

Center for American Progress



SPECIAL PRESENTATION

“THE FUTURE OF SCHOOL INTEGRATION”

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MS. CYNTHIA G. BROWN: Good morning. I'm so glad to see this hardy band of folks who are still very interested in school desegregation and the debates and issues around it. We're going to have a really good discussion this morning, because we have people with very interesting perspectives on this topic.

My name is Cindy Brown and I'm the Director of Education Policy here at the Center for American Progress. On behalf of the Center and the Century Foundation, I'm happy to welcome you to our discussion this morning about the future of school desegregation and consideration of the fascinating book by Sue Eaton about *The Children in Room E4* and the Sheff lawsuit in Hartford, Connecticut.

As I don't need to tell you, this is likely to be an important month for our nation's history of school desegregation as we await the Supreme Court decision on the Louisville, Kentucky, and Seattle school desegregation cases. Sue Eaton has provided us with a rich backdrop to decision. It involves real kids, real communities, and while this one is Hartford, I'm sure there are similar stories in Louisville and Seattle.

The Children in Room E4 is a wonderful book. Not only do we have the author with us today, but we also have one of the main characters in that book, John Brittain. It's a thrill to have him live in front of us to talk about his experiences with school desegregation, generally, and in the Sheff case. In many ways, this was a difficult book for me to read. Forty years ago last summer, I loaded all my belongings into my Ford Falcon, the first car I ever owned, and drove to Washington, D.C. on a 100 degree 4th of July weekend to begin work as an investigator in the HEW Office for Civil Rights with my friend Phyllis McClure-sitting right there. We were both there. She was at the Civil Rights Commission.

My job was to travel around East Texas and Louisiana, visiting segregated schools and documenting the inequities between African-American and White schools. The differences were stark, often worse than the picture Sue paints in Hartford. I worked on school desegregation cases and policies in and out of government for the first 15 years of my career, and I've witnessed progress. But as this book makes clear, we've gone backward in many places and now have schools segregated to about the same degree they were in the 1960s. This has devastating consequences for children.

So where do we go from here? We're going to talk about that today. We have a great group of discussants, each with different perspectives. You have their full bios at your seat, so I'm just going to give them very brief introductions. John Brittain is the Chief Counsel and Senior Deputy Director of the Lawyers' Committee for Civil Rights Under Law in Washington, D.C. I passed through there in the '70s. (Laughter.) If you've read Sue's book, you'd know he spent many years in Connecticut as a law professor before migrating to D.C. – I think with a few other stops in between probably.

Susan Eaton is research director at the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School. She is also obviously a writer and journalist. Rick Hess, a good colleague, is a resident scholar and director of Education Policy Studies at the American Enterprise Institute and executive editor of *Education Next*. He's also a prolific writer. And then another Rick, Rick Kahlenberg is a senior fellow at the Century Foundation. We share space with the Century Foundation, so he's my colleague right down the hall, and he writes a lot about education, equal opportunity and civil rights.

So we have three writers and a lawyer, and we're going to proceed as follows. Sue will begin and talk with us about her book and views about the future of school desegregation. We'll next hear from John, a major player in the story and who I'm sure has profound reflections on all that has transpired around the Sheff case, and we will then turn to Rick Kahlenberg and Rick Hess for their thoughts.

I will then let these folks respond to each other and ask questions of each other. I may also throw in a question or two. And then for the last half hour or more, we're going to open the floor to your questions and comments, so Sue.

MS. SUSAN EATON: Thank you, Cindy. It's great to be here. I'm one of those people who subscribes to a lot of e-mail alerts and lists, and I get two or three a day from the Center for American Progress, I don't read all of them, but I definitely always go to the cartoons, which are excellent.

MS. BROWN: Yeah, they're good.

MS. EATON: So thank you. It's great to be here to talk about the future of school desegregation. One of the questions that Cindy raised in my initial conversations with her and Rick Kahlenberg was the question of why school desegregation still matters. A lot of people have argued, especially in recent years, that it really doesn't, but I believe that it does. And I believe the book that I wrote was in part an effort to illustrate, not so much why school desegregation works – whatever that means – but why segregation and concentrated poverty has never worked and is not a good thing for our society or for the children in our public schools.

I'm going to talk a little bit about why I think school desegregation still is a valid approach to take in our increasingly diverse society, and why specifically the trend toward racial isolation and concentrated poverty, especially in our urban areas for children of color, is a dangerous way to proceed. All these things are illustrated by real lives in my book, and I'm going to read a little bit from the book also, if you'll bear with me for that.

The first reason is perhaps the most compelling and that's because racial segregation has an ever present attendant and that is concentrated poverty. Research has shown since the 1960s that concentrated poverty as a variable in and of itself simply

overwhelms schools and makes it nearly impossible for social institutions to deliver equal educational opportunity to the children regardless of how excellent the teachers are or how hardworking the children are or even how involved the parents are.

Secondly, I'll acknowledge a varying degree of quality in terms of the research on the benefits of racial diversity, but I would say that there has been a social science consensus including, from the American Educational Research Association, who are famously rigid in ever saying anything – (laughter) – conclusive, that research has demonstrated a real educational benefit of diverse learning environments. That's not just – not nearly, or even just primarily for children of color, but also for white children in terms of developing empathy and also developing critical perspectives and ability for analysis.

And a lot of those research briefs were submitted in the cases that are before the Supreme Court right now. There was this social science statement signed by 533 social scientists attesting to the benefits of racial diversity for children, and on the other side, I think that there were six or seven social scientists who signed that brief. And then something that, I think, is not well articulated and we tend to shy away from and that is something that I saw over and over again in my years in the Hartford public schools and that is isolation.

And I'll explain what I mean by "isolation": Isolation's detrimental effect on the psychological development of children, particularly children of color. The way in which isolation – this sense of being fully apart from the mainstream society and having a sense that you are an outsider, you have not been invited in to this larger world, having a sense that there's some other world out there that you, for whatever reason, are not a part of has a real negative impact on children's self-perception, their sense of who they are. And I saw time and time again over the years that I stayed with a particular group of children, a kind of anger developing in children about the situation, about this apartness that was difficult for them to articulate, which they couldn't understand and yet they knew was really there.

And then finally, I think that the state that we have now is of segregation in concentrated poverty. Segregation is increasing for children of color across the country even though many of our suburban districts are actually growing more racially diverse, our urban areas, especially, are growing poorer and more isolated every year. This is something that really betrays our values and betrays how the United States thinks of itself. It thinks of itself as a country that is dedicated to equal life chances.

Now, I just want to read a couple of passages from the book, one of which I think really illustrates the first point about the effect of concentrated poverty on a social institution, namely schools, and the difficulties that even the best and most dedicated, most passionate educators have in overcoming these social problems that are untended to in the larger society. These social problems have really been neglected and yet visit themselves upon the hallways and the classrooms of students. This passage is from the Sheff trial. John was the lead attorney and I think it's in 1993, and we have the plaintiffs

presenting the case – the civil rights lawyers are presenting their case – and they have a series of educators talking about this condition.

