# \*\*Desegregation Case Negative\*\*

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### File Notes

The Desegregation Case Negative answers all parts of the corresponding affirmative case. Against the desegregation advantage, the negative has six arguments. First, structural racism is inevitable due to other factors besides school segregation. Second, desegregation doesn’t improve racial attitudes or reduce prejudice. Third, desegregated schools are still internally segregated. Fourth, integration does not address the achievement gap. Fifth, overall societal inequality is decreasing. Sixth, “moral obligations” aren’t absolute and instead you should try to save the greatest number of lives. Against the civic education advantage, the negative has 5 arguments. First, civic engagement is increasing now. Second, other things explain Trump’s rise and the rise of racial scapegoating other than segregation in schools. Third, studies have shown youth are not interested in civic participation. Fourth, curriculum is more important than integration for civic education. Fifth, claims that Trump has authoritarian tendencies are exaggerated and overblown. Against solvency, the negative has 5 arguments. First, desegregation doesn’t solve because racism is entrenched in society. Second, housing segregation is more important than school segregation for racism. Third, desegregation fails because of demographic gaps. Fourth, desegregation causes white flight which turns the case. Fifth, desegregation fails to produce social change.

## Desegregation Advantage

### 1NC – Desegregation Advantage

#### 1. Multiple other government and societal structures fill in to ensure racism continues

Cobb 14 – Professor of Journalism at Columbia University, he won the 2015 Sidney Hillman Prize for his journalistic race opinions.

(Jelani Cobb, Professor of journalism at Columbia University, won the 2015 Sidney Hillman Prize for his journalistic race opinions. 4/16/14, “The Failure of Desegregation”, <http://www.newyorker.com/news/news-desk/the-failure-of-desegregation>, SR)

The Supreme Court decision on Brown, in 1954, marked a moral high point in American history, but the practice that it dispatched to the graveyard had already begun to mutate into something less tangible and far more durable. What would, in the end, preserve the principle of “separate inequality” was not protests like the one staged by Orval Faubus, the governor of Arkansas, who deployed the National Guard to Little Rock’s Central High School, in 1957, in order to keep black students out. Instead, it was policies like the Interstate Highway Act, whose passage one year earlier helped spawn American suburbia. In the wake of Brown, private schools, whose implicit mission was to educate white children, cropped up throughout the South. The persistent legacies of redlining, housing discrimination, and wage disparity conspired to produce segregation without Jim Crow—maintaining all the familiar elements of the past in an updated operating system. To the extent that the word “desegregation” remains in our vocabulary, it describes an antique principle, not a current priority. Today, we are more likely to talk of diversity—but diversification and desegregation are not the same undertaking. To speak of diversity, in light of this country’s history of racial recidivism, is to focus on bringing ethnic variety to largely white institutions, rather than dismantling the structures that made them so white to begin with. And so, sixty years after Brown, it is clear that the notion of segregation as a discrete phenomenon, an evil that could be flipped, like a switch, from on to off, by judicial edict, was deeply naïve. The intervening decades have shown, in large measure, the limits of what political efforts directed at desegregation alone could achieve, and the crumbling of both elements of “separate but equal” has left us at an ambivalent juncture. To the extent that desegregation becomes, once again, a pressing concern—and even that may be too grand a hope—it will have to involve the tax code, the minimum wage, and other efforts to redress income inequality. For the tragedy of this moment is not that black students still go to overwhelmingly black schools, long after segregation was banished by law, but that they do so for so many of the same reasons as in the days before Brown.

### 1NC – Desegregation Advantage

#### 2. Desegregation doesn’t improve racial attitudes or reduce prejudice

Armor ’6 – Professor in the School of Public Policy, George Mason University (David J., The Benefits of Racial and Ethnic Diversity in Elementary and Secondary *Education,* “The Outcomes of School Desegregation in Public Schools,” The United States Commission on Civil Rights (Briefing), November 2006, pgs. 18-27, [http://www.usccr.gov/pubs/112806diversity.pdf)//PS](http://www.usccr.gov/pubs/112806diversity.pdf%29//PS)

Studies of desegregation have also looked at non-educational or social outcomes. These include self-esteem, racial attitudes including prejudice and stereotyping, and race relations including interracial friendships. There are also survey studies that ask students their opinions about desegregation experiences. Many reviewers have commented that this research literature is more difficult to interpret because there are no standardized measures of outcomes in this area. Self-esteem figured prominently in the Brown decision because of the general agreement that state-enforced segregation created a stigma of inferiority on black students. Whatever the impact of de jure segregation on black self-esteem at the time of Brown, there is broad consensus that, from 1970 on, no significant relationship between desegregation and self-esteem or self-concept has been shown. I found no relationship in my 1995 review, nor did Schofield who concludes that “the major reviews of school desegregation and African American self-concept or self-esteem generally conclude that desegregation has no clear-cut consistent impact.”2 The situation is not that different for racial attitudes and race relations. Earlier reviews by St. John and Stephan concluded that results were highly variable from one study to another, and in some cases negative outcomes were more numerous than positive outcomes, particularly for white students.24 This last finding is a cause for concern, since historically white racial prejudice towards blacks has been a much greater social problem than black prejudice toward whites. A more recent review by Schofield in 1991 also rendered a pessimistic conclusion: “In general, the reviews of desegregation and intergroup relations were unable to come to any conclusion about what the probable effects of desegregation were…virtually all of the reviewers determined that few, if any, firm conclusions about the impact of desegregation on intergroup relations could be drawn.”25 Again, in Schofield’s 1995 review, she concluded that, “Thus, the evidence taken as a whole suggests that desegregation has no clearly predictable impact on student intergroup attitudes,” and “There is no guarantee that desegregation will promote positive intergroup behavior.”26 Finally, there are surveys of students from desegregated high schools, and some of these studies report generally positive reactions to the desegregation experience. Students often cite personal benefits from desegregation: cross-racial friendships, learning how to work with students of different races and ethnicities, and expanding their general knowledge about racial and cultural differences. Some of these studies, such as a 2004 study by Wells and others, do not have comparison groups of students from racially isolated schools, so it is difficult to make causal inferences about the extent to which desegregation caused their positive attitudes as compared to other influences in their background.27 One of these recent surveys by Kurlaender and Yun in Miami-Dade County did make comparisons between multiracial and racially isolated high schools.28 However, like so much research on the impact of desegregation, the results were mixed. For example, there was a modest positive effect on desiring to live in a racially or ethnically diverse neighborhood as an adult; for blacks, 68 percent from multiracial schools were interested compared to 57 percent from racially isolated schools. The difference was weaker for Hispanics, at 62 vs. 55 percent, and nonexistent for whites (55 vs. 54 percent). Even for blacks, this is not a very large effect, considering there were no controls for family background differences. In addition, there is no way to know if the blacks in multiracial schools had these attitudes to start with, in which case it might be a self-selection effect rather than an effect of desegregation. Regarding other outcomes for black and Hispanic students, there were very small and nonsignificant differences between multiracial and racially isolated schools on debating current social/political issues in class, whether their teachers encouraged them to attend college, and whether their teachers encouraged them to take honors or AP classes. The findings of this Miami-Dade County survey by Kurlaender and Yun thus resemble much of the research on social outcomes: there is no clear advantage for black and Hispanic students that can be attributed to racially mixed high schools when compared to racially isolated high schools. When we examine the full body of research on the benefits of desegregation, the results are usually the same regardless of whether the outcome is academic achievement, long-term outcomes, or race relations. Some studies show positive results (usually small effects), some show no effect, and some even show negative effects. Overall, I can say with confidence that the research literature, taken as whole, fails to reveal any strong and consistent educational or social benefits of desegregated schools when compared racially isolated schools.

### 1NC – Desegregation Advantage

#### 3. Racism gets replayed within desegregated schools --- advanced-level classes are only accessible to certain groups

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College

(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

B. Together But So Far Apart: Uneven Knowledge of and Access to High-Track Classes The privilege and political power of white parents and students not only influenced the way school desegregation plans were designed, it also strongly influenced who had knowledge of and access to certain classes within racially diverse schools. We recognize that there were many factors affecting the resegregation of students within desegregated schools, including the often unequal schooling that blacks and Latino students had been receiving prior to desegregation, as well as the higher poverty rates of their families, and even these students' hesitancy to demand access to predominately white classes. n19 But we also have a great deal of evidence in our data to suggest that white students were given more information about and easier access to the upper-level classes. From blatant tracking practices that labeled students as "gifted" or "non-gifted" as early as kindergarten and then channeled them through the grade levels in the "appropriate" classes, to more subtle forms of sorting students that used teacher recommendations to decide who got into the best classes, the schools and districts we studied managed to create incredible and consistent levels of segregation within each school. As with the more frequent busing of black students, the preferred access to upper-level classes given to whites was in part a strategy to appease white parents. The timeframe we are studying is important in this regard because it was the late 1970s when the Advanced Placement ("AP") program was just becoming prominent, especially in high schools serving students from upper-middle-class backgrounds. n20 At all six of the high schools we studied, students talked about seeing many of the same students in all of the upper-level classes. "Schools within schools" was a phrase that was used often to describe [\*1736] the special, predominantly white configuration of advanced classes and students within desegregated schools. A white, 1980 graduate of Shaker Heights High School noted that while it was not always the exact same twenty students in every upper-level class, "it would be very unusual to see somebody, like a new face in one class that you didn't see in any other class." At Dwight Morrow High School in Englewood, New Jersey, which was only about 36% white by the time the Class of 1980 arrived, a high-track white student commented that the more "academically stringent" the class, the fewer black students there were enrolled. He noted that in his AP biology class, there were one or two black students, and in calculus there was only one, even though the school was almost 60% black. When asked if the racial makeup of the upper-level classes was something that students at Dwight Morrow talked about, this white graduate stated that "there was like two societies going on at the academic level." The graduate also recalled that many African-American students in the lower-level classes lacked the information they needed to go on to college, including when or why to take the SATs. In contrast, white students were very well informed regarding what it took to get into college. The graduate commented: "There were people that knew that you're gonna do this stuff, and they just kind of marched along and did it, and there were other people who were totally out of it. Most people were just not included in it." A powerful theme emerging from Dwight Morrow was that the African-American graduates seemed to have much less understanding of the tracking system overall. At the same time, white students, whether they were in the most advanced classes or not, tended to be more aware of where they and their classes fit into the hierarchy.

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#### 4. Integration does not resolve achievement gaps – failed studies and data sets prove

Wax 17 — Robert Mundheim Professor of Law, University of Pennsylvania Law School (Amy L. Wax, “ARTICLE: EDUCATING THE DISADVANTAGED--TWO MODELS”, Harvard Journal of Law & Public Policy, June 2017, accessed 6/28/2017, Lexis)//DGV

III. DO THESE SCHOOLS IMPROVE OUTCOMES? Do these initiatives work? Do low-income students placed in "no excuses" schools or attending institutions with more affluent classmates improve their school performance, future prospects and occupational success? How do these approaches stack up against each other in achieving this goal? For economic integration, the questions of whether, how much, and under what circumstances going to school with more advantaged students benefits low-income or minority students are the subject of controversy, with much ink spilled over conflicting assertions. n67 Advocates point to successes, such as the program in Montgomery County, Maryland, which claims measurable, albeit modest, academic improvements in reading and math for low income elementary school students placed in predominantly middle class or affluent schools through a program of dispersed low income housing. n68 The quality and quantity of data available from Montgomery County is unusual. In general, the evidence on schools integrated by class and income, whether deliberately engineered or arising spontaneously through "natural experiments," is strikingly spotty, sparse, and equivocal. In a comprehensive 1990 literature review on the effects of demographic variation in schools, for instance, Christopher Jencks and Susan Mayer found some support for a boost in the high school graduation rates for poor and minority students attending higher quality schools, but inconsistent and variable effects on college attendance and completion, academic achievement, cognitive skills, socialization, and [\*700] behavior. n69 Specifically, the authors noted that "studies of how a school's mean SES affects students' academic achievement yield mixed results" that depend on a complex set of situational and demographic factors. n70 A more recent, but limited, review of the literature, which focused on the academic effects of the demographic composition of high schools, also reported equivocal results. n71 Finally, a 2016 summary report by a prominent researcher, Roslyn Arlin Mickelson, for the National Coalition on School Diversity, an advocacy group, claims mainly positive results from economically integrated schools. n72 Although providing citations to a plethora of studies conducted over decades, the report is mainly conclusory, and lacks any detailed critical analysis of the actual research upon which it relies. The vagaries of the findings can in part be ascribed to the diversity of situations in which economic integration initiatives have been tried or class mixing in schools has spontaneously occurred. Income integration programs have been adopted by school districts in such far-flung locales as Wake County, North Carolina; Champaign, Illinois; La Crosse, Wisconsin; and Louisville, Kentucky. n73 Variations can be found in the range of mechanisms for achieving integration (such as student assignment plans versus magnet school programs), how the demographic composition of schools is characterized (with the most common, albeit not uniform, marker of "low income" being eligibility for free or reduced price meals) and the profile of the schools into which students are shifted (which range widely in size, funding, and economic and racial composition). Moreover, because almost all plans require students to travel to out-of-neighborhood schools, the programs are restricted in [\*701] their ability to shift poor students to more affluent settings, with most achieving only a modest degree of economic or racial mixing. n74 Most initiatives have also been of variable duration, with some either scaled back or phased out after a few years due to logistical obstacles or political opposition. The story of Wake Country, North Carolina, which received widespread publicity for its initial successes, is emblematic of the obstacles encountered by such programs. n75 Initial school assignments designed to create socioeconomic balance within school were soon disrupted by demographic changes (including a large influx of Hispanic students and fluctuations in the number of more affluent white families) that required continual reassignment of students, and sometimes disparate assignment of siblings, to achieve targets of economic diversity in most schools. Parental discontent soon set in, resulting in turmoil and divisions between those who "valued home-to-school proximity, parental choice, less frequent reassignment, or more 'stability,'" and "those who advocated for . . . the role of socio-economically diverse classrooms in improving student performance, and . . . the value of diversity irrespective of its impact on achievement." n76 The ensuing political struggles yielded an eventual phasing out of the program in 2010, with reversion to a more traditional neighborhood school assignment plan. In sum, resolving empirical questions surrounding the effectiveness of educational integration by income is hampered by most examples being small-scale, recent, short-lived, and too eclectic to permit systematic comparison. The task is made even [\*702] more difficult by uncertainty about the precise features that are supposed to be responsible for the model's benefits. <<card continues>>

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<<card continues>> The focus of the work claiming positive benefits from income integration has been on establishing measurable improvements rather than on disentangling causal mechanisms. n77 Accordingly, as Christopher Jencks and Susan Mayer note in their 1990 review, while the "epidemic model" of schools and neighborhoods is widely embraced, "few examine the implications of this idea in detail." n78 This lack of a well-developed causal model, combined with mixed and unpredictable effects, means that income integration, whether geographical or educational, remains something of an empirical "black box," with the precise factors supposedly responsible for its benefits as yet poorly understood. The research on the question is both sparse and inconclusive. A 2005 review of demographic effects in high schools found evidence that the factors that seem to predict improvements for low income students in integrated settings included high teacher expectations, more hours of homework completed, college prep courses, and a lower percentage of students reporting feeling unsafe. n79 But the authors found no measurably positive effects from superior peer examples, more school resources, and a range of other institutional factors. n80 In the same vein, William Dobbie and Roland Fryer, in examining 39 demographically varied New York City charter schools, reported that many traditional "resource based" inputs, such as class size, per pupil expenditure, and teacher credentials, had no measurable effects on student achievement or persistence. n81 Rather, what Dobbie and Fryer characterized as "best practices" from successful charter schools--such as frequent teacher feedback, data-guided instruction, intensive tutoring, increased instructional time, and high expectations for academic performance and deportment--explained about half the variation in [\*703] school effectiveness. Although the study did not examine economic integration as such, its implication is that many of the features income mixing proponents associate with "better off" schools and claim to be crucial to boosting low income students' prospects do not appear to make a difference, whereas others (most closely associated with intensive charters) appear to be more important. Despite the limitations in the data on economically integrated schools and the difficulties of drawing firm conclusions on many questions, a few reasonably reliable results have emerged. The research from Montgomery County, Maryland, and other programs strongly suggests that improvements for low income students dissipate when their numbers start to exceed more than about 20-30% of the school population. n82 Also, there is little question that the research so far has failed to eliminate selection effects as a factor in positive outcomes. This means that existing evidence cannot definitively establish whether, and to what extent, income integration actually causes any observed improvements. For instance, the low-income students in the Montgomery County study were all from public housing families willing to move to a suburban setting. As the report on the program itself notes, these families were likely not representative of urban low income populations generally. n83 In the absence of truly random assignment (which is rare), the same point applies to low income families who take the trouble to seek out and transfer to higher income schools. Finally, although disadvantaged students educated in more affluent schools may sometimes outperform peers in high-poverty settings, they start out far behind their better-off classmates and, as a group, continue to lag throughout their educational career. As a result, low-income students attending low-poverty schools tend to be "tracked" into non-accelerated classes. n84 They also are [\*704] underrepresented in Advanced Placement and gifted and talented programs. n85 And they earn worse grades and score lower on standardized tests than more affluent classmates. n86 These results are not surprising in light of James Coleman's original findings in the 1960s n87, repeatedly confirmed in the decades since, that a child's economic, social, and family background--and not school composition and quality--are the most important influences on students' academic performance. As stated in the Coleman report, "the school appears unable to exert independent influences to make achievement levels less dependent on the child's background--and this is true within [\*705] each ethnic group, just as it is between groups." n88 More than 30 years later, Jencks and Mayer reiterate this result in their review of school and neighborhood effects on student achievement, observing that "as a rule the more aspects of family background we control, the smaller school effects look." n89 Thus, the evidence accumulated to date indicates that economic mixing can, at best, somewhat narrow achievement gaps. It cannot come close to eliminating them.

