Age, January 2017, accessed 7/1/2017)//DGV

Giroux (2015) refers to the fact that our democracy is in a “fragile state” (p. 11). Our schools are therefore the first line of defense against tyranny of the mind. Because public schools have been tasked by our founding fathers with providing a common education to public citizens, they must be considered vital pieces of our democracy. Given the reform minded attempt to create a more corporate, commodity driven public school system modeled after Microsoft or Apple, however, perhaps we should consider the public school model envisioned by our founders as un-common. Perhaps, we should re-imagine these public spaces more effectively and more intrinsically align them with that mission to “illuminate as far as possible” the minds of all our people rather than the property owning or more contemporary enculturated elite. By re-imagining this design, we may be reminded that public schools are supposed to be bastions of a common education. As such, they should be well positioned on the front lines of the war for our minds. They should be the first place we turn in order to engage and one day eradicate systemic educational inequality, racism, repression and violence. Following the model provided by our founding fathers, we must recommit to a more constant devotion to maintain, rise up, and fight against those that work to limit our role as public intellectuals. Doing so will empower our teachers to provide our students with the tools that are needed to navigate this ever-complicated world. These are troubled times (Giroux, 2010, 2015). We look into an abyss that stares back at us; we teachers are being dared to react. Speaking toward the death of his father, Dylan Thomas (1952) wrote, “Do not go gentle into that good night”. In terms of the war on education and the newly un-common mission of the public school to illuminate the minds of all people regardless of wealth or circumstance, I ask us to reimagine this poem as a response to our role as public intellectuals: we teachers must, “Rage, rage against the dying of the light”. We must, in other words, resist pedagogies of numbness and re-commit ourselves to the historic, philosophical and political foundation, the focus and the objective of America’s public schools. In an era dominated by a constant barrage of digital information predicated by Trump twitter feeds, so called flat-Earthers, and a war on public education, we teachers must commit ourselves to brightening the darkness. The survival of our democracy depends on it.

### 1AC – Plan

#### Thus, the plan: The United States federal government, including the Department of Education and Department of Justice, should impose, fund and enforce disparate impact regulations on K-12 educational institutions receiving federal financial assistance, including a presumption against a school system's choice to assign students in a way that would lead to racial isolation, when non-isolating steps are available.

### 1AC – Solvency

#### Contention 3 – Solvency

#### Federally enforced regulations are key to desegregation --- government agencies have superior expertise, information gathering, compliance monitoring, and planning

Landsberg, 16 --- Professor Emeritus, Pacific McGeorge School of Law (Brian K., Fall 2016, Duke Journal of Constitutional Law & Public Policy, “LEE V. MACON COUNTY BOARD OF EDUCATION: THE POSSIBILITIES OF FEDERAL ENFORCEMENT OF EQUAL EDUCATIONAL OPPORTUNITY,” 12 Duke J. Const. Law & Pub. Pol'y 1, Lexis-Nexis Academic, JMP) \*\*\*Note – HEW = United States Department of Health, Education and Welfare

V. The Significance of Lee v. Macon County Board of Education A. Stretching Boundaries of Enforcement The story of the statewide expansion of Lee v. Macon County Board of Education took place in a much different era than today's. The Warren Court was a far cry from the Roberts Court, and back then the nation thought of school segregation as a regional problem that needed a federal solution. The segregation in Alabama had been required by law, and Brown v. Board of Education required that it end. George Wallace and Austin Meadows engaged in flagrant interference with desegregation. Lee nonetheless instructs us about the potential for federal enforcement of the right to equal educational opportunity today. Although Lee was a private suit, the government played several important roles that the NAACP Legal Defense Fund lawyers (LDF), acting alone, would have had difficulty performing. In the early stages of the case the government stood as an enforcer, ready to deploy whatever law enforcement assets might be required. In the statewide phase, the government put together a large trial team to discover evidence and used HEW experts to show how state surveys could be used to integrate rather than perpetuate segregation. DOJ monitored compliance and participated in countless hearings regarding individual school systems, and HEW, now DOE, developed desegregation plans where local school systems failed to produce acceptable plans. Although the government and the civil rights groups did not always agree on the remedy, overall the groups were glad to have the government on their side. [\*37] The United States' participation in the case preceded the Civil Rights Act of 1964. The district court and DOJ found a non-statutory basis for this, enlarging the scope of the well accepted custom of government acting as amicus curiae. The Civil Rights Act for the first time gave statutory authority to the Attorney General to bring school desegregation suits, but only upon receiving a complaint from a parent that his or her child was denied equal protection of the laws by a school board. n205 Lee enabled DOJ to expand the scope of its work to avoid the necessity of bringing suits school district by school district. n206 The presence of the United States defeated any possibility that Anthony Lee's graduation from high school in 1964 might call into question the continued justiciability of the case. n207 Lee became the precedent for later DOJ statewide school desegregation cases. n208 Lee also demonstrates how HEW/DOE can provide the courts with expertise needed to resolve public education issues. Not only did the initial decree draw heavily on the guidelines, but the court also relied on HEW. HEW monitored compliance and provided alternative plans for school systems where freedom of choice did not bring about the required level of desegregation. DOJ and HEW were able to work together, despite some differences of opinion. n209 The DOJ lawyers became lawyers not only on behalf of the government as Plaintiff but also on behalf of HEW when its officials were joined as Defendants. In short, Lee stretched the boundaries of the possible. The flexibility of equity allowed the court to do many things: join the United States as an amicus with the rights of a party, join state Defendants who interfered with desegregation, shape a remedy that initially required the State Superintendent of Education to act as an agent of the court, bring in additional parties as needed, ship the cases of individual school systems to other judicial districts, and to retain jurisdiction until the dual school system had been eradicated. In essence, the court's [\*38] enlistment of the Department of Justice enabled it to expand the case from one involving one small rural school system, to all school systems in Alabama, not already under court order. B. Development of Systemic Relief Lee is notable for the expansiveness of the relief. In Title IV of the Civil Rights Act of 1964, Congress for the first time recognized the need for federal enforcement of Brown. George Wallace's predecessor as Governor, John Patterson, had followed a strategy of emphasizing local rather than state responsibility for schools, as a delaying tactic requiring plaintiffs to sue one school district at a time, n210 -and Title IV seemed to envision a similar approach for DOJ suits. <<card continues>>

### 1AC – Solvency

<<card continues>> Lee opened the possibility of suing one state at a time instead of one school district. Though brought as a private suit, Lee likely would not have grown into a statewide suit without the Department of Justice. The private Plaintiffs' attorney, Fred Gray, twice sought statewide relief. In 1964, the Department of Justice did not support that part of Gray's prayer for relief, and it was not granted. In 1966, the court sought the view of the United States. The government poured significant resources into the case, resources that the private Plaintiffs lacked, and it filed a brief strongly supporting statewide relief. The court could rest assured that if it granted the statewide relief, the government would enforce the order. n211 It is also true that Title VI meant that the resources and fund-cutoff powers of HEW could be deployed. Historically, support for racial equality has waxed and waned in each branch. Congress forced Reconstruction on a reluctant President. n212 After the Hayes-Tilden Compromise, the three branches all supported racial segregation, with occasional departures by the courts and the executive. n213 This lasted until the late 1940's, when the [\*39] Court and the President began to chip away at segregation in housing, n214 the armed forces, n215 railroads, n216 and higher education. n217 Congress refused to confront the issue until 1964, when it came into accord with the other two branches. Presidential support for school desegregation fluctuated from the 1970s, depending on which party held the presidency. n218 The court's support for desegregation gradually eroded; today, even voluntary measures to ameliorate racial separation are subject to strict judicial scrutiny. n219 When all three branches agreed on the validity of segregation, practices in the Southern states effectively separated the races. When all three branches supported desegregation, public schools in the South became the least segregated in the country. Today, the Court opposes race conscious efforts to minimize racial isolation; the executive branch mildly supports those efforts; Congress is silent on the subject; no one is vigorously pushing it. In Lee v. Macon County Board of Education, we may trace the gradual growth of understanding of how to desegregate a school system. n220 When the case was first decided in 1963, the Alabama Pupil Placement Law essentially placed on black students the burden of seeking to transfer to a white school. n221 This was replaced by freedom of choice, and finally by the Green v. County School Board requirement that the desegregation plan result in no black schools or white schools, but just schools. n222 In addition to these student assignment developments, came growing recognition of the importance of desegregated faculty, classrooms, transportation, athletic programs, and other extracurricular activities. n223 Then came recognition that [\*40] curriculum should be multicultural, n224 and that student discipline must be fairly applied. n225 These lessons emerged over decades of fleshing out the meaning of Brown v. Board of Education. Brown II had emphasized the need to "desegregate" and to "admit to public schools on a racially non-discriminatory basis," n226 but only gradually did the systemic nature of school segregation become apparent. Indeed, not until 1968 would the Supreme Court refer to disestablishment of the racially "dual school system." n227 Perhaps the most dramatic example of the dual school system was the evidence regarding the state school surveys, which clearly established that every school district in Alabama was operating two school systems, one for each race. The school surveys showed that it was not enough to order admission to schools on a non-racial basis. Because the racial segregation was systemic, the violation could be cured only by systemic relief. C. Desegregation and the Future of Equal Educational Opportunity What does this mean for the future of equal educational opportunity? The state of federal constitutional law seems stuck in an unhelpful place. As a matter of policy, desegregation remains as a key to finally eradicating the effects of the past racial caste system. Equal opportunity, regardless of race, requires equal education. Where racial isolation persists, unequal education usually results. The most reliable path to equal education is desegregation. Although research suggests that desegregation improves the education of African-Americans without degrading the education of other students, n228 the Supreme Court in Parents Involved in Community Schools v. Seattle School District No. 1, has placed significant barriers to elimination of racial [\*41] isolation n229 The executive branch has pushed back, providing a road map for school districts to navigate through the difficult course set by that case, which disapproved most race-based programs for combatting racial isolation in the schools. n230 Civil rights advocates need to develop a multi-pronged strategy. Strategy should be tied to the objective, which is minimizing racial isolation. While the Supreme Court has narrowed the paths to equal educational opportunity, certain paths remain. One path is enforcement of the Fourteenth Amendment. However, the Court has also interpreted the equal protection clause as restricting race-based student assignments in unitary school system. It has carried that notion so far in the Louisville case, that the school system was required to dismantle the system that had been put in place as a remedy for the dual school system. At the statutory level, the Court has construed Title VI as forbidding only deliberate race-based discrimination and not practices that have an adverse racially disparate impact. n231 However, that limitation does not extend to the regulatory level. As in Lee, achieving the objective may require going beyond existing precedent. There are several possible approaches to achieving equal educational opportunity. The most promising approach combines public and private advocacy. 1. Racially neutral approaches While the federal government could provide funding, accompanied by performance standards, to improve schools, that effort thus far has failed to erase racial disparities. n232 School systems could take steps on their own to end isolation of students in poor socio-economic status. Congress could use its spending power to encourage school systems to minimize isolation of students from lower economic strata, but will most likely continue to defer to the other branches. Advocates of eliminating racial isolation could wait for changing housing patterns to bring about desegregation. This could sentence children to racial [\*42] isolation for years to come, because "even if school segregation declines at the same rate as residential segregation from this point forward (by no means a certainty), the resulting progress will be frustratingly slow." n233 2. Race-based approaches; attacks on racial discrimination As Justice Blackmun pointed out in his separate opinion in Regents of the University of California v. Bakke, "In order to get beyond racism, we must first take account of race. There is no other way." n234 School systems could make limited use of race, as outlined by Justice Kennedy's concurrence in Seattle. Whether such efforts would be upheld will depend on a closely divided Supreme Court taking an expansive view of permissible measures. As discussed below, a more promising approach would be for the federal government to apply disparate impact regulations of DOE to student assignment. n235 Just as the Supreme Court in Brown liberated courts from Plessy, the executive branch could liberate the courts to confront school board practices that result in racial isolation. Going a step further, the federal government could apply the disparate impact regulations to challenge a state's maintenance of virtually one-race school districts. n236 It may be possible in some instances to desegregate schools by bringing housing discrimination cases. In the Carter Administration the DOJ Civil Rights Division merged the section responsible for enforcing the fair housing act with the section responsible for school desegregation enforcement, because of the inter-relationship of housing and schools. <<card continues>>