Freddie Morris, the principal of Wish School in the North End, testified next about anxious, distracted pupils who'd seen too much crime. Having such high percentages of these children in the same school put enormous pressure on educators, he said. The concentration of such students inevitably created a climate in which education was pushed aside while teachers concentrated on securing students' mental health and basic safety. For example, Morris told the court, a boy named Taram (ph) had recently gone home after school and discovered his overdosed father. A boy named William had cried in Morris's office scared about losing his father who'd gotten mixed up in drug-related shooting. Poverty stressed his school's families, Morris said, and many broke apart as a result. Foster families took over in insecure arrangements that redoubled stress on kids whose unstable emotional states had already subordinated learning.

Eddie Davis, principal at Weaver High School, testified that his school couldn't afford to offer laboratory biology, chemistry or physics. In 1992, Weaver High School had had to cancel advanced placement biology in part because of a lack of funds and in part because too few students had the preparation to take the course, which was a standard for higher level college-bound kids in suburbia. One teacher, Yvonne Griffin, testified that Hartford Public High School offered no advanced placement courses in chemistry, biology or human physiology. Can you imagine the parents in Montgomery County storming the gates?

Others followed, including some who'd quit Hartford for jobs elsewhere. The comparisons were revealing. "I knew that when I was in Hartford things weren't right and now I know how wrong things are," Robert Piticco (ph) testified. He'd been a vice principal at Weaver in the mid to late '80s. He'd then become vice principal in suburban Newington, then principal of suburban Suffield High School. Piticco had liked Weaver High School and its kids. It irked them that suburbanites assumed Weaver was an all-around nightmare. "It's not an awful place," he told the court at the start of his testimony. "I just want to emphasize that." Day to day, Piticco testified, he'd enjoyed Weaver's students and found most of them bright, able and wise. He judged the teaching staff as skilled as any in suburbia, but in the same breath he said it was also a very frustrating experience because as you've heard before "I found that what we had to deal with on a daily basis, there were obstacles that I just think are insurmountable. The attendant problems just overwhelmed all of us."

Piticco told the court that after his move to Newington, he'd felt back in control. The problems were the same. Kids still have problems with drugs, they'll come from dysfunctional families, kids still have problems succeeding in school, kids still come to school late, kids still have discipline problems, he said. But the difference was that there just weren't as many of the above. In Hartford, Piticco spent more than half his time on discipline.

In Newington discipline time dropped to 10-20 percent. If we were having a conference with a parent or a conference with a student or teacher or whatever the issue was or an observation, it was apt at Newington to occur as planned. At Weaver, more often than not, there could be an interruption or a crisis. Start of the year scheduling, the simple logistics of getting kids into classrooms with teachers took, two or three weeks at Weaver. Kids kept moving into the city, out of the city, in from other schools, across town, out of juvenile detention. The guidance office got jammed and classrooms got disrupted by students' comings and goings. In Newington, he said, "I was shocked, you know, an hour and a half after the first day of school, there weren't any kids in the guidance office. Everybody was in the classroom learning."

Piticco seemed saddened that his students at Weaver often had accurate senses of how they were perceived beyond Hartford. To suburban kids, Weaver was a joke. "I look around the region of Hartford – we used to think about this as we talked about goals and objectives for the school," Piticco said. "What's going to happen when, whether it's the Weaver student or the Newington High School student, when they get out into the world of work?"

Now, to some extent those kinds of things can be quantified by numbers. You can look at test scores, you can look at graduation rates, and you can throw your statistics into a regression model. And you can try to figure out, okay, what effect has concentrated poverty as an independent variable had on these outcomes, and you can come up with some conclusion. What's more difficult to capture and which was one of the reasons why I wrote this book and why I decided that even though I had just earned a doctorate from Harvard that I really needed to go back to the skills as a storyteller, as a narrative storyteller to completely tell the story, because a huge part of this was, like I said before, the effect of this abstract thing that we academics call isolation or concentrated poverty on children and children's development and their sense of themselves in the world.

This is not just a question of how kids feel about themselves, it's a question of whether or not they're going to be able to participate as full members in society, because if you're angry about your perception of the world, you begin to set up a defense. And that's why I believe that a lot of the things that we see in classrooms at higher levels with behavior, with acting out, come from this very strong sense of students' sense of feeling like they are not a part of this larger system, this larger society. And it hurts them when they're very young. It makes them sad. It makes them confused, and eventually they set up a defense against being hurt by it.

And I'm going to read a passage where this is just starting, where there's an example. This is one – things like this happened over and over and over again while I was in the classroom. The children grasping for some sense of understanding about their place in the world, and the answers were very disappointing to them. And it was very difficult for them to process that and make sense of it. And the name of this chapter is "What's the Suburbs?" and then I'm going to stop and let my fellow panelists talk.

“Miss Lottie (sp), what’s the,”– and Miss Lottie – this is a third grade classroom, and Miss Lottie is the teacher and then all of the other names in here are students. “Miss Lottie, what’s the suburbs?” Kayla asked out of the blue, derailing a mid-afternoon transition to math. Kayla’s thick braids bumped off her high cheekbones as she fiddled with an elastic band and moved restlessly off her butt onto her knees. She stared at Miss Lottie; all eyes looked up at Miss Lottie. Miss Lottie popped off her sunflower stool and stood at attention as if following a command. She faced rapt silence, free of chattering, paper-rustling, whispering, foot-tapping, chiding. Miss Lottie knew this type of silence. Every child present wanted an answer. She considered Kayla intently.

“Well, the suburbs,” she began, “a suburb is a town that’s close to a bigger city. Hartford is a big city, a major city. The suburbs are built around Hartford. This is the city here,” she said, pointing to her fist, shaking it in the air above her eyes, “and all around it, these are the suburbs.” She sketched with an index finger an invisible orbit around her fist. “Oh, so like the suburbs are nicer?” Kayla asked. “No,” Miss Lottie said, “no, not better, different. Okay, Hartford is also called an urban area. The houses are a little closer together. There are a lot of apartments. You can usually walk places. You can walk out of your house, and maybe your neighbors are out and you can visit.”

This was sometimes true. Twenty years ago people say it was true more often. These days though, there wasn’t much hopscotch, Double Dutch pleasure walking or public socializing on porches. A few older boys still played chess on their stoops, but recently, a teenager named Gary Little (sp) had been shot in the head while playing chess across from Waverly School. Talk on the streets called Little’s killing part of street beef, not a stray bullet. Still most parents had stuck to the ban on playing any sort of game on any stoop.

Miss Lottie, though, reached for a positive spin. “If you live in a suburb, you need to drive everywhere, even just to get milk. A lot of times you have to get in your car and drive and drive and drive.” “So but,” Kayla muddled, seemingly unsatisfied, “but Miss Johnson,” Kayla stopped short. She stared at the elastic band she’d woven around her fingers. Her eyes darted from classmate to classmate. Mrs. Johnson taught reading to some of the children. “What?” Miss Lottie pushed. Math had been derailed. They’d lost eight minutes. This is important in the context of No Child Left Behind; eight minutes is huge. She’s freaking out now, this teacher. (Laughter.) We’re (on to?) race, inequality, and not only that, we’ve missed math.