### 1NC – Desegregation Advantage

#### 5. Overall social inequality is decreasing

Tanner 16 (Michael D. Tanner, Cato Institute senior fellow, “Five Myths about Economic Inequality in America” 9/7/16 https://www.cato.org/publications/policy-analysis/five-myths-about-economic-inequality-america) GG

Most claims that income inequality is at a record high in the United States, including Piketty’s, are based on a measure of “market income,” which does not take into account taxes or transfer payments (or changes in household size or composition). The failure to consider those factors considerably overstates effective levels of inequality.23 What the pundits, politicians, and others fail to understand is that the U.S. tax and transfer system is already highly redistributive. Taxes are progressive, significantly so. The top 1 percent of tax filers earn 19 percent of U.S. income, but in 2013 they paid 37.8 percent of federal income taxes.24 The inclusion of other taxes (payroll, sales, property, and so on) reduces this disparity, but does not eliminate it: a report from the Congressional Budget Office estimates that the top 1 percent paid 25.4 percent of all federal taxes in 2013, compared to 15 percent of pre-tax income.25 The wealthy pay a disproportionate amount of taxes. At the same time, lower-income earners benefit disproportionately from a variety of wealth transfer programs. The federal government alone, for example, currently funds more than 100 anti-poverty programs, dozens of which provide either cash or in-kind benefits directly to individuals. Federal spending on those programs approached $700 billion in 2015, and state and local governments added another $300 billion.26 Figure 2 shows the amount of redistribution taking place within the current tax and transfer system. In 2012, individuals in the bottom quintile (that is, the bottom 20 percent) of incomes (families with less than $17,104 in market income) received $27,171 on average in net benefits through all levels of government, while on average those in the top quintile (families with market incomes above $119,695) pay $87,076 more than they receive. The top 1 percent paid some $812,000 more. Taking this existing redistribution into account significantly reduces inequality. According to the CBO, accounting for taxes reduces the amount of inequality in the United States by more than 8 percent, while including transfer payments reduces inequality by slightly more than 18 percent. By fully accounting for redistribution from taxes and transfers, true inequality is almost 26 percent less than it initially appears. (Figure 3.) A new study from the Brookings Institution reaches similar conclusions. The study, by Jesse Bricker, Alice Henriques, and John Sabelhaus of the Federal Reserve Board and Jacob Krimmel of the University of Pennsylvania, found that while the concentration of wealth and income of the top 1 percent has indeed increased since 1992, it increased far less than prior research, including Piketty’s, has claimed. By including government transfers and in-kind compensation in their calculations, the study’s authors found that the share of income earned by the top 1 percent rose from 11 percent in 1991 to 18 percent in 2012, substantially less than, for instance, the 23 percent estimated by Piketty and his colleague Emmanuel Saez in their updated work on the issue.27 In another study in the American Economic Review, Philip Armour, Richard Burkhauser, and Jeff Larrimore controlled for changes in household composition (that is, adjusting for size and dependency) and transfers (both cash and in-kind), and found that there were significant gains across the income spectrum from 1979 to 2007 and for the period 1989-2007. However, gains at the top were smaller than gains at the bottom, meaning by this measure, inequality actually decreased from 1989 to the Great Recession.28 Given these problems, a better way to measure inequality might be to look at differences in consumption between income groups. A study by Hassett and Aparna Mathur, also of the American Enterprise Institute, found that the “consumption gap across income groups has remained remarkably stable over time. If you sort households according to their pretax income, in 2010 the bottom fifth accounted for 8.7% of overall consumption, the middle fifth for 17.1%, and the top fifth for about 38.6%. Go back 10 years to 2000—before two recessions, the Bush tax cuts, and continuing expansions of globalization and computerization—and the numbers are similar. The bottom fifth accounted for 8.9% of consumption, the middle fifth for 17.3%, and the top fifth for 37.3%” (Figure 4).29 Although Hassett and Mathur did not specifically look at the top 1 percent of incomes, their study does demonstrate that, even if there have been gains at the top, it has not resulted in adverse consumption effects for those further down the income ladder. Of course, these different conclusions depend in part on different measures of economic inequality. Piketty and others are more concerned about the disparity in accumulated wealth, the residue of year after year of income. The highest quintile, after all, may be saving their increased wealth rather than spending it. Over time, this can lead to increasing disparity. But even here, the evidence shows that the disparity in wealth distribution has not increased nearly as fast as Piketty and his supporters believe. For example, Bricker and his colleagues also found that the share of total wealth held by the top 1 percent increased from roughly 27 percent to 33 percent over that period, compared to the 42 percent share estimated by Saez and Gabriel Zucman in updated work related to Piketty’s.30 Bricker’s study actually shows a larger increase in wealth disparity than some others. For example, according to research using the Federal Reserve’s Survey of Consumer Finances, the wealthiest 1 percent of Americans held 34.4 percent of the country’s wealth in 1969. By 2013, the last year for which data are available, that proportion had barely risen, to roughly 36 percent.31 Moreover, the recent recession hit the wealthy especially hard. Indeed, the Tax Foundation has found that from 2007 to 2009 there was a 40 percent decline in the number of tax returns with at least $1 million in earnings. Among the “super-rich,” the decline was even sharper: the number of tax returns reporting more than $10 million in earnings fell by 54 percent.32 In fact, while in 2006 the top 1 percent earned almost 20 percent of all income in America, that figure declined to just over 15 percent in 2009.33 Such volatility reflects the greater exposure that the wealthy face to risks associated with investment income. The stock market, for example, declined sharply during the recession, as did, obviously, the value of real estate. If inequality is your big concern, you should have been delighted by the recession. Inequality declined. It appears, then, that inequality may not be as big a problem as commonly portrayed. After considering taxes, transfers, and other factors, the gap between rich and poor is neither as large nor growing as rapidly as Piketty and others have alleged. But even if it were, the question arises as to why that should be condemned. Why is inequality ipso facto bad?

### 1NC – Desegregation Advantage

#### 6. Saving the greatest number of lives should be your first ethical priority

Cummisky 96 (David, professor of philosophy at Bates, “Kantian Consequentialism”, p. 131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be added and summed in this way—this point still does not justify deontological constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that I may still save two; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hill's example of a priceless object: If I can save two of three priceless statutes only by destroying one, then I cannot claim that saving two makes up for the loss of the one. But similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, even if dignity cannot be simply summed up, how is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the loss of the one, each is priceless; thus, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing/letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.8

### Ext. #1: Desegregation Can’t Solve Societal Racism

#### Desegregated schools are de facto assimilationist institutions --- colorblind curriculum ensures that race is not discussed in a way to further cross-cultural understanding

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College

(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

C. Colorblind Curriculum for Colorblind Schools: We Do Not Talk About Race Here Students of color were further marginalized within desegregated schools by a commonly held belief that race did not matter and that the goal of desegregation was to create a "colorblind" society. n21 This ideology was promoted in at least two ways. First, the late 1970s curriculum in the schools we studied endorsed a white, Eurocentric view of the world, very close to the same curriculum that had been taught for years in these schools when all but West Charlotte High School had been predominantly white. [\*1739] Second, neither the students nor the educators in these schools talked about race or racial issues in their efforts to work with one another on school activities or in less formal social interactions. The absence of discussions of race meant that students and educators could not learn from one another's experiences in confronting and resolving racial concerns. The ability to learn from one another would have been particularly useful given that many educators and students were working and learning with people of different racial backgrounds for the first time. Thus, while cross-racial tensions, concerns, and discoveries were occurring all the time, no one was talking about them. Beyond what was going on in the schools, the broader issues of racial inequality and injustice that were (and are) rampant in these local communities were not part of what students were grappling with during school hours. Discussions of such racial conditions might have helped to build important bridges across groups of students who were not only different in terms of their racial and ethnic backgrounds, but in terms of their social classes as well. The lack of a dialogue about race combined with the maintenance of a "traditional" Eurocentric curriculum became a de facto assimilationist project. Students of color were required to "fit" into the norms of the schools, including rules and understandings about what was right, smart, and appropriate. n22 Many African-American and Latino students were left to feel that the teachers did not value their input or perspective. When values, racial norms, knowledge, and history go unchallenged, so does the privilege of one racial or ethnic group over another. n23 [\*1740] 1. Curriculum - Rarely a Multicultural Moment One of the more surprising findings from this study was just how little the curriculum in the racially mixed schools we studied had changed during the 1970s, considering that the racial makeup of the students had changed a great deal. For the most part, the schools offered a white, Eurocentric perspective on the world. When changes were made to the curriculum, they were usually marginal changes, such as the addition of electives or a special assembly, in reaction to racial unrest or specific demands by students of color. Even in Topeka, Kansas, a city at the heart of the Brown v. Board of Education case, 1980 graduates do not recall learning much about race or racial inequality in school. One Topeka High graduate who is now a lawyer noted that she had no idea how important the Brown decision and the Topeka-based case were until she went to law school many years later. At Muir High School in Pasadena, the graduates and educators reported that for the most part, the curriculum did not reflect a diversity of perspectives. The lack of diversity was the result of several factors, including the fact that teachers at Muir had a great deal of autonomy in their classrooms and there was no systematic effort at Muir to expand the core curriculum in the 1970s to include nonwhite authors. Students' exposure to a more multicultural curriculum was entirely dependent upon the individual teachers and student experiences were thus not consistent. While a few teachers made a concerted effort to include nonwhite authors and perspectives, the vast majority of teachers were far more traditional. As one former counselor at Muir said, "as far as the teaching goes, [desegregation] didn't really start to affect the canon until about the mid-1980s, so we were still teaching the Dead White Man for a long, long time." The absence of overt discussions of race in the curriculum profoundly affected many of the graduates of color we interviewed, particularly those who had been taught different lessons in their homes and communities. For instance, one African-American 1980 graduate of Austin High School spoke about the difficulties he had accepting and relating to his high school history teacher: "He was a good teacher, it's just that I didn't believe in what they was teaching. Cause everything was white...and I used to get so tired and frustrated...sitting and listening what all these great white people [\*1741] [had done]." The lack of diversity in the curriculum contributed to the distrust that many students of color felt toward their white teachers. When the teachers did stray from their Eurocentric base to add something more multicultural, they were often in uncharted territory, which tended to leave them less certain about how to present and teach the material. <<card continues>>

### Ext. #1: Desegregation Can’t Solve Societal Racism

<<card continues>> A good example of the difficulties many teachers had in presenting multicultural materials was conveyed to us by an African-American graduate of Dwight Morrow High School in Englewood. The graduate recalled the time her white English teacher required them to read The Bluest Eye by Toni Morrison, n24 a story about a black girl who wants blue eyes. In the story, someone tells the girl that if she killed a dog, she would be given blue eyes, and the girl consequently kills the dog. The graduate recalled: And so, you know, I raised my hand and I said, well, you know, when she killed the dog she kind of killed her own beliefs in everything that was ugly about herself and dah, dah, dah. [The teacher said] "No, I think you're reading it too deeply'... you know, I mean, and that was the type of reactions that I would get out of this woman. This particular graduate's mother had demanded that the school place her daughter in the advanced classes after the student had been placed in regular classes despite her high grades. Thus, this graduate was often one of a very few African-American students in advanced classes. Through her experience in these classes, she quickly learned that race was a taboo subject, even though so much of her daily experience was grounded in race. 2. Shhhhh - Don't Talk About Race! Educators in the schools we studied were often bent on not talking about race, either within their classrooms or as part of the extra-curricular activities they were sponsoring. There were different reasons given for this lack of discussion about race. For some interviewees, it seemed as though talking about or acknowledging race was bad in that it was un-American or racist. A former West [\*1742] Charlotte teacher, a white woman, exemplified this: "It just seemed like color didn't seem to make a difference to anyone. We just, again, viewed people as people. Not emphasizing, I guess would be the fact... I mean, we emphasized the fact that we were not emphasizing color of skin." A white graduate of West Charlotte echoed the thoughts of this teacher and many others whites interviewed for this study: "At West Charlotte we focused on how we were alike...That is one of the reasons we didn't focus on cultural diversity." What is most interesting about this insistence on "sameness" is that it was often discussed by the same people who, in other parts of their interviews, focused on how much they learned about people from different backgrounds by attending racially diverse schools. The lack of discussion about race was also due in part to a desire to avoid racial conflict. In some schools, most notably Topeka High School, Austin High School, and West Charlotte High School, there had been a great deal of racial tension and black-white fighting in the early and mid-1970s. In our interviews, nearly every student and educator we interviewed from these schools talked about the racial turmoil that preceded the Class of 1980's arrival. School-level administrators and teachers were determined to keep things calm. The idea of opening up issues of race or working through racial differences with students was therefore not particularly inviting. A white English teacher from Austin High School explained that by the late 1970s and 1980s, the initial controversies and racial animosities had quieted down and no one wanted to stir the water. She recalled that when African-American students first came to Austin High School in the early 1970s after the old Anderson High School was closed, they were extremely unhappy because many of them had been highly involved in Anderson high school and in charge of extracurricular activities. When they came to Austin High School, those clubs and offices were already filled. The teacher noted, however, that by 1980, "everything was all over, anything controversial or any unhappiness, you know, that was all settled, and we were settled in as a school." Interviews with the Austin High School graduates of color present different views on this issue, but the point is that from the perspective of the educators, [\*1743] there were no racial problems, and thus there was no need to deal with racial issues. While many white educators denied that race was an issue, some of the same people, along with many other interviewees, particularly people of color, also talked a great deal about just how salient race was in their day-to-day experiences in these schools. For instance, as we noted above, race clearly seemed to matter in terms of who ended up in which classes. Furthermore, in two of the schools we studied, Topeka and West Charlotte, there were fairly strict quotas regarding the racial make-up of popular student awards and offices, such as homecoming courts, student government, and cheerleading squads. There was an awareness of such quotas, which in many instances benefited white students more than black or Latino students, and an acknowledgment of their impact on students' experiences in high school. As one white West Charlotte graduate noted, although there were no explicit discussions of race in her high school in the late 1970s, issues of race were everywhere. When asked whether or not race was discussed in school, she replied: "Discussed," like...like we discuss things now?... No, there were no discussions of that. But, but was it a known fact that we had three white candidates, three black candidates, and three at-large [for student government elections]? Yeah! And - I don't even remember the ballot, but the ballot probably said it! I mean, you know, I-I don't know. But did we sit around and have round tables about... how to be better people and like each other and live together in harmony and all that stuff? No! No. But were there white kids in the Gospel Choir? Yes!.. And we'd have, you know, the black guys come to the Choir with cornrows, and [the African-American choir teacher] would tell them... "get rid of those cornrows, you know? Just because you're a black boy - don't be wearing those cornrows." So... was there a discussion? No. But was race everywhere? Yeah! Thus, while race was not regularly discussed in these schools, it was lived in a very real and intuitive sort of way. With no forum or dialogue in which to make better sense of the racial differences they experienced every day, many of these graduates walked away from high school with fairly superficial understandings of race and [\*1744] its role in American society, understandings which would not lead one to challenge the racial status quo. n25

### Ext. #1: Desegregation Can’t Solve Societal Racism

#### Segregation and racism in other sectors of society undermine the transformative effect of the plan

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(Winter 2007, Bryan L., The Scholar: St. Mary's Law Review on Minority Issues, “A THOUSAND HUMILIATIONS: WHAT BROWN COULD NOT DO,” 9 SCHOLAR 187, Lexis-Nexis Academic, SR)

VI. Conclusion "Even the smallest victory is never to be taken for granted. Each victory must be applauded, because it is so easy not to battle at all, to just accept and call that acceptance inevitable." -Audre Lorde No measure of a court's equitable power, no measure of a government's dismantling of de jure barriers, no number of buses could solve what James Baldwin and others have seen as our nation's core moral failing: racism. Brown set the stage for dismantling racism, segregation, and discrimination in public school systems. However, addressing the racism, segregation, and discrimination in politics, suburbanization, housing, and transportation policy went unabated for too long, and frustrated the ability of Brown's edict to be wholly fulfilled. Though we recently commemorated the fiftieth anniversary Brown, reflection is still warranted. For many, that reflection invites a profound sense of disappointment in light of the promise Brown signaled for African-Americans, educational achievement, and racial integration. However, as the history of Brown makes painfully clear, courts "cannot produce social reform on its own, and [] judges are unlikely to challenge established social consensus." n143 Given that the issue of educational achievement for African-Americans has shifted to the statehouses across the country, the same can be said of legislators. Today, with the benefit of hindsight, we can all reflect upon the Brown decisions and implementations with an arched eyebrow of skepticism. To the extent that skepticism has transformed itself into disappointment, it is worth considering that perhaps, just perhaps, our expectation for what Brown could achieve for African-Americans was outsized, or at least, misplaced. What we hoped for was not necessarily what Brown promised. While Brown set us "on the path of rejecting the kind of racial exclusion that had made African Americans a people apart since before the nation's founding," n144 Brown could not break through that smothering pattern of a thousand humiliations beyond courts' reach.

### Ext. #1: Desegregation Can’t Solve Societal Racism

#### Desegregation policies made without first confronting broader societal racism fail and are met with huge white resistance

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I. Introduction Even measuring the Brown v. Board of Education decisions n1 by the most modest standard is to acknowledge a dream not realized. While Brown represented, most unequivocally, a blow to segregation in public schools, some fifty years later, many public schools have become racially identifiable again. Today, 37% of African-Americans and Latinos attend schools which are overwhelmingly comprised of minorities. n2 In Detroit, 80% of the White students attend schools with only 3% African-American; 80% of African-Americans attend schools which are only 4% of White. n3 In Texas, 40% of its 1.8 million students attend "overwhelmingly" Hispanic schools. n4 In Cleveland, over half of all African-American students attended racially isolated schools in the 1970's and 1980's. n5 In 2001, that number actually rose to over 65%. n6 Prior to Brown, the education gap between Whites and African-Americans was overwhelming. In 1950, 6.5% of America's nonwhite population had no formal education, 24.9% had completed less than five years of schooling, and over 31% were functionally illiterate. n7 Contrast that with Whites in 1950: only 2.1% had no formal education, only 6.6% had completed less than five years of schooling, and only 8.7% could be considered functionally illiterate. Today, these disparities have narrowed, but are no less distressing. According to the National Assessment of Educational [\*189] Progress, in 2003, 65% of African-Americans in K-12 were unable to read at that their grade level, compared to 25% of Whites. n8 Over 15% of African-Americans could not read proficiently upon leaving high school. n9 Furthermore, only 50.2% African-Americans graduated from high school in four years, versus 74.9% of Whites. n10 African-American college enrollment and completion rates are similarly low. African-Americans earn only 50% of the college degrees that Whites earn. It is no mystery that educational outcomes have a significant, if not dispositive impact on earning power and sustained economic prosperity. Thus, it should come as little surprise that African-American wage earnings are only 67% of those earned by Whites. n11 Before Brown, it ws presumed that the primary cause for then-existing achievement gaps and the racial identity of public schools was the system of de jure segregation which relegated African-American children to inferior educational resources, high classroom populations, and racial isolation. It was the Brown litigation that brought those problems into relief, including the psychological damage caused by de jure segregation and its pernicious impact on academic achievement. The promise abided that public school desegregation would ensure equal, thus better educational opportunities for African-Americans. However, given the current racial make-up of public urban schools, and the persistent achievement gaps, many view the promise of Brown woefully unfulfilled. It might be said that Brown was supposed to do two things: 1) provide immediate relief to the litigants and the school districts, and 2) provide a directive steeped in constitutional doctrine to eliminate all vestiges of segregation and discrimination in not only those schools directly involved in the litigation, but public school systems nationwide. n12 However, it quickly became clear that Brown could not "simply" be about school segregation and discrimination. To be an unmitigated success, Brown would have to address the segregation and discrimination that infected virtually every aspect of our country. Brown could never do that. For all of Brown's potential, it was simply incapable of addressing the myriad social, political, and economic forces [\*190] that profoundly impacted the decision itself, and equally as important, would frustrate the desegregation remedies prescribed. As the late Roy Wilkins described, the states "insisted and wove into a smothering pattern a thousand different personal humiliations, both public and private, based upon color." n13 The purpose of this Article is to illuminate how the Brown decisions - flawed in themselves - had to overcome that "smothering pattern" of racism and discrimination in areas beyond the courts' equitable and temporal reach. In sum, Brown proved to be no match for rank racism, unchecked political power, judicial capitulation, housing segregation and even interstate highway construction policies. Part One of this Article examines the Brown decisions and the aftermath. Part Two revisits the desegregation saga post-Green v. County School Board of New Kent County, Virginia, n14 and the subsequent political and judicial forces which would doom desegregation efforts. Part Three examines the role that suburbanization and interstate highway transportation policies contributed to the frustration of desegregation efforts. This Article concludes by positing that in the context of modern public school reform, the promise of Brown is still elusive due to proposed legislative solutions, which once again, marginalize the interests of African-Americans. II. What Brown did not do A. Brown I as a Triumph of Racial Restorative Justice? Well, Not Quite Certainly, there has been plenty of justifiable praise for Brown's impact. It has been described in almost mythic terms, noted as "a defining moment in American history," n15 and is credited for the growth of the black middle class. n16 Many more, however, have cast sobering eyes toward [\*191] its legacy. Derrick Bell has remarked upon Brown's "unassertive and finally failed implementation" because it did not boldly rebuke the likelihood that Whites were only going to abide by desegregation remedies that converged with their interests, if at all. n17 <<card continues>>

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<<card continues>> In a similar vein, Charles Ogletree observed that the Brown II's "with all deliberate speed" directive was a bow to White resistance to desegregation and ensured that Brown would never be "implemented as a social imperative." n18 Professor Lani Guinier, reflecting upon Brown, noted that the decision allowed to continue, "uninterrupted," White America's compulsion to use race as a scapegoat, which ultimately led to our re-stigmatization. n19 Gary Orfield commented that the Brown holding would have been remembered as a failure, but for the civil rights movement. n20 Still others have placed the current racial disparities in academic achievement, as well as the re-segregation of public school systems throughout the country, squarely on the shoulders of African-Americans. n21

#### Other racist structures and backlash inevitably overwhelms desegregation efforts

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(Winter 2007, Bryan L., The Scholar: St. Mary's Law Review on Minority Issues, “A THOUSAND HUMILIATIONS: WHAT BROWN COULD NOT DO,” 9 SCHOLAR 187, Lexis-Nexis Academic, SR)