### 1AC – Solvency

<<card continues>> The merged section brought one case that joined housing and education. n237 It may sometimes be possible for plaintiffs to rely on state rather than federal law. The Lawyers Committee for Civil Rights Under Law has recently [\*43] filed a case in North Carolina state court "to challenge the maintenance of three racially identifiable and inequitably resourced school districts in Halifax County, North Carolina," based on the right to education under the state constitution. n238 An adverse decision is on appeal. n239 It is also still possible to litigate under the Fourteenth Amendment where it is possible to prove that racial isolation results from deliberate race-based government decisions. Such showings were made in the past, and it seems likely that deliberate discrimination still explains some racial isolation. These cases require considerable resources to develop the facts, resources that DOJ could deploy again as it did in the past, in Yonkers, Pasadena, South Holland, Illinois, and Indianapolis. n240 Finally, litigants could seek to overturn some or all of the Supreme Court cases that stopped desegregation dead in its tracks. This last option probably depends upon a track record of failure of the other options. Just as Plessy's overthrow depended upon the accretion of case law and the development of facts, so also the holdings in cases like Seattle and Dowell could be eroded over time, concurrent with change in the composition of the Supreme Court. n241 Private litigation in federal court to promote racial desegregation would most likely have to be based on constitutional violations, n242 a resource-intensive strategy that deserves more attention. n243 This paper addresses the role of the federal government, which may rely on federal regulations in addition to enforcing constitutional and statutory bans on race discrimination in public education. [\*44] 3. Role of the federal government In the 1950s and early 1960s, school desegregation confronted hostile state governments and an indifferent Congress. n244 The Department of Justice sued hundreds of racially segregated school districts in the 1960s and 1970s. n245 Since the 1980s DOJ has changed its focus; most, if not all, of its activity regarding racial segregation in public education takes place in pending cases, including Lee v. Macon Cty. Bd. of Educ., rather than in new cases. n246 New desegregation cases ended when President Carter left office over thirty years ago; from President Reagan to President Obama, the work of the Civil Rights Division's Educational Opportunities Section has focused on disability and sex discrimination, race discrimination in student discipline, and occasional segregation issues in pending cases. n247 A speech drafted for the first Associate Attorney General in the Clinton Administration to give to a branch of the NAACP LDF paints the picture: The Administration will continue to revive the Educational Opportunities Section, allowing it to monitor more closely the progress of school desegregation. The Department will pay closer attention to determinations that a school district has achieved unitary status, and in increased coordination with the Office of Civil Rights at the Department of Education, we will aggressively challenge those determinations with which we disagree. School districts will only be able to escape court supervision when they have demonstrated that vestiges of prior discrimination have been eliminated in all critical areas of their schools' operation. n248 Conspicuously absent is any mention of bringing new school desegregation cases. DOJ filed briefs in Seattle and Louisville arguing that the desegregation plans in those cases were unconstitutional quota [\*45] plans, while seeming to anticipate Justice Kennedy's concurring thoughts that strict scrutiny need not be fatal in fact. n249 Today, the challenge may seem greater than it was in the 1960s and 70s: a Supreme Court hostile to race-based remedies, an indifferent Congress, and passive executive. The executive branch under the Obama administration sympathizes with the need for educational equality, including the need to minimize racial isolation. It continues to litigate a few ancient desegregation cases, and it has released guidelines for voluntary desegregation of public schools within the narrow framework of the Seattle and Louisville cases. n250 The NAACP LDF, which created the road to Brown and was at the forefront of implementation of Brown, now lists its educational priorities as: "increase equity in education by increasing graduation rates (K-12 and college) among African-Americans, foster adoption of racially equitable and research-based approaches to school discipline." n251 LDF did release a manual in 2008 explaining how school districts could voluntarily integrate despite the Seattle and Louisville cases. n252 School boards are unlikely to pursue voluntary race-based steps in today's climate; their lawyers will point to the Supreme Court cases and advise that race-based steps are risky. Moreover, history has shown that entrenched privilege finds it difficult to take voluntary steps to widen opportunity. Future steps, whether in litigation or voluntary, must be grounded on facts and legal theory showing government complicity in racial separation in public schools, just as the attack on Plessy was based on facts and legal theory showing the impossibility of running schools that were both separate and equal. These are arguments that civil rights groups could be addressing to all three branches of the federal government. They could push school boards to test the limits of the Seattle decision, looking to Justice Kennedy's concurrence for [\*46] guidance. n253 However, if they want to pursue desegregation, they will need to consider the litigation and fund cut-off options, if all else fails. n254 The DOJ and DOE in the 1960s and 1970s followed a proactive approach, without waiting for parents to complain that their children's school system was unlawfully segregated. After Congress rejected Attorney General authority to bring equal protection cases in 1957 and 1960, DOJ sued segregated school districts receiving federal impact aid based on the number of children who were dependents of federal employees. n255 Although Title IV of the Civil Rights Act of 1964 imposed a complaint prerequisite to DOJ suits, the DOJ of the 1970s relied on state-wide litigation to finesse the need to proceed school district by school district. Similarly, HEW's enforcement of Title VI did not rely on complaints from parents. Moreover, DOJ and HEW collaborated on a joint strategy. Undoubtedly, the priority that these agencies gave to school desegregation came in part from pressure from civil rights organizations. While the politics of race are beyond the scope of this article, it is worth noting that at a recent conference at Duke Law School the former director of the NAACP Legal Defense Fund expressed the opinion that it would be futile to ask DOJ and HEW to pursue a disparate impact test in school desegregation suits, as suggested below. n256 Lee can be looked to as an example of a productive relationship between the private civil rights bar and the federal government, which found avenues of federal action to end segregation statewide, even when there was no precedent for this. This shows that each branch of government can play a role in eliminating the racial caste system and its effects, sometimes acting independently and sometimes in concert with other branches. <<card continues>>

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<<card continues>> It also shows how digging deep into the facts to prove what may seem obvious can concretize a violation in a way that generalities, even if they are obvious, cannot. If racial discrimination explains the persistence of racial isolation it should be possible, though undoubtedly difficult, to prove. n257 [\*47] In the innovative spirit of Lee, the U.S. should consider the suggestion of Kimberly Jenkins Robinson that DOE apply its disparate impact regulations to practices that result in racial isolation in schools. n258 Her suggestion finds support in the opinion of Justice Powell, concurring in part in Keyes v. School District No. 1, Denver, Colorado: n259 I concur in the Court's position that the public school authorities are the responsible agency of the State, and that, if the affirmative duty doctrine is sound constitutional law for Charlotte, it is equally so for Denver. I would not, however, perpetuate the de jure/de facto distinction, nor would I leave to petitioners the initial tortuous effort of identifying "segregative acts" and deducing "segregative intent." I would hold, quite simply, that, where segregated public schools exist within a school district to a substantial degree, there is a prima facie case that the duly constituted public authorities ... are sufficiently responsible to warrant imposing upon them a nationally applicable burden to demonstrate they nevertheless are operating a genuinely integrated school system. While the Court rejected Powell's formulation of school district obligations under the equal protection clause, DOE has room to adopt Powell's formulation under Title VI. The Court has assumed that DOE may impose disparate impact regulations on recipients of federal financial assistance. n260 Where schools are racially isolated, it is always possible to point to school board policies that cause the racial isolation: policies relating to school construction, grade structure, and student assignment. While the Seattle and Louisville cases, fairly read, would prevent DOE from requiring racial balance, they do not prevent DOE from adopting an approach like Justice Powell's: imposing an affirmative obligation on school systems to take steps to avoid racial isolation. Applying disparate impact analysis in light of Justice Powell's suggestion above, DOE could create a presumption against a school system's choice to assign students in a way that would lead to racial [\*48] isolation, where non-isolating steps are available. This choice should be allowed only if the school system can show the educational need for it. Justice Kennedy's concurring opinion in the Seattle and Louisville cases can be read to allow school systems (and, by extension, DOE) to ensure "all people have equal opportunity regardless of their race." n261 The Court endorsed that Kennedy concurring opinion in a fair housing case this past term. n262 Justice Kennedy's majority opinion in that case graphically portrays the stakes: "The FHA must play an important part in avoiding the Kerner Commission's grim prophecy that "our Nation is moving toward two societies, one black, one white - separate and un-equal.'"

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DOJ is critical to advance, monitor and enforce desegregation cases, including those addressing imbalances within schools

Holley-Walker, 12 --- Associate Professor of Law, University of South Carolina School of Law, J.D. from Harvard (Winter 2012, Danielle, Georgia State University Law Review, “A NEW ERA FOR DESEGREGATION,” 28 Ga. St. U.L. Rev. 423, Lexis-Nexis Academic, JMP)

A. The Role of the Federal Government The federal government will likely be the decisive factor in determining whether there is a new era in desegregation cases. n62 One [\*434] of the reasons that desegregation litigation has failed to have a significant impact in recent history is that "over the past forty years, under no administration, Democratic or Republican, has DOJ taken a thoughtful, transparent, comprehensive, and strategic approach to its school desegregation docket." n63 Due to the federal government's role as plaintiff in a large number of the remaining desegregation cases and the historic lack of attention to these cases, if desegregation cases are going to become reinvigorated, the federal government will have to take a leading and strategic role in the process. The history of the federal government's role in desegregation cases is complex and has had more twists and turns than a mystery novel. n64 Mirroring the broader history of desegregation itself, the federal government took almost no steps to initiate school desegregation litigation in the ten years following Brown. n65 Federal involvement in desegregation cases took off after the passage of the Civil Rights Act of 1964, specifically Title IV, which authorized the Attorney General to begin desegregation litigation against states and school districts after receiving a written complaint from private individuals, and Title VI, which prohibited racial discrimination in programs that received federal money. n66 In the 1960s the federal government brought approximately six hundred administrative proceedings and over five hundred lawsuits against school districts and states to force desegregation. n67 President Nixon's administration was the end of these aggressive initiatives and kicked off the next several decades of neglect (sometimes benign, at other times intentional) of the traditional desegregation cases. n68 After the election of President Barack Obama, there have been questions about the approach that the DOJ and other federal agencies [\*435] will play in the continuing struggle to racially integrate America's public schools. n69 The current Civil Rights Division of the DOJ has publicly expressed a commitment to enforcing the traditional desegregation orders in cases in which the United States is a plaintiff. The Civil Rights Division recently stated, "The enforcement of the Equal Protection Clause and Title IV in school districts is a top priority of the Justice Department's Civil Rights Division." n70 An important indication of the DOJ's renewed commitment to desegregation cases is the recent activity in a desegregation case in Walthall County, Mississippi. The Walthall County school system was ordered to desegregate in 1970. n71 In the 1970 desegregation order, the district court enjoined the school district from: [D]iscriminating against any student on the basis of race or color in the operation of the Walthall County School District and failing or refusing to immediately terminate the operation of a dual system of schools based on race and to operate, now and hereafter, a single, non-racial unitary system of public schools. n72 In 2007, the DOJ sought information from the school district about whether the district was in compliance with the 1970 Order. n73 After receiving the school district's responses, the DOJ alleged that the district was in violation of the desegregation order. n74 The DOJ [\*436] asserted that the school district allowed approximately three hundred students a year to complete intra-district transfers. n75 Most of these students were white students who sought to transfer out of their assigned residential zoned school to another school in the district that is predominately white. n76 These transfers allowed one group of schools to become "racially identifiable" white schools, while the student enrollment in other schools became predominately black. n77 The DOJ also alleged that the school district administrators clustered "disproportionate numbers of white students into designated classrooms" at three schools, creating "segregated, all-black classrooms at each grade level." n78 The school district declined to file a response to the DOJ's allegations, and the district court entered a finding that the evidence supported the DOJ's allegations. n79 <<card continues>>

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<<card continues>> The district court concluded that the school district was in violation of the 1970 Order and ordered the school district to deny all requests for intra-district transfers, except in limited circumstances. n80 The district court further ordered the school district to "cease using race in the assignment of students to classrooms in a manner that results in the racial segregation of students." n81 A further indication of the DOJ's seeming renewal of its commitment to the desegregation docket is the ongoing monitoring provisions the DOJ sought in the Walthall County case. Upon the DOJ's request, the district court ordered the school district to annually report the numbers of intra-district transfers and the racial demographics in classrooms. n82 This signaled the DOJ's intention to [\*437] closely oversee the school district's efforts to comply with the most recent court order. The DOJ cited the threat of resegregation as its primary reason for reactivating the Walthall County, Mississippi, desegregation case: "More than 55 years after Brown v. Board of Education, it is unacceptable for school districts to act in a way that encourages or tolerates the resegregation of public schools." n83 Of course, the renewed activity of the DOJ and private plaintiffs to enforce desegregation orders may also spur school districts to actively attempt to close the pending cases. As noted by Wendy Parker, many school districts are aware they are still under a desegregation order, but many districts do not actively seek to have the cases terminated. n84

Enforcing desegregation in public education will serve as a bridge to link ongoing racial disparities with historic racial discrimination