“Well, why is Miss Johnson already saying to us you’ve got to do better because the suburbs are beating us? You gotta know how the suburbs be doing so good on the Connecticut mastery test and Hartford’s way down the bottom.” Miss Lottie stood there gathering herself in. “What did she say?” Miss Lottie asked squinting. “Sounds like she say we stink is what she say,” Rasheeda (sp) declared from the front. “She say we’re no good and that the suburbs are better.” “Oh, I don’t think she said that,” Miss Lottie answered, raising her eyebrows. “Sorta,” Patrick interjected from behind, “Miss Lottie that’s sorta like what she said.”

Rasheeda threw up her hands and scrunched her face as though she just sucked on a lemon. “Why she be all you got to beat the suburbs, you got to beat the suburbs. I mean, we come in, we do our work. I mean,” Rasheeda said, adding a grandiose theatrical exhale, “it’s wrong. We don’t need to be hearing that.” Shasa’s (sp) eyes moved between Miss Lottie and Rasheeda as though she were watching tennis. Shasa also stayed out of this one, but nodded from across the room, agreeing with Rasheeda. Miss Lottie pursed her lips. “Rasheeda,” she began softly, “it’s possible that Mrs. Johnson said that so students would have motivation to work harder. In fact, I think there’s quite a bit of room for you to work harder, honey. You have a lot of potential, and the teachers in this school know how smart you are.”

Rasheeda seethed. Her frown fixed. “I don’t need to be hearing that from her,” she said again. She smacked the table with her fist. “It’s not fair what Mrs. Johnson said.” Rasheeda began to cry. Jeremy piped up. Mrs. Johnson wasn’t his reading teacher, but when he sensed tension, he tried to dissipate it. “Um, I have an opinion. I think she was trying to inspire you.” Rasheeda sobbed louder. Patrick opened his mouth to respond to Jeremy’s goody-two-shoes comment, saw Rasheeda crying and with his eyes fixed on her said nothing. Tears streamed down her cheeks. Her shoulders jumped. She wiped her wet nose with the back of her hand, sniffled and crumpled on her desk. Her skinny arms were a tent over her head, the rebel Rasheeda facing her fated place in the world.

“Nah. Nope,” Patrick finally said, “I don’t think Mrs. Johnson was doing that at all.” He folded his arms across his chest. “I think she trying to make the Hartford students feel stupid.” “Patrick,” Miss Lottie scolded, “I’m quite sure she was not trying to do that.” “Nah, forget it,” Patrick said almost shouting, “Forget the suburbs, man.” It was an order to his classmates. Janiyah (ph) rubbed Rasheeda’s back, Kayla slipped her a tissue, Rasheeda dried her tears, and on to math they went.

So I have other things to say, but I’m going to stop there and try to say them later.

MS. BROWN: John?

MR. JOHN BRITAIN: Good morning, everyone. I certainly want to applaud the sponsors of this gathering today. As Cindy said, it’s somewhat of a premonition of what’s to come, perhaps next week, certainly by the first week in June with these two big Supreme Court cases pending on student assignment plans based upon race conscious measures, in voluntary integration in the PICS v. Seattle and in Meredith v. Jefferson in Louisville Board of Education.

I want to take my hat off to Susan Eaton. You hear that passionate presentation of what took place in a classroom, yet you don’t see behind it the thousands and thousands of hours and five to six years she delved into this subject, traipsing one time all the way out to Martha’s Vineyard – (laughter) – if that’s such a burden to interview me–

MS. EATON: Actually, it was raining.

MR. BRITAIN: – in Oak Bluffs. In our opinion, Susan has really done a great service. I describe her book as a perfect recipe for school integration, her third book pretty much on the subject. The recipe contains three parts of each. As you just heard, it portrays the personal character of students, teachers, the principal, superintendents, lawyers, judges, elected officials grappling with the problem of race and class in educational inequality in the nation's richest state and its capital that has the highest gap in performance between poor and minority and non-minority and more affluent students.

It's also a story about the law of school desegregation or of integration, and she explains the legalese and the procedures in a very simplified fashion that everyone can understand. And finally, it's a book about educational policy in which Dr. Eaton, as she eschews that title with her ED from Harvard University, whom I would call one of Gary Orfield's prized pupils and co-authors of many books, zooms in on the depth of educational policy. And just when she's deep down into the guts of it, she pulls out, but she's left you with quite a bit of information as she moves on to another subject.

I, too, liked the storytelling, and there's one in there that we portrayed in the trial. Her name is Gladys Hernandez, an elementary school teacher, Hispanic, Puertorican, taking her children on a ride across the Connecticut River on a bridge on the highway from East Hartford. And when she told the students where they were going they clapped, because nearly none of them had been out of the city of Hartford before and they thought that was a big trip. So thank you, Susan, in public for the wonderful job -

MS. EATON: Well, you're welcome. Thank you for bringing the lawsuit, so I had a topic. (Laughter.)

MR. BRITAIN: - that you have done in capturing this subject. And now in my remaining few moments, I'd like to put the subject in a little bit larger detail here on the board to look at racial and educational equity in the 21st century. And next Friday, May 17th 2007, marks the 53rd anniversary of the Brown v. Board of Education decision, and the subject involves what DuBois predicted at the beginning of the last century of the problem of the color line. And I would amend that in 2007 to also the question of class, and I would end up with a thesis that class is almost more predominant now than race in educational inequality.

Justice Peters and the majority of the Supreme Court said that finding the way to cross the racial and ethnic divide has never been more important than it is today and that was ten years ago. So it only increases in importance until we solve this problem. As I said, my thesis is that the poverty concentration of school children in urban school districts is a more significant cause of educational disparity than racial isolation. The statistical correlation between poverty and educational performance is far more documented than race, and student poverty rate is a proxy for many of the educational challenges in the school district, some of which you have seen or will read about in Susan's book.

Now, *Sheff v. O'Neill* there on the left hand side is a landmark decision. It was brought in state court instead of federal court. And in the early 1990s, all the school desegregation lawyers that we interviewed in the country that ever had anything to say about school integration said don't bring it in the state court, because state court judges don't have the courage to act. And indeed we found they were right after we received a horrible trial court decision from the judge in which he couldn't even decide the issues halfway, but thankfully, the Supreme Court bailed him out by taking direct appeal of the case. It was based upon the state constitution, as you will see. They attack race in class, de facto proof with the standard instead of the intent standard. It crossed the district boundary line which had been stopped by the Supreme Court in the 1970s case of *Milliken v. Bradley*, and it dealt with urban/suburban remedy.

And on the right side, everything has closed down in the federal courts, basically, for school integration today except for voluntary integration which could be shut down any day now by the Supreme Court in the Seattle and Louisville cases. But it was based upon the federal equity of the 14th Amendment and attacked only race. Intent proof was the standard and that's the biggest barrier to succeeding in these cases because you can't prove any of the de facto segregation today was caused by any intentional act. Although we all know when you study poverty that segregation is a result of intentional decisions about where roads are built, where housing is built, how housing is financed with mortgages, where jobs are located, and where schools are located and students assigned. And it's really a series of intentional decisions that have a deliberate impact upon poverty and race and educational inequality.