Nine years after Brown II, the Supreme Court proclaimed that "the time for mere 'deliberate speed' has run out." n63 It was four years after that, in Green v. County School Board of New Kent County, Virginia, n64 [\*200] the Supreme Court ordered school districts under desegregation plans to identify any policy or practice "traceable to the prior de jure system of segregation" that "continued to have discriminatory effects." n65 Once identified, remedies were now bound to address "not just ... the composition of student bodies ... but ... every facet of school operations." n66 The Green decision empowered those who sought broad remedies to eradicate the discrimination that impacted public schools and the education of African-American children. Emboldened plaintiffs set out to eliminate all vestiges of de jure segregation "root and branch." n67 Predictably, racial discrimination impacting school segregation could be found virtually everywhere: faculty and staff hiring; training and retention; establishing school district boundary lines; distribution of education expenditures; student discipline; special education placement; physical plant conditions; educational achievement and opportunities for students in reading, math, science, communication, and other curricular fundamentals; vocational education placement, counseling and career guidance; extra-and co-curricular activity support; school transportation; employment; and especially in housing. n68 By identifying the "hard" and [\*201] "soft" indicia of school segregation and discrimination, courts belatedly began to use their equitable powers to demand broad remedies. Consequently, between 1966 and 1975, 523 school districts had desegregated. n69 Ultimately, these gains would be short-lived, as politicians, housing discrimination, suburbanization, and federal interstate highway plans would hinder efforts to achieve Brown's goals. B. "Root and Branch": Too Little, Too Late "Southern White Democrats will desert their party in droves the minute it becomes a black party." - Kevin Phillips, campaign strategist to Richard Nixon, 1967 n70 As quickly as the Supreme Court stepped in to accelerate the pace of desegregation, another backlash brewed. Particularly, the implementation of busing plans caused white citizens from Los Angeles to Boston to violently defy desegregation orders. It was during this time that Americans saw the image which came to symbolize the rank anti-black hatred: attorney Theodore Landsmark, outside of Boston City Hall, being held by a White man as another man attacks him with the spire of the pole waving the American Flag. n71 More insidiously, President Richard Nixon stepped in to hasten the retreat. His hostility to busing well-documented, n72 Nixon set out to challenge and stall desegregation orders, part of his overall "Southern Strategy" for Republicans to claim - once and for all - the southern vote. n73 He fired Leon Panetta, his Assistant Secretary of Health, Education, [\*202] and Welfare, for his aggressive pursuit of desegregation. n74 In Swann v. Charlotte-Mecklenburg School District, n75 Attorney General John Mitchell explained that the Nixon Administration "supported Charlotte in principle, in that we are taking the position that the Fourteenth Amendment does not require racial integration as a matter of law." n76 After the Swann decision, which ordered a busing desegregation remedy, Nixon signed legislation stopping all busing until all appeals had been filed, or the appeal times had lapsed. n77 Nixon then trained his eye upon Supreme Court appointments. In addition to his appointment of Harry Blackmun and William Rehnquist, Nixon also appointed Lewis Powell, Jr. to the Supreme Court with the expressed hope that he would be instrumental in "eliminating busing and decelerating housing desegregation efforts." n78 Powell did not disappoint; his presence on the high court proved pivotal in two of the most devastating anti-desegregation decisions ever issued. Powell's vote was dispositive in the Milliken v. Bradley n79 decision, which held that an inter-district, urban-suburban Detroit, Michigan busing remedy to achieve racial balance was unconstitutional. n80 The Supreme Court's rejection of urban-suburban remedies ensured that Detroit and other metropolitan school districts-especially in northern cities-could only watch helpless as the districts tipped toward minority-majority composition. Milliken also ensured that it would be only a matter of time when northern school districts would throw up their hands and argue the impossibility of Brown, and for the release from desegregation orders. In another decision, San Antonio Independent School District v. Rodriguez, n81 Powell wrote for the 5-4 majority, reversing the district court finding that Texas' property tax-school funding mechanism violated the Equal Protection Clause. n82 <<card continues>>

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<<card continues>> Holding that there was neither a constitutional right to a public education nor financial equalization, n83 it would take twenty [\*203] years and two more iterations of school finance litigation to only partly nullify Rodriguez's impact. Ronald Reagan continued the assault on desegregation started by Nixon to solidify the white southern Democratic base. After refusing an invitation to speak before the National Association for the Advancement of Colored People at its annual convention, Reagan instead went to Philadelphia, Mississippi - the town made infamous by the murders of Goodman, Cheney, and Schwerner at the height of the civil rights movement - to kick off his presidential campaign, and extol the virtues of "state's rights." n84 In 1981, he rescinded the Emergency School Aid Act, which had documented success at supporting desegregation remedies, and attempted to eliminate Desegregation Assistance Centers. n85 The head of his Department of Justice Civil Rights Division, William Reynolds, n86 also hostile towards school desegregation and busing, set about dismantling those efforts. n87 Finally, it was Reagan's Supreme Court appointees, Kennedy, O'Connor, and Scalia, and Bush's appointment of Thomas who ensured the end of all court-ordered desegregation plans owed to the Brown decisions. n88 As the causal connection between de jure segregation and present vestiges became more attenuated, the increasingly conservative Supreme Court would begin to ensure that court-ordered desegregation - regardless of successes or failures - would come to a halt. In Missouri v. Jenkins, n89 the Supreme Court set time limits on equalizing funding. Freeman v. Pitts n90 limited equitable remedies, and held that districts would not have to show correction of all violations as a condition of finding unitary status. n91 Finally, in Oklahoma v. Dowell, n92 even though the Oklahoma City School District had not met all of the goals set out in the desegregation [\*204] order, the Supreme Court affirmed the dissolution of the desegregation order. The school board promptly voted to return to segregated neighborhood schools. With this, "the Supreme Court exhumed some of Plessy's basic assumptions," n93 viz., segregated schools would be a reality again, but with no assurance that they would be equal.

#### De jure and de facto anti-black systems are woven into American society—enabling school districts, authorities, politicians, and the courts to circumvent desegregation policies

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B. Brown II as a Triumph of Racial Restorative Justice? Absolutely Not "What one hand giveth, the other hand taketh away." - Proverb Overruling Plessy was just the beginning of the end of de jure segregation in public education. The questions next became: How were the governmental entities - school districts, state and local bodies - going to go about eliminating the dual systems of education? What did it mean to "desegregate?" And when would desegregation have to occur? A year after its Brown I decision, the Supreme Court gave its "wholly unassertive" reply in Brown II. In doing so, what the Supreme Court gave in Brown I, it took away in Brown II. Yielding to a fear of massive white resistance, the Supreme Court softened the potential impact of its Brown I pronouncement with a phrase that would have a devastating impact. The Court cited the need to give weight to "public and private considerations," and the "elimination of a variety of obstacles" to implement its desegregation order. n33 The elimination of those obstacles "in a systematic and effective manner" required taking "into account the public interest[.]" n34 Consequently, the Supreme Court blinked, directing school boards to admit students "to public schools on a racially nondiscriminatory basis" not at once, but "with all deliberate speed." n35 [\*195] This textual reading of Brown II provides the persuasive premise of Professor Ogletree's hypothesis, and confirms Professor Bell's interest-convergence theory. The remedy prescribed in Brown II would not be "pure," but only one that accommodated majority interests. With those four words, Marshall and others sadly recognized which "public" Chief Justice Warren meant when he said public interest: Whites resistant or hostile to integration. They also knew that the "obstacles" of which Warren spoke were largely those de jure and de facto anti-black systems which had been woven, by that "public," into every conceivable aspect of American life. The greatest "obstacle," of course, was the endemic racism of white resistance that would not be cowed by judges who had "substituted their personal political and social ideas for the established law of the land." n36 As Professor Ogletree recounts, events unfolding over the next decade would define what Chief Justice Warren failed to articulate in Brown II. "All deliberate speed" meant change would come slowly, cautiously, warily, and at a pace dictated by whites. n38 C. "Nullification and Interposition" Throughout the South I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of 'interposition' and 'nullification' - one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers. I have a dream today! - Reverend Dr. Martin Luther King, Jr. n39 <<card continues>>

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<<card continues>> The Reverend Doctor Martin Luther King, Jr. saw it, and called it what it was. The "all deliberate speed" directive amounted to a "white pass," [\*196] enabling contrary school districts, authorities, politicians, and the courts to effectuate Brown on their own terms - terms that denoted passive resistance, delay, avoidance, obfuscation, and in too many instances, violence. This says nothing of the Brown plaintiffs' sufferings: threatened, fired from their jobs, unable to secure loans and financing, or arrested on spurious charges. n40 To be sure, in the years following Brown II, resistance to integration, famous and infamous, was legion, unfolding at a pace and with a ferocity that - figuratively and literally - stopped hearts. In 1955, NAACP leader Reverend George Wesley Lee of Belzoni was murdered, as was Florida's NAACP President and his wife. n41 Sixteen-sticks of dynamite outside of his bedroom window sent the Reverend Fred Shuttleworth through the floor and into the basement of his Birmingham home on December 25, 1956; he survived this one of several attempts to take his life. n42 Within the first four years of the Brown I decision, there were reportedly "530 cases of overt racial violence and intimidation - including 6 murders, 29 shootings, 44 beatings, 5 stabbings and the bombings of 30 homes, 7 churches, 4 synagogues and 4 schools. In the tense battle over desegregation, 17 southern towns were threatened with mob violence." n43 At the federal, state, and local levels, politicians met the Supreme Court's decision with bold-faced contempt. George Wallace's vitriolic invocation - "Segregation today! Segregation [\*197] tomorrow! Segregation forever!" n44 stands today as a chilly, emblematic testament to the intense defiance. The NAACP was outlawed from operating in Alabama by a circuit court judge's order in 1956. n45 One hundred United States legislators from southern states vowed to "resist forced integration by any lawful means." n46 Those legislators endorsed a "Southern Manifesto" which decried the Supreme Court's "abuse of judicial power." n47 Governor Orval Faubus asserted that Arkansas was not bound by Brown, posting guardsmen at the doors of Little Rock's Central High School to prevent entry of African-American students. n48 The Gray Commission of Virginia was established by the governor to study methods by which to keep the schools separate. n49 Both Delaware and Texas legislatures passed laws stating that no child could be compelled to attend a racially mixed school, n50 as did nineteen other legislatures. n51 Southern anti-integrationists found their outlets to oppose Brown through organizations such as the Mississippi White Citizens Council and the Mississippi Sovereignty Commission, the latter whose state-sanctioned charge was "to do and perform any and all acts and things deemed necessary and proper to protect the sovereignty of the State of Mississippi, and her sister states, from encroachment thereon by the federal government or any branch, department or agency thereof[.]" n52 [\*198] School boards were also defying Brown with impunity. Across the South, districts delayed integration through "pupil placement plans," requiring a school board's permission if African-American students requested a transfer. Invariably, African-American students requesting transfer were found to be "unfit," and were therefore denied. n53 While state administrators in Virginia, South Carolina, and Georgia threatened to close their schools if made to integrate, n54 one particular district made good on the threat. Rather than admit African-American children, education officials in Prince Edward County, Virginia concluded that no child - whether white, black, brown, yellow, green, blue or purple - would be educated within its public school walls. n55 The county shut down its entire public school system for five years, during which time the state subsidized the creation of "private" schools for Whites. n56 By May 1964, southern states had enacted 450 laws and resolutions to frustrate the Brown decision. n57 It was little wonder, then, a year after Dr. King stirred the nation's soul and conscience, only one out of fifty southern African-American school-age children attended integrated schools. n58

### Ext. #1: Desegregation Can’t Solve Societal Racism

#### Empirics prove schools can’t transform society at large

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College

(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

E. Racially Mixed Schools Need Much Attention and Care: Summing it all Up Putting these six racially mixed high schools from the late 1970s into their broader social, political, and historical contexts has proven to be a valuable exercise, one that helps us rethink the current, overly simplistic debate about the "success" or "failure" of school desegregation policy in this country. Indeed, rather than [\*1750] portray the struggles of these schools as evidence that we have fallen short of the ideal of a racially more equal and just society, we want to point to these stories as evidence of both how far we have come and how much further we need to go. Much of the burden of righting the historical wrongs was placed on the public schools, while much of the rest of the society, except for the military, continued along its separate and unequal path. If white privilege was not strongly challenged in other realms of our society, we should not be at all surprised that it was barely challenged at all in racially mixed schools. What we have learned from our six districts and schools is that, despite what many adults thought back in the 1970s, their journey toward equal educational opportunities was not complete once white, black, and Latino students walked through the same school doors; it had only just begun. A white school district administrator in Charlotte, who was one of the many principals of West Charlotte High School in the 1970s, reflected on how different the understandings of the goals of school desegregation were in the 1970s. He said that back then there was a tension among liberal white educators who supported desegregation and racial equality in theory, but who also wanted to teach the predominantly white high-track classes. Many of these educators were not ready to close the black-white achievement gap at that time. The administrator noted: Our moral issue [in the 1970s] was to get two groups of people together who had never been together before, and let them succeed, or let the institution succeed as a result of creating that kind of grouping. I think the moral dilemma today is, you got to go deeper than that. It's not enough just to put two groups of people together. Those two groups of people had to be put together and come out on equal terms. I don't think that was in our thought process at the time. Another central paradox is that by the time educators began to figure out how and what they could and should try to accomplish in racially mixed schools, the number of such schools was declining. For instance, shortly after we conducted our interviews, the Charlotte-Mecklenburg schools ended their court-ordered school desegregation [\*1751] plan, and West Charlotte High School, as we noted, is now predominantly black once more.

### Ext. #2: Segregation Within Schools

#### Whites are able to maintain their privileged status within the context of desegregation --- Black and Latino communities empirically have their schools shutdown and are forced to travel to new ones

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College

(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

II. The Power of White Privilege in Racially Mixed Schools and Districts: The Broader Social Context of Desegregation In the following sections we highlight some of the most powerful cross-case themes to emerge from our study. n11 These themes illustrate the distance between the intent behind school desegregation policy, to vindicate Fourteenth Amendment rights for African-Americans and other minority groups, and the actual results these policies achieved. In all of the six school districts we studied, powerful whites were able to maintain their privileged status even in the context of an equity-minded reform movement such as school desegregation. In each of the six communities and schools in our study, policy makers and educators tried to make desegregation as palatable as possible for middle-class white parents and students. On a political level, this made perfect sense. The idea was to stave off white and middle-class flight, which would leave the public schools politically and economically vulnerable. In concentrating on appeasing white parents, however, school districts often disregarded the needs of both students of color and poor students. Across the school districts studied, we saw the disillusionment of African-American and Latino advocates, educators, and students as they gave up on a "remedy" they once thought would solve many educational problems for students of color. While they acknowledged many gains that resulted from efforts to desegregate public schools and create more diversity within these educational institutions, they voiced clear disappointment about how little progress had been made overall and the price that communities of color had to pay to accommodate the demands and threats of whites. We realize that some of our findings are not "new" to the literature on school desegregation. For instance, other authors have highlighted many of the shortcomings of desegregation policy that we address. n12 We, however, are attempting to add a new sense of [\*1730] "dual consciousness" n13 to the discussion. In other words, we think it is important to celebrate the accomplishments of Brown and the role that public schools and the courts have played in trying to right the wrongs of racial inequality in our society, while being very clear about just how inadequate school desegregation policy - as an isolated policy affecting but one of many racially unequal institutions in our society - was in overcoming the legacy of white privilege. This is not to absolve the schools and educators of all wrongdoing - rather, we are simply examining them within the broader social context in which they were enmeshed and rethinking future policy proposals in light of how desegregation proceeded after Brown. As one Latino former school board member in Austin, Texas, explained to us, desegregation amounted to "societal problems ... being dumped on the children." A. What's in the Black Community is Not Good Enough for White Children: How the Burden of Busing Was Placed on Blacks and Latinos As other school desegregation scholars and observers have noted, n14 usually the historically black or Latino public schools were closed once districts were forced, either by judges, the federal government, or other political pressure, to desegregate their schools. This meant that black and Latino students were more likely to be riding buses longer distances at younger ages than most white students in desegregating school districts. n15 In five of the six school districts that we studied, at least one historically black school was eventually closed. Furthermore, in five of the six districts, black students, parents, and activists felt that their communities bore the burden of achieving racial balance in the [\*1731] schools. We learned from our data that this burden did not merely relate to the issue of inconvenience, such as black students having to get up early and get home late. Rather, the closing of black schools that required students of color to bear the brunt of busing dealt a blow to these communities' pride and dignity. It was as if white society were saying that there was nothing of value in the black or Latino communities. In Austin, Texas, the first phase of school desegregation entailed the closing of black schools on the east side of town and transferring students out of those neighborhoods to other schools, many with large Latino populations. One school that was closed early on was Anderson High School, a historically black high school with a long tradition and strong ties to the African-American community. <<card continues>>

### Ext. #2: Segregation Within Schools

<<card continues>> Prior to closing Anderson, the federal judge overseeing desegregation in the Austin case made an attempt to reassign nearby white students to the school. As one long-time district administrator recalled, however, when the judge ordered that white students be assigned to Anderson: You know, people [at the school] got revved up for that ... the black kids did a lot of work on trying to get ready for these [white] kids. And, of course, the [white] kids didn't come. So, there was like total flight, you know. Well, that was a downer as well. That was another unfortunate situation that helped solidify an adversarial deal because feelings were hurt. In other words, despite the pride members of the black community had in Anderson High School and their attempts to fix it up for the reassigned white students, the white families chose not to abide by the court order. After this act of resistance, the judge rescinded the plan that reassigned white students and ordered a new plan that resulted in the closing of the black schools, including Anderson High School, and the one-way busing of black students out of their community. The same Austin administrator noted that the alteration to the desegregation plan was both a good and a bad step. The new plan was good in that it was more effective in creating racially balanced schools, but it was bad in that it reinforced the idea that what the black community had to offer was not worthwhile and that black schools were inferior. He said, "Well, when you tell people that their schools are inferior to some degree you're telling them they're inferior."

### Ext. #2: Segregation Within Schools

#### Forced integration disrupts students’ education --- other factors ensure that defacto segregation will endure regardless of the plan

Gerzon, 16 --- president of Mediators Foundation and author of *The Reunited States of America: How We Can Bridge the Partisan Divide* (9/28/16, Mark, “Why I'm against desegregating my black grandsons' school system,” <http://m.csmonitor.com/USA/Politics/Politics-Voices/2016/0928/Why-I-m-against-desegregating-my-black-grandsons-school-system>, accessed on 6/13/17, JMP)

I was a white 5-year old when the Supreme Court handed down its landmark 1954 decision, Brown v. Board of Education, declaring that separate schools for black and white Americans were unconstitutional. Last week, a federal court ordered the school system that my two African-American grandsons attend to desegregate. Our three-generation family is a microcosm of the topsy-turvy history of race in American schools. A federal policy that has not worked is being forced on my grandkids. I, a white liberal from the North, once favored it. They, black students at a Mississippi public high school now don’t. They’re two exceptionally talented young men, the oldest children of my son – who, during a two-year tour of duty with Teach for America in the Mississippi Delta, married a brilliant black woman. One is class president. Both play on sports teams. When they showed me pictures of the teams, I see them flanked by kids of all skin colors smiling, their arms around each others’ shoulders. Their school, Cleveland High School, is fairly evenly split between black and white. The other high school in town, East Side High School, is almost 100 percent black, which I assumed was the cause of the court order. As I understand it, the federal court wants their city – Cleveland, Miss. – to merge or mix the two schools so that they both have a statistically similar multiracial student body. During a recent visit, I learned that my grandsons like their school and they don’t want it to be forced to merge with another school. They fear that the Civil Rights Division of the Department of Justice will disrupt their education and achieve nothing except more bureaucracy and years of chaos. When I asked them about the view of others, they said that their friends, both white and black, were opposed to the court’s interference. Still not convinced, I inquired further and learned that they and their fellow students are free to choose between either high school. For some, the all-black school is the more compelling choice; it has higher test scores in some key subject areas than does the integrated school my grandsons attend. After my visit with my grandkids, I remained puzzled. So I sought one one of the most highly respected scholars who has spent his professional life studying this issue: Gary Orfield, co-director of the Civil Rights Project at the University of California, Los Angeles, and a distinguished professor of Education, Law, Political Science, and Urban Planning. As Professor Orfield explained it, the southern states had laws and regulations, sanctioned by their state or local governments, which officially ordered the schools to be racially segregated. That was how the Supreme Court defined the problem: government-mandated racial segregation. In most of the North, however, the segregation was often not officially mandated. It was de facto segregation, the product of social and economic exclusion. So, from the Supreme Court’s perspective, communities in North just “happened” to be divided. In the South, it was on purpose. According to Orfield, many schools across the north — from New York to Illinois to California — are overwhelmingly segregated, yet there are not being subjected to court orders mandating that they change. As a citizen as well as a grandfather, I wanted to know: was the Department of Justice unfairly picking on this Mississippi Delta town — and if so, why? Then I remembered a clue from my own past. I had first experienced the paradox of desegregation in 1994. At that time, I was leading a community action project of the Rockefeller Foundation which took me on a fact-finding trip to the city on which the Supreme Court’s Brown vs Board of Education ruling was based: Topeka, Kan. During the four decades since the highest court in the land had specifically instructed that city to desegregate its schools, segregation had gotten worse, not better. The policy had failed. When I interviewed various officials in Topeka — the mayor, the head of the NAACP, local businessmen and real estate officials — they all pointed to the same set of variables: employment, income inequality, the economics of housing, formal and informal exclusionary real estate practices, etc. Together, these factors ensured that, no matter what the Supreme Court decided, the city of Topeka grew over those forty years along racial lines. So even though the city was officially desegregating, it was unofficially segregating. What I could not understand was why this failed policy was now being imposed on my grandsons’ school. Even though I have always worked for social justice and believed strongly in equality in education, the heavy-handed and rigid intrusion by the federal government into Cleveland, Miss.,in 2016 now makes no sense to me. Even my African-American grandsons, the supposed beneficiaries of such intrusion, don’t want it. As Professor Orfield points out, what is needed to achieve equality in education today is adequate funding and support for a new coalition of local officials in education and housing and employment. This multi-pronged approach would also take into consideration the simple fact that more than 25 percent of the children in America’s public schools are neither black nor white, but Latino and a Technicolor range of ethnicities from all over the world. So for the sake of my grandkids, and all school children in America, let’s wake up from our trance. We are not less segregated now in America; in many places, we are more segregated. It is time to let go of conventional liberal and conservative positions that are, frankly, obsolete. If we want equal educational opportunity, let’s stop trying to enforce sixty-year-old, one-dimensional policies that don’t work and start designing, systemic 21st century strategies that do.