Holley-Walker, 12 --- Associate Professor of Law, University of South Carolina School of Law, J.D. from Harvard (Winter 2012, Danielle, Georgia State University Law Review, “A NEW ERA FOR DESEGREGATION,” 28 Ga. St. U.L. Rev. 423, Lexis-Nexis Academic, JMP)

Why does the racial achievement gap continue to exist in American public schools? Experts often cite several factors, including poverty, lack of parental involvement, and cultural factors. n212 One factor that is sometimes overlooked is the impact of historic racial discrimination and ongoing racial discrimination in our schools. As Wendy Parker has noted, one stubborn area of ongoing racial disparity is in school faculty composition. n213 Parker notes that in the 157 school districts she studied, racially "[m]atching the teaching staffs to the student body was a hallmark pattern of both de jure and de facto segregated schools . . . ." n214 Parker argues that where de facto segregation has become "acceptable both constitutionally and educationally, . . . integration of both students and teachers is a necessary first step to achieving equal opportunity; without it, the distribution of resources will be unequal." n215 The plaintiffs in the Tangipahoa Parish litigation saw teacher segregation as a lingering effect of prior de jure segregation, and they strongly argued that the desegregation plan should include the protection and promotion of African-American teachers. n216 [\*460] Another ongoing area of racially disparate treatment is in the assignment of students to special education classes and in the imposition of disciplinary actions. n217 There have also been instances of racially discriminatory treatment in extracurricular activities. In one Mississippi school, there was a policy of excluding African-American students from running for leadership positions in the student government. n218 In school districts that are still under a desegregation order, these cases provide an opportunity to meaningfully challenge ongoing instances of racial discrimination, such as teacher segregation, disproportionate student discipline, and inequality in school resources. This is especially important when other methods for private plaintiffs to challenge racial discrimination in education, such as aspects of Title VI of the Civil Rights Act of 1964, have been limited. n219 Traditional desegregation cases also provide a crucial opportunity to link ongoing racial disparities with historic racial discrimination. As demonstrated in Walthall County, Mississippi, there are also instances of racially biased student assignment. n220 There is a continuous narrative that can be told about the history of the school system that provides a structural explanation for racial inequality. For example, in the Pulaski County litigation discussed above, the plaintiff has used its Motion to Enforce to recount the racially discriminatory history of both housing and schools and to [\*461] demonstrate the way these past policies continue to impact the school district. n221 2. <<card continues>>

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<<card continues>> Employing Race-Conscious Remedies The education reform efforts such as accountability, school choice, and school finance reform do not ignore race, but if they address race they rely primarily on race-neutral remedies. n222 If we want to improve educational opportunities for minority students, race-conscious efforts are important where they are available. n223 For example, in Connecticut, plaintiffs realized that school finance efforts alone would not be enough to improve opportunity for minority students in urban areas. n224 Many scholars have raised doubts about whether race-conscious efforts to racially integrate schools are important to the overall goal of greater educational opportunity and improved student outcomes. n225 Racial isolation sends a strong message to minority students that there is ongoing racial hierarchy and racial subordination. n226 Racial isolation can also reinforce racial stigma. As Professor Michelle Adams argues in a recent article, the topic of school desegregation is central to the broader dialogue about the value of racial integration. n227 Professor Adams argues that the goal of racial integration is under attack. n228 For some conservatives, such as Chief Justice Roberts, promoting racial equality in K-12 schools [\*462] means preventing reverse racial discrimination. n229 For many progressives and African Americans, the issue of race and schools is tied to the question of black identity and black achievement. n230 These observers challenge the assertion that quality schools are equivalent to racially integrated schools and argue that we should begin to focus on creating high-quality schools regardless of their racial makeup. n231 Professor Adams then argues that there is a need to embrace "radical integration" as a "forward-looking, aspirational view of equality." n232 It is difficult to think of many examples where racial integration is being advocated for in this manner. Traditional desegregation cases provide an opportunity for plaintiffs to make these types of aspirational arguments for racial equality and to see court orders that both acknowledge the history of racial discrimination and provide a blueprint and resources for racially integrated education in the twenty-first century. In the Walthall County desegregation case, the federal government argued for a vision of equality that includes integrated schools and classrooms. n233 Professor Adams also advocates for the radical integration approach as a way to "highlight[] the deep interdependence between segregation and the maintenance of white supremacy. Within this paradigm, racial segregation is understood as a multifaceted and self-sustaining generator of inequality." n234 We see this theory at work in the Little Rock desegregation case. In the school district's Motion to Enforce the 1989 Settlement Agreement, the school district recounted [\*463] the recent history of both residential and inter-district school segregation in Pulaski County. n235 The school district is able to focus on the importance of ending racial isolation, not for the goal of diversity, but instead to address structural inequality. Furthermore, there has not been significant empirical evidence that racially and socioeconomically isolated schools are able to provide high-quality education for students in those schools. n236 Although desegregation decrees remain in only a small number of school districts, plaintiffs may use these cases as an opportunity to highlight racial isolation and the importance of racial integration as a value. 3. Litigation as a Dialogic Tool Why is litigation a useful method for public debate on whether racial integration is an important value in our public schools? Litigation provides a unique opportunity to have a public dialogue on the issue of racial integration. Litigation also provides an opportunity to marshal and debate empirical evidence on the role of race in public education. PICS is an example of litigation providing an opportunity for a broad public dialogue on race in public schools. The party briefs and amicus briefs provided ample empirical evidence about whether avoiding racial isolation may be a compelling government reason for employing race-conscious remedies. n237 In the Supreme Court opinion, the Justices engage in a debate about the meaning and legacy of Brown. n238 This became a key point of disagreement for the Justices in PICS. n239 For Chief Justice [\*464] Roberts, the desegregation cases, beginning with Brown, represent the importance of colorblindness: n240 Before Brown, schoolchildren were told where they could and could not go to school based on the color of their skin. . . . 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. n241 Justice Stevens wrote a separate dissent focusing on the legacy of Brown. Justice Stevens argued that Chief Justice Roberts' interpretation of Brown was devoid of context and history: There is a cruel irony in THE CHIEF JUSTICE's reliance on our decision in Brown . . . . THE CHIEF JUSTICE fails to note that it was only black schoolchildren who were so ordered [that they could not go to school with white children]; indeed, the history books do not tell stories of white children struggling to attend black schools . . . . THE CHIEF JUSTICE rejects the conclusion that the racial classifications at issue here should be viewed differently than others, because they do not impose burdens on one race alone and do not stigmatize or exclude. n242<<card continues>>

### 1AC – Solvency

<<card continues>> The remaining desegregation cases and their outcome will provide an important opportunity to recapture the legacy of Brown and to engage in a public discourse about the continuing racial inequality in our public schools. [\*465] There are also significant limits to litigation, and many of these challenges have been demonstrated in the history of the desegregation cases. Traditional school desegregation cases occupy a special place in the history of American litigation. n243 Scholars have identified desegregation cases as the paradigmatic example of structural reform litigation and public law litigation. According to Professor Owen Fiss: Adjudication is the social process that enables judges to give meaning to public values. Structural reform . . . is one type of adjudication, distinguished by the constitutional character of the public values and, even more important, by the fact that it involves an encounter between the judiciary and the state bureaucracies. The judge tries to give meaning to our constitutional values in the operation of these organizations . . . . As a genre of constitutional litigation, structural reform has its roots in the Warren Court era of the 1950s and 1960s and the extraordinary effort to translate the rule of Brown v. Board of Education into practice. n244 As structural reform litigation, the school desegregation cases led the way for other types of lawsuits to reform social institutions, such as prisons, mental health facilities, housing authorities, and police departments. n245 The role of desegregation cases as a paradigm of structural reform litigation means that the legacy of these cases has broader implications. n246 Is the desegregation docket in the federal district courts seen as a failure? Some have argued that the litigation strategy [\*466] failed. n247 Others have argued that court-supervised desegregation was successful for a short time from the late 1960s to mid-1970s and then began to suffer a series of setbacks that have led to the current climate of resegregation. n248 A new era of desegregation may redefine the landscape of structural reform litigation by demonstrating the resilience of this form of adjudication. These cases lay dormant for decades, but because of the process of adjudication, specifically the remedy of the injunction, the cases remain a powerful tool for social transformation and racial justice. The school desegregation cases were a blueprint for many of the other major structural reform litigation movements, including prison reform and reform of mental health institutions. IV. CONCLUSION The final chapter of the desegregation cases is now being written. This final chapter is an important moment for both education reform and racial justice. The remaining desegregation cases are a means to help address the lingering effects of past discrimination and to refocus our education reform on equality as a core value.

## Desegregation Advantage

### Segregation is Increasing

#### Acceleration in racial segregation in public education in America is due to school’s development based on social class

Daives 16, Jordie Davies is a doctoral student at the University of Chicago, studying American Politics and Political Theory. Her research interests include black politics, social movements, and political participation. She is interested in the ways the new and partisan media environment enables or obscures marginalized voices in public discourse, “A NEW WAVE OF SCHOOL INTEGRATION,” Feburary 16, 2016, <https://tcf.org/assets/downloads/ANewWave_Potter.pdf>

Part of the reason for this surge in racial segregation is that American communities are increasingly stratified by social class. Research from TCF fellow Paul Jargowsky finds that while the percentage of American neighborhoods suffering from concentrated poverty dropped throughout the 1990s, this trend has reversed, having steadily risen since 2000.9 As a result, America’s public schools have also become more economically stratified. A 2014 study found that economic segregation between school districts rose roughly 20 percent from 1990 to 2010, while segregation between schools within a district also grew roughly 10 percent.10 Increasing socioeconomic and racial stratification of schools is also a result of changing education policies. As busing-based integration efforts largely ended in the early 1980s and courts began to severely limit districts’ ability to use racial and ethnic identifiers to achieve demographic balance, most communities gradually returned to so-called neighborhood schools that tether school attendance zones to real estate. Today, many higher income families who have purchased highproperty-value homes in certain districts feel as if their The Century Foundation | tcf.org 4 child deserves to attend the school that they shopped for through the housing market, regardless of the implications for children whose families cannot access those spaces Socioeconomic and racial segregation have become related and often overlapping phenomena—a trend that the Civil Rights Project calls “double segregation.”11 Schools with mostly black and Latino students also tend to be overwhelmingly low-income.12 At the kindergarten level, for example, a majority of black and Latino students attend schools with more than 75 percent non-white classmates and high average poverty rates. However, most white kindergartners, even those from poor families, attend schools with mostly middle-class, white classmates.13 We see related patterns in housing: poor black and Hispanic families are more likely than poor white families to live in neighborhoods with the most extreme poverty.14 This stark segregation has profound negative implications for student outcomes. A large body of research going back five decades finds that students perform better academically in racially and socioeconomically integrated schools than in segregated ones. Students in integrated schools have been shown to have stronger test scores and increased college attendance rates compared to similar peers in more segregated schools.15 In the words of one 2010 review of fifty-nine rigorous studies on the relationship between a school’s socioeconomic and racial makeup and student outcomes in math, the social science evidence on the academic benefits of diverse schools is “consistent and unambiguous.”16 Furthermore, research shows that students in racially diverse schools have improved critical thinking skills and reduced prejudice, and they are more likely to live in integrated neighborhoods and hold jobs in integrated workplaces later in life. Students in racially segregated, highpoverty schools, however, face lower average academic desegregation . . . not because there was a benefit associated with being in classrooms with white students per se, but because white students, on average, came from more economically and educationally advantaged backgrounds.”21

### Segregation is Increasing

#### Segregation in schools has accelerated – segregation nationwide has increased by 16% in the last 15 years

Resmovits 16, Joy Resmovits is an editor and reporter who covers [education](http://www.latimes.com/local/education/) for the Los Angeles Times. Before that, she spent four years as the Huffington Post’s education reporter. In 2014-15, she was a Columbia University Spencer Fellow. Her writing previously appeared in the Wall Street Journal, the Forward and the New York Daily News. She serves on the board of trustees for the Columbia Daily Spectator and the Education Writers Assn.’s journalist advisory board, “62 years after Brown vs. Board of Education ruling, U.S. schools are becoming more segregated,” May 17, 2016, <http://www.latimes.com/local/education/la-na-school-segregation-20160516-snap-story.html>