And lastly, in the federal courts, the remedies are limited essentially to the intra-district or inner-urban remedy. But you had facts back then, but the segregation is even worse now. In about a 24,000-person school system, over 96 percent non-white, mainly a majority of Puertorican too, I jokingly say, it's the first San Juan Puerto Rican school district in the mainland of the United States. It's even higher in poverty now, and it has the lowest state academic achievement rate. And as I said, Connecticut has the lowest rate of performance and biggest gap between poor and non-poor and minority.

The Constitution, though, was the key to this case, a very unique one. Only three have it and only two have ever decided in it. And Connecticut provides, like all states, a fundamental right to education in their Article 8 of free public schools, but more significantly, it has this article first and particularly section 20, known as the no segregation or discrimination clause in which no person shall be denied the equal protection of the law, which is pretty much the same language as the 14th amendment, nor be subject to segregation or discrimination in the exercise or enjoyment of a fundamental right, civil or political right, because of race or color et cetera. And the court had already decided that education was a fundamental civil or political right ruling back in 1977 in the case called *Horton v. Meskill* that unequal financing denied students their fundamental right to an equal educational opportunity.

New Jersey has a similar provision called the rights and privileges. No person shall be denied the enjoyment of any civil or military right, nor be discriminated against

in the exercise of any civil or military right, nor be segregated in the public schools based upon race. And they, too, have ruled that de facto segregation is illegal, but not much has been done on that in the courts. However, there is a group poised to look deeply into that now with the possibility of investigating and bringing a Sheff-type lawsuit.

The narrow decision in Sheff of 4-3, came down to “a student had a fundamental right to an equal education opportunity free of extreme racial and ethnic segregation.” And the highest state court put two of those constitutional provisions together, namely the fundamental right to an education and the no segregation clause to create one right: to be free from extreme racial segregation based upon a standard of de facto segregation or the condition itself, without having to prove intent. It’s one of the few cases in recorded case law that found the district boundary line was the cause of the inequality and ruled the district boundary line between suburban and urban education to be illegal.

There was a case called (Painter?), by quick comparison, came out in New York, the same day as this famous case called Campaign for Fiscal Equity v. New York, the big equal financing case in New York. And this case attacked the poverty alone. Now, we set out to attack the poverty concentration in the 1990s with new theories to overcome the old Brown v. Board of Education, a racial desegregation claim. And Painter, which we helped create, later came along and cited Rochester’s 90 percent poor, 80 percent nonwhite, extremely low academic performance. But in New York, we only had their fundamental right to an education in Article 11, education section 1: shall provide for the maintenance and support of a system of free schools. But we had no corresponding segregation or discrimination. And New York has been stingy, unlike some other states and unlike the United States Supreme Court in Brown vs. Board of Education, because they have not extended their basic equal protection clause to include de facto racial discrimination or segregation in education. And hence, this case was stopped at the pleading stage, saying that New York does not recognize any type of claim like Sheff or like New Jersey. Abbott v. Burke is the big New Jersey financing case that has some equity and integration components too, but it was mainly a financing case, and New York doesn’t have any similar type of basis to challenge de facto racial segregation in the country.

So 52 years later, now 53, where are we on Brown? As Susan indicated and everybody knows, we are more segregated today than we were in 1954, particularly in the urban school districts and moving out to the outer ring of those school districts. Integration is still very beneficial, as Susan said, with the 433 social scientists signing on to an amicus brief in the current Seattle and all cases documenting the literature on the benefits of integration. By the way, when you get down to the benefits of integration and boil it down, it’s not the test scores and the academic achievement, but the aspirations of the life chances and the horizons for better futures that lead to better statistical results in terms of high school graduation and matriculation in two and four-year colleges, better job rates, better housing rates, often in integrated settings, and the ease and the facilities with which to move in to an integrated setting and to reap the benefits.

A lot of the stories that Susan tells in her book are indicative of the barriers of living in almost exclusively racial apartheid in low-income communities and having just the basic image that the suburbs might as well be some foreign country to some students in inner city barrios and ghettos.

Non-integration seems to be preferred, even from the beneficiaries, even from the leaders, and so school integration is really under attack. I'd put it in the intensive care unit on life support systems in this day and age. De facto segregation is legal everywhere except in Connecticut and New Jersey. And you can't import the Sheff case to other states, because you don't have that constitutional hook of a prohibition against segregation and discrimination that will allow you to attack a de facto condition, the condition itself. And so today, urban and suburban education is the new Jim Crow color line.

The court left us with the economic imperative, that the state's economic wellbeing is dependent on more well educated citizens and the urban poor are an integral part of our future economic strength. So it is not just that the future depends upon the state, the state's future depends upon the urban poor. After all, who's going to pay for the social security of Americans tomorrow from the working class today? And who's going to help work in the industries and drive the future of our economic prosperity? All the statistics you know, all the census projections you see, all the questions about the increasing color consciousness of our population, and all of the workforce of tomorrow will come from mainly nonwhite persons. So it should be in our economic interest to provide for educational equity as much as in our moral goal for equality.

And with that, I'll leave you to why Sheff vs. O'Neill is a landmark decision and the *Children in Room E4: American Education on Trial*.

MS. BROWN: Thank you so much, John. That was very helpful and enlightening. And before I turn to Rick Kahlenberg, you know, I took away his law degree, so we really have both a lawyer and a writer. (Laughs.) I don't know why he moved from being a lawyer to a writer, but –

MR. RICHARD KAHLENBERG: Well, actually I'm a law school graduate. I never took the bar, never practiced, but that usually wins me points with people rather than hurts me.

Let me begin by thanking Cindy for cosponsoring this event with the Century Foundation and congratulating Susan Eaton on her really superb book. I reviewed it in the *American Prospect* a few months ago, along with three other books, and I thought hers really stood out. It does an excellent job of combining her research background with her journalistic and storytelling experience, and it really provides a unique blend in my view. And I only wish that members of the U.S. Supreme Court would read her book, because I don't think they have the same sense of the importance of school integration.

I want to underline one point that John Brittain made and is amplified in Susan's book – which is that Connecticut had a decision saying that you needed to equalize spending. Hartford schools were still a disaster. They were equally funded –some would argue they actually were funded at higher levels than the suburbs, and that did not solve the problem. So I think Connecticut is the perfect example of why we need to go beyond merely equalizing our spending to really equalizing opportunity through some sort of integration across school district lines.

Unfortunately, the Supreme Court is pushing us in the opposite direction. Many of us were there for the oral arguments in the cases that John mentioned, in the Seattle case and the Louisville case, and there was a lot of hope on the left that Justice Kennedy would step up and fill Justice O'Connor's role of providing that fifth vote in favor of giving districts the ability to try to integrate their schools using race. But Justice Kennedy told lawyers representing Seattle: "you're characterizing each student by reason of the color of his or her skin, and it seems to me that that should only be, if ever allowed, allowed as a last resort." And the *New York Times* reporter, the next day after the oral argument, said the question is only how far the U.S. Supreme Court will go in curtailing the ability to use race in student assignment.