### Ext. #2: Segregation Within Schools

#### Quantitative measures can’t ensure educational equality --- they don’t address unique challenges that minority students face --- including second generation segregation within schools

Nelson, 09 --- Assistant Professor of Law, University of South Carolina School of Law, J.D. from Harvard (January 2009, Eboni S., University of Miami Law Review, “Examining the Costs of Diversity,” 63 U. Miami L. Rev. 577, Lexis-Nexis Academic, JMP)

If we, as a society, are to fulfill our moral obligations to provide truly equal educational opportunities to all students regardless of race, we must immediately do three things: first, recognize the disconnect that [\*604] currently exists between the theory of racial diversity and the reality of educational equality; second, temper our reliance on race-based and race-neutral measures that are primarily designed to achieve quantitative goals of racial representation; and, third, develop and implement reforms that effectively address the qualitative educational challenges confronting many minority students. 6A. Dismantling the Diversity-Equality Disconnect Today, many minority students must overcome great challenges to achieve academic success. Such challenges range from lack of guidance and encouragement regarding educational goals n151 to overcrowded classrooms, less qualified teachers, and lack of parental involvement. n152 Many minority students, whether educated in diverse or non-diverse environments, have low aspirations regarding their academic careers. n153 For those minority students who possess high aspirations, many are unaware [\*605] of the necessary steps they must take to achieve their goals. n154 In addition, many minority students must "confront peers who devalue education," which has the potential to negatively impact their academic achievement. n155 Traditional race-based admissions and assignment programs, which narrowly focus on quantitative measures of racial representation, n156 fail to adequately address these and other impediments to the provision of equal educational opportunities to minority students. n157 Despite this inadequacy, efforts to create and maintain racially diverse student bodies continue to be pursued. n158 Such pursuits demonstrate the disconnect currently existing between the theory of racial diversity and the reality of educational equality. As facilitated by the Supreme Court's prior sanctioning of admissions and assignment measures that center on racial representation rather [\*606] than true racial equality, n159 the ideal of assembling a racially diverse student body has been mistakenly equated with the ultimate goal of ensuring equal educational opportunities for minority students. n160 This has resulted in the former often being thought of as both a prerequisite for and guarantor of the latter. n161 The employment of educational policies, such as tracking and magnet programs, in schools with racially diverse student bodies evidences the fallacy inherent in such beliefs. As the following discussion will show, simply because a school is diverse on its face does not mean that it is also diverse in practice or that it is providing equal educational opportunities to students of color. More than racial diversity is needed in these so-called "diverse learning environments" to ensure that the educational needs of all students are being met. n162 1. "tracking" toward inequities Within racially diverse schools, students are often segregated by race due to the implementation of various instructional practices. Such intra-school separation is often referred to as "second-generation segregation." n163 As noted by Professor Roslyn Arlin Mickelson, schools began to employ practices such as "ability grouping, curricular tracking, special education, and gifted programs" in their efforts to subvert desegregation. n164 Although purported to achieve educational benefits by assigning students to "tracks or curriculum levels according to the school's assessment of each student's ability to learn," n165 such programs [\*607] were historically used to intentionally segregate black and white students, and they continue to have a segregative effect today. n166 Social-science research reveals that tracking and other similar measures often lead to a disproportionate number of minority and low-income students being "assigned to lower ability groups, non-college-bound tracks, and to special education programs." n167 Despite this detrimental outcome, the use of such practices is a widespread and common occurrence in our education system. n168 One need only look to the Seattle School District in Parents Involved to demonstrate the disparate impact of such policies. Take, for instance, Garfield High School, one of Seattle's most sought-after high schools, n169 which also happens to be one of its most racially diverse. On its face, Garfield reflects the epitome of the integrationist ideal, so much so that it had been previously praised as "a model for integration success." n170 In 2000, the student population was "47 percent white, 35 percent black, 13 percent Asian, 4 percent Latino, and 1 percent Native American." n171 Despite this "achievement," it is very clear that most minority members of this diverse student body were not receiving equal educational opportunities. <<card continues>>

### Ext. #2: Segregation Within Schools

<<card continues>> Consider the following statistics from the 1999-2000 school year: [Seventy-three] percent of students in the advanced classes at Garfield [were] white, while 19 percent [were] Asian and only 4 percent [were] black (Latinos and Native Americans together make up 4 percent of Advanced Placement classes). On the other end of the scale, 62 percent of all African American students at the school [were] on [\*608] the "D and E list" (which is, itself, made up of mostly black students), meaning they [were] in danger of flunking out. n172 Whether facilitated through tracking, ability grouping or some other segregative practice, n173 the vast majority of students of color in many Seattle schools are not afforded access to equal educational opportunities, despite their "inclusion" in a racially diverse student body. A recently issued report concerning the Seattle Public Schools' Accelerated Progress Program confirms this disturbing reality. n174 The report, issued in 2007 by an outside review panel, detailed significant racial and socioeconomic gaps in the number of students participating in the program. Of the 1300 students involved in the program, seventy percent of them are white, even though white students make up only forty percent of the overall student population. n175 In addition, "only 5 percent of students in the Accelerated program are eligible for free or reduced lunch, while nearly 40 percent of the overall district student body qualifies [for such assistance]." n176 Not only are students of color underrepresented in the program, but some of those who do participate in the program report being subjected to racist comments from teachers and others involved in the program. n177 As admitted by parents and school and district administrators, many minority students in Seattle are not being provided equal educational opportunities. n178 In the case of Garfield, "the school is so focused on ... kids who have the greatest potential to go on to college" that it, in large part, neglects the academic needs of many minority students. n179 Sadly, [\*609] this is the reality in many school districts throughout the country - one that cannot be altered simply by creating and maintaining racially diverse student bodies. As we have seen, even if a school is racially balanced, measures such as tracking operate "to ensure that white educational privileges remain largely intact." n180 As noted by Judge Carter, Even ostensibly integrated schools channel their resources into predominantly white "honors" classes, while blacks are tracked into unchallenging lower level programs. Black children are more likely to be placed into low ability or special education classes early on in their education. These decisions essentially seal the fate of many black children for a lifetime. n181

### Ext. #4: Can’t Reduce Achievement Gap

#### No long-term benefits to desegregation – multiple studies prove

Armor ’6 – Professor in the School of Public Policy, George Mason University (David J., The Benefits of Racial and Ethnic Diversity in Elementary and Secondary Education, “The Outcomes of School Desegregation in Public Schools,” The United States Commission on Civil Rights (Briefing), November 2006, pgs. 18-27, [http://www.usccr.gov/pubs/112806diversity.pdf)//PS](http://www.usccr.gov/pubs/112806diversity.pdf%29//PS)

A more comprehensive review of earlier research can be found in Chapter 2 of my book, Forced Justice, published in 1995.10 That review highlights one of the best studies on the effects of desegregation on black achievement, which was a meta-analysis sponsored by the National Institute of Education in 1984.11 In this meta-analysis, only studies with experimental or quasiexperimental designs were reviewed, so that causal inference was more certain. The NIE study found no effect of desegregation on math scores and inconsistent results for reading scores. Thomas Cook summarizes the findings as follows: On the average, desegregation did not cause an increase in achievement in mathematics. Desegregation increased mean reading levels. The gain reliably differed from zero and was estimated to be between two to six weeks [of a school year] across the studies examined….The median gains were almost always greater than zero but were lower than the means and did not reliably differ from zero….I find the variability in effect sizes more striking and less well understood than any measure of central tendency. Thomas Cook is not the only social scientist to conclude that desegregation had weak and inconsistent impact on black achievement. Similar conclusions were reached after literature reviews by St. John in 1975, Stephan in 1978, and Schofield in 1995.12 Consider the summary by Schofield, which is often cited in legal briefs in support of the benefit thesis: First, research suggests that desegregation has had some positive impact on the reading skills of African American youngsters. The effect is not large, nor does it occur in all situations, but a modest measurable effect does seem apparent. Such is not the case with mathematics skills, which seem generally unaffected by desegregation.13 Finally, for those who find the statistics confusing and the debate among researchers unhelpful, there is another body of evidence that appeals to our common sense. Even after the very extensive school desegregation during the 1970s and 80s, especially in the South, the black-white achievement gap is still very large and not that much smaller than it was in 1970. Case studies in large school districts like Charlotte-Mecklenburg, North Carolina, and Wilmington New Castle, Delaware, show that the achievement gap changed very little after extensive desegregation. These and other case studies are discussed in a study I published in 2002; that chapter has been made available to the Commission.14 Some reviews have concluded that the long-term benefits of desegregation are greater than short term effects (i.e., test scores).15 Since most of these studies come from general surveys and are not evaluating the effects school desegregation plans per se, the results must be interpreted carefully. For example, one of the common findings in these long-term studies are that students who attended desegregated high schools are more likely to attend predominantly white colleges as opposed to majority black colleges (e.g., historically black colleges) or more likely to end up in desegregated employment settings. These studies do not find that desegregation increases college attendance or improves wages. While I accept the finding that black students in desegregated schools are more likely to be found in desegregated colleges or work environments, these studies do not prove that the desegregated schools were the cause. It is equally likely that self-selection bias is operating here, so that families who prefer desegregated schools pass these preferences on to their children who also prefer desegregated life-styles when they become adults. This is demonstrated most clearly by the findings for college attendance. While black students from desegregated high schools are more likely to attend desegregated colleges, it is not the case that they are more likely to attend college. In fact, the relationship between desegregation and college attendance is similar to that for achievement test scores—weak and inconsistent. Given that achievement scores are strong predictors of attending college, and given the weak relationship between desegregation and achievement, this is not a surprising finding. One of earliest national studies found that the relationship between desegregation and attending college differed between black students in the North and the South.16 Controlling for family SES, Crain and Mahard found that attending desegregated high schools raised college attendance in the North but lowered it in the South. However, both relationships were small and not statistically significant. Using the same data but a different analytic model, Eckard found that the relationship between high school desegregation and college attendance was virtually zero. 17 In a later study using the same data, Braddock and McPartland came to similar conclusions: virtually no relationship in the South and a small positive relationship in the North that was not statistically significant.18 One of the best studies on this topic was carried out by Crain and others using data from Project Concern, a long-running desegregation program involving transfers of black students from predominantly black schools in Hartford, Connecticut, to desegregated suburban schools.19 The advantage of this study is that it used a quasi-experimental design, so that Project Concern students could be compared to a control group of similar students who remained in Hartford schools. After controlling for gender, family background, and test scores, there was no difference in going to college between all Project Concern students and the Hartford control group. Moreover, some Project Concern students spent a substantial number of years in desegregated suburban schools, but then returned to the Hartford schools, and they were no more likely to attend college than those who had remained in the city all along.20 Thus spending a substantial number of years in desegregated suburban schools did not significantly increase the rate of college attendance by Hartford black students. Finally, a study by Boozer and others used data from the National Survey of Black Americans to estimate the relationship between the percent of black students in a high school and total years of education. After controlling for self-selection effects, the relationship was small and not statistically significant.21 The Boozer study is also the most recent and most sophisticated analysis of the relationship between high school desegregation and wages. There findings were similar to their findings for educational attainment: they found a small positive impact of high school desegregation on wages but it was not statistically significant after controlling for self-selection bias.22 This rather limited research literature on the effects of desegregation on educational attainment and wages suggests that desegregation does not have a strong or consistent influence on either of these long-term outcomes.

### Ext. #5: Inequality Decreasing

#### Even if there’s inequality, it doesn’t correlate with poverty or lower living conditions

Tanner 16 (Michael D. Tanner, Cato Institute senior fellow, “Five Myths about Economic Inequality in America” 9/7/16 https://www.cato.org/publications/policy-analysis/five-myths-about-economic-inequality-america) GG

Perhaps the reason that there is so much concern over economic inequality is that we instinctively associate it with poverty. After all, poverty is the flip side of wealth. And, despite across-the-board gains in standards of living, too many Americans remain poor (at least by conventional measures). Slightly less than 15 percent of Americans lived in poverty in 2014, including 16 percent of women, 26.2 percent of African-Americans, and 21.1 percent of children.61 But, it is important to note that poverty and inequality are not the same thing. Indeed, if we were to double everyone’s income tomorrow, we would do much to reduce poverty, but the gap between rich and poor would grow larger. Would this be a bad thing? There is little demonstrable relationship between inequality and poverty. Poverty rates have sometimes risen during periods of relatively stable levels of inequality and declined during times of rising inequality. The idea that gains by one person necessarily mean losses by another reflects a zero-sum view of the economy that is simply untethered to history or economics. The economy is not fixed in size, with the only question being one of distribution. Rather, the entire pie can grow, with more resources available to all. Comparing the Gini coefficient, the official poverty measure, and two additional poverty measures (one based on income and accounting for taxes and transfers, and one based on consumption) developed by economists Bruce D. Meyer of the University of Chicago and James X. Sullivan of Notre Dame reveals no clear relationship between poverty and inequality (Figure 9).62 While the Gini coefficient has increased almost without interruption, the official poverty rate has fluctuated mostly in the 13-15 percent range and the two measures from Meyer and Sullivan have both decreased markedly since 1980.63 Again, the mid-1990s was an interesting period because the inequality was markedly higher than previously, but both the supplemental poverty measure (SPM) and the official rate saw significant decreases. Comparison with the consumption-based poverty measure is especially interesting, with poverty showing a substantial decline despite rising inequality. Since many observers believe that consumption is the best measure of the poor’s actual standard of living, this suggests that not only does rising inequality not correlate with greater poverty, but a rising tide may truly lift all boats. That is, those same economic factors that make it possible for the rich to become rich may make life better for the poor as well. One can see similar results from comparing the poverty rate to the share of after-tax income earned by the wealthiest 1 percent. There is no discernable correlation (Figure 10).64 The relationship between poverty and inequality remains unclear, in part because the number of confounding variables and broader societal changes make any kind of determination difficult. But what research there is generally finds that poverty cannot be tied to inequality. For instance, a recent paper by Dierdre Bloome of Harvard finds “little evidence of a relationship between individuals’ economic mobility and the income inequality they experienced when growing up… . Over a twenty year period in which income inequality rose continuously, the intergenerational income elasticity showed no consistent trend.” While most studies examine these trends at the national level, she delves into state-level variation in inequality and social mobility. Again, she finds no evidence of a relationship, as “the inequality to which children were exposed in their state when growing up provides no information about the mobility they experienced as adults.”65 We should also note that international experience parallels the United States. Using World Bank data, which puts the Gini coefficient on a scale of 100, we can see that there are multiple countries where this has been the case recently.66 For example, China had a Gini coefficient of 32.43 in 1990 and it rose to 42.06 in 2009, meaning China became much more unequal. At the same time, the proportion of the population living below $1.25 a day (adjusted for purchasing power parity), the measure usually used for international poverty lines, fell from 60.18 percent in 1990 to only 11.8 percent in 2009. Moreover, in discussing poverty and inequality, we should keep in mind that while the official poverty rate in the United States has been relatively stable since the mid-1970s, the sort of deep poverty that was once common among poor Americans has been largely eliminated despite whatever increase in inequality has occurred over the last 50 years. Take hunger, for example. In the 1960s, as much as a fifth of the U.S. population and more than a third of poor people had diets that did not meet the Recommended Dietary Allowance for key nutrients. Conditions in 266 U.S. counties were so bad that they were officially designated as “hunger areas.”67 Today, malnutrition has been significantly reduced. According to the U.S. Department of Agriculture, just 5.6 percent of U.S. households had “very low food security” in 2013, a category roughly comparable to the 1960s measurements.68 Even among people below the poverty level, only 18.5 percent report very low food security.69 Housing provides another example. As recently as 1975, more than 2.8 million renter households (roughly 11 percent of renter households and 4 percent of all households) lived in what was considered “severely inadequate” housing, defined as “units with physical defects or faulty plumbing, electricity, or heating.” Today that number is down to roughly 1.2 million renter households (1 percent of all households).70 In 1970, fully 17.5 percent of households did not have fully functioning plumbing; today, just 2 percent do not.71 And if you look at material goods, the case is even starker. In the 1960s, for instance, nearly a third of poor households had no telephone. Today, not only are telephones nearly universal, but roughly half of poor households own a computer. More than 98 percent have a television, and two-thirds have two or more TVs. In 1970, less than half of all poor people had a car; today, two-thirds do.72 Clearly, the material circumstances of poor families have improved significantly despite any possible increase in inequality. <<card continues>>

### Ext. #5: Inequality Decreasing

<<card continues>> Not only do more people across the income distribution have access to more of these things, but adoption of new technologies and products is speeding up. Whereas it took decades for the telephone and electricity to make their way into the majority of American homes, new products, such as the cellphone and Internet, have a much faster adoption rate, as indicated in Thus, even as inequality, as measured by Piketty and others, has risen, people at the bottom of the income scale have better standards of living. It becomes an open question, therefore, whether inequality matters as long as everyone is becoming better off. In other words, if the poor are richer, do we care if the rich are even richer?

### Ext. #6: Consequences First

#### Ignoring the consequences of their advocacy is devastating for the cause of fighting racism, which REQUIRES that we evaluate the unintended consequences of policy choices

Bracey 6(Christopher A. Bracey, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September 2006, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318)

Second, reducing conversation on race matters to an ideological contest allows opponents to elide inquiry into whether the results of a particular preference policy are desirable. Policy positions masquerading as principled ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle. Thus, the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328#n281) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities in health, wealth, and society. But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment.

#### Moral tunnel vision is complicit with evil

Isaac, Prof of Pol Sci, 2 – Professor of Political Science, Indiana (Jeffrey, “Ends, Means and Politics,” Dissent 49.2, p 35-6, ebsco)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

### Ext. #6: Consequences First

#### Moral absolutes and deontological claims are violent, reductionist, and shouldn’t dictate public policy

Woller ’97 (Gary, Economics Professor at BYU, Policy Currents, June, http://apsapolicysection.org/vol7\_2/72.pdf, p. 11)

At the same time, deontologically based ethical systems have severe practical limitations as a basis for public policy. At best, a priori moral principles provide only general guidance to ethical dilemmas in public affairs and do not themselves suggest appropriate public policies, and at worst, they create a regimen of regulatory unreasonableness while failing to adequately address the problem or actually making it worse. For example, a moral obligation to preserve the environment by no means implies the best way, or any way for that matter, to do so, just as there is no a priori reason to believe that any policy that claims to preserve the environment will actually do so. Any number of policies might work, and others, although seemingly consistent with the moral principle, will fail utterly. That deontological principles are an inadequate basis for environmental policy is evident in the rather significant irony that most forms of deontologically based environmental laws and regulations tend to be implemented in a very utilitarian manner by street-level enforcement officials. Moreover, ignoring the relevant costs and benefits of environmental policy and their attendant incentive structures can, as alluded to above, actually work at cross purposes to environmental preservation. (There exists an extensive literature on this aspect of regulatory enforcement and the often perverse outcomes of regulatory policy. See, for example, Ackerman, 1981; Bartrip and Fenn, 1983; Hawkins, 1983, 1984; Hawkins and Thomas, 1984.) Even the most die-hard preservationist/deontologist would, I believe, be troubled by this outcome. The above points are perhaps best expressed by Richard Flathman, The number of values typically involved in public policy decisions, the broad categories which must be employed and above all, the scope and complexity of the consequences to be anticipated militate against reasoning so conclusively that they generate an imperative to institute a specific policy. It is seldom the case that only one policy will meet the criteria of the public interest (1958, p. 12). It therefore follows that in a democracy, policymakers have an ethical duty to establish a plausible link between policy alternatives and the problems they address, and the public must be reasonably assured that a policy will actually do something about an existing problem; this requires the means-end language and methodology of utilitarian ethics. Good intentions, lofty rhetoric, and moral piety are an insufficient, though perhaps at times a necessary, basis for public policy in a democracy.