Sixty two years after the Supreme Court ruled that America's schools must be integrated, campuses across the country are becoming increasingly segregated by race and income. A report released Tuesday by the Government Accountability Office shows that the number of schools segregated along racial and financial lines more than doubled over a 13-year period ending in the 2013-14 school year. In the 2000-01 school year, 7,009 public schools were both poor and racially segregated. That number climbed to 15,089 by 2013-14 — meaning that 16% of the nation's schools had become segregated. The report also found that 61% of schools with high concentrations of poor students were racially segregated, meaning their enrollment was at least three-quarters black or Latino. Latino students, the report found, were often “triple segregated” — isolated by race, income and language. Students in segregated schools had less access to college classes, were disproportionately held back in ninth grade, and faced higher discipline rates than the average public school student, the report shows. Less than half of segregated schools offered Advanced Placement classes. The GAO conclusions were based [on federal data](http://www2.ed.gov/about/offices/list/ocr/data.html). Rep. Bobby Scott (D-Va.), ranking member of the 15House Committee on Education and the Workforce, requested the report in 2014. He released the findings Tuesday, the 62nd anniversary of the Supreme Court's 1954 landmark decision in the Brown vs. Board of Education case. Along with the release of the report, Scott and other House Democrats are introducing legislation they say will “empower parents and communities to address — through robust enforcement — racial inequities in public education,” according to a fact sheet from his office. The Equity and Inclusion Enforcement Act would restore parents’ rights to sue segregated school districts using claims of disparate impact under Title VI of the Civil Rights Act of 1964. The bill would create “Title VI monitors”," who would investigate devoted to investigating discrimination complaints under the law, and an assistant secretary of education to oversee them. U.S. Secretary of Education [John B. King Jr.](http://www.latimes.com/nation/la-na-john-king-20160320-story.html) has prioritized the issue, recently [telling](http://www.ewa.org/blog-educated-reporter/education-secretary-john-king-talks-integration-diversity-ewa-national) a gathering of education journalists in Boston that there was a “new urgency” around issues of race and class in school. “The new GAO study confirms what we all suspected — schools are more segregated now than in 2000,” Nancy Zirkin, executive vice president of the Leadership Conference on Civil and Human Rights, said in a statement. To combat the problem, the GAO recommended that the U.S. Department of Education step up its efforts to monitor the disparities between schools. The Department of Justice, the report recommended, could “track key information on open federal school desegregation cases to which it is a party to better inform monitoring.” There are currently 178 open desegregation cases based on court orders from 30 or 40 years ago intended to integrate schools. In a response to the report, Catherine Lhamon, the Education Department’s assistant secretary for civil rights, wrote that King was trying to promote integration through grant programs. “We are committed to using every tool at our disposal to ensure that all students have access to an excellent education,” she wrote. President Obama’s latest budget includes a $120-million proposal that encourages socioeconomic diversity. In response, the [Justice Department](http://www.latimes.com/topic/crime-law-justice/u.s.-department-of-justice-ORGOV0000160-topic.html) said the GAO has an “erroneous” understanding of its role in the desegregation cases, and that the department already monitors each case. “Segregation ... [is] getting worse, and getting worse quickly, with more than 20 million students of color now attending racially and socioeconomically isolated public schools,” Scott said in a statement. “This report is a national call to action, and I intend to ensure Congress is part of the solution."

### Closing Achievement Gap Solves Poverty

#### Lessened achievement gaps lower poverty and class distinction outside – schools are key

Johnson 16 - Associate Professor at the Goldman School of Public Policy at the University of California-Berkeley, Faculty Research Fellow at the National Bureau of Economic Research, Faculty Research Fellow at the W.E.B. Du Bois Institute at Harvard University, Research Affiliate at the National Poverty Center at the University of Michigan, Research Affiliate at the Institute for Poverty Research at the University of Wisconsin, holds a Ph.D. in Economics from the University of Michigan (Rucker C., 2016, “Can Schools Level the Intergenerational Playing Field? Lessons from Equal Educational Opportunity Policies”, <https://www.stlouisfed.org/~/media/Files/PDFs/Community-Development/EconMobilityPapers/EconMobility_Book_508.pdf?la=en>, MW)

The key contributions of this study are three-fold. First, the paper provides a more detailed descriptive portrait of intergenerational economic mobility in the United States. Second, the paper attempts to explain why black-white mobility differences narrowed significantly for successive cohorts born between 1955 and 1979, with a focus on the role of three major equal educational opportunity policies pursued over this period: school desegregation, school finance reforms, and roll-out and expansions of Head Start, improving the understanding of the intergenerational mobility process in the United States and illuminating the central role schools play in the transmission of economic success from one generation to the next. Third, the paper emphasizes differences in early education and school quality—in particular, Head Start and school spending—as important components of the persistence in income across generations. Indeed, schools—and policies that influence their optimal functioning— are transformative agents that either provide or deprive children of the opportunity to reach their full potential. These equal educational opportunity policies were instrumental in the making of a growing black middle class. The evidence shows that the footprints of paths toward upward mobility are preceded by access to high quality schools beginning in early childhood through 12th grade. These school reforms expanded on-ramps to poor and minority children to get on that path. Evidence on the long-term productivity of education spending demonstrates that equal education policy initiatives can play a pivotal role in reducing the intergenerational transmission of poverty.

### K-12 Education Key to Solve Racism

#### Changing K-12 education is critical – it’s the primary institutions that instill and create mindsets

Wells et al 16 – Amy Wells: PHD in Education at Columbia, Lauren: PHD in sociology and education, Diana: PHD candidate in Education at Columbia

(Amy, Lauren Fox, Diana Cordova-cobo, 2/9/16, “How Racially Diverse Schools and Classrooms Can Benefit All Students”, <https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/>, MW)

In this report, we review the research and reasons why, in the field of education in particular, policy makers should listen to the growing demand for more diverse public schools. Drawing on the research from both higher education and K–12 education, we demonstrate that there are important educational benefits to learning in environments with peers who grew up on the other side of the racial divide in this country. Indeed, in recent years, most of this research on the “educational benefits of diversity” has been conducted in colleges and universities and then put forth as powerful evidence to support affirmative action in higher education. This year, as the U.S. Supreme Court considers affirmative action once again in the Fisher v. University of Texas4 case (Fisher II), it is an important moment to consider how those arguments translate into the K–12 educational context. In fact, researchers, policy makers, and educators in K–12 were, once upon a time, much more focused on the problem of racial segregation than they have been in recent decades. This shift in focus is due in large part, we argue, to the changing policy context in elementary and secondary education over the last several decades—away from school desegregation policy and toward a focus on outcomes and accountability in racially, ethnically, and socioeconomically segregated settings. In fact, the emphasis in K–12 education on narrow student achievement measures has moved the entire field away from examining cultural issues related to race, ethnicity, and the social and emotional development of children.5 Given the demographic and attitudinal changes discussed above, now is the time to refocus the K–12 agenda on issues of racial, ethnic, and socioeconomic integration and the educational benefits that accrue from students learning from each other in diverse schools and classrooms. We use the term racial “integration” and not “desegregation” to convey that we mean something more than merely moving students to balance racial enrollments. When we discuss the research evidence on the educational benefits of diversity, we are talking about a more meaningful form of racial and ethnic integration, leading to greater mutual respect, understanding, and empathy across racial lines.6 This report provides an overview of the forces within the K–12 educational system—demographic, educational, and political—that could help move our public school system into the twenty-first century on issues of racial/ethnic diversity and the educational benefits of teaching and learning in diverse schools and classrooms. While we do not deny the many factors working against the creation and sustainability of more diverse schools and classrooms, we believe that K–12 researchers, policy makers, and parents should pay more attention to the arguments put forth in higher education court cases regarding the educational benefits to all students. Furthermore, we argue that there already exists a body of research in K–12 education that similarly supports an argument in favor of the educational benefits of diversity, but that unlike the higher education research, it has been largely ignored in recent years. In light of recent events of racial profiling, police shootings, campus unrest, and the rise of a movement that sadly seeks to remind us of the self-evident fact that “Black Lives Matter,” such interracial respect, understanding, and empathy is what we should all strive for in our increasingly diverse society. There is no institution better suited to touch the lives of millions of members of the next generation than our public schools. This report will give voice to the millions who can envision this future for K–12 education and help us get there.

### Racism Outweighs

#### Inaction is complicity – refusal to reject racism is a form of cognitive bias meant to defer transformation of the current social order

Parker 14. Robin Parker is the Executive Director of the Beyond Diversity Resource Center and is a coauthor of the books, The Great White Elephant (2007), and The Anti-Racist Cookbook (2005), “Decoding Modern Racial Discourse A System Justification Theory Approach,” <http://s554342444.onlinehome.us/wp-content/uploads/2014/11/decoding.modern.racial.discourse.pdf>, CMR

Fortunately, my research revealed an answer in system justification theory. The theory holds that “people are motivated to justify and rationalize the way things are, so that existing social, economic, and political arrangements tend to be perceived as fair and legitimate” even if they are not (Jost, Banaji, & Nosek, 2004; Jost & Hunyady, 2002). The need to keep things as they are is strongly linked to several psychological motivations, including the fear of mortality (such as a terrorism threat), the need to preserve predictability and structure in one’s life, the desire to have a shared world view with others, and the avoidance of having to think of new solutions to societal problems (Hennes, Nam, Stern, & Jost, 2012). System justification theory is powerful because it explains not only that the preservation of the status quo is an impetus for people’s actions, but that the preference for the status quo may be a more salient motive for action than self-interest, domination, or out-group prejudice. In other words, white people may say, “Racism isn’t a problem in our society,” not because they have a conscious, personal dislike for black people, or are unable to understand the contemporary struggles with racism black people endure. Instead, the theory posits that the dismissive remark arises from a strong psychological need to maintain the current social order even when doing so is contrary to cogent evidence or espoused values of fairness. To say that people are not necessarily acting out of conscious malice does not mean they are acting altruistically, however. It means that people may act primarily out of a need to preserve the status quo and its existing hierarchies—unjust hierarchies in the case of racism and other forms of oppression—and will rationalize their actions to preserve their own sense of being good, morally-minded people who belong to a fair and inclusive society. Thus, claiming that racism is not a societal problem is not really an insightful expression about the state of race in America, but an automatic expression of the need to feel settled with oneself and the society at large while also finding a way to discount or dismiss unsettling evidence to the contrary. This rationalization process is supported by a set of ideologies, that is, belief systems, world views, and cognitive tools (social scripts, metaphors, and methods of ego defense) people use to fashion their judgments. Because people are immersed in ideology, it drops into the background and its effects on thinking and action are usually unconscious and invisible. Nevertheless, ideologies inexorably mediate what people perceive as just or unjust, good or bad, or normal or aberrant. They also control social memory, so that people operate to “forget” the past and see the world like a blank slate or a level playing field. In turn, other people’s circumstances can be seen as simply their own fault (Balkin, 1998). 1 It is not one, but a collection of ideologies that support system justification. Those belief systems, derived from a list produced by Jost and Hunyady (2005), are summarized below: [TABLE OMITTED] It occurs to me that these ideologies not only explain people’s negative reactions toward anti-racism teaching, but also give a new way of understanding people’s action, inaction, and expressive language around issues of race. If the interlocking belief systems mediate what people say and do, then these system-justifying ideologies offer a way of translating action and language that is bound up in otherwise invisible forces. Keep the ideologies of power distance and meritocracism in mind, for example, and the metaphor of “not seeing color” is transformed into a deceptive and self-deceptive act meant to keep inequality intact. The apparent physical and logical contradictions resolve, and one is left with language that is congruent with actions. The seemingly innocuous bromides of modern racial discourse take on the flavor of old-style racist antipathy. The result is distasteful, but one that seems honest. Below I have crafted tables that set out a few of the often-repeated statements that I have heard in our racial discourse. Accompanying each statement is an enumeration of the system-justifying ideologies that seem to be at work. Using those ideologies, I have decoded each statement to make the ideology apparent and to reveal the statement’s new translation. Finally, because the original statements show themselves to be complex devices to keep the current social, political, and cultural state of affairs in place, I have developed one or more descriptive shorthands for each device. [TABLE OMITTED] The undecoded statements in the tables above can be viewed as “microagresssions,” that is, “brief, everyday exchanges that send denigrating messages to people of color” (Sue et al., 2007). What I have devised here, however, has a greater emphasis on why people eschew the problem of race through their language. If system- justifying ideologies are the answer, what emerges are tools that allow us to grasp underlying motivations and to decode what people mean—all of which is based not on mere opinion, but on sociological research and understanding. 2 The decoded statements are not free of ideology, but interpretations in which the previously hidden system-justifying ideologies are made visible. Balkin (1998, p. 274) puts the matter succinctly: Tools of understanding (ideology) cannot be discarded at will....Even when we attempt to be unbiased or to engage in critical self-inquiry, we are not really discarding our tools of understanding; rather we are using some of them to think about the adequacy of others or about themselves. Hence, the process properly can be described as examining a statement coded with system-justifying ideologies and translating that statement to one coded with anti- oppression ideologies.3 Although I have used system-justifying ideologies to decode current statements about race, those ideologies are also useful in understanding historical statements and actions. They help explain, for example, how the Constitution of the United States could contain a Preamble that sought to “secure the Blessing of Liberty” to the people, yet expressly allow for slavery; how the country could embrace the idea of expanding into “new” lands for public and personal prosperity, yet take those lands away from the Native Americans and Mexicans who lived there and mistreat Chinese immigrants who helped the nation build an expanded infrastructure; how the country could take arms against tyrants during World War II, yet simultaneously imprison people of Japanese descent because of ethnic bigotry. <<card continues>>