So that leaves us with the question of where do we go from here? We'll know in the next several weeks for sure how the Supreme Court will rule, but most of us are pretty pessimistic. And I want to pick up on a point that ran through both Susan and John's comments, which is that Sheff was not only about racial inequality, it was also about economic inequality, the concentrations of poverty. And I think it's important to think about how that fact might be used for school integration in the future.

And I'm going to quote very briefly – this is a quote of yours, John, I used in my book *All Together Now*, talking about the Sheff case. Brittain declared that, "The most signal fact about Hartford is not that it's 92 percent non-white, but that it's 63 percent poor." So it's these poverty concentrations that were at the heart of the original suit in Sheff. The Connecticut Supreme Court didn't follow them to that conclusion, but that is an important fact that I think we need to grapple with. And today there are about 40 school districts throughout the country that are seeking to integrate their student bodies using the economic status of their students.

The leading example is Wake County, North Carolina, which involves the city of Raleigh and its surrounding suburbs. And they declared in 2000 the goal that no school should have more than 40 percent of its students eligible for free and reduced price lunch, which is kind of a standard indicator of low-income status. It's about \$36,000 for a family of four. So no school should have more than 40 percent of low-income students, and no school should have more than 25 percent of students achieving below grade level. There was an issue brief that some of you may have called the "New Way on School Integration" that provides a lot more details about Wake's plan and other plans.

And the idea here is in part that because of the overlap between race and class in our society that – looking at student income will not only break up concentrations of

poverty, but will also produce a healthy side-benefit of greater racial diversity in our schools. And importantly, using economic status under the Supreme Court's interpretation of the Constitution is perfectly legal. In fact, even the Bush administration and some of the very conservative groups that are opposed to using race, said in their briefs in the Louisville and Seattle cases that it would be perfectly fine to look at the student's economic status in their view. Not that they endorse it as a policy matter, but that it was not going to present a constitutional problem.

Now, to some this seemed a little too cute. There was one judge who in the lower court said using income is just a clumsy proxy for race. But if you think about the two objectives of racial integration, one to increase academic achievement and two to provide the benefits of promoting tolerance and social cohesion that come from racial integration per se, socioeconomic status as a factor will likely lead to positive results on both fronts.

So first, let me take up the issue of academic achievement. Forty years ago, the famous Coleman Report found that the most important predictor of academic achievement was the socioeconomic status of the family that the child comes from, and that remains true today. And the second most important factor was whether a student was able to go to a middle-class school or a high poverty school. The socioeconomic status of the school that a child attends has a powerful effect on academic achievement – all children do better in middle-class schools than high poverty schools.

Now, why should it matter who your classmates are? All the things that we talk about in education that provide a good environment are much more likely to be found in middle-class schools than in high poverty schools. So we want to have high levels of parental involvement in schools. For a variety of reasons, middle-class parents are much more likely to be active in the PTA, to volunteer in class, that sort of thing, and to hold schools accountable. If you look at peer influences, we all know that kids are learning at least as much from their classmates as they are from the teacher, and again, for a variety of reasons, being in a middle-class environment where kids are expecting to go on to college and support academic achievement is a favorable circumstance.

If you look at the question of teacher quality, if life were fair, the low-income kids would get the best teachers. We know that on average the opposite occurs, and that teachers often move from low-income schools to middle class schools and consider it a promotion of sorts. And then if you look at expectations, they're much, much higher in the more affluent schools as well.

Indeed the people who have studied racial desegregation for years have found that what really matters is the concentrations of poverty. So Gary Orfield who Susan has coauthored a book with wrote that "education research suggests that the basic damage inflicted by segregated education comes not from racial concentration but from concentration of children from poor families." So if we think, for example, about results from desegregation in the 1970s, in places like Charlotte-Mecklenburg where low-income African-Americans were integrated with higher income whites, they had very positive achievement benefits. In places like Boston, by contrast, where essentially poor

and working class whites were integrated with poor and working class blacks, there were no achievement benefits to be had. So it's clearly more of a class phenomenon than a race phenomenon.

The other important point about emphasizing the economic status of the students is that it answers Clarence Thomas' question. He asks, "Why do we assume that a school that is predominantly African-American is inherently inferior?" And the response is that it certainly isn't something about the blackness of the students that makes the situation difficult, but rather that when you have concentrations of poverty a difficult situation is provided. In Wake County, where they have the economic integration plan in effect, the results have been quite impressive and low-income and minority students are doing substantially better than students in other North Carolina districts that haven't addressed these concentrations of poverty.

The second point, though, is that schools are more than just about test scores. We want to develop citizens who are not only well-informed but tolerant. And so I think that there is a powerful case, and Susan makes it quite well in the book for making sure that there is racial integration per se, irrespective of whatever achievement effects derive from that. And here, too, the use of socioeconomic status will provide some help in producing racial diversity. It doesn't do as good a job by definition as an assignment plan, which uses race per se, which is why I hope that the Supreme Court sustains the use of race in the Louisville and Seattle cases. But if that is taken off the table, using socioeconomic status will produce a fair amount of racial diversity under many circumstances.

And going back to the Wake County example, Wake had a long standing racial integration program in place through the '70s and '80s and '90s. 64.6 percent of schools were considered desegregated, that is where between 15 and 45 percent the school population is black. When they shifted to using socioeconomic status as a basis for student assignment, that number dropped but just to 63.3 percent. So you had almost as much racial diversity and racial integration produced using socioeconomic status as using race. The reason that that's true is, given the overlap between race and class in our society, African Americans and Latinos are three times as likely to receive free and reduced-price lunch. And then because of housing discrimination, it turns out that poor African-Americans are much more likely to be in high poverty schools than poor whites. And so, predominantly, minority schools are five times as likely to be high poverty as predominantly white schools.

So even though we're facing a pretty bleak situation with the Supreme Court, I think there is reason for some hope that if the decision comes down the wrong way, I certainly hope we don't give up on integration altogether, but rather try to find new and creative ways to get at racial inequality indirectly by looking at socioeconomic inequality. And also to get at the heart of our educational problem which is these concentrations of poverty.

MS. BROWN: Thanks a lot, Rick. And now to our second Rick.

MR. FREDERICK HESS: Okay. Is this on? Okay.

First I'd like to congratulate Susan on the book. It's remarkably well written. I was reading it on the plane this weekend. So frequently when I read these kinds of books on planes, it's painful to keep your eyes open, and this was actually a really impressive read, so I'd encourage you not to be put off by the thickness of it. And I say that as somebody who fumbles with writing a lot, I was like, "Damn, I wish I could write like this."

So that said, I mean, I think one of the things that struck me about the book is – there's an old adage. We generally use it in regards to economists which is that when you have a hammer, everything's a nail. And I think it's particularly true of lawyers, particularly if one is a lawyer pursuing social justice, there's a presumption that the courts are the mechanism for driving social change and for creating the kind of nation in which one would like to live. I think that's a problematic assumption. And I suffer from the same plague. I'm a skeptic and so, to me, everything is unintended consequence. And so when I read something like this or when I think about these issues, I am admittedly somebody who has real trouble working up the enthusiasm or the moral certitude which is so essential to pushing for these kinds of court-driven, radical rethinkings of social arrangements.