## Civic Engagement Advantage

### 1NC – Civic Engagement

#### 1. Civic engagement increasing now

Eric Liu 17, [Eric Liu- contributing writer for The Atlantic "How Trump Is Reviving American Democracy", Atlantic, 2-22-2017, https://www.theatlantic.com/politics/archive/2017/03/how-donald-trump-is-reviving-our-democracy/518928/] Valiaveedu

There are two ways to look at the effect of Donald Trump’s presidency on American democracy. One is that he is a menace to the republic: that his attacks on journalists, federal judges, and constitutional norms undermine the rule of law. The other is that he is the greatest thing to happen to America’s civic and political ecosystem in decades. These views are not mutually exclusive. In fact, they are causally related. The president’s attacks on established institutions have triggered a systemic immune response in the body politic, producing a surge in engagement among his opponents (and also his fans). Since the early 1970s, the nation’s civic health—from membership in civic groups to attendance at public meetings to newspaper reading—has been in steady, severe decline. Economic inequality has fed political inequality in a viciously self-reinforcing loop of disenfranchisement and concentration of clout. But now millions of people, once cynical bystanders, are participating earnestly. In mass marches and packed congressional town meetings, Americans have taken vocal stands for inclusion. At airports and campuses and street corners they have swarmed in defense of Muslim and undocumented neighbors. Membership in the ACLU and the League of Women Voters has swelled, as have subscriptions to leading newspapers. The ranks of Trump’s supporters, meanwhile, are filled with first-time or first-time-in-a-long-time participants in politics. He has given voice to communities long disregarded by cosmopolitan political elites. Heartened by his election and his willingness in office to buck convention, they are now rallying to his defense. Trump has also generated a boom in popular civic education. Across the country, people are creating political clubs, discussion circles, teach-ins. My organization, Citizen University, has launched regular gatherings called Civic Saturdays—a civic analogue to church—that have drawn overflow crowds. Indivisible, an insiders’ guide to pressuring Congress, has sparked intense local organizing and activism. Google searches for the Emoluments Clause, recusal rules, and judicial review have spiked. And iCivics.org, the civics video gaming platform created by former U.S. Supreme Court Justice Sandra Day O’Connor, has seen a doubling of game-playing this year. This civic surge, it’s important to note, crosses ideological lines. Many principled libertarians and conservatives, troubled by Trump’s recklessness, are now cheered by rising popular interest in the ideals of liberty and limits on government power.

### 1NC – Civic Engagement

#### 2. Many alternate causes explain Trump’s rise better than a lack of civic engagement

Gaughan 2016 – associate professor of law at Drake University in Des Moines, Iowa, specializes in election law (Anthony J, “Five things that explain Donald Trump's stunning presidential election victory” [online]. Australian Options, No. 85, Summer 2017: 5-7, <http://search.informit.com.au/documentSummary;dn=730038257656211;res=IELHSS> ISSN: 1324-0749) // kt

A populist wave that began with Brexit in June reached the United States in stunning fashion on Tuesday night. In one of the biggest upsets in American political history, Donald Trump won a truly historic victory in the U.S. presidential election. Trump's remarkably decisive win stunned most political pundits, myself included. Throughout the campaign, Trump seemed to have a polling ceiling of about 44 percent and he consistently had the highest unfavorability rating of any major party nominee in history. Accordingly, months ago I predicted that Clinton would easily beat Trump. Then, at the beginning of October, the uproar over Trump's lewd and offensive remarks on the "Access Hollywood" videotape, combined with the escalating number of women who accused Trump of sexual assault, seemed to finish off his campaign. Right up until Tuesday afternoon, therefore, a comfortable victory for Clinton seemed like a foregone conclusion. But I was dead wrong. Trump won a sweeping victory in the presidential race. His night began with critical victories in Florida, North Carolina and Ohio, three states essential to his path to 270 electoral votes. As the night wore on, Clinton's "blue wall" collapsed amid a red tide that swept across the country from the Atlantic coast to the Rocky Mountains. The blue states of Pennsylvania, Michigan, Wisconsin and Iowa fell to Trump like dominoes. The election returns made clear that Trump would carry over 300 electoral votes, more than enough to win the presidency. It's extremely early to draw conclusions about the 2016 election results, but here are five factors that at least partially explain what happened. There really was a silent Trump vote that the polls failed to pick up on. The nationwide polling average gave Clinton about a 3-point lead overall, and the state-by-state polls indicated that she would win at least 300 electoral votes. But the polls were as wrong as the pundits. Problems with the polls' methodologies will undoubtedly be identified in the days and weeks ahead. It seems equally reasonable to conclude that many Trump voters kept their intentions to themselves and refused to cooperate with the pollsters. The extraordinary role of FBI Director James Comey in the presidential campaign cannot be underestimated either. Two weeks ago Clinton seemed on the verge of winning a double-digit victory. But Comey's Oct. 28 letter to Congress, which announced that the FBI was reopening its investigation into Clinton's State Department emails, changed the momentum of the race. Clinton retook the polling lead at the end of last week, but the final polls masked the lasting damage that the Comey letter had done to her campaign. Whatever the ultimate explanation for the polls' failure to predict the election's outcome, the future of the polling industry is in question after Tuesday. Trump's astounding victory demonstrated that the polls simply cannot be trusted. A longstanding assumption of political campaigns is that a first-rate "Get out the Vote" organization is indispensable. The conventional wisdom in 2016 thus held that Trump's lack of a grassroots organization was a huge liability for his campaign. But as it turned out, he didn't need an organization. Trump has been in the public eye for over 30 years, which meant that he entered the race with nearly 100 percent name recognition. Trump's longstanding status as a celebrity enabled him to garner relentless media attention from the moment he entered the race. One study found that by May 2016 Trump had received the equivalent of US$3 billion in free advertising from the media coverage his campaign commanded. Trump seemed to intuitively understand that the controversial things he said on the campaign trail captured the voters' attention in a way that serious policy speeches never could. Most important of all, he had highly motivated voters. Trump's populist rhetoric and open contempt for civility and basic standards of decency enabled him to connect with the Republican base like no candidate since Ronald Reagan. Trump didn't play by the normal rules of politics, and his voters loved him for it.

### 1NC – Civic Engagement

#### 3. Studies prove low youth civic participation is inevitable

Malin et. al. 17 [Heather Malin Center on Adolescence, Stanford University; Hyemin Han Educational Psychology Program, The University of Alabama; Indrawati Liauw Center on Adolescence, Stanford University, “Civic Purpose in Late Adolescence: Factors That Prevent Decline in Civic Engagement After High School” American Psychological Association. 2017] Valiaveedu

Although the research clearly shows that adolescent civic participation promotes civic commitment, the overall trends indicate that the path from adolescent to early adulthood civic engagement is uncertain; service activity in high school has increased over recent decades, while civic engagement among young adults has declined (Putnam, 2000; Sax, Astin, Korn, & Mahoney, 1998, 1999; Sherrod, 2003). Moreover, the quality of civic learning experiences may have a greater impact than simply whether or not students were involved in civic activities, suggesting that there is more to civic development than early civic participation. For example, in one study justice-oriented service that exposed students to social inequities was more likely than general helping activities to raise students’ awareness of civic issues and support long-term civic commitment (Metz, McLellan, & Youniss, 2003). In another study, participation in activities rated as high quality, in which students solved real-world problems, interacted with perspectives different from their own, and analyzed the experience, had a more lasting impact on civic engagement than low quality participation (Ferreira, Azevedo, & Menezes, 2012). Mere participation in civic activity had little impact on students’ ability to analyze to construct personal meaning from the experience. Civic development is not only impacted by the amount, type, and quality of civic participation that young people engage in. Adolescents in the United States have different experiences daily, based on racial and socioeconomic inequalities in society, which shape their evolving sense of themselves as citizens and contribute to formation of different civic identities. Whereas White and affluent youth experience congruity between their daily experiences and the ideals expressed in civic texts, many urban youth of color experience disjuncture between civic ideals and the reality of their lives (Rubin, 2007). From this backdrop of congruity or disjuncture, diverse youth develop differing attitudes toward civic participation. Furthermore, ethnic minority youth experience unequal access to civic learning and opportunities at school and in their communities that lead to lower civic engagement compared with those who live in more affluent and homogeneous communities and attend schools with more college-bound students (Atkins & Hart, 2003; Kahne & Middaugh, 2008). Despite these disparities in adolescent civic participation, high school students from all backgrounds are more involved in civic volunteering than young adults (Kirby et al., 2011), indicating that the transition out of high school is a particularly vulnerable time for civic development regardless of the circumstances. Civic engagement among young adults is lower than other age groups, and has declined since the 1970s (Galston, 2001; Twenge, Campbell, & Freeman, 2012). However, this decline has primarily been experienced by noncollege bound youth (NCBY; Zaff, Youniss, & Gibson, 2009). Young adults who attended college reported higher rates of involvement in most civic activities, including voting, volunteering, boycotting, and “buycotting” than their peers who did not attend college (Jenkins, 2005; Lopez, Kirby, Sagoff, & Kolaczkowski, 2005). Lopez and colleagues proposed two possible reasons for the steeper decline among noncollege bound youth: (a) the unbalanced distribution of educational, political, and/or civic resources and opportunities for civic and political activities; and (b) the decrease in community-based avenues for NCBY to engage in civic and political activity (e.g., religious congregations, social movements, and voluntary associations). These findings are evidence that civic development varies according to the experiences youth are having in society, which are strongly influenced by factors such as ethnicity, education, and the civic opportunities they encounter at school and in their communities. Missing from this body of research is an examination of individual factors, such as motivation, personal goals, and values, and how these factors interact with known significant social factors in early civic development. In this article, we examine change in civic engagement from late adolescence into early adulthood using a dynamic civic purpose framework that integrates the individual factors of personal motivations and intentions with the social and demographic factors known to impact civic development.

### 1NC – Civic Engagement

#### 4. Curriculum matters more

Kahlenberg, 16 – Senior fellow at the Century Foundation with expertise in education, civil rights, and equal opportunity (Richard D. Kahlenberg, 11.10.16, “Putting Democracy Back into Public Education,” Century Foundation, <https://tcf.org/content/report/putting-democracy-back-public-education/>)

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

### 1NC – Civic Engagement

#### 5. Trump’s not an authoritarian and their impact is exaggerated

Robin, 17– Corey Robin is a professor of political science at Brooklyn College and the CUNY Graduate Center. (Corey, “Think Trump is an authoritarian? Look at his actions, not his words” The Guardian, 5/2, <https://www.theguardian.com/commentisfree/2017/may/02/donald-trump-authoritarian-look-actions-not-words>

This kind of narrative of Trump the authoritarian is popular among journalists such as Vox’s Ezra Klein and academics such as Yale historian Timothy Snyder. It’s the background mood music of a lot of liberal commentary in the US. But it depends on paying almost exclusive attention to what Trump says rather than what he does. If Trump were actually serious about consolidating his power, he might start by, oh, I don’t know, consolidating his power. Instead, this is what he’s been doing – or not doing – since he’s been in office: The Senate has confirmed 26 of Trump’s picks for his Cabinet and other top posts. But for 530 other vacant senior-level jobs requiring Senate confirmation, the president has advanced just 37 nominees. Trump, in other words, has failed to fill 85% of the positions in the executive branch that he needs to fill in order to run the government to his specifications. It’s a strange kind of authoritarian who fails, as the first order of business, to seize control of the state apparatus: not because there’s been pushback from the Senate but because, in most instances, he hasn’t even tried. Ah, Trump’s liberal and left critics will respond, but that failure to fill key positions is all part of the White House’s master plan. Back in February, Steve Bannon, Trump’s top strategist whose star lately has fallen, claimed that the administration’s goal was “the deconstruction of the administrative state”. As Bannon made clear, that was just a fancy way of describing the longstanding Republican goal of gutting rules and regulations the business class hates. What better way to do that than simply not staffing the agencies that are tasked with enforcing those rules and regulations? There are two problems with this theory. First, Trump has failed to fill positions in departments and agencies he actually wishes to empower and expand. He’s only filled one out of 53 positions in the Pentagon, two out of 14 in the Department of Homeland Security, one out of seven positions in the intelligence agencies, one of out 28 positions in the treasury department, and almost none of the key positions in the justice department having to do with terrorism, drug crime prosecution and the like. Second, many of those positions are not empty. Until Trump appoints someone to fill them, they will remain mostly occupied by holdovers from the Obama administration – who will continue to enforce the thousands of rules and regulations Obama passed and Trump hates. Though Trump has had limited success overturning some of Obama’s rules through an obscure piece of legislation, the real work of deregulation and undoing Obama-era rules will require a much heavier lift that Trump is not yet in a position to execute. Despite the fact that Trump, whose party is in control of all the elected branches of the federal government, has lost virtually every legislative battle he’s waged, and backed down from virtually every bluff he’s made, the faith in Trump’s power – not in his probity or purposes but in his ability to dominate the political scene – dies hard. And nowhere harder, it seems, than on the left. In March, I was on a panel of liberal scholars and writers where it was the universal consensus that Trump had an almost intuitive grasp of and control over public opinion – as evidenced by his tweets, which were held to be the invisible puppet strings of the American mind. This was not long after Trump’s travel ban had been overturned by the courts and Trump had responded by tweeting his contempt for and hostility toward the judges involved. It seemed like the classic demagogue’s move – whipping up the masses against elite judges – so there was some nervousness on the panel about what Trump might do to bring these recalcitrant judges to heel. (Trump has since repeated that charge against the judiciary, and his critics have repeated their concerns: now, Snyder says, “it’s pretty much inevitable” that Trump will declare a state of emergency and try to seize full control of the government.) As I pointed out to my co-panelists, when Franklin Delano Roosevelt was rebuffed by the judiciary, he tried to overhaul the supreme court with his infamous court-packing scheme. Now that was an assertion of executive power. In the face of judges frustrating his agenda, all Trump managed was to emit a plaintive tweet promising to appeal their ruling: “I’ll see you in court.” Even that Trump couldn’t be bothered, in the end, to do. Instead he withdrew his appeal, revised his travel ban and found his ban back in court. Where it remains. But even more important, Trump’s Svengali-like control of American public opinion is belied by the fact that most of America has disapproved of him for most of the time he’s been in office. In March, moreover, Trump saw precipitous drops in support from his base: Republicans, white people and men. With every day he’s in office, fewer and fewer people believe that he’ll keep his promises, that he’s strong and decisive, and that he can bring about the changes the country needs. And as the Wall Street Journal recently reported, despite Trump’s consistent opposition to immigration and free trade, public support for those positions has gotten consistently stronger – record highs in the case of free trade, and in the case of immigration, the highest it’s been in over a decade – since Trump came into office. There’s little doubt that Trump’s administration has pursued policies designed to make life crueler and harder for immigrants, people of color and women. There’s also little doubt that some in his administration, particularly his attorney general, Jeff Sessions, will be successful in doing so. But with the exception of immigration, most of these aims are longstanding Republican goals. They reflect no peculiar authoritarianism on Trump’s part; they’re just the revanchist stock-in-trade of the American right, which any Republican president would pursue. When it comes to advancing the singular potency of the presidency – whether that means controlling public opinion, consolidating the power of the executive branch or dominating Congress – Trump has been an abject failure. Whatever fantasies he (or the media or his critics) may have about the presidency abound, the last 100 days have shown that Trump has no realistic agenda for, or steady interest in, consolidating power.

### Ext. #1: Civic Engagement High

#### Trump’s election was a spark in the powder-keg---civic engagement is spreading exponentially and will last

Eric Liu 17, [Eric Liu- contributing writer for The Atlantic "How Trump Is Reviving American Democracy", Atlantic, 2-22-2017, https://www.theatlantic.com/politics/archive/2017/03/how-donald-trump-is-reviving-our-democracy/518928/] Valiaveedu

There are more civic antibodies here than viruses. The conservative Federalist Society is fielding new inquiries from left and right about its Article I Project, which aims to restore congressional primacy against an overreaching executive. Civic start-ups like Free the People are sparking interest among Millennials in a hip libertarianism. The right-leaning American Enterprise Institute held a symposium recently positing that Trump’s arrival is a “Sputnik moment” for civic education. All this energy, now visible and palpable, had been gathering long before Trump became president and has extended well beyond the borders of the United States. From the Arab Spring to the Brexit, from the Tea Party to $15 Now and Black Lives Matter, we live in an age of bottom-up power: citizens self-organizing to challenge entrenched monopolies and orthodoxies. Trump’s election itself was evidence of this. The surge will likely outlast his presidency. Americans today are rushing to make up for decades of atrophy and neglect in civic education and engagement. But as they do so it’s important to remember that citizenship is about more than know-how. It’s also about “know-why”—the moral purposes of self-government. Citizenship in a republic requires not just literacy in power but also a grounding in character. Power literacy means understanding systems of law, custom, and institutions—and acting with skill to move those systems. Civic character is more than personal virtue. It is about character in the collective—mutuality, reciprocity, respect, service, justice—and the prosocial ethics of being a member of the body. Perhaps the most heartening part of today’s civic renewal is that people are exercising both power and character. They are practicing strategies of action while reckoning with questions of first principle. On campuses and public squares, they are debating the rights and responsibilities of dissent. On social media and in person, they are asking just what makes a leader legitimate and a representative truly representative. Every time Trump acts or speaks against disfavored minority groups, they also are reminded that democracy alone—that is, a process of majority rule—is not enough. As Abraham Lincoln argued during his 1858 debates against Stephen Douglas about slavery, a democratic process is legitimate only when coupled with a moral sense. America today is beginning to rediscover its moral sense. The president and his advisers will keep challenging moral and civic norms. Yet that is precisely why over the long term I am optimistic. As Americans have shown each other the last two months, the deepest source of this nation’s greatness and resilience is the decentralized way that citizens will reclaim their power. There are more civic antibodies here than viruses. We should thank Donald Trump for giving us the chance to prove it.

### Ext. #2: Alternate Causalities

#### Economic concerns drove Trump’s rise

Sawhill 16 --- Senior Fellow of Economic Studies, Center on Children and Families at the Brookings Institution (Isabel Sawhill, “Donald Trump’s election: Was it economics or culture?” 11-6-2016, [https://www.brookings.edu/opinions/donald-trumps-election-was-it-economics-or-culture/)//funk](https://www.brookings.edu/opinions/donald-trumps-election-was-it-economics-or-culture/%29//funk)

Among white voters without a college degree – the so-called white working class – Donald Trump won by 39 percentage points. Since this group of less educated whites represents about one third of the electorate, we need to understand why it went so heavily for Trump. Was it economics or culture? The economic argument holds that decent paying jobs are disappearing as a result of trade, technology, and de-industrialization. With a scarcity of good jobs, many people – men in particular – have faced high rates of joblessness. Some have chosen not to work at all rather than accept very low paid jobs. Cut loose from the moorings that work and a sense of contributing provides, many of the working class have become discouraged or depressed and have turned to unhealthy behaviors, even suicide; causing a rise in mortality, as documented by Anne Case and Angus Deaton. Their health problems can be linked back to their poor economic prospects and the associated loss of meaning in their lives. Evidence for this story has been found in several economic studies. For example, a recent paper by Justin Pierce and Peter Schott shows that rising imports from China following the liberalization of trade in 2000 has led to both bad employment outcomes and rising suicide rates in the U.S. counties most affected even after carefully controlling for other possible explanations. Under these circumstances, Trump’s promise to reduce competition from trade and immigrants was the right message – or so goes the economic side of the argument.