### Racism Outweighs

<<card continues>> The ideologies of social dominance, equality opposition, authoritarianism, and conservatism explain how a society demanding liberty can be “comfortable” with the oppression of others: people root themselves in the compelling and usually submerged beliefs (1) that they can do no better, (2) that their actions are justified and benevolent because they secure prosperity for the the majority, and (3) that, in the end, “other, different people” are a threat and get what they deserve. In our modern racial discourse, such strident beliefs are not usually expressed overtly through language. System-justify ideologies, like all ideologies, afford people an easy opportunity to leave their belief systems unexamined and unarticulated. If system- justifying ideologies are both “invisible and silent” yet as compelling as research indicates, we have good reason to change how we approach race and racism in the United States. For example, if we are immersed in the system-justifying ideologies, then we must think of the higher rates of poverty, unemployment, and incarceration suffered by people of color not as abstract statistics, but as indicators that our society is actively mistreating many of its inhabitants. We must eschew the idea that not talking about race or promoting colorblindness helps make our nation a better place for everyone. Our silence is not benign, but keeps unjust hierarchies in place. Our colorblind discourse reinforces those hierarchies while masquerading as a vehicle for social cohesion. In brief, our understanding of system-justifying ideologies will attach responsibility where it was absent or its implications were dismissed. That is the point: to offer a critique of what people say and the actions they take (or do not take) so the speakers can live up to their claimed values of fairness. Although it is important to hold people accountable and to urge change, how we evaluate individual blameworthiness is a matter worthy of circumspection. The rhetoric of race in our society is bound up in what Zerubavel (2006) calls “conspiracies of silence,” in which people mostly agree to ignore racism. But more, they engage in an Orwellian “doublethink:” they agree to ignore racism, and then become unconscious about the act of ignoring. As in the tale of The Emperor’s New Clothes , people know they should not talk about the emperor’s nudity, but that “undiscussability” is itself “undiscussable” (Morrison & Milliken, 2000). Such denial is always partial—people know and don’t know—and even when they can no longer turn a blind eye to the facts, they often deny the implications of those facts or their importance (Cohen, 2001). 4 With this in mind, how much malevolence we should ascribe to an individual’s use of system-justifying ideologies and the resulting denial of the importance of racism is not easily answered. As Cohen (2001, p. 50) states, “The ability to deny is an amazing human phenomenon, largely unexplained and often inexplicable, a product of the sheer complexity of our emotional, linguistic, moral and intellectual lives.” For people who, like me, are interested in teaching about racism in the pursuit of its elimination, I believe that approaching individuals with a sense of compassion is the best strategy, and the awareness of system-justifying ideologies allows me to have compassion for others and for myself. For example, as I recall many conversations relating to race, I am now certain that much of my irritation comes from the contradictions between what I hear from others and what I observe around me. Engage me in a casual conversation in an airport about how “open and fair” America is—while at that same airport mostly people of color are performing the low-paying jobs (serving fast food, pushing passengers in wheelchairs, etc.)—and I am no longer perplexed about the divergence between what has been said and what seems to me is plainly observable. Although at first blush it might seem like a small matter, by grasping the system-justifying ideologies at work, my need to understand the intrinsic moral issues at hand and why others ignore or avoid them is fulfilled. That understanding is an act of self-compassion that allows me to think about racial issues without bewilderment or self-deception. It also allows me not to feel trapped by feelings of anger, exasperation, or sadness. In turn, system-justifying ideologies give me a way to ask others to view their language and actions in a new way. I might say, for example, that emphasizing American fairness without also talking about its inequities is a “red-white-and-blueism” worthy of closer examination. We can talk about an alternative way of looking at our racial discourse that reflects the full experiences of persons of color. With system- justifying ideologies as a background and compassion as a guide, I can then ask others to be accountable for racism in a way that was not previously possible. I can do this while also remembering that to demonize people immersed in system-justifying ideologies—although they inflict suffering on others—will not foster a society free of mistrust, bitterness, anger, and oppression.

### Racism Outweighs

#### Each step to challenge racism matters – failure to confront it makes all violence inevitable

Barndt, 7- educator, trainer and organizer in the field of racial justice (Joseph, Understanding & Dismantling Racism: the twenty-first century challenge to white America, p.219-220)

To study racism is to study walls. In every chapter of this book, we have looked at barriers and fences, restraints and limitations, ghettos and prisons, bars and curtains. We have examined a prison of racism that confines us all—people of color and white people alike. Victimizers as well as victims are in shackles. The walls of the prison forcibly separate communities of color and white communities from each other, as well as divide communities of color from each other. In our separate prisons we are all shut off from each other. The constraints imposed on people of color by subservience, powerlessness, and poverty are inhuman and unjust; but the effects of uncontrolled power, privilege, and greed that are the marks of our white prison inevitably destroy white people as well. To dismantle racism is to tear down walls. The walls of racism can be dismantled. We are not condemned to an inexorable fate, but are offered the vision and the possibility of freedom. Brick by brick, stone by stone, the prison of individual, institutional, and cultural racism can be destroyed. It is an organizing task that can be accomplished. You and I are urgently called to join the efforts of those who know it is time to tear down, once and for all the walls of racism. The walls of racism must be dismantled. Facing up to these realities offers new possibilities, but refusing to face them threatens yet greater dangers. The results of centuries of national and worldwide colonial conquest and racial domination, of military buildups and violent aggression, of over-consumption and environmental destruction may be reaching a point of no return. The moment of self-destruction seems to be drawing ever more near, nationally and globally. A small and predominantly white minority of the global population derives its power and privilege from the sufferings of the vast majority of peoples of color. For the sake of the world and ourselves, we dare not allow it to continue. Dismantling racism also means building something new it means building an antiracist society. The bricks that were used to build the walls of the prison must now be used for a better purpose. Just as we must tear down the wall brick by brick, so also we must build new structures of power and justice. Although we still need many more reminders that we cannot build a multiracial and multicultural society without tearing down the walls of racism, this negative reminder must be turned around and stated in reverse: we cannot tear down the walls without building new antiracist structures of power in our institutions and communities. Transforming and building anti-racist institutions is the path to a racism-free society.

## Civic Engagement Advantage

### Civic Education Low Now

Civic education is declining now – prevents a vibrant representative democracy

Burgess 16 - manages the Program on American Citizenship at the American Enterprise Institute

(Rebecca, 4/10/16, “Disgusted with Trump vs. Clinton? Blame America's civic education”, <http://thehill.com/blogs/pundits-blog/education/299261-disgusted-with-trump-v-clinton-blame-americas-civic-education>, MW)

Three-quarters of American adults are unable to name all three branches of American government. About a third can’t even come up with the name of a single branch. That means that more Americans are probably familiar with the “Y U NO”, “Futurama Fry”, and “The Most Interesting Man in the World” internet memes (the “three most popular memes of all time”) than they are with the who, what, when, why, and how of the laws that form the parameters of their life. Valerie Strauss of The Washington Post recently cited the first of the above numbers from Annenberg Public Policy Center’s latest annual national survey, released around September 17 for Constitution Day. Strauss’s article is just the latest entry in a tiny genre noting the decline of basic civic knowledge among American adults and children — and the real world consequences of such ignorance. Strauss does civic education a service in highlighting the issue, and contrasting it with the support and attention given STEM (Science, Technology, Engineering & Math) education by policymakers, education mavens, and the business community. But it’s not only that people don’t understand the history of the U.S. government and its functions, or that they can’t name them. By every standard cultural and policy marker, both formal and informal, they are being told that this type of learning and intellectual engagement is worthless — not deserving of resources or time or seriousness. Last year, Julie Silverbrook — executive director of The Constitutional Sources Project — discovered that even as the civic education community has tried to form “robust coalitions and campaigns” to respond to the crisis, their already pitiful funding has dried to a virtual non-existence. Civic education is basically privately-funded. But the entire funding for the community between the years 2011-2013 was between $33 million and $41 million, according to data provided by the Foundation Center. Among the hundred shining stars in the STEM-education funding constellation, Intel Foundation alone gives approximately $45 million in annual grants to STEM program. The president’s 2015 fiscal year budget proposal included over $170 million to improve teaching and learning in STEM subjects. As goes the way of federal funding and priorities, so apparently goes private funding. And yet, in trying to draw attention to even just this part of the puzzle, Silverbrook could only interest The Washington Times in publishing an article about the subject. This is not to make a bugaboo about STEM education. But one consequence of having no funding weight to throw around is that school districts apparently see little benefit in investing in their civic education (social studies) teachers and programs. I manage AEI’s Program on American Citizenship. Our 2014 report on civic education professional development found that social studies teachers typically have to use vacation time to attend even half-day professional development programs. In addition, they often have to cover the cost of the program themselves because the school won’t, and the offering organization isn’t able to cover the operating cost of such a program. By contrast, teachers in other fields are even rewarded for attending their respective professional development programs — or at least, are not effectively punished for doing so. While this makes being a civic educator a laudable example of true civic behavior, there’s also a great deal of evidence that civic educators are uniquely in need of further development and instruction in their subject area. In 2010, the Program on American Citizenship worked with researchers Steve Farkas and Ann Duffett to uncover the state of civic education according to civic educators themselves. Working with data collected from over 1,000 randomly selected high school social studies teachers, they found that while 83 percent of teachers believe that the United States is a “unique country that stands for something special in the world,” and that 82 percent think it’s important for students to “respect and appreciate their country but know its shortcomings,” a majority considers teaching key facts, dates, and major events related to citizenship their lowest priority. A mere 38 percent indicated that “the key principles of American government” was or ought to be a civic teacher’s top priority to impart to students. However shocking, that also should come as no surprise. As the seasoned observers of our teacher-training schools know only too well, for over half a century education theorists have decried any attempt to impart knowledge to students as a joyless and misguided exercise in rote learning. And, since it’s so easy for kids these days to find all the information they need on the Internet, why teach such boring stuff in school? Consequently, civics teachers might be the one teacher constituency in favor of some type of required testing. Seventy percent of civics teachers indicated that social studies classes are a low priority in schools because of pressure to show progress on statewide math and language arts tests. Ninety-three percent say “social studies should be part of every state’s set of standards and testing.” As Strauss rightly argues in her article, we are feeling the lack of a civic education in our present national discourse that this current election cycle has only exacerbated. Civics education and learning is indeed important. Fundamental even to the continued life and vibrancy of a representative democracy. But who has ever wanted to teach what evidently no one thinks is important to know?

### Integration Solves

#### Integration develops responsible individuals for the national and global communities

Wells et al 16 – Amy Wells: PHD in Education at Columbia, Lauren: PHD in sociology and education, Diana: PHD candidate in Education at Columbia

(Amy, Lauren Fox, Diana Cordova-cobo, 2/9/16, “How Racially Diverse Schools and Classrooms Can Benefit All Students”, https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/, MW)

Better Preparation for Employment in the Global Economy Throughout the recent briefs in the Fisher II case, and building on an already rich body of social science evidence amassed for this and prior affirmative action cases, university officials and business leaders argue that diverse college campuses and classrooms prepare students for life, work, and leadership in a more global economy by fostering leaders who are creative, collaborative, and able to navigate deftly in dynamic, multicultural environments.29 A brief filed by nearly half of the Fortune 100 companies, including Apple, Johnson & Johnson, and Starbucks, argued that to succeed in a global economy, they must hire highly trained employees of all races, religions, cultures, and economic backgrounds. They noted that it is also critical that “all of their university-trained employees” enter the workforce with experience in sharing ideas, experiences, viewpoints, and approaches with diverse groups of people. In fact, such cross-cultural skills are a “business and economic imperative,” given that they must operate in national and global economies that are increasingly diverse. A workforce trained in a diverse environment is critical to their business success. Such college graduates, companies argue, provide more creative approaches to problem-solving by integrating different perspectives and moving beyond linear, conventional thinking. Employees are: better equipped to understand a wider variety of consumer needs, including needs specific to particular groups, and thus to develop products and services that appeal to a variety of consumers and to market those offerings in appealing ways; they are better able to work productively with business partners, employees, and clients in the United States and around the world; and they are likely to generate a more positive work environment by decreasing incidents of discrimination and stereotyping.30 Diverse educational environments also enhance students’ leadership skills, among other skills that are helpful when working in racially, ethnically, and culturally diverse workplaces. A longitudinal study found that the more often first-year college students are exposed to diverse educational settings, the greater their “gains in leadership skills, psychological well-being, intellectual engagement, and intercultural effectiveness.”31 Indeed, the APA brief argues, in addition to obvious academic pursuits, colleges and universities also prepare students to be effective economic and political leaders on local, national, and global levels. “Effective leadership begins with prejudice reduction.”32

### Integration Solves

#### Education has shifted from democratic ideals to promoting private skills in the status quo – integrated schools solve

Kahlenberg and Janey 16 – Kahlenberg is a senior fellow at The Century Foundation with expertise in education, civil rights, and equal opportunity and Janey is a senior research scholar at Boston University’s School of Education.