In this audience, particularly, one way to think about this is when it comes to efforts to promote redistribution or social equity in this way, there's a notion that only a son of a gun or a racist could even raise questions about this. And I would simply suggest to maybe put on another hat. For instance, when we talked about going into Iraq a couple of years ago, people who were in favor of this talked about all the good we were going to be doing for the Iraqis, how much we would be welcomed. This kind of identification flaw that all good things would necessarily go together, and to be skeptical of that was regarded as somehow a signal of a lack of moral fiber. And I think we see that those kinds of black and white divides don't always serve our interests, and we're trying to think about large and substantial policy changes.

I think to make the book really sing, which it does, Susan engages in three heuristic devices which are perfectly reasonable but which I think it's useful to make transparent.

One, through the book she discusses – and I think the reading just now identified a variety of ills and concerns that we have about the children in the book and about the Hartford community more generally. These include the concentration of poverty, of course, concerns that there wasn't enough money spent. The first Sheff trial raised those notions. Even though, for instance, as Susan notes later on in the book, Hartford was actually spending about 35 percent more in current expenditures than West Hartford. There are concerns about adults' behavior, concerns about children's behavior, concerns about the toxic environment, concerns about the pedagogy at Simpson-Waverly, concerns about the role of No Child Left Behind. Now, there's a lot of different stuff going on that raises concerns. The heuristic that's used here is a suggestion that most, if not all of

these, flow from concentrated poverty and racial isolation. It's not an unreasonable hypothesis, but I would suggest that we be very conscious if one wants to suggest that most if not all of these problems are due to isolation, because what we expect solutions to accomplish and how we expect them to work necessarily flows from our identification of the problems.

The second heuristic device here is the assumption that everyone will benefit from the kinds of remedies that were being suggested in Sheff. In fact, in what I thought was artful device, at a couple of different points Susan has suburbanites or well intentioned folks, including I guess Gerry Tirozzi when he was state chief up there, talking about how they know it's the right thing to do. They'd like to do it. Well one, of course we know realistically that that's not the case. Many people in the suburbs are deeply concerned about this. And two, it's not clear to me that being deeply concerned about these kinds of things or being self-interested is necessarily as selfish or mean-spirited or evil as it's kind of assumed. So there is this general assumption that everyone's going to benefit, so it's a win-win proposition. All we need to do is sufficiently open the eyes and allay the discomfort of those in the suburbs.

And then the third heuristic device at the heart of this is the notion that the pathologies that are identified are fundamentally malleable. When we talk about what I would argue are inappropriate and unacceptable parenting behaviors, when we talk about unsafe neighborhoods, drug use, parents dropping a bag of Marijuana in the school hallway, parents being discourteous and aggressive to teachers, unsafe communities, there's the notion that if we get the children out to the suburbs, somehow, that these behaviors will not be imported in an aggressive way or will be imported only in a small and manageable fashion. Moreover, there is the notion that I think is very powerfully argued here and explicit, and it is that these pathologies are results of an environment, that there's no moral culpability in any sense, no responsibility for what I would see as inappropriate behaviors. And I think it's important to be transparent about for instance, if we can think of a different diagnosis, kind of the Bill Cosby diagnosis, the notion that there is a certain degree of responsible behavior that's lacking on the part of some families in some of these communities, and that social solutions cannot be expected to stand in or necessarily produce the kinds of behavior we would expect from families.

Well, the result I would argue of these three devices is that one can move straightforward to a very happy picture. It's a win-win game when we talk about the kinds of desegregation of state promoted desegregation efforts that either Rick or Susan are discussing, that the pie doesn't shrink. Well, what we're going to see are students who get to experience more heterogeneous environments and how they will benefit. The students who were previously in these more homogenous environments are going to benefit from exposure to children and families that they otherwise would have lacked exposure to. And it is a pleasant story in which all good things go together.

Now, I would suggest there are a couple of reasons that that story might not play out. It depends on assumptions about the linearity of effect. The notion here, in both Rick and Susan's tellings, is that when one starts to create this heterogeneous

environment,, as long as you keep the threshold of concentrated poverty below a certain level, that there are no adverse effects on the schools or on the children who were previously in the suburban environments. I would suggest that – I actually read the research slightly differently than they do, and just to put this in simple terms so that we don't have to get into a coefficient debate, which nobody wants to do at 9 AM – I would just suggest that I think many of us are familiar with the notion that one or two disruptive students in a classroom can make it much more difficult for teachers to engage in the kinds of challenging and rigorous and effective pedagogies that, for instance, that Susan flags as desirable.

And so if the notion that keeping concentrated poverty beneath 25 percent is acceptable, we're still talking about four to five students from these environments and these classrooms, unless we presume that the behaviors are all entirely malleable, if we talk about importing discipline behaviors and other challenges, you are actually going to see negative and adverse consequences on the kids who were in these schools previously.

Now, it's perfectly reasonable for somebody to say "so what?" We're talking about distributing educational opportunity more equitably. These other kids, they don't have it as good as before, but that's not my big concern. Okay, that's a reasonable premise, but it's very different from suggesting that all good things go together. And one can then legitimately understand why people in the suburbs might see themselves as on the losing end of a proposition. I would suggest that there are several dynamics like that.

We know, for instance, that the Hartford families that Susan has discussed in particularly concentrated low-income African-American families, are generally going to send kids to school with vocabularies significantly smaller than the Simsbury families, or something on the order of 500 to 1000 words, say, in kindergarten versus four to 5,000 words. The kids aren't at fault. I absolutely agree with that.

On the other hand, it does require different strategies to build phonemic awareness and the rest which require that teachers either engage in different behaviors or start to stratify their instructional strategies. And again, if I'm a parent of a student in these suburban schools, that's something that I see as a loss from my child's perspective. So all I want to suggest here is that I think it's too easy on ourselves to suggest that these are all win-win stories, and if we can only reach out to the suburbanites, they would be happy. In fact, I want to suggest that they have potentially legitimate reasons to be skeptical of this, and I want to suggest that they're not necessarily wrong. I want to suggest that it depends where you stand. As I said, I'm a skeptic, so I can go either way.

Let me just make two points in closing here: One, why might they legitimately have reasons to push back against people who are as generous in spirit as John is in what they're trying to do? Well, one is I think there actually is a principled response to Sheff on the part of the residents of Simsbury or West Hartford which is: look, whether or not the construction of school district boundaries in the early part of the 20th century has, in conjunction with lending practices and construction practices, and highway construction, served at the end of the day to create a segregated environment in which Hartford

residents get the short end of the stick, I personally have played by the rules. I have worked hard. I have gone out and purchased a home here. Part of what I paid for was access to a school district— this house costs me a lot more than it would have cost somewhere else, and I consciously chose to be in a place where I was purchasing a bundle of services associated with my house.

I understand that you want to promote social equity. In fact, I sympathize with it and I'm happy to give 100 bucks to a charity. But I feel that you are coming in and essentially using eminent domain to seize something which I have fairly and legitimately paid for and worked for. I'm not saying that is a predominant value. I'm not saying that the inspiration behind Sheff is trumped by that. I am suggesting that America is a place where we have various notions of right and wrong in conflict, that this is the guiding insight of a democratic process, and that it is far too easy to let ourselves argue that the redistributionist impulse is morally right and proper, and these other notions of playing fair or property are incorrect.