#### Drug and economic-related issues determined the election

Monnat 2016 – Assistant Professor of Rural Sociology, Demography, and Sociology and a Research Associate in the Population Research Institute at Penn State University (Shannon M., “Deaths of Despair and Support for Trump in the 2016 Presidential Election,” The Pennsylvania State University Department Of Agricultural Economics, Sociology, And Education Research Brief, 12/04/16, <http://aese.psu.edu/directory/smm67/Election16.pdf>) // kt

The U.S.’s unprecedented opiate epidemic was an important theme of the 2016 presidential campaign. Both Hillary Clinton and Donald Trump expressed concern about the crisis and offered strategies to deal with it. The opiate crisis also pervaded many key campaign issues, including international trade, immigration, and health care. Recent analyses suggest a relationship between Trump support and opiate overdoses in key states and provide potential explanations for why Trump received so much support in America’s new post-industrial “heroin beltway”1. Over the past decade, nearly 400,000 people in the U.S. died from accidental drug overdoses and drug-induced diseases. Nearly 400,000 more committed suicide, and over 250,000 died from alcohol-induced diseases like cirrhosis of the liver2. Approximately a fifth of these drug, alcohol and suicide deaths involved opiates (prescription pain relievers or heroin), suggesting that opiates are part of a larger problem3. Mortality rates from these ‘deaths of despair’ are much higher among nonHispanic whites than among other racial/ethnic groups4. This decade-long increase in deaths from drug overdoses, suicides, and alcohol-induced diseases has been substantial enough to significantly increase the overall mortality rate for middle-age non-Hispanic whites, especially those without a college degree living in small cities and rural areas5. Here I examine the relationship between county-level rates of mortality from drugs, alcohol and suicide (2006-2014) and voting patterns in the 2016 Presidential election. I focus on three regions where the drug epidemic has received considerable attention: the Industrial Midwest, Appalachia, and New England6. Because much of the narrative surrounding Trump’s election success has emphasized the role of economic distress7 and working-class voters, I include these factors in my analyses. KEY FINDINGS Trump over-performed the most in counties with the highest drug, alcohol and suicide mortality rates. Much of this relationship is accounted for by economic distress and the proportion of working-class residents. Trump performed best in counties with high economic distress and a large working class. Drug, alcohol and suicide mortality rates are higher in counties with more economic distress and a larger working class. Many of the counties with high mortality rates where Trump did the best have experienced significant employment losses in manufacturing over the past several decades.

### Ext. #4: Curriculum Key

#### Solving requires an explicit commitment to civics education

Kahlenberg, 16 – Senior fellow at the Century Foundation with expertise in education, civil rights, and equal opportunity (Richard D. Kahlenberg, 11.10.16, “Putting Democracy Back into Public Education,” Century Foundation, <https://tcf.org/content/report/putting-democracy-back-public-education/>)

In 2003, the Albert Shanker Institute outlined a strategy for civics education that remains compelling today. The blueprint was endorsed by a wide variety of civil rights advocates, business and labor leaders, and public officials from various ideological backgrounds who were all committed to supporting democratic values. Signatories included progressives such as Bill Clinton, Henry Cisneros, Wade Henderson, John Lewis, and Richard Riley, but also conservatives such as Frederick Hess, Harvey Mansfield, and Norman Podhoretz.93 The group eschewed relativism by declaring their conviction “that democracy is the worthiest form of human governance ever conceived.” They went on to suggest that because we are not born democrats, “we cannot take its survival or its spread—or its perfection in practice—for granted. We must transmit to each generation the political vision of liberty and equality that unites us as Americans, and a deep loyalty to the political institutions put together to fulfill that vision.”94 The group asked: how will young people be instilled with “an understanding of and an appreciation for their stunning political heritage? How do we educate citizens? How do we raise democrats?”95 The Shanker Institute outlined a four-part strategy that called for: A robust history/social studies curriculum, starting in the elementary years and continuing through every year of schooling; A full and honest teaching of the American story; An unvarnished account of what life has been and is like in nondemocratic societies; and A cultivation of the virtues essential to a healthy democracy.96 The first prong—a robust history curriculum—is critical. “A serious engagement with history is essential to the nurturing of the democratic citizen,” the Shanker Institute noted. “Only history can give students an appreciation for how long and hard and tangled the road to liberty and equality has been.”97 Through history classes, students learn to recognize the realities of human nature that protects them from “utopian fantasies” that mask antidemocratic ideas. Mastering a common core of American history can also bind us together and create “a common civic identity based on a patriotism of principle.”98 The second prong—telling the American story in an honest way—also helps prepare democratic citizens. This historical accounting should include the warts—slavery, the Dred Scott decision, the Triangle Shirt Waist fire, the Chinese Exclusion Act, Japanese internment, lynching, the persecution of gays, among others—but also discuss the movements to abolish slavery, to gain women’s suffrage, to establish worker safety, and to promote civil rights. The Shanker Institute notes, From the accounts of these transformations—and of the individuals, the organizations, the movements that fought for them—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.99 In the past, textbooks have failed at this balance: in the early years, providing a whitewashed celebration of America; and in recent years, suggesting America’s sins are its essence, the Shanker Institute notes, leaving students concluding that the world is a hopeless place. A new balance must be struck.

## Solvency

### 1NC – Solvency

#### 1. Desegregation won’t solve—racism is too entrenched in society and white privilege is maintained within the context of desegregated schools

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College

(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

While few commentators have made the connection between greater segregation and a growing achievement gap, and even fewer have contemplated efforts to stem the tide of racial segregation, there has been no shortage of ideas regarding how to equalize student achievement across separate schools. Some argue in favor of tougher accountability measures, and some encourage school finance equity lawsuits designed to bring more money to segregated and poor urban schools. n6 The collective conclusion emanating from this commentary is as follows: The Brown decision was a historic ruling, clearly one of the most significant Supreme Court decisions of the twentieth century. Still, despite the optimism that this case fostered fifty years ago, school desegregation failed as a public policy. Thus, today, we need to find alternative means of fulfilling the promise of Brown within more racially separate schools. Is this a more acceptable way of saying we gave up on Brown and now we are simply trying to do right by the promise of Plessy v. Ferguson? n7 What is lost by fast-forwarding history from 1954 to today is a consideration of the daily struggles within local communities to desegregate public schools and how the vision of Brown was compromised by many facets of racial politics in the United States. In other words, if, as some have argued, segregation is but a symptom of the larger disease of white supremacy or racism, n8 it is clear that efforts to desegregate public schools and thereby eradicate the symptom have been compromised by the ongoing disease. In the process of attempting to alleviate segregation amid a society still firmly grounded in a belief system based on white supremacy, [\*1723] the public schools were forced to swim against a tide so powerful and so pervasive that we should not blame them for failing, but should applaud what progress they made in spite of larger societal forces. We have just completed a five-year study of six communities that tried to racially balance their public schools during the 1970s. n9 Through this research we have learned of the details that lie between the court orders (or whatever desegregation policy existed) and the student outcome and demographic data that have been captured in quantitative analyses. In the space between the mandates of desegregation and the results, we found that the schools and communities we studied often unwittingly reproduced racial inequality by maintaining white privilege within the context of desegregated schools. Yet at the same time, these schools provided spaces where students and educators crossed the color line in ways they had never done before and have not done since. We argue that the school desegregation policies that existed in these school districts were better than nothing, but simply were not enough to change the larger society single-handedly. We illustrate how difficult it was for the people in these schools to live up to the goals of school desegregation given the larger societal forces, including racial attitudes and politics, housing segregation, and economic inequality working against them. We also document how deeply committed some of these actors, both educators and students, were to trying to bring about change. In this way, our study speaks to larger lessons about the role of schools in society and the uphill but worthwhile efforts of lawyers and judges to use schools as one of very few tools for social change. The desegregated schools of the 1970s embodied both the hope and the disappointment of Brown's promise to lessen racial inequality in the United States. We should not view the disappointment as an indictment of the idea of school desegregation or the legal levers that allowed it to happen in hundreds of school districts across the country. Rather, we should use this historical, qualitative data to help us better understand the degree of burden we placed [\*1724] on the public schools to solve a systemic, societal problem that affects every dimension of our lives, from where we live and how much money we make to who we pray with and who our close friends are. Racial inequality and the resultant segregation did not begin in the public schools; thus, we should not expect remedies in the public schools to solve the problem alone. But we can rely on racially diverse public schools - to the extent that current policies allow them to exist - to be important sites in the struggle for a more just society. Lawyers and legal scholars who helped fight for school desegregation and who continue to push for racial diversity in educational settings need to understand this more complex view of the history and reality of school desegregation in the United States in order to move forward with new legal strategies.

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#### 2. Changing residential segregation is a prerequisite to solving school segregation

Rothstein, 16 --- research associate of the Economic Policy Institute, a senior fellow at the Thurgood Marshall Institute of the NAACP Legal Defense and Educational Fund, Inc. (12/12/16, Richard, “We Can’t Meaningfully Integrate Schools Without Desegregating Neighborhoods,” <http://www.naacpldf.org/news/thurgood-marshall-institute-senior-fellow-richard-rothstein-we-can%E2%80%99t-meaningfully-integrate-sch>, accessed on 5/5/17, JMP)

A bill introduced in the New York City Council proposes to establish “an office of school diversity within the human rights commission dedicated to studying the prevalence and causes of racial segregation in public schools and developing recommendations for remedying such segregation.” But it is not reasonable, indeed it is misleading, to study school segregation in New York City without simultaneously studying residential segregation. The two cannot be separated. School segregation is primarily a problem of neighborhoods, not schools. Schools are segregated because the neighborhoods in which they are located are segregated. Some school segregation can be ameliorated by adjusting school attendance boundaries or controlling school choice, but these devices are limited and mostly inapplicable to elementary school children, for whom long travel to school is neither feasible nor desirable. We have adopted a national myth that neighborhoods are segregated “de facto;” i.e., because of income differences, individual preferences, a history of private discrimination, etc. In fact, neighborhoods in NYC are segregated primarily because of a 20th century history of deliberate public policy to separate the races residentially, implemented by the city, state, and federal governments. Just a few examples: when the city and state created Stuyvesant Town in the 1940s, they cleared an integrated low-income neighborhood to build a segregated development for whites only; when the government financed suburbs like Levittown, it did so with a federal requirement that no homes be sold to African Americans, and whites left the city for these federally subsidized segregated suburbs; when the federal government and city collaborated to build public housing in the mid-twentieth century, they built separate projects for whites (e.g., the Williamsburg Houses) and for African Americans (e.g., the Harlem River Houses). It was only after most whites in public housing were given suburban housing options in federally segregated subdivisions that vacancies in public housing for whites were opened to African Americans. The most important service the proposed Office of School Diversity could perform would be to call attention to this history, educate the public about it, and develop political support to remedy NYC’s unconstitutional residential segregation with housing policies that integrate the city. Without this, schools in NYC will continue to be segregated. Most Americans today believe that the policies followed by government to segregate New York City were characteristic of cities in the South, not the North, Midwest, or West. This belief is mistaken. Such policies were pursued by government in every region and metropolitan area in the nation. These policies were conscious, purposeful, not the unintended consequences of benign policies, and not pursued primarily from an accommodation with southern politicians. The policies have never been remedied; they are the cause of the school and residential segregation we see everywhere around us.

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#### 3. Desegregation fails – can’t solve national demographic gaps

Thernstrom ’6- Winthrop Professor of History, Harvard University, and Senior Fellow, the Manhattan Institute (Stephan, *The Benefits of Racial and Ethnic Diversity in Elementary and Secondary Education,* “Demographic Perspectives on Diversity, Racial Isolation, and the Seattle School Board's Plan to “Cure” Residential “Segregation”,” The United States Commission on Civil Rights (Briefing), November 2006, pgs. 85-104, [http://www.usccr.gov/pubs/112806diversity.pdf)//PS](http://www.usccr.gov/pubs/112806diversity.pdf%29//PS)

The literature on achievement yields a very mixed picture, but at least it focuses on a dependent variable that is reasonably clear—student test scores. The many other benefits some claim to see in diversity-enhancing policies are far more elusive to pin down. A number of investigators have made claims that experiencing diversity early in life—in school or in a neighborhood—has positive effects upon development in later life. Americans who are exposed to it while young, it is claimed, are more likely to seek out diverse settings in later life. Although I have not made a systematic and comprehensive survey of the literature, I have not seen any reported study in this vein that was not severely flawed methodologically. For example, Professor Patricia Gurin of the University of Michigan, prepared an expert report that played a role in the Grutter and Gratz decisions. She testified that white students who attended schools with 25 percent or more minority enrollment were more likely to have diverse friendships after leaving college and to live in diverse neighborhoods and to work in diverse settings.31 Does this really demonstrate that students develop a taste for diversity, a love for having a certain level of racial mixing in their schools, and that this taste for diversity exerts a strong influence on their later decisions about where to live and who their friends are? It seems a highly dubious interpretative leap, given the availability of a much simpler explanation. Students who grow up in California, say, very often attend diverse schools because the racial composition of the entire state is so diverse. Those who grow up in Utah, North Dakota, and Vermont, by contrast, rarely attend racially diverse schools because of the racial mix in the population in their states. Since Americans show a strong tendency to settle down in life near where they grew up, California youth often end up in California after finishing school, and Vermonters tend to remain in Vermont or nearby Maine and New Hampshire, where they will predictably have few black friends or neighbors. Do Californians choose to settle down in California because of its highly mixed population? Do Vermonters really remain in their state of birth or nearby because it is so heavily white? How can it be proven that the racial mix in a state is important in attracting some migrants and repelling others? Since California and Vermont, or Utah and New York, differ in so many ways, it seems absurd to assume that migration decisions are driven by race or even influenced by it at all. Similarly, growing up in a big city exposes one to greater diversity in school than would normally be found in a smaller city or town or a rural area. And the products of big city schools are likely more drawn to big city life as adults. But to posit a specific taste for racial diversity or the lack thereof as a driving force behind such decisions seems highly questionable. For school officials in a city like Seattle to restrict students’ choices of high school purely on the basis of their race or ethnicity in the hope of promoting a lifelong taste for diversity is unwarranted by anything social scientists have been able to establish as yet.

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#### 4. Desegregation creates a self-fulfilling prophecy --- the media and public lowers the reputation of desegregated schools and portrays them as incredibly dangerous which spurs white flight --- turning the case

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College

(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

D. The Self-Fulfilling Prophecies of Becoming a "Bad" School: Challenge White Privilege and There Goes the School ... Finally, one more finding related to the way in which the promise of Brown remained unfulfilled in the context of a highly unequal and stratified society is that the reputations of the six high schools we studied tended to rise and fall with the demographic changes of their student bodies. Echoing the rationales for closing black schools in the 1960s and early 1970s, we found that the public's perception of racially mixed schools tended to deteriorate as the racial makeup of those schools became predominately nonwhite and the enrollment of upper-middle-class students declined. This phenomenon was particularly marked for the two schools in our study that had shifted from majority white to majority nonwhite in the late 1970s: Muir High School and Dwight Morrow High School. Two additional schools from our study, West Charlotte High School and Shaker Heights High School, have faced the same issues more recently because they have become majority nonwhite schools in the last ten years. Austin High School, meanwhile, has managed to maintain its majority white student population, though barely. Topeka High School has been the most racially stable. In this section, we will highlight the experiences of Muir and Dwight Morrow because the white flight from these schools peaked during the era we studied. We think the lessons learned from the experiences of these two schools have a general relevance because, according to our interviews, West Charlotte had similar experiences in the more recent past, and both Shaker Heights and Austin High School appear to be facing some of these issues today. 1. Increasing Racial Diversity, Declining Reputations Both Muir and Dwight Morrow high schools had maintained reputations as "good" and even "elite" schools as recently as the early 1970s, before they began to lose their wealthiest white students. [\*1745] For instance, both of these schools were more than fifty percent white in the late 1960s, but they were rapidly losing their white populations by the late 1970s. As the African-American and Latino populations began to increase in the two schools, people in the local communities began to question their quality. Former educators and graduates of these schools talked about these changing public perceptions and said that their schools had been unfairly maligned by both the public and the media. Both educators and graduates firmly believed that the declining reputation of their schools had little to do with the quality of programs offered, since those had not changed, especially for students in the upper-level classes. For instance, Dwight Morrow High School shifted from a predominately white student population in the late 1960s to a predominately African-American student population by the late 1970s, and as wealthy white parents from both the city of Englewood and Englewood Cliffs began to pull their high school students out of Dwight Morrow, there was a real sense that the quality of the school was in decline, even before the teaching staff, course offerings, or Ivy League acceptances had changed. A former Dwight Morrow teacher observed, "as the population in the school changed, that's when the reputation began to change. As there was a change in the population then they said, "Oh the quality of education is not as good.'" A Dwight Morrow guidance counselor, when asked why this change in perception had occurred, noted: I think a lot of it is just racism, I really do, because even - I mean I was in Teaneck High School in 1959 and Teaneck and Englewood and Hackensack had the only Black kids in the whole area, and you'd always hear something about Teaneck, Hackensack or Englewood. Now this is at a time when the schools were academically superior schools, so it wasn't like you could point [to]... the academic part. And I just think it snowballed until you had the white flight and there was always this perception. John Muir High School in Pasadena suffered similar public perception problems as its African-American and Latino student populations increased. Muir had once been the crown jewel high school of the Pasadena school district, serving the children of wealthy white West Pasadena and La Canada families. After La Canada seceded from the district and built its own high school, [\*1746] Muir lost a large number of white students, and at that point its reputation began to decline. Many educators believed that this reputation was further hindered by the school's geographic location in the heart of what was becoming a heavily black area of Pasadena. As one former teacher explained: Muir was known in the community as that school on that side of town. Strictly racial... At one point if you drew a line down the middle of this town... it was pretty much Black and White on either side. And in those days there weren't a lot of Latinos...So [Muir] was pretty much, you know, a ghetto school, if you will, - this was the mindset. There are people in this community that still think that way. According to another teacher who taught at Muir in the late 1970s, there were a lot of rumors being passed around Pasadena about what a dangerous school Muir was. He recalled that people were saying, "This is a very dangerous place and people get knifed there all the time, they have shootings, they have this - that wasn't true. If that was true I would have transferred to another school. I mean, I'm not suicidal... And these stories just passed through the community."<<card continues>>

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<<card continues>> The rumors and perceptions of these schools were far removed from the educators' and students' daily experiences. While many teachers and students blame racism for the misperception, our respondents were also quick to point out that the local media fed these misperceptions by consistently covering minor racial incidents at these schools. The media also ignored the positive things happening there, as well as the problems in the more predominantly white schools. 2. The Media and Public Perceptions of Racially Diverse Schools In Englewood, most of the educators and Class of 1980 graduates that we interviewed spoke of the negative reporting by the local news outlets, particularly the local newspapers. As a white graduate noted: I think it was more this notion that the media was making [Dwight Morrow] out to be a bad school, that it was a problem school, that it was a dangerous school, and I just felt that it was [\*1747] being portrayed inaccurately. While, I didn't deny that there were problems and there were squabbles here and there, I think they were minor and I think if it happened between two white people in an all-white school no one would have made a big deal about it. But because it happened between a black and a white person... people read a lot more into it... I think things were being portrayed inaccurately and the media was kind of fueling things, it wasn't giving the school a chance to really kind of show how good it was and that people really did get along. A long-time African-American teacher at Dwight Morrow also found the news coverage inaccurate, which reported that girls were raped and guys carried knives at the school: In the thirty years that I've been here I've never seen a guy carrying a knife or a gun. I mean, there have been idle threats, people have gotten beat up - that happens in any school - but to say that it was a place that was violent, it's not true at all. A white teacher at Englewood noted that the local newspapers not only highlighted negative incidents in the community's schools, but downplayed anything positive that went on there: I remember one year our math club won the state championship, and it was a paragraph on like page 28 of the [the local paper]. But on the front page... was, "Student At Dwight Morrow Brings Knife to School." And no one ever even acknowledged that this math club had won the state championship. Similar frustration with the media was expressed by the educators and graduates of John Muir High School. They complained particularly about coverage from the local newspaper, which they believed favored the high school in the white area of town, Pasadena High School ("PHS"), over Muir. A black 1980 graduate of Muir, like many of his classmates, observed that Muir always got a "really bad rap" in the local paper. He argued that while his school received a lot of negative publicity, most people did not hear about anything bad that happened at PHS. A white graduate echoed these sentiments, noting that "Any-any-any negative publicity that they could scrape up from Muir, they would! And did!" Meanwhile the graduate's wife, also a Muir graduate, said, "if there was a [\*1748] fight at PHS, it was a small mention...You know, in the back of the paper. If it was a fight at Muir, it was front-page." As an African-American former teacher noted, "I think Muir has always gotten a bad rap" because of where it is located or because it was more black and Latino than other schools. She told us that the reports of violence and other disturbances were wrong: I was never afraid to work here... There were some experiences that maybe weren't so hot, like breaking up fights and making sure things did not happen, but those are normal things connected with education, but as far as it being the roughest and toughest, I don't think we had any more incidents than the other high school, it was just that Muir was always highlighted. This teacher told us about a group of Muir teachers who went so far as to have meetings with the local newspaper staff to try to convince them to stop their negative reporting. The teachers were not successful. 3. Self-Fulfilling Prophecies Amid the Absence of White Privilege Today, more than twenty years after the period we studied, our interview data suggest that perhaps both Dwight Morrow and John Muir have become more like the schools that newspapers were reporting them to be in the 1970s: troubled by gangs and concentrated poverty. Total enrollment in both schools is down, there are virtually no white students left, and the range of course offerings has dwindled, leading to a more watered down curriculum. Average test scores are also down, leaving both high schools ranked very low on their state assessments. n26 Perhaps these two high schools, along with predominantly black West Charlotte High School, stand as a testament to the old adage that "green follows white." One of the primary motivations behind pushing for desegregation was that schools with large percentages of white and wealthy students are more likely to have resources, the best teachers, and a more challenging curriculum. Either [\*1749] through parental donations or political clout, such schools usually secure sufficient resources to make their schools the very best. Once those white and affluent families left, over time, predominantly black and Latino schools too often came to resemble the poor reputations that preceded their decline. The greatest irony we learn from studies such as ours is that from the perspective of African-American and Latino parents, students, and educators, it is hard to live with white privilege and hard to live without it. In other words, because white privilege pervades so many aspects of our society, schools with large numbers of white and affluent students are likely to be the most prestigious. When these schools also have significant numbers of black and Latino students in them, they are likely to be fairly segregated by classrooms, with white students comprising the majority of the students in the upper-level classes. At the same time, once the white students leave and upper-level classes become more integrated, the reputation and eventually the quality of the schools decline because the resources and status decrease. Interestingly, the three schools from our study that have lost the majority of their white populations were the three schools most likely to challenge, albeit rather meekly, the automatic privilege of whites and the status quo within their schools. For instance, of the six schools that we studied, Muir and Dwight Morrow had moved further along the path towards instituting multicultural curriculum than the other four schools, and it was in Englewood and Charlotte that African-American parents and activists challenged the tracking system. In the end, such challenges appear to be pyrrhic victories, as these three schools have lost not only their white students but also the prestige and status in their communities that they once enjoyed.