(Richard and Clifford, 11/10/16, “Putting Democracy Back into Public Education”, <https://tcf.org/content/report/putting-democracy-back-public-education/>, MW)

Reduced National Commitment to School Integration The U.S. Supreme Court’s landmark 1954 decision Brown v. Board of Education held that separate schools for black and white are inherently unequal; and subsequent research also suggested that separate schools for rich and poor are a recipe for inequality.34 The Brown decision explicitly underlined “the importance of education to our democratic society,” noting that schooling “is the very foundation of good citizenship.” Integrated schools underline the democratic message of equality, while segregated schools can teach the opposite: that some citizens are more deserving than others. But education reformers have often walked away from the democratic lessons of Brown. Intimidated by the political challenges to racial and socioeconomic integration, they argue that we should instead devote our efforts to improving high-poverty schools as best we can.35 Indeed, some charter schools boast of the fact that they are segregated and have “the highest octane mix of poor and minority kids,” notes the American Enterprise Institute’s Frederick Hess, “even though just about every observer thinks that” integrated schools are “good for kids, communities, and the country.”36 The Market-Based Rather than Democracy-Based Model of Charter Schools The evolution of the charter school phenomenon nicely illustrates the education reform community’s shift away from a focus on democracy toward an emphasis on market-based policy. Democracy was at the center of the early concept of charter schools that American Federation of Teachers president Albert Shanker outlined in a 1988 speech to the National Press Club and subsequent writings. Shanker saw charters as a vehicle for workplace democracy—where rank and file teachers could suggest ideas on how schools could be run better. He also believed charters offered the opportunity for socioeconomic, racial, and ethic integration of students, drawing upon the example of a school he visited in Cologne Germany that educated Turkish immigrant students alongside native Germans. These laboratory schools would then share lessons with traditional public schools.37 But as the charter school movement grew, the idea shifted markedly from a democratic vision of teacher empowerment, school integration, and collaboration to one that suggested “charter schools are a vehicle for infusing competition and market forces into public education,” in the words of one leading charter advocate.38 Charter schools became seen as a way to bypass elected teacher union leaders; they purposefully located in segregated neighborhoods; and they were pushed as a way to whip traditional public schools into shape. A 2013 review of charter school laws found that providing competition was the most widely cited purpose of charter school legislation.39 Across a variety of policy areas, then, the education reform community helped to radically shift the focus of public education. Being career and college ready became much more important than training students to become citizens. It seemed safe to focus on producing skilled workers for a market economy because America’s highly successful experiment in self-governance appeared stable and firmly ensconced.

### A2: Alternative Causes for Trump Rise

#### Schools were a primary factor that drove Trump’s rise --- teaching democratic values in integrated schools allows minorities to have a voice

Kahlenberg & Janey, 16 (Richard D. Kahlenberg — senior fellow at The Century Foundation and Clifford Janey — senior research scholar at the Boston University School of Education, former superintendent of schools in Newark, New Jersey; Washington, D.C.; and Rochester, New York., "Civics Education Failed to Instill Democratic Values in Students", Atlantic, 11-10-2016, Accessed 6-29-2017, [https://www.theatlantic.com/education/archive/2016/11/is-trumps-victory-the-jump-start-civics-education-needed/507293/)//DGV](https://www.theatlantic.com/education/archive/2016/11/is-trumps-victory-the-jump-start-civics-education-needed/507293/%29//DGV)

The 2016 campaign produced the unthinkable: the election of a presidential candidate whom members of his own party described as a classic authoritarian. How is it possible that tens of millions of Americans supported a presidential candidate who consistently rejected basic constitutional principles that previously had been accepted across the political spectrum? Donald Trump won despite trampling on cherished American ideals, including freedom of religion (proposing a ban on Muslim immigrants), freedom of the press (calling for opening up libel laws to go after critics), the rule of law (endorsing the murder of the families of terrorists), and the independence of the judiciary (questioning the bias of a judge based on ethnicity). What set Donald Trump apart, wrote the University of Texas historian Jeffrey Tulis to The New York Times, is that “no other previous major party presidential candidate has felt so unconstrained by … constitutional norms.” A former top aide to President George W. Bush wrote that in the Republican nominee, “we have reached the culmination of the founders’ fears: Democracy is producing a genuine threat to the American form of self-government.” In the coming months and years, analysts will seek to discern all the contributing factors to the rise of an authoritarian American president—including legitimate concerns about the effects of economic globalization and the culture in Washington, and illiberal concerns about the country’s changing demographics and the role of women in society. But among the most important culprits is the American education system. Public schools are failing at what the nation’s founders saw as education’s most basic purpose: preparing young people to be reflective citizens who would value liberty and democracy and resist the appeals of demagogues. In that sense, the Trump phenomenon should be a Sputnik moment for civics education. Just as Soviet technological advances triggered investment in science education in the 1950s, the 2016 election should spur renewed emphasis on the need for schools to instill in children an appreciation for civic values and not just a skill set for private employment. As we outline in a new report for The Century Foundation, entitled “Putting Democracy Back into Public Education,” the Founders were deeply concerned with finding ways to ensure that their new democracy, which through the franchise provided ultimate sovereignty to the collective views of average citizens, not fall prey to demagogues. The problem of the demagogue, the Founders believed, was endemic to democracy, and they saw education as the safeguard of America’s system of self-governance. The Founders wanted voters to be educated so they could discern serious leaders of high character from con men who do not have the nation’s interests at heart. Beyond that, public education in the United States was also meant to instill a love of liberal democracy: a respect for the separation of powers, for a free press and free religious exercise, and for the rights of political minorities. Educating common people was the answer to the oligarchs who said the average citizen could not be trusted to choose leaders wisely. The founder of American public schooling, the 19th-century Massachusetts educator Horace Mann, saw public education as the bedrock of the country’s democracy. He wrote: “A republican form of government, without intelligence in the people, must be, on a vast scale, what a mad-house, without superintendent or keepers, would be on a small one.” Teachers, the Supreme Court Justice Felix Frankfurter wrote, should be regarded “as the priests of our democracy.” Yet in recent years, democracy has been given short shrift in American public schooling in two important respects: the curriculum that is explicitly taught to students does not place democratic values at the center, and the “hidden” curriculum of what students observe on a daily basis no longer reinforces the importance of democracy. The failure of schools to model democracy for students is critical, as the Rochester teachers’ union leader Adam Urbanski has noted, because “You cannot teach what you do not model.” <<card continues>>

### A2: Alternative Causes for Trump Rise

<<card continues>> The explicit civics curriculum has been downplayed in recent years. With the rise of economic globalization, educators have emphasized the importance of serving the needs of the private marketplace rather than of preparing citizens for American democracy. On one level, this approach made some sense: As the country celebrated two centuries of continuous democratic rule, the paramount threat seemed to be economic competition from abroad, not threats to democracy at home. So the bipartisan education manta has been that education should prepare students to be “college-and-career ready,” with no mention of becoming thoughtful democratic citizens. In a telling sign, in 2013, the governing board of the National Assessment for Educational Progress dropped fourth- and 12th-grade civics and American history as a tested subject in order to save money. Likewise, in recent years, promoting democratic values in the school environment itself by respecting the voices of parents and teachers alike—a sort of "implicit curriculum"—has not been a priority. Indeed, many education reformers took their cue from the scholars John Chubb and Terry Moe, whose 1990 book, Politics, Markets and America’s Schools, argued that “direct democratic control” over public education appears to be “incompatible with effective schooling.” Reformers didn’t like the influence teachers’ unions exercised in democratic elections, so they advocated for market-driven reforms that would reduce the influence of elected officials such as non-unionized charter schools, as well as for state takeovers of urban districts. But the costs of neglecting democratic values in education are now glaringly apparent on several levels. Civics literacy levels are dismal. In a recent survey, more than two-thirds of Americans could not name all three branches of the federal government. Education Secretary John King said only a third of Americans could identify Joe Biden as the vice president or name a single Supreme Court justice. Far worse, declining proportions say that free elections are important in a democratic society. When asked in the World Values Survey in 2011 whether democracy is a good or bad way to run a country, about 17 percent said bad or very bad, up from about 9 percent in the mid-1990s. Among those ages 16 to 24, about a quarter said democracy was bad or very bad, an increase from about 16 percent from a decade and a half earlier. Some 26 percent of millennials said it is “unimportant” that in a democracy people should “choose their leaders in free elections.” Among U.S. citizens of all ages, the proportion who said it would be “fairly good” or “very good” for the “army to rule,” has risen from one in 16 in 1995, to one in six today. Likewise, a June 2016 survey by the Public Religion Research Institute and the Brookings Institution found that a majority of Americans showed authoritarian (as opposed to autonomous) leanings. Moreover, fully 49 percent of Americans agreed that “because things have gotten so far off track in this country, we need a leader who is willing to break some rules if that’s what it takes to set things right.” And in 2016, the United States elected as president an individual whom the Brookings Institution Scholar Robert Kagan called “the most dangerous threat to U.S. democracy since the Civil War.” Moving forward, schools need to put democracy back into education. Rigorous courses in history, literature, and civics would cultivate knowledge of democratic practices and a belief in democratic values. As a 2003 report out of the Albert Shanker Institute noted, the classes should tell America’s stories—warts and all—and include the ways in which groups have used democratic means to improve the country. The Institute suggests the curriculum should include an honest historical account of the brutal suppression of African Americans and other minorities, women, workers, and gays, but also the movements to abolish slavery, gain women’s suffrage, establish labor laws, and civil-rights legislation. “From these … accounts,” the Shanker Institute noted, “students will recognize the genius of democracy: When people are free to dissent, to criticize, to protest and publish, to join together in common cause, to hold their elected officials accountable, democracy’s magnificent capacity for self-correction is manifest.” In addition, children should be taught what it is like to live in nondemocratic countries in order to appreciate what they might otherwise take for granted. But that is not enough. In addition to teaching democratic values directly, what if educators and policymakers thought more carefully about addressing what is taught to students implicitly through how they choose to run schools? Are parents and community members a part of decision-making or are they shut out by state takeovers and billionaire philanthropists call the shots? Are teachers involved in determining how schools are run, or are they bossed around by autocratic principals? Do students have access to economically and racially integrated schools where they are treated equally or are they segregated into separate and unequal schools or tracks within schools? As the superintendent of schools in Rochester, New York; Washington, D.C.; and Newark, New Jersey, one of us (Janey), showed how local districts can include parents, teachers, and community members in decision-making in a way that is very visible to students. Rochester, for example, developed a peer-assistance and -review program, providing teachers a role in helping colleagues improve their craft and, in some cases, a voice in terminating the employment of those not cut out for the profession. Washington created a “D.C. Compact,” which provided community members with input on a variety of matters, including standards and curriculum. Newark created a high-performing teacher-led school that modeled workplace democracy for students and produced great achievement gains. <<card continues>>

### A2: Alternative Causes for Trump Rise

<<card continues>> At the local level, a growing number of school districts (including Rochester) are also promoting democratic values through socioeconomic and racial school integration of student bodies at the school and classroom levels. Integrated learning environments underline the democratic message that in America, everyone is equal. By contrast, when American schoolchildren are educated in what are effectively apartheid schools—divided by race and class—the democratic message of equal political rights and heritage is severely undermined. Likewise, demagogues can more effectively inflame passions against “others”—Muslims, Mexican immigrants, or African Americans—when, growing up, white Christian schoolchildren do not personally know many members of these groups. A large body of research finds that integrated schools can reduce prejudice and racism that stems from ignorance and lack of personal contact. As Thurgood Marshall noted in one case, “Unless our children begin to learn together, there is little hope that our people will ever learn to live together.” Providing an excellent, integrated education also promotes democracy by improving educational attainment, which increases political participation. Controlling for family socioeconomic status and academic achievement, a 2013 longitudinal study found that students attending socioeconomically integrated schools are as much as 70 percent more likely to graduate high school and enroll in a four-year college than those attending high-poverty schools. In turn, 2012 Census data show that about 72 percent of adults with a bachelor’s degree or more voted, compared with around 32 percent of those with less than a high-school education. Indeed, failing to provide a strong education to low-income and minority students can be seen, as the Harvard political philosopher Danielle Allen notes, as a form of voter suppression. In 2016, democracy succumbed to the dilemma of the demagogue in what the Washington Post’s Fred Hiatt called “the most frightening election of my lifetime.” To ensure that authoritarianism has no further purchase on our society, shouldn’t America invest more heavily in civics education, improving both the curriculum we teach students, and the democratic practices within schooling that young people observe? Democratic values are not inborn; they have to be taught anew each generation. All nations, the late historian Paul Gagnon noted, provide an excellent education to “those who are expected to run the country” and the quality of that education “cannot be far [from] what everyone in a democracy needs to know.”