I would further stipulate that it's entirely reasonable to say, "Well, I hear that. I don't put any credence in it." That's fine. It's also, I think, important to recognize though that I think the redistributionist impulse does carry with it potentially perverse incentives. This notion that we are going to ensure that as a state – as a community we are going to take proactive steps to open up other peoples' schools, that we are going to invest in creating ways to disrupt established arrangements is fine, but it also does undermine the incentive for folks to work and invest in these communities.

An example of this kind of backlash, of course, is Prop 13 following Sorano. We can stipulate that we want people to care more about these other kids,. But the fact is that what we saw of course with the magnet experience in the North in the '70s and early '80s is that the people who wind up staying in these desegregated environments are the people who don't have enough money to move to Simsbury. And the people in Simsbury, if we rope them into it, are much more likely to wind up sending their kids to private schools and simply getting out of this deal altogether. So there is always this notion of chasing another wrung up the ladder.

Okay, second, I would argue that the imperatives from a simply consequentialist perspective, that the kinds of empirical analysis which undergird efforts like Sheff or mostly segregation efforts, I'm weary about. Rick I think has done an eloquent job in this volume and elsewhere of pointing out places like Wake or Cambridge that have found ways to make this desegregation really seem to work, and seem to work in a way that is either pie neutral or helps the pie grow.

On the other hand, I would argue that we've seen this story before. We saw it with the early magnets in the early '70s. We saw it with small schools in the late '90s, and what we know is we have a lot of difficulty taking these things to scale. The early success tends to partly be a product of the fact that places like Cambridge and Wake are not randomly drawn sample-districts from America at large. They are places that have the capacity to desegregate –they emerge for particular reasons in the political and local

educational environment. They draw and attract certain kinds of educators. They have families who buy into this. There are a variety of facilitating conditions which tend to make this stuff work.

I'm deeply concerned that we mislead ourselves when we assume that we can figure out the ingredients and simply take them elsewhere and expect to see the same effects. In fact, what I would argue is that the things that we know to lead to serious and sustained school improvement are focus, are stability, are insulating educators from political pressures, are allowing communities of practice to form in which teachers are connected to their kids, and on which these communities have a great capacity to be self-regulating, to keep other people out, and to reward excellence. And I would suggest that such conditions are actually harder to create in environments where we have seen aggressive court intervention and where we are tinkering with boundaries on an ongoing basis and tinkering with new school creation in order to try to attract voluntarily balanced populations, whether on socioeconomic or racial grounds. Thanks.

MS. BROWN: Wow. That was a very thoughtful bunch of comments. We ran a little over, but I really think running over was worth the intellectual conversation that we've just had among our panelists. But I want to give them a chance to respond to each other, and then we'll open it to the audience. Who wants to go first?

MS. EATON: Yes, I just want to respond to Rick Hess' comments. I appreciate what he said and I think it's very insightful, however, I think it's a mischaracterization of the Sheff case and of contemporary school integration or integration movements in general to say that they are fundamentally or primarily redistributive. And that's because they are focused almost always now and for a long time on voluntary efforts, and these are the programs that are under attack right now and that may suffer demise in the coming weeks from the Supreme Court.

The Sheff case and the Sheff remedy, as John can talk about in much more detail, never required or mandated busing and what we think of as busing or mandatory desegregation. The remedy only asked for increasing the states' capacity, the government's capacity to create more voluntary options for students to attend desegregated schools. And in fact, I can completely understand and see the political difficulties of a mandated desegregation plan at this point and suburbanites seeing that might not be in their best interest, and fleeing and moving in the way that Rick described. However, the reality in Hartford – and I think that this would be true in a lot of communities - is that there are actually waiting lists from suburban parents for their children to go to a more diverse school. So white parents in suburban communities are on the waiting list right now in the city of Hartford, and there's not enough funding, and there's not enough, I think, moral will to provide the kinds of schools that parents actually want. And one of the lawyers at the very end of the book, I think said it most succinctly. He said something, like, all we ever wanted was to provide people the opportunity to send their children to a school that looks like the real world that prepares them for living and working and learning in a diverse society. That's all we ever wanted, and they still don't have it.

I agree with the two qualities that Rick said were really necessary in creating real educational improvement. One was stability. There is not stability in these urban school systems. It just doesn't exist, at least for more than a year. So it cannot be achieved, and the reason it can't be achieved is because of the high levels of concentrated poverty and the social problems that overwhelm the schools. And then two, he said, ways to reward excellence. I agree with him. There is a lot of excellence in the Hartford public schools, for example, and in every urban school system. The teacher that I write about is excellent. However, there is no way to reward him, and it's excellence's gone to waste.

MR. BRITAIN: I would quickly like to respond to Rick Hess. I think he hits the bull's eye sociologically, in terms of the attitude of basic suburban communities. However, he is dead wrong on the law. The assumption of his correct sociological position is that what the suburban people have, as he said – "I bought my house. I played by the rules. It came with a good school. I live in my community, and therefore, I should be entitled to keep the privileges."

Well, these suburban areas are not semi-autonomous communities; rather they are creatures of the state. And so, it starts at the top where the state has an obligation to equal educational opportunity. Only Hawaii runs education directly from its capital. Any of these states could run it directly throughout. However, under our system, the states delegate to the local communities to have a school board, to raise taxes, pay for a part of the education, hire a superintendent, and run their schools based upon a state's standards. So the notion, he is quite correct, is called local control and it's particularly pervasive in the Northeast and is the assumption that what I have is mine and I'm a semi-separate state or even nation for that matter, and I can do what I want within the four walls of my community.

And indeed these communities, as Gary Orfield points out in the Northeast, coincidentally have the highest degrees of racially isolated schools from this Mid-Atlantic area – Pennsylvania, New Jersey, even Maryland, and certainly New York and Connecticut and all of New England – with these separate little compartmentalized systems of education. Whereas in the South and Midwest, you have larger county and broader school systems. So somehow we have to figure out a way to overcome the sociology from the law. That's why the court rules in these cases, including equal financing cases, that the state has to treat all of the local districts equally, and the districts have to treat the whole situation collectively.

MR. KAHLENBERG: And I'll respond to Rick, as well. We'll all gang up –

MS. BROWN: Well, then we'll let Rick Hess have the last word before we open it to you.

MR. KAHLENBERG: Well, I would underline Susan's point that we are not talking about compulsory busing. No, that's a dead letter. Right now, we're talking about efforts to create incentives that will get middle-class families to agree to

integration. We learned a lot about how to do integration wrong in the '70s, and now there are much more sophisticated efforts to draw middle-class and white families into integrated environments. So I think Rick's insight that self-interest matters are very important is valid, but there are ways to address it.