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#### 5. Forced desegregation of schools fails – it confuses statistical improvement for genuine social change, denies the agency of black families, and reasserts white systems of power and wealth

Colby 14

Tanner Colby, a co-author of Remember the Time, is also the author of Some of My Best Friends Are Black: The Strange Story of Integration in America, Slate, February 3, 2014, “The Massive Liberal Failure on Race”, http://www.slate.com/articles/life/history/features/2014/the\_liberal\_failure\_on\_race/how\_the\_left\_s\_embrace\_of\_busing\_hurt\_the\_cause\_of\_integration.html

The left’s first blunder on integration: Not actually knowing what integration was. For the decade after Brown, white schools in the South evaded and resisted integration. Then, under Lyndon Johnson, the Department of Health, Education, and Welfare (HEW, the agency charged with implementing school desegregation) finally stepped in and took a strong hand, demanding that schools move beyond token integration by showing “statistical proof of significant progress.” Backed by a unanimous Supreme Court, HEW brought the full weight of the federal government to bear, imposing sweeping mandates of racial balance on metropolitan school districts. Emboldened by the victories of the New Deal, Washington’s best and brightest had learned to dream big, to put their faith in top-down, technocratic solutions to society’s ills. That’s how they approached public housing and urban renewal, that’s how they approached Vietnam. School busing was no different. They fired up the buses and sent X percent of black kids over here and Y percent of white kids over there. If America refused to integrate, the government would redraw the map and do it by administrative fiat. While this probably seemed—and, in some ways, was—an unavoidable response to white stonewalling, it created a new problem: It set us chasing a mirage. There’s no such thing as “statistical proof” of integration. Integration, as Martin Luther King put it, is “true intergroup, interpersonal living … the positive acceptance of desegregation and the welcomed participation of Negroes into the total range of human activities.” Integration is the forming of relationships based on mutual trust and respect. Schools could be forced to desegregate—that is, to accept black students—but genuine integration, as King said, was an “unenforceable” demand. The government can put us in the same room, but they can’t make us get along. To this day, the language of racial balance, as used by the left, keeps us talking about “integrated schools.” But institutions don’t integrate. People do. If a school is 3 percent black, but all of those students are actively engaged in making friends and participating in student activities, then those children are well and fully integrated. If a school is 20 percent black but all the black students stay on their own side of the cafeteria and then get bused home at 3 p.m. every day, then there is no integration taking place at that school. Trying to measure integration with percentages is like trying to measure your weight in inches. The left’s second blunder on integration: Busing wasn’t actually what black America was asking for. Because Brown v. Board was such a landmark decision, the idea of integration and the larger civil rights movement became somewhat synonymous, wrongly so. Black America wasn’t fighting for integration, per se. They were fighting for agency, the right to exercise control over their lives and, hopefully, to enjoy the full protection of the government while doing so. In education, that’s not what they got. They got a policy that demanded white schools produce statistical proof of significant progress, and one where whites were in charge of executing the burdens imposed on them by the courts. Black schools were unilaterally closed down, their students divvied up and distributed to whatever white school needed to adjust its numbers in order to avoid being sued, often over the very loud protests of black parents; at angry town hall meetings, integration was denounced as a white supremacist plot to destroy the black community. Some black students, fearing the prospect of a hostile white environment, dropped out of school rather than ride the bus. Black parents hadn’t marched on Montgomery just to have their kids bused off to marginal county schools full of C-average white kids. Not all black parents believed in integration. Those who did wanted a say in how it played out for their children. Some busing programs were voluntary, but by and large black children had to bus where HEW told them to bus. Mandatory racial-balance requirements insisted on it. With Jim Crow, black America lived under an onerous, top-down system that told them where their children could and could not go to school. Now, with busing, black America lived under … an onerous, top-down system that told them where their children could and could not go to school. <<card continues>>

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<<card continues>> A 1972 Gallup poll showed that 77 percent of whites were against busing. The same poll showed 47 percent of blacks were against it as well. Many black Americans did believe in the school bus and the access it provided, and busing might have been a viable tool for those families had it been smartly and surgically applied. It wasn’t. It was presented in a sweeping fashion that denied many blacks the agency they sought. The left’s third blunder on integration: Sending white kids to black schools. After Brown, white parents fought for 15 years, doing everything in their power to keep black students out of white schools. But when the courts started mandating that white students bus into black schools, white parents didn’t fight for much longer. They just left. They fled for gated communities and private academies; they opted out of the social contract and they haven’t been back since, at least not as far as public education is concerned. Even in Berkeley, Calif.—bastion of liberal, progressive America—when the school district tried to implement a busing plan in 1964 that would take white students into black schools, local white parents launched a recall election to try and throw out the entire school board. Were those parents being petulant, entitled, and racist? Yes. They also weren’t wrong. Because integration is two different things. It is “intergroup, interpersonal living,” learning to empathize with one another through shared cultural experience. But integration is also about access to wealth and power. Integration is the means through which marginalized groups gain entrance to the benefits already enjoyed by the majority. “I cannot see,” King said, “how the Negro will be totally liberated from the crushing weight of poor education, squalid housing, and economic strangulation until he is integrated, with power, into every level of American life.” In this sense, integration is the process of moving in and up. Recognizing that access to power in America is controlled by the social networks and cultural norms of the white majority, the Supreme Court declared that black students had the right to gain access to those resources. But in the quixotic quest to produce racial balance across vast metropolitan areas, as in Detroit, liberal judges and legislators decided to start sending working- and middle-class white kids in the opposite direction, to low-income, majority black schools—in other words, away from centers of power. Sending a couple dozen white kids to a majority-black school may offer a rewarding cultural experience, it may count as “diversity,” but it is not integration. A black school may offer a perfectly good education, academically speaking, but the one thing a majority-black school does not offer—not in America, anyway—is greater access to the social networks and cultural norms that govern the allocation of wealth and power. For integration to be taking place, by definition, you have to have a critical mass of middle-class, upwardly mobile people into which the marginalized group can then be integrated. Middle-class white kids were never going to get on buses and go and “integrate” black schools because middle-class white people are already integrated, in the middle class. Their immigrant parents or grandparents likely started the process of assimilation for them, overcoming social and cultural barriers to give their kids the tools to move further up the ladder. Why would those families turn around and send the next generation in the opposite direction? White people weren’t going to let that happen. And since white people are integrated, with power, into every level of American life, they had the leverage to make sure that it never did. The day the U.S. government put the first white kid on a bus to a black school? This experiment was over.

### Ext. #2: Housing Segregation

#### Neighborhood segregation is most important things blocking greater integration in education

Rothstein, 5/16/17 --- fellow at the Thurgood Marshall Institute of the NAACP Legal Defense Fund and research associate at the Economic Policy Institute (Richard, “Brown v. Board is 63 years old. Was the Supreme Court’s school desegregation ruling a failure?” <https://www.washingtonpost.com/news/answer-sheet/wp/2017/05/16/the-supreme-courts-historic-brown-v-board-ruling-is-63-years-old-was-it-a-failure/?utm_term=.22ef4c1f316f>, accessed on 6/13/17, JMP)

Seemingly permanent segregation is not what we expected. In 1954, a few hours after Brown was announced, Thurgood Marshall, leader of the NAACP’s Legal Defense Fund, told reporters that it would take, at most, five years for schools to desegregate nationwide. He didn’t anticipate the massive resistance of Southern states to the decision, yet that’s no longer the most important factor impeding integration. Rather, schools remain segregated mostly because their neighborhoods are segregated. Had civil rights lawyers been able to attack neighborhood rather than school segregation, they would have accomplished more for educational equality than by focusing on schools directly.

#### Desegregating neighborhoods is a necessary precondition to integrating schools and closing the achievement gap

Rothstein, 5/16/17 --- fellow at the Thurgood Marshall Institute of the NAACP Legal Defense Fund and research associate at the Economic Policy Institute (Richard, “Brown v. Board is 63 years old. Was the Supreme Court’s school desegregation ruling a failure?” <https://www.washingtonpost.com/news/answer-sheet/wp/2017/05/16/the-supreme-courts-historic-brown-v-board-ruling-is-63-years-old-was-it-a-failure/?utm_term=.22ef4c1f316f>, accessed on 6/13/17, JMP)

In 1948, the Supreme Court prohibited courts from evicting black families who moved to white neighborhoods and in 1968, the Fair Housing Act banned future housing discrimination. The Act’s enforcement has been imperfect, but some African Americans have successfully integrated suburban communities. But even with perfect enforcement, most would have been, and were, unable to do so. Racially restricted single-family homes that sold in the 1940s and ‘50s for twice national median income now sell for three times that much. Working-class black families who could have bought suburban homes when they were first built can no longer afford them. Most Americans have forgotten this history, aided by Supreme Court opinions that declare residential segregation to be “de facto,” resulting mostly from private discrimination. But de facto segregation is mythical. In reality, neighborhood segregation has resulted from intentional government policy, as unconstitutional as the “de jure” school segregation imposed by Southern legislatures prior to 1954. The governmentally-sponsored residential segregation imposed by federal, state, and local authorities in the mid-twentieth century established a segregated landscape in every metropolitan area that has never been remedied. Once the Supreme Court decided Brown, children of either race could attend their neighborhood schools if the decision were obeyed. But if courts were now to recognize that residential segregation is rooted in unconstitutional policy, undoing it would be daunting. Children can easily walk to nearby schools but families can’t easily pick up and move to integrated and now-unaffordable neighborhoods, when no longer barred from doing so. On May 17, 1954, when Thurgood Marshall and his colleagues predicted rapid school desegregation, they said that they would now turn attention to housing. But their resources were soon consumed by defending Brown, as state after state sabotaged it. And it was already too late for straightforward attacks on neighborhood segregation — the government’s scheme to segregate metropolitan areas was by then mostly complete, with residential patterns solidified. Dismantling de jure residential segregation is incomparably more difficult now than it would have been 70 or 80 years ago. But that’s no excuse for avoiding it. Unless we desegregate neighborhoods, Brown’s promise of integrated education will remain unattainable. The Color of Law asserts that “letting bygones be bygones” is not a policy worthy of a constitutional democracy. The achievement gap with which educators struggle can never be closed until we recognize that some of the most important education policy dilemmas cannot be addressed in isolation. Fundamentally, education policy is housing policy.

### Ext. #2: Housing Segregation

#### White suburbanization and the highway’s devastating effect on inner-city funding for education makes integration and desegregation impossible

Adamson, 07 --- Associate Professor of Law, Seattle University School of Law

(Winter 2007, Bryan L., The Scholar: St. Mary's Law Review on Minority Issues, “A THOUSAND HUMILIATIONS: WHAT BROWN COULD NOT DO,” 9 SCHOLAR 187, Lexis-Nexis Academic, SR)

IV. Housing Discrimination, Suburbanization and the Great American Highway A. Housing Discrimination as a Barrier to School Integration "'You might have the cash, but you can ... not cash in your face[;] we don't want you livin' in here!!" - Stevie Wonder n94 Without argument, housing discrimination played a fatal role in Brown's undoing. The McMichael's Appraising Manual, originating in the early 1930's, was the leading residential appraisal guide for decades. The manual provided the blueprint upon which housing discrimination would be institutionalized, rank-listing racial groups from least-to most-desirable. 1. Mexicans 2. Negroes 3. South Italians 4. Russians, Jews (lower class) 5. Greeks 6. Lithuanians 7. Poles 8. Czechs or Bohemians 9. North Italians 10. English, Germans, Scotch, Irish, and Scandinavians n95 Real estate appraisers used this manual, and its odious gauge of racial worth, at least into the 1950's. n96 The manual's impact began taking shape in 1933 when it was adopted by President Roosevelt's Homeowners Loan [\*205] Corporation program to provide homeowner financial assistance during the Great Depression. Two governmental engines that drove housing finance development over the next sixty years further institutionalized and perpetuated racist housing practices. The Federal Housing Administration (the FHA), established in 1934, financed surburbanization beyond World War II. Along with the Veteran's Administration (established in 1944), the FHA sought to encourage lenders to invest in residential lending through the provision of insurance. n97 Their underwriting guidelines were cribbed directly from the McMichael's manual, directing "that properties shall continue to be occupied by the same social and racial classes," n98 and warned against introducing "inharmonious racial groups" into neighborhoods. n99 It was not until 1950 that the FHA officially altered this policy. However, it still "recommended suitable restrictive covenants." n100 This was so despite the fact that the Supreme Court declared such covenants unconstitutional in Shelly v. Kraemer in 1948. n101 Redlining became rampant, and "by the late 1950's many blacks were denied access to traditional sources of housing finance by institutionalized procedures." n102 Through the 1960's, government housing policies continued to perpetuate segregation, especially as suburban growth took off. Until 1962, federally-sponsored public housing works were classified for occupancy by race, and even after that, city officials went to great lengths to keep housing projects out of white neighborhoods. Though measures such as the Fair Housing Act, the Home Mortgage Disclosure Act, the Community Reinvestment Act and the Equal Credit Opportunity Act were enacted as responses to housing discrimination and economic flight, they came too late for Brown. The incipient government housing programs and policies "put a seal of approval on ethnic and racial discrimination," n103 and were eventually adopted non-governmental actors. However, those adopting the government's racist practices took those practices to another level, and to the suburbs. Banks, real estate agents, mortgage brokers and appraisers would transform redlining into a [\*206] science, carving up cities by race with a precision that would put heart surgery to shame. B. No Whites to Integrate: Suburbanization's Role in Undoing Brown "We shall solve the city problem by leaving the city." - Henry Ford n104 In the 1950's and 1960's, suburban population increased from 35 million to 84 million. The so-called "urban crisis" accelerated this migration. School desegregation, racial strife, crime, increasing social services costs and taxes hastened the migration of white families to the suburbs. n105 By 1980, 100 million people lived in suburbs. n106 Henry Ford's words, in the context of school desegregation efforts, proved prophetic. As whites left the city, African-Americans continued to move into the cities. During the post-World War II era and into the 1970's, the migration of poor, southern African-Americans to the north changed cities dramatically. Between 1960 and 1970 alone, central cities lost 1.92 million whites, and gained 2.8 million African-Americans. n107 As a result, for those cities under desegregation orders, achieving the racial balance was becoming impossible, n108 in short, because there were no whites to integrate. n109 With white flight came economic flight. In the post-segregation era, suburbs enjoyed unprecedented industrial and commercial growth. According to a 1968 study, between 1954 and 1963, the United States' 40 largest cities lost nearly 26,000 manufacturing jobs, while suburbs gained almost that exact amount. n110 By 1980, suburban employment went from 14 million to 33 million jobs. n111 To be sure, many African-Americans moving into the cities, "found no work, and instead, faced discrimination and economic deprivation." n112 [\*207] Public mass transportation policy exacerbated the economic plight of inner-city African-Americans, who disproportionately lacked access to suburbs and the emerging job opportunities. n113 The distance to suburban employment "imposed unreasonable costs burdens of centrally located blacks, and [] public transit ... was badly oriented for traveling from the ghetto to outlying centers of employment." n114 <<card continues>>