## Solvency

### Federal Action Key

One-shot policies won’t produce lasting change --- federal equal protection is superior --- has an inherently larger enforcement capacity to ensure continued implementation

Black, 10 --- Associate Professor of Law and Director, Education Rights Center, Howard University School of Law (March 2010, Derek, William and Mary Law Review, “UNLOCKING THE POWER OF STATE CONSTITUTIONS WITH EQUAL PROTECTION: THE FIRST STEP TOWARD EDUCATION AS A FEDERALLY PROTECTED RIGHT,” 51 Wm. & Mary L. Rev. 1343, Lexis-Nexis Academic, JMP)

For these same reasons, federal equal protection has the capacity to produce some results that have escaped litigation in state courts. Not only does the federal government inherently have larger enforcement capacity, its involvement could resolve the problems that have stymied some state litigation, such as separation of powers tensions between state courts and state legislatures n24 or judicial elections that cause state courts to reverse or retreat from earlier decisions. n25 Most important, there are troubling signs that [\*1351] state courts may be reaching their exhaustion point and need assistance.

School finance, adequacy, and inequity cannot be resolved in a single case or year. Equity and adequacy in one year does not ensure the same the following year. Lasting success requires yearly evaluations and continued commitment as legislatures pass new budgets and schools develop different needs. The inherent nature of litigation, both state and federal, is to resolve a finite issue and terminate. Neither litigants nor courts are designed to be perpetual monitors. n26 Yet state constitutional cases have asked this of courts. The most successful of all has been in New Jersey, which for thirty-six years has continually forced the state to meet students' needs. n27 However, this past year, for the first time, the Supreme Court of New Jersey held that the state has fulfilled its constitutional obligation, signaling that the court may withdraw from its vigilant monitoring of the state. n28 Some state courts withdrew well before New Jersey, n29 but if other currently engaged courts follow, students might see the hard fought gains of past court rulings slip away. State educational agencies are beholden to state legislatures and will be powerless to check those that might seek to shirk their duty. In short, the federal government would stand alone in its capacity, not only to monitor equity and adequacy across time, but also in its power to force states to act accordingly. This Article provides a viable strategy to make this federal enforcement possible.

### Funding Key

Funding is key to effective enforcement of the plan – Trump will otherwise cut funding to the DOE’s Office of Civil Rights

Kreighbaum, 17– Andrew, “Not Looking for Patterns” Inside Higher Ed, 6/16, <https://www.insidehighered.com/news/2017/06/16/education-department-suggests-less-expansive-approach-ocr-investigations>

“In OCR, processing times have skyrocketed in recent years, and the case backlog has exploded. Justice delayed is justice denied, and justice for many complainants has been denied for too long,” she said in an email. “These internal enforcement instructions seek to clear out the backlog while giving every complaint the individualized and thorough consideration it deserves. There is no longer an artificial requirement to collect several years' of data when many complaints can be adequately addressed much more efficiently and quickly. These new instructions also direct that all civil rights violations be given equal care and importance, and every type of civil right to be enforced with equal vigor and vigilance.” Broader Context of Policy Although Jackson’s letter laid out instructions to OCR staff and not institutions, it’s the second time since DeVos came on at the department that it has apparently changed course on civil rights, to the consternation of advocates. Citing ongoing legal challenges, DeVos in February withdrew 2016 guidelines from the Obama administration involving how universities and school districts should handle discrimination against transgender students. DeVos also received criticism from LGBT advocates when she suggested in a Senate budget hearing this month that there is unsettled law on civil rights enforcement in those areas. And civil rights groups and Democratic lawmakers have criticized a 40-position staffing cut to the Office for Civil Rights in the Department of Education’s proposed 2018 budget. Lhamon wrote to the office’s regional directors that OCR’s core mission is “to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation’s schools.” But advocates said the memo sets up a false dichotomy between making remedies to systemic problems and reaching timely resolution of individual complaints. Brodsky said the best answer to large case backlogs and wait times isn’t a change in approach to investigations. “The answer is full funding for OCR,” Brodsky said. “It can’t do its job when it’s short staffed.”

#### Increasing resources to enforce disparate impact is key

Parker, 7 --- Program Coordinator of the Center for Human Rights and Humanitarian Law at American University Washington College of Law in Washington, DC (Spring 2007, Amelia, Human Rights Brief, “Racial Disparities in U.S. Public Education and International Human Rights Standards: Holding the U.S. Accountable to CERD,” 14 Hum. Rts. Br. 27, Lexis-Nexis Academic, JMP)

To escape the Supreme Court's narrow interpretation of racial discrimination and high burden of proof, advocates also brought claims of discrimination under Title VI of the 1964 Civil Rights Act. Yet recent court decisions have limited the ability of individuals to pursue a private right of action under the Act. In 2001, a federal court decision in Alexander v. Sandoval held that the claimant had no private right of action against discriminatory state-mandated driving tests. One year later in Gonzaga v. Doe (2002), the U.S. Supreme Court held that there is no private right of action to enforce the 1974 Privacy Act. Pursuant to the decision, the Act in question must explicitly state that Congress intended to create new individual rights under the legislation in order to bring a private suit under the 1964 Civil Rights Act. The Court's decision in Sandoval severely limits the scope of federal remedies available to victims of discrimination in the U.S. Although individuals may file discrimination claims with federal civil rights offices charged with enforcing Title VI, a lack of staffing and resources has caused many offices to be ineffective in addressing such claims.

### A2: Housing Segregation

#### Plan ensures racial integration despite segregated housing – school integration overwhelms

Mickelson, 10 – Dr. Roslyn Arlin Mickelson is a professor of sociology and public policy at the University of North Carolina Charlotte (March 2010, "Effects of School Racial Composition on K–12 Mathematics Outcomes Review of Educational Research," 2010 North Carolina Law Review Association, http://www.lexisnexis.com.proxy.lib.umich.edu/hottopics/lnacademic/ BN)

Conclusion Racially integrated schools are not the silver bullet that will address all sources of racial and SES gaps in mathematics outcomes. The gaps are products of complex interrelated dynamics arising from individual agency, family resources, and community forces that interact with the structures of opportunity to learn mathematics present in a given school. n238 Nevertheless, this Article's findings are useful in several ways for addressing the gaps. First, the findings provide an empirical warrant for educators, policy makers, and parents voluntarily seeking to promote integrated schools and to create diverse mathematics classrooms in them. n239 Policy choices matter. An integrated educational system is not a phenomenon, like the weather, that is largely beyond the reach of conscious human efforts to create. School leaders make policy choices - highly conscious policy choices - when they draw district boundaries and school attendance zones. School district boundaries and school attendance zones have historically been mechanisms for translating residential demographic patterns into the racial and SES composition of schools. n240 Attendance boundaries can duplicate or challenge the homogeneous demographic composition of many residential neighborhoods. Justice Kennedy's concurrence in Parents Involved, suggesting various strategies to avoid racially isolated schools and to create diverse ones, recognizes that school district leaders can make various choices in pupil assignment with distinct consequences for the racial and socioeconomic composition of the schools they lead. n241 Next, in light of Justice Kennedy's identification of several possible strategies that could be used to foster diversity and avoid [\*1049] racial isolation, n242 a number of school districts may voluntarily take steps to promote racial diversity in their schools. Doing so is likely to trigger litigation that could revisit the question of whether racially integrated K-12 schools are a compelling state interest and if specific plans are narrowly tailored. To the extent that the corpus of social science research on mathematics outcomes and integrated schooling is brought to bear on the question of compelling interests through expert testimony or amicus briefs, the findings in this Article will contribute to the answer.

#### Residential desegregation empirically doesn’t reduce school segregation

Orfield, Kucsera & Siegel-Hawley ’12- Distinguished Research Professor of Education, Law, Political Science and Urban Planning at the University of California, Los Angeles, co-founder and director of the Harvard Civil Rights Project, and now serves as co-director of the Civil Rights Project/Proyecto Derechos Civiles at UCLA// Senior Resea    rch Associate for the Civil Rights Project at UCLA// research affiliate for the Civil Rights Project (Gary, John, Genevieve, The Civil Rights Project, “E PLURIBUS… SEPARATION DEEPENING DOUBLE SEGREGATION FOR MORE STUDENTS,” September 2012, pg. 1, [https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield\_epluribus\_revised\_omplete\_2012.pdf)//PS](https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield_epluribus_revised_omplete_2012.pdf%29/PS)

This analysis shows that school segregation is very high for Latino and black students, and that racially isolated schools continue to overlap with schools of concentrated poverty. Racial and economic isolation has increased most dramatically for Latino students, as they have become our largest and most poorly educated minority population.1 And although African Americans have become less intensely segregated residentially than in the past,2there has been no significant corresponding decline in their school segregation. Sadly, we are steadily undoing the great triumph of the Brown decision and the subsequent civil rights revolution that spurred very significant desegregation of black students in the South. We are on the road away from Brown and accepting the return of school segregation, assuming again that we can make it work even though it has never been done on a significant scale.3

### A2: Alternate Causes

#### Racial desegregation is a prerequisite to addressing any other issue

Jamie Gullen, 2012, J.D. 2012, University of Pennsylvania Law School; M.S.Ed 2009, Pace University; B.S. 2007, Cornell University, “COLORBLIND EDUCATION REFORM: HOW RACE-NEUTRAL POLICIES PERPETUATE SEGREGATION AND WHY VOLUNTARY INTEGRATION SHOULD BE PUT BACK ON THE REFORM AGENDA”, Journal of Law & Social Change, <http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1115&context=jlasc>

While the renewed energy and focus currently being dedicated to education reform is heartening in that it acknowledges how fundamental education is to a functioning democratic society, the race-neutral approach to education reform is problematic. We live in a country that, despite its wealth, is home to great economic and racial disparities that heavily influence whether individuals are able to access opportunities and maintain an adequate standard of living. Couching education reform as a national movement to increase our competitiveness on a global scale ignores what should be education’s primary aim: to provide a basic civil right to our children. Race-neutral policies ignore education’s potential to break the cycle of poverty and provide real opportunity to children of color. Race-neutral policies ignore the failures of our society to meet the most basic needs of our poorest children of color, such as food and housing. Race-neutral policies ignore the power of education to inspire children to develop into socially conscious citizens who can advocate for their own rights and the rights of others in their communities. The focus of the education reform movement on improving racially segregated highpoverty schools is important in many respects. The success stories have challenged the conventional attitude that growing up in poverty means that children cannot achieve academically, and that students of color are somehow innately inferior to white students. The reform movement has also provided real results to thousands of children who may have otherwise been denied the opportunity to graduate from high school and enroll in college. In regions where housing segregation is so entrenched that there are no neighboring communities with people of different races, integration may not be a viable possibility. In such areas, improving the quality of segregated schools (both traditional district schools and charter schools) must be a top priority. In areas where integration can be more easily implemented, however, the education reform movement must consider taking on integration as an additional strategy necessary for closing the achievement gap. The benefits of integration for students of all races and socioeconomic backgrounds are clear, and communities deserve to have choices that offer them such benefits. In implementing integration strategies, it is essential to ensure that true integration occurs — not just in districts and schools, but also in classrooms. To reap the benefits of an integrated environment, schools must provide teachers and staff with the curricular tools, professional development, and support needed to create classrooms where all students are held to high expectations, and where teachers and students respect and learn from each other’s cultural differences.