### Ext. #2: Housing Segregation

<<card continues>> However, it was in the same year as Brown I that another transportation initiative was born which would serve an underappreciated role in undermining desegregation efforts. C. The Federal Highway System's Role in Keeping Schools Separate and Unequal "As often happens with interstate highways, the route selected was through the poor area of town, not through the area where the politically powerful people live." - Justice William O. Douglas n115 The Federal Highway Transportation Act of 1956 n116 was first proposed by President Eisenhower in 1954 and shepherded by Lucius Clay, then Chairman of General Motors. Over the following three decades, construction of federal highways would do more than just hasten the economic demise of inner cities by facilitating white flight and economic flight to the suburbs. n117 Those highways also tore apart inner-city neighborhoods, [\*208] resulting in the destruction of millions of homes and countless inner-city communities. n118 In Kansas City, Missouri, for example, the South Midtown Freeway, for which planning began in the 1960's, was built through a section of the city that, in 1980, had over 122,000 African-American residents. n119 In Columbus, Ohio, the Interstate 670 spur was built through a neighborhood that was between 50% and 90% African-American. n120 In Nashville, Tennessee, Interstate 40 "swings suddenly in a wide loop, avoiding the downtown area, but passing north through what was once the center of Nashville's black community." n121 That is because, in order to build the interstate in 1971, twenty-seven apartments and 626 residences were leveled. Moreover, buildings used by 128 African-American businesses, three community colleges, and one-third of north Nashville's park facilities were destroyed. n122 Finally, at the dawn of the Interstate age, and hard on the heels of the Brown decisions, Detroit's oldest established African-American neighborhood, the historic Black Bottom, was bulldozed to make way for Interstate 75. n123 Furthermore, federal highways built through the poorest neighborhoods lowered residential property values already artificially devalued by racially discriminatory housing practices. Until recently, virtually every state relied upon local property tax values and assessments to finance public K-12 education. As urban districts became poorer on average, and [\*209] experienced drops in residential property values as well as revenue from businesses, inner-city school districts were receiving disproportionately less monies per pupil. n124 Consequently, public school financing would suffer a crippling crisis. n125 Thus, the interstate highway system served a triple blow to Brown: 1) it continued and reinforced residential segregation; 2) it enabled business and industry to leave the inner-city; and 3) it caused a lower yield for inner-city property tax assessments. But for the Supreme Court's rejection of Detroit's urban-suburban desegregation remedy, much of the damage wrought by housing discrimination and highway construction could have been mitigated. For whites, however, the "city problem" had been solved - they left the city, insulated by suburban discriminatory housing practices and Milliken from having to be under the edict of school desegregation orders. n126 The most aching paradox is the fact that Lucious Clay was the chief engineer of one tool (the highway), and heir to another tool (the car) n127 that enabled the white flight from Detroit, and necessitated the urban-suburban remedy in Milliken in the first place. n128 V. And One Thousand and More: The Power of Suburban Interests and the Current State of Public Education Reform "You don't have to live next to me--just give me my equality" -Nina Simone, Mississippi Goddam n129 It has long been clear that public schools would not achieve racial integration envisioned by Brown. The persistence of racism, the political and judicial retreat, suburbanization, transportation policy, and the inability to effectively combat the re-segregation of the inner cities have driven [\*210] advocates of education reform for African-Americans to explore new solutions. Public school finance reform, school vouchers, and "pupil choice" plans are currently being tested and evaluated. However, three facts about the current state of school finance reform do not bode well for the legacy of Brown: 1) current reforms are being led by state legislatures; 2) those legislatures are controlled by suburban interests; n130 and 3) suburban constituents and legislators are, at best, ideologically opposed to ensuring the most fundamental mandates of education reform as it regards African-American public school students. n131 Consequently, as we see happening today, those legislators most compelled to protect the interests of inner city (and largely minority) students will be marginalized in legislative outcomes. n132 Voucher and school choice programs were once hailed as a solution to not only enhancing the education opportunities for African-Americans, but also as a means of achieving something that could not be done by Brown and its progeny: meaningful racial integration. However, even under these programs, suburban school districts have been successful in staving off meaningful integration. n133 Since racial integration is not achievable, initiatives now focus on ensuring adequate school funding. Funding equalization has been the focus of several state class action suits challenging public school financing methodologies - methodologies which have had the effect of under-funding minority and/or poor school districts. As a result of court orders, now legislatures in 45 states have been directed to address these inequities. n134 However, by the very nature of legislative institutions, political ideology, legislative party control, majority/minority ratios, and the inherent complexities of legislator roles and approaches will impact school finance reform inputs and outcomes. n135 [\*211] What is more, legislative majorities in several states have trended towards suburban interests, and consequently favors those most opposed to school finance adequacy which would best benefit inner cities. The debate over school finance adequacy, as a result, has at times taken on unsettling racial subtext. n136 In response to court-ordered finance reform mandates, legislators have decried the "activist judges" "imposing" their will upon the people; the "trashing of the separation of powers" n137 or taking away "local control." n138 Suburban legislator and constituent resistance to finance reform have been most vociferous in states in which class actions were led by minority plaintiffs and school districts. n139 The specific objection lies in the raced perception that urban (read: minority) school districts stand to benefit from school finance reform, with no apparent benefit to suburban (read: white) school districts. n140 Consequently, the rhetoric and resistance evokes disturbing reminders of post-Brown defiance of integration orders. Where suburban politicians direct legislative inputs, processes and outcomes, solutions most effective in addressing the needs of minorities in public education funding are likely to be elusive. n141 Those in control most strongly opposed to meaningful reform which is court-directed, demands taxation as a means to provide more financial resources, threatens local control, or results that solely or disproportionately benefit inner-city school districts. n142 True reform will require a legislative collective that is ideologically, socially, morally, and fiscally committed to remedying the problem. Unfortunately, once again, we hear little about moral imperative to remedy the unforgivable racial disparities in public education systems, only of solutions which are palatable to majoritarian interests.

#### Focusing on housing is a necessary precondition to solve

Bouie, 14 (5/5/14, Jamelle, “Still Separate and Unequal; Why American schools are becoming segregated once again,” <http://www.slate.com/articles/news_and_politics/politics/2014/05/brown_v_board_of_education_60th_anniversary_america_s_schools_are_segregating.html>, accessed on 5/5/17, JMP)

Saturday is the 60th anniversary of Brown v. Board of Education, the landmark case where a unanimous Supreme Court held that “separate educational facilities are inherently unequal.” The following year the justices ordered that states end school segregation with “all deliberate speed.” In the popular narrative, this is the beginning of American integration, a process that goes from Rosa Parks to Martin Luther King to the Civil Rights Act and eventually to President Obama. But for as much as we share an integrated culture, millions of Americans—and blacks in particular—live in segregated worlds, a fact illustrated by the persistence and retrenchment of school segregation, as detailed in a new report from the Civil Rights Project at the University of California–Los Angeles. Before considering the report, it’s worth taking a closer look at the process of school desegregation. Almost immediately after Brown, white Southerners met the decision with “massive resistance.” In Virginia, segregationist Democrats pushed sweeping educational changes to combat integration. In 1956, the Commission on Public Education—convened by Gov. Thomas Stanley—asked the General Assembly to repeal compulsory education, empower the governor to close public schools, and provide vouchers to parents to enroll their children in segregated private schools. In the next few years, whites would open “segregation academies” across the state, while closing public schools to block integration. Following Stanley’s lead, whites across the South worked to keep blacks out of their schools with rules, legislation, angry mobs, and outright violence. But it failed. Within the decade, new civil rights laws had enhanced federal power. By the end of the 1960s, the federal government was authorized to file suit against segregated school districts and work to dismantle them “root and branch.” As Nikole Hannah-Jones details for ProPublica, federal desegregation orders helped “break the back of Jim Crow education in the South, helping transform the region’s educational systems into the most integrated in the country.” She continues, “In 1963, about 1 percent of black children in the South attended school with white children. By the early 1970s, the South had been remade—fully 90 percent of black children attended desegregated schools.” The problem today is that these gains are reversing. As the Civil Rights Project shows, minority students across the country are more likely to attend majority-minority schools than they were a generation ago. The average white student, for instance, attends a school that’s 73 percent white, 8 percent black, 12 percent Latino, and 4 percent Asian-American. By contrast, the average black student attends a school that’s 49 percent black, 17 percent Latino, 4 percent Asian-American, and 28 percent white. And the average Latino student attends a school that’s 57 percent Latino, 11 percent black, 25 percent white, and 5 percent Asian-American. But this understates the extent to which minority students—and again blacks in particular—attend hyper-segregated schools. In 2011, more than 40 percent of black students attended schools that were 90 percent minority or more. That marks an increase over previous years. In 1991, just 35 percent of black students attended schools with such high levels of segregation. Even more striking is the regional variation. While hyper-segregation has increased across the board, it comes after staggering declines in the South, the “border states”—Delaware, Kentucky, Maryland, and Missouri, i.e., former slaveholding states that never joined the Confederacy—the Midwest, and the West. In the Northeast, however, school segregation has increased, going from 42.7 percent in 1968 to 51.4 percent in 2011. Or, put another way, desegregation never happened in the schools of the urban North. Today in New York, for instance, 64.6 percent of black students attend hyper-segregated schools. In New Jersey, it’s 48.5 percent and in Pennsylvania it’s 46 percent. They’re joined by Illinois (61.3 percent), Maryland (53.1 percent), and Michigan (50.4 percent). And these schools are distinctive in another way: More than half have poverty rates above 90 percent. By contrast, just 1.9 percent of schools serving whites and Asians are similarly impoverished. It’s this poverty and segregation that leads to other, more dramatic problems. As shown in a report from the Journey for Justice Alliance, these schools are understaffed, under-resourced, and most likely to face closure. Indeed, of the schools closed by shrinking budgets and “charter-ization,” the vast majority are in communities of color, even as the geography of school dysfunction includes predominantly white areas. But while we’ve moved backward, Brown wasn’t a failure. For minority students in general, there’s more exposure to each other—and to whites—than there’s been in the past. And for black students in particular, there’s much greater integration in almost every region of the country. “Outside of the Northeast,” notes the Civil Rights Project, “the share of black students in more than 90 percent minority schools remains lower in 2011 than in 1968, even with the reversals of civil rights gains in recent decades.” What’s more, states like Virginia and Louisiana—once at the forefront of opposition to desegregation—are now among the most integrated for black students. At the same time, the backlash to civil rights has taken its toll, as has American complacency and a pervasive belief in “colorblindness.” “With increasing frequency,” writes Nikole Hannah-Jones, “federal judges are releasing districts from court oversight even where segregation prevails, at times taking the lack of action in cases as evidence that the problems have been resolved.” Likewise, the highest courts have all but prohibited school districts and elected officials from considering race to balance school enrollments. “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race,” wrote Chief Justice John Roberts in 2007, striking a Seattle plan for racial diversity in its schools. School segregation doesn’t happen by accident; it flows inexorably from housing segregation. If most black Americans live near other blacks and in a level of neighborhood poverty unseen by the vast majority of white Americans, then in the same way, their children attend schools that are poorer and more segregated than anything experienced by their white peers. We could fix this. If the only way to solve the problem of school segregation is to tackle housing, then we could commit to a national assault on concentrated poverty, entrenched segregation, and housing discrimination. We could mirror our decades of suburban investment with equal investment to our cities, with better transportation and more ways for families to find affordable housing. And we could do all of this with an eye toward racism—a recognition of our role in creating the conditions for hyper-segregation. To do this, however, requires a commitment to anti-racism in thought, word, and deed. And given our high national tolerance for racial inequality, I doubt we’ll rise to the challenge.

### Ext. #4: White Flight

#### Desegregation causes backlash—turns the aff

Feagin 2004 - Joe, Ella C. McFadden Professor at Texas A&M University, Fall, "Heeding Black Voices: The Court, Brown, and Challenges in Building a Multiracial Democracy", 66 U. Pitt. L. Rev. 57, Lexis

By the mid-1970s, however, renewed white resistance-often with a more disguised white-interest perspective-was working to end the slow movement to full desegregation of U.S. society. A more conservative Supreme Court has often led this backtracking. n82 Legal scholar Jerome Culp has noted some ways in which the Supreme Court Justices have revealed a pervasive white-interest perspective in recent desegregation and affirmative action decisions: First, the interests of black Americans are not considered important enough to be examined or put into the constitutional calculus-the interest blindness assumption. Second, the assumptions regarding factual circumstances, e.g., legislative intent, economic or social policy of social actors, posit that the status quo circumstances of black citizens are fair-the status quo blindness assumption. n83 These are key dimensions of white-interest thinking today: Generally ignore black-majority perspectives and interests whenever possible and assume or assert, in the face of great evidence to the contrary, n84 that U.S. society is actually mostly colorblind. The end to two decades of desegregation efforts came in 1974 in a very influential Milliken v. Bradley decision, in which the majority of Justices (all white men) blocked a metropolitan-wide school desegregation plan combining the city of Detroit and its suburbs. n85 In his dissent to Milliken, Marshall noted that after two decades of movement to desegregation, the Supreme Court was largely abandoning the goals and interests of African-Americans in eliminating the "badges" of slavery and segregation: "[o]ur precedents . . . firmly establish that where, as here, state-imposed segregation has been demonstrated, it becomes the duty of the State to eliminate root and branch all vestiges of racial discrimination and to achieve the greatest possible degree of actual desegregation." n86 In one incremental step after another, between the year of Milliken (1974) and the present, the Supreme Court and numerous other courts have retreated on earlier commitments to desegregate the schools "root and branch." Thus, in the key 1990s' cases of Board of Education of [\*75] Oklahoma v. Dowell (1991) n87 and Freeman v. Pitts (1992), n88 the Court decided to permit gradual, if covert, resegregation of schools where there was no longer legally imposed racial segregation. In cases dealing centrally with segregation and discrimination since the 1980s, white perspectives and interests are again taking precedence over the black interests and perspectives, which are likely well-known to white decisionmakers. The Roller Coaster of Desegregation: The Renewed Separate but Equal Policy After centuries of struggle, during the 1950s African-Americans were finally able to force public school desegregation, yet white elites have generally controlled how desegregation was implemented. First, these white elites worked for, or allowed, a decade of successful delay. Then, white officials grudgingly implemented desegregation plans that often eliminated many black teachers and principals-as well as many formerly black schools as critical community centers-while requiring more black than white children to engage in one-way busing to the newly desegregated schools. In these officially desegregated public schools, moreover, black (and Latino) children have often been mistreated and put into segregated tracks or classrooms. n89 Few officially desegregated schools have ever been fully desegregated in terms of teachers, counselors, administrators, curriculum, and extracurricular activities-because many white parents and politicians did not want them to be so. Indeed, they often fired black teachers and replaced them with white teachers in order to please white parents sending their children to newly desegregated schools. For a time, across the country, many black children were mixed into historically white schools by means of busing, yet since the 1980s executive branch decisions and 1990s federal court decisions backing off on meaningful desegregation, black children have actually been resegregated-and, increasingly, on a large scale. n90 The conservative white (plus one black conservative) Supreme Court now articulates a resuscitated "separate but equal" view, yet predominantly black schools are rarely funded to be fully equal with white schools in all important facilities. "Separate but equal," again permissible under recent federal court decisions, is still the transparent fiction that it was for long decades after the Plessy decision. [\*76] Today, large differences in per capita expenditures for children in predominantly white districts as compared with expenditures in districts predominantly comprised of children of color, are well documented, such as in a major 2001 report for the metropolitan area of Milwaukee. n91 Today, the educational picture for many blackand Latino children remains bleak. For that reason, many black and Latino parents have called for more efforts to improve the quality of their schools even if that means less desegregation. n92 As key NAACP lawyer Robert Carter noted some time ago, predominantly black schools are often woefully inadequate and provide no tools that will enable poor blacks to become a part of the mainstream of the social, economic, and political life of the country. In the short run, we have to concentrate on finding ways of improving the quality of education in these schools, even if it means or results in less effort being expended on school integration. n93 Indeed, writing about the first desegregated education in the mid-1930s, Du Bois wrote that a black parent has a right to oppose any separation of schools by color, race, or class. . . . But . . . has no right, after he has made this academic pronouncement to send his own helpless immature child into school where white children kick, cuff or abuse him, or where teachers openly and persistently neglect or hurt or dwarf its soul . . . . Let the N.A.A.C.P. and every upstanding Negro pound at the closed gates of opportunity and denounce caste and segregation; but let us not punish our own children under the curious impression that we are punishing our white oppressors. Let us not affront our own self-respect by accepting a proffered equality which is not equality, or submitting to discrimination simply because it does not involve actual and open segregation . . . . n94 Du Bois was arguing for both meaningful school desegregation and for the black community's control of black children's schooling experiences. Some right-wing analysts of school desegregation, such as Stephan and Abigail Thernstrom, have missed this important point in their discussions of the substantial proportion of African-Americans (but less than the majority) who have questioned or resisted school desegregation. n95 <<card continues>>

### Ext. #4: White Flight

<<card continue>> While whites have [\*77] opposed desegregation for racist reasons, the minority of African-Americans who have opposed it since the 1950s (and a majority supported it then as now) have questioned it because they feared that whites would implement desegregation in a way that would harm or destroy black institutions, such as black schools as traditional community centers, and that, as Du Bois suggests, white policy-makers would create desegregated situations where black children face hostile or unsupportive white parents, children, teachers, and administrators. In the past and present, African-Americans have supported community or school separation strategies mainly as a defense against white-imposed, institutionalized racism that has continued in ostensibly desegregated institutions. As constitutional scholar Roy Brooks has put it, "there is an important distinction between segregation and separation that the Thernstroms miss. Segregation is involuntary racial isolation designed to subordinate and stigmatize. Separation is voluntary racial isolation designed to create a safe and supportive environment in the context of racial hostility." n96 Today, African-American parents face a severe dilemma in regard to education for their children. Desegregated school settings, while holding out promise of better resources, often remain hostile or unsupportive places for black children. This is not what black leaders and parents had in mind for their children as they pressed hard in the courts and legislatures for full-fledged school desegregation. Moreover, since the 1980s, instead of making the schools truly desegregated and supportive learning environments, most federal officials-including many federal judges like the majority on the Supreme Court-have retreated from the moral position of Brown to a renewed acceptance of the "separate but equal" fiction as local school board policy- that is, to accept to the discredited racist notions imbedded in the 1896 Plessy decision. As a substantive review of segregation's history after Plessy reveals, such separate-but-equal policies do not generally work to improve school resources for children of color over the long term. n97 The reason that this remains true today is clear: Generally speaking, those children and parents presently with the least in the way of school resources are also in communities with the least clout over the mostly white politicians who control federal and state money that is absolutely necessary to creating school equality at the local level. Without substantial political and economic clout, getting state and federal [\*78] officials to provide the great and disproportionate governmental resources that would enable concentrated-poverty schools to become equal to middle-class schools is highly unlikely. n98 Certainly, African-American children do not need white children in order to learn and thrive educationally, but in this still-racist society they will ordinarily get the full array of educational resources (human and material) that they need only if they are in school with children whose parents have this substantial economic and political clout-that is, children with middle-class and upper-middle-class white parents. n99

### Ext. #5: Desegregation Increases Inequality

#### School integration is the wrong focus/starting point – analyzing economic structures that underlie segregation comes first

Colby 14

Tanner Colby, a co-author of Remember the Time, is also the author of Some of My Best Friends Are Black: The Strange Story of Integration in America, Slate, February 3, 2014, “The Massive Liberal Failure on Race”, http://www.slate.com/articles/life/history/features/2014/the\_liberal\_failure\_on\_race/how\_the\_left\_s\_embrace\_of\_busing\_hurt\_the\_cause\_of\_integration.html

Today, whenever the failure of integration comes up, the usual political posturing always follows. Conservatives accuse liberals of destroying neighborhood schools with their big-government social engineering, and liberals accuse conservatives of exploiting race to pander to white voters. What nobody ever points out is that both of these things can be true at the same time. But in the left’s narrative, the bad guy always stays the same: conservative courts killed the wonderful progress that was being made. Yes, conservative judges were out looking for ways to kill integration in any way they could, but integration was ~~hobbled~~ and bleeding by the time those judges showed up. Rehnquist and Scalia just dumped the body in the river. Today, America’s schools are more racially homogenous than they were 25 years ago. But to say that those schools are “resegregating” is to misstate the facts. They can’t resegregate. They never integrated. We moved a lot of kids around for the sake of making things look good on a spreadsheet, but our communities and social networks remained largely unchanged. The racial balance created by busing was a fiction, and in the absence of those programs we’re just seeing the country for what it has been all along, what it never stopped being: separate and unequal. So what do we do about it now? Not much—not in terms of education policy, anyway. Some cities still have token integration efforts here and there, but nothing on the scale we had back in the 1970s. Thanks to the legal precedents set in Detroit and Kansas City—and other recent cases in Oklahoma City, Louisville, and Seattle—court-mandated programs aimed at creating racial balance are increasingly a dead letter. Just last week in Little Rock, Ark., the historic flashpoint where National Guardsmen had to escort black students into the segregated Central High School in 1957, the courts decided to throw in the towel after a nearly 60-year, billion-dollar effort to bring proportional racial balance on the city’s schools. (They’re still 66 percent black—better than many districts but hardly proportional.) Today, the movement for school integration, such as it is, is at loose ends. There are those, like schools officials in Little Rock, who like the idea of integration but are so tired of fighting for it that they’d rather spend the time and effort educating poor and minority kids where they are. There are the old-school liberals, embodied by the UCLA Civil Rights Project, who decry resegregation wherever they find it and call for large-scale government interventions to fix it, something the Supreme Court and the public have less and less of an appetite for. In between are the local grassroots experimentors, the idealistic reformers who will try just about anything—magnet schools, charter schools, whatever—to try to achieve diversity in the classroom. In its “A System Divided” series, the New York Times has for the past few years been chronicling the efforts of exasperated administrators who have spent millions of dollars in federal grant money every year in small-bore efforts to attract white kids to minority schools and then are mystified when the white kids don’t show up. So far, nobody seems to have a solution that works, but a good start would be an honest assessment of what went wrong the first time and why. It would also be useful to go back to Brown and recall what the Supreme Court actually instructed schools to do. Its directive was clear: eliminate the last vestiges of state-sponsored segregation “root and branch.” In that formulation, segregated schools are really just the branches, growing out of racially homogenous neighborhoods and towns. If we want any kind of long-term solution to this problem, we have to look at housing, zoning, mass transit, property taxes. That’s where the roots of our racially balkanized and economically stratified cities lie. We can hack away at the branches all day long, but if we don’t deal with the root of the problem, we can’t expect anything different to grow back in their place. We won’t solve the problem of segregated schools by shuffling black kids around the map. We have to give black families the agency and the opportunity and the leverage to decide where on the map they want to be. “True integration,” King said, “will be achieved by true neighbors who are willingly obedient to unenforceable obligations.” That may sound like a lofty mountain to climb, but if we set our sights on anything less, we’re not attacking the right problem.