### A2: Alternate Causes

Desegregation can’t address all equity concerns but it is the best way to equalize education

Orfield & Frankenberg, 14 --- \*professor of education, law, political science and urban planning at the UCLA Graduate School of Education and Information Studies, AND \*\*assistant professor in the department of education policy studies in the College of Education at the Pennsylvania State University (5/15/14, Gary Orfield and Erica Frankenberg with Jongyeon Ee and John Kuscera, “Brown at 60: Great Progress, a Long Retreat and an Uncertain Future,” https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf, accessed on 6/15/17, JMP)

Conclusion Desegregation is not a panacea, and it is simply not feasible in some situations. Within diverse schools, there can be classroom segregation and unequal treatment, so those issues must be addressed by teachers and administrators. There are many consequential impacts of family and community poverty that can be addressed only by social and economic policy and by civil rights changes in housing and other areas. There are, of course, important things other than desegregation, such as building high quality preschools and developing policies to assign and hold highly qualified and experienced teachers in segregated schools. Nothing in this study is meant to disparage those efforts. They are needed whether or not desegregation is possible. Where it is possible, however-- and it still is possible in many areas-- desegregation properly implemented can make a very real contribution to equalizing educational opportunities and preparing young Americans for the extremely diverse society in which they will live and work and govern together. It is the only major tool our society has for this goal. It is good to celebrate Brown by revisiting historic sites and remembering the many struggles that led to the decision and the changes in the South. It was a major accomplishment of which we should rightfully be proud. But a real celebration should also involve thinking seriously about why the country has turned away from the goal of Brown and accepted deepening polarization and inequality in our schools. It is time to stop celebrating a version of history that ignores our last quarter century of retreat and to begin make new history by finding ways to apply the vision of Brown in a transformed, multiracial society in another century.

### A2: White Flight

#### No long term impact to white flight

Zahler, 99- (Joanna, “Lesson in Humanity: Diversity as a Compelling State Interest in Public Education,” Boston Law Review, p. 1028-1030, July 1999, [http://www.lexisnexis.com.proxy.lib.umich.edu/hottopics/lnacademic/)//funk](http://www.lexisnexis.com.proxy.lib.umich.edu/hottopics/lnacademic/%29//funk)

2. Criticism of School Desegregation Opponents of school desegregation have questioned the value of desegregation, contending it has increased the rate of "white flight" from urban school districts and undermined efforts to improve the quality of education in predominantly African-American schools. n259 Christine Rossell, a professor of political science at Boston University, asserts that desegregation often leads to white flight. n260 Virtually all research on school desegregation and white flight indicates that school [\*1029] desegregation significantly accelerates white flight in most school districts in the year of implementation if the desegregation plan involves mandatory school reassignments. n261 Rossell and Hawley found that the busing of whites to formerly African-American schools accelerated white flight more than "one-way busing," and white flight was greater in districts with more than thirty-five percent minority students. n262 Yet research concerning long-term annual changes in white enrollment found no long-term negative effect in most districts; that is, short-term implementation losses of white students appeared to be compensated for by less than normal post-implementation losses of white students. n263 Rossell and Hawley further recognize that there are a number of initiatives that could be taken by government to reduce the exodus of white and middle-class students from public schools. n264 Rossell recognizes that the term "white flight" has been used most recently and erroneously to describe the decline in central-city white public school enrollment and that desegregation does not always or inevitably lead to long-term changes in the racial composition of communities. n265 Most research demonstrates that "white flight" is largely unrelated to school desegregation; the trend of white migration from cities to suburbs began in the 1940s, well before the implementation of school desegregation. n266 In addition, studies reveal that the declining percentage of whites in city school districts is the product of declining white birth rates and white out-migration attributable primarily to increasing crime rates and fears related to an increasing percentage of minority residents. n267 Gary Orfield states that one of the biggest problems with "white flight" evidence currently being used in courts is that [\*1030] most evidence is drawn from experience with the type of desegregation plans, such as pure mandatory reassignment plans, that have not been ordered for fifteen years. n268 In contrast, recent plans tend to provide new educational options, and choice is a major component. n269

### A2: White Flight

#### No private school white flight

Gary Orfield, Distinguished Research Professor of Education, Law, Political Science and Urban Planning at the University of California, Los Angeles., “SCHOOLS MORE SEPARATE: CONSEQUENCES OF A DECADE OF RESEGREGATION”, July 2001, <http://la.utexas.edu/users/hcleaver/330T/330TPEEOrfieldSchoolsMoreSeparate.pdf>

Also contrary to popular belief, there has been no significant growth in the percent of U.S. students in private schools since the desegregation era began --in fact, the proportion is lower than a half century ago. If desegregation produced gains for private schools, a return to segregated neighborhood schools would logically produce a decline in private education. That has not happened even while desegregation has been reduced or eliminated in many areas, and the nation’s schools have become more segregated. In 1960, before any significant desegregation, 19.2% of kindergarten students, 14.9% of elementary students and 10.1% of high school students were in private schools. 21 In 1998, the share of kindergarten students in private schools had dropped by 4.4%, the share of elementary students in private schools was down by 5.8%, and the private share of high school students had dropped by 1.0%.22 There were, of course, communities in the South where “segregation academies” became very important, primarily at the beginning of serious desegregation, but that impact was not large on a national scale. Private school enrollment has actually increased more in the resegregation era than in the era of major increases in desegregation. Projections of existing trends suggest that the private share of students will continue to drop slowly. Much of the change in the proportion of whites in the schools was caused by disparate birth rates, immigration, and the building of more and more white suburban communities, not by desegregation plans. The U.S. is in the midst of the largest wave of immigration in its history--the first that is overwhelmingly non-European and non-white. Latino families are much younger and much larger than white families, a factor that promises a continuing shift in population proportions, exclusive of future immigration. If the number of white children being born falls, and the number coming to the U.S. from outside is a small minority in a society where population growth is very strongly linked to immigration, school enrollment can change dramatically without whites fleeing. There are a good many examples of communities where substantial desegregation has lasted a quarter century or longer, and that have actually gained white enrollment while highly desegregated.23 There are also a number of communities that never experienced significant desegregation which have had drastic loss of white enrollment—communities such as New York City, Chicago, and Atlanta. In fact, Atlanta avoided busing, partly in the hope of preventing further loss of white enrollment, to no avail. Los Angeles terminated all but a tiny voluntary transfer program in 1981, with the opponents charging that busing was causing white loss. Yet, in l998-99, Los Angeles, free of mandatory busing for almost two decades, had 10.5 percent whites; while Chicago, where no mandated busing had occurred, had 10.1 percent.

### A2: White Flight

#### Our solvency is backed by 60 years of social science research

Orfield, Kucsera & Siegel-Hawley ’12- Distinguished Research Professor of Education, Law, Political Science and Urban Planning at the University of California, Los Angeles, co-founder and director of the Harvard Civil Rights Project, and now serves as co-director of the Civil Rights Project/Proyecto Derechos Civiles at UCLA// Senior Research Associate for the Civil Rights Project at UCLA// research affiliate for the Civil Rights Project (Gary, John, Genevieve, The Civil Rights Project, “E PLURIBUS… SEPARATION DEEPENING DOUBLE SEGREGATION FOR MORE STUDENTS,” September 2012, pgs. 6-11, [https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield\_epluribus\_revised\_omplete\_2012.pdf)//PS](https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield_epluribus_revised_omplete_2012.pdf%29/PS)

Segregation and Desegregation: What the Evidence Says24 A major irony is that we have been abandoning desegregation efforts as the evidence for its value becomes more and more powerful. We have more than a half-century of research about the impacts of diverse schooling and the ways to make integration most successful. Although we decided as a country to desegregate our schools with very little information, we are abandoning the effort now that we have a great deal of knowledge about its benefits. The consensus of nearly sixty years of social science research on the harms of school segregation is also clear: separate remains extremely unequal. Racially and socioeconomically isolated schools are strongly related to an array of factors that limit educational opportunities and outcomes. These include less experienced and less qualified teachers, high levels of teacher turnover, less successful peer groups and inadequate facilities and learning materials. Teachers are the most powerful influence on academic achievement in schools.25 One recent longitudinal study showed that having a strong teacher in elementary grades had a long-lasting, positive impact on students’ lives—to include reduced teenage pregnancy rates, higher levels of college-going and higher job earnings.26 Unfortunately, despite the clear benefits of strong teaching, we also know that highly qualified27 and experienced28 teachers are spread very unevenly across schools, and are much less likely to remain in segregated or resegregating settings.29 High rates of teacher mobility in segregated schools may be related to the fact that teachers in high-poverty, high minority schools are more likely to report problems of student misbehavior, absenteeism, and lack of parental involvement than teachers in other school settings.30 Teachers’ salaries and advanced training are also lower in schools of concentrated poverty.31 Findings showing that the motivation and engagement of classmates are strongly linked to educational outcomes for poor students date back to the famous 1966 Coleman Report. The central conclusion of that report (as well as numerous follow-up analyses) was that the concentration of poverty in a school influenced student achievement more than the poverty status of an individual student. 32 This is largely related to whether or not high academic achievement, homework completion, regular attendance and college-going are normalized by peers.33 Attitudinal differences towards schooling among low- and middle-to-high income students stem from a variety of internal and external factors, including watered-down learning materials that seem disconnected from students’ lives. Schools serving low income and segregated neighborhoods have been shown to provide less challenging curricula than schools in more affluent communities that largely serve populations of white and Asian students. 34 The impact of the standards and accountability era has been felt more acutely in minority-segregated schools where rote skills and memorization have, in many instances, subsumed creative, engaging teaching.35 By contrast, students in middle-class schools normally have little trouble with high stakes exams, so the schools and teachers are free to broaden the curriculum. Segregated school settings are also significantly less likely than more affluent settings to offer AP- or honors-level courses that help boost student GPAs and garner early college credits.36 Dynamics outside of schools contribute massively to inequalities within them. Studies demonstrate that concentrated poverty in communities is associated with everything from less optimal physical development and opportunities for summer learning, to families’ inability to stay in the same neighborhood long enough for schools to produce powerful educational effects.37 There are thus very clear relationships between student achievement and attainment, and neighborhood poverty rates.38 <<card continues>>

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<<card continues>> All of these things taken together tend to produce lower educational achievement and attainment—which in turn limits lifetime opportunities—for students who attend high poverty, high minority school settings.39 Student discipline is harsher and the rate of expulsion is much higher in minority-segregated schools than in wealthier, whiter ones.40 Dropout rates are significantly higher in segregated and impoverished schools (nearly all of the 2,000 “dropout factories” are doubly segregated by race and poverty),41 and if students do graduate, research indicates that they are less likely to be successful in college, even after controlling for test scores.42 Segregation, in short, has strong and lasting impacts on students’ success in school and later life. 43 On the other hand, there is also a mounting body of evidence indicating that desegregated schools are linked to profound benefits for all children. In terms of social outcomes, racially integrated educational contexts provide students of all races with the opportunity to learn and work with children from a wide array of backgrounds. These settings foster critical thinking skills that are increasingly important in our multiracial society—skills that help students understand a variety of different perspectives.44 Relatedly, integrated schools are linked to reduction in students’ willingness to accept stereotypes.45 Students attending integrated schools also report a heightened ability to communicate and make friends across racial lines. 46 Studies have shown that desegregated settings are associated with heightened academic achievement for minority students47 (with no corresponding detrimental impact for white students).48 These trends later translate into loftier educational and career expectations,49 and high levels of civic and communal responsibility.50 Black students who attended desegregated schools are substantially more likely to graduate from high school and college, in part because they are more connected to challenging curriculum and social networks that supported such goals.51 Earnings and physical well-being are also positively impacted: a recent study by a Berkeley economist found that black students who attended desegregated schools for at least five years earned 25% more than their counterparts in segregated settings. By middle age, the same group was also in far better health.52 Perhaps most important of all, evidence indicates that school desegregation can have perpetuating effects across generations. Students of all races who attended integrated schools are more likely to seek out integrated colleges, workplaces and neighborhoods later in life, which may in turn provide integrated educational opportunities for their own children.53 In the aftermath of Brown, we learned a great deal about how to structure diverse schools to make them work for students of all races. In 1954, a prominent Harvard social psychologist, Gordon Allport, suggested that four key elements are necessary for positive contact across different groups.54 Allport theorized that all group members needed to be given equal status, that guidelines for cooperatively working towards common goals needed to be established, and that strong leadership visibly supportive of intergroup relationship building was necessary. Over the past 60-odd years, Allport’s conditions have held up in hundreds of studies of diverse institutions across the world.55 In schools those crucial elements can play out in multiple ways, including efforts to detrack students and integrate them at the classroom level, ensuring cooperative, heterogonous grouping in classrooms, and highly visible, positive modeling from teachers and school leaders around issues of diversity.56