Let me make a couple of other quick points. Rick says that the family matters a tremendous amount, and that putting the child into a different environment isn't going to necessarily make an enormous amount of difference. I would agree with him that the family that a child is raised in is the most important predictor of academic achievement. But having said that, we know that when low-income kids are given a chance to go to middle-class schools they do perform better. Right now, low-income kids normally face a double jeopardy. They're born into a low-income family, and then they go to a high poverty school. There are limits to what social policy can do about the first, but the second – we assign kids to schools, and we don't need to do it in a way that compounds their disadvantages. So, in Wake County, it's not that the low-income kids are doing as well as the middle-class kids. There's still a gap. It's not a cure. But the low-income kids are doing much better than other low-income kids in the state.

Second, Rick raises the issue of discipline which I think is important. I'm glad he did because that's always first on the minds of suburban parents. I would say two things: One is that there is some evidence to suggest that the environment sets a tone, that it isn't that these are bad kids who are going to act out no matter where they go. When they're in an environment that's more supportive of achievement, children act out less. And secondly, I think the notion of integration has to be combined with a very tough discipline policy and my fellow liberals here may disagree with me on this, but I think that this type of program will not work unless there are very tough discipline programs put in place.

For example, in Saint Louis they have a wildly successful program that allows low-income African American children to attend suburban schools. They go on to college at much higher levels, graduate at much higher levels, but the reason there was acceptance of this is that if kids act out, they're not going to continue in that environment. I'm worried about the Cedric Jenningses, if those of you remember the book *Hope in the Unseen*, the kids who want to work hard or do work hard and want to get ahead and right now are being punished because they're in environments that are very tough.

Two other quick points: Rick makes a point that parents who work hard have the right to buy a house and get away from poverty, if you will. And I guess my response is that that loses focus on what education is about. It's not about rewarding parents. I mean, the argument that the conservatives usually use against the teacher unions is that they're only concerned about adults, not the kids. So I would apply that here. No child picks his parents, and so we don't want to punish kids whose parents can't afford to live in a good neighborhood.

And then finally, I would say that there is growing acceptance of the notion that diversity, economic and racial diversity, is good for affluent and white kids, as well as for

minority students and low-income students. And this is widely accepted. In the Ivy League they say you cannot get a 21st century excellent education unless there is diversity, and I think that slowly in our society there is some acceptance of that among middle-class and white families. And that understanding will benefit programs seeking integration from here on in.

MS. BROWN: Any other responses.

MR. HESS: Sure. Well, first I'd like to thank them for being remarkably generous and gentle. (Laughter.) I appreciate that, all of you.

Yes, a couple of things. One – Susan's right – if I mischaracterized the Sheff remedy here, I did not intend to. Explicitly, the settlement stipulates magnet-based strategies and voluntary choice. So if I suggested that Hartford entailed forced busing, I did not intend to. I do think it's an interesting dilemma here though. Rick made a point which I think is eminently sympathetic that, look, it's not about the parents. It's about kids.

And there are common notions, going back to Benjamin Rush and Jefferson about what we think children need to learn and know to be raised in a democratic society. And it's perfectly legitimate, as Susan argues powerfully in the book, to believe that that entails exposure to other kinds of people and different kinds of environments. But I will just point out that there's a conflict here, obviously, between what Rick noted here – it shouldn't be the parents who want to get away that are the determinant, but it should be what's in the best interest of their children. Because, of course, the parents who choose to engage in voluntary desegregation or who signed for the Hartford magnets are probably not the parents who were trying to get away from it all and moving into lily-white suburbs. They're probably the parents who're already broadly sympathetic to the notions of the benefits of diversity. So there's a slight tension here to the extent that diversity is intended to help free children from the shackles of their own parents' limited thinking. Those are the children who are least likely to be reached by voluntary desegregation.

I think John makes an excellent distinction here between what's legally permitted – I just would assess this as a part of a larger conversation, that the role of local governance and going back to the 1880s it's been clear — in case law that school boards are constructions of the state and which is why Milken was such a hard decision in early '70s.

But the fact that these can technically or legitimately be disassembled or reconstructed by the state doesn't mean that the soft tissue of the civil society doesn't matter. So this is a larger conversation about how much respect we should have for these institutions, whether or not they are inviolable institutions.

Just a key point about urban governance. Another way to think about it is, of course, the Hartford School Board has been democratically elected off and on and there is

a legitimate notion that if I'm a parent in Simsbury and I say, "You know what, I showed up and voted for my school board. You guys have eight to 10 percent turnout. If you're dissatisfied with the curricular decisions or disciplinary decisions that the schools are making, show up and vote for your school board. Don't petition for our access." So that there are these walls or fears of justice, this notion that any engagement or civil participation is always going to happen within a limited community.

Now, the problem, of course, from the parents' perspective in Hartford is that there is so much inertia around you that it is hard for any individual to show up or organize a coalition that's going to address dysfunction. And that's particularly the case, of course, because one way to think about reform is that the very nature of governance in urban districts makes it hard for outstanding educators to build excellent schools, to sustain excellent schools, to engage in practices that recruit and reward excellent principals and teachers, and to create opportunities to do things whether it's extended learning time or the kinds of curricula that Susan alludes to.

And what I would suggest then is – this actually takes us back to the choice concept – everybody likes the school choice concept – but it takes us back to the notion that we need fundamentally different ways of organizing and governing schools going forward, ways in which outstanding educators have a chance to set up and run school organizations that are independent from all of the craziness associated with conventional notions of Democratic governance in urban communities.

MR. : Let the mayors take them over.

MS. BROWN: All right, all right. I'm going to call first on Mike Usdan and these two folks and unfortunately, we only have about 10 minutes, because we have another event we have to set up for. But I was a bad moderator, I just couldn't cut them off.

Q: Mike Usdan the Institute for Educational Leadership. I won't direct my question directly to Rick. It's at the panel at large.

I almost felt as if I was in a demographic vacuum, because the discussion very generally talked about suburbs and urban areas as if there is a neat dichotomy, if you will, a bifurcation. And the reality is that we have urban suburbs like Montgomery County, Fairfax County – the entering suburbs all over the United States that are increasingly diverse demographically.

And so the argument about a homogenous urban suburb is entirely accurate. I worked in Connecticut for a number of years, and I still have open scar tissue from the kind of rationalized higher-education policy in Connecticut, much less K-12 policy. And one of the issues that was so exacerbated in the Hartford situation was the extraordinarily self contained tiny little city and John would know the size, like three miles, four-and-a-half miles – it's tidy and the situation is infinitely more exacerbated in Hartford that it is in communities that have larger areas.

So my question is looking to the future. I think the discussion underplayed the profound demographic transformations, the Latinization of the population. I'd like to ask you, Susan, because I saw in the last sentence, you're doing something in terms of Latino immigration, and as one looks to the future in terms of the kind of governance changes that Rick was talking about, class, social class integration and the other Rick was talking about – one's to the left, one's to the right. I won't try to define where the Ricks are ideologically.

But looking to the future in terms of social policy and indeed legal strategies, how are the demographics going to impact this?

MS. EATON: I think and I addressed this later in my book, there was actually a huge change even from the time that the Sheff case was filed in 1989, where there was discussion about the state of entering suburbs and the increasing diversity entering suburbs to, now, when you've got suburbs right outside Hartford that look exactly like Hartford and have the same kind of social problems.

And I think that you really hit it. I think that in terms of trying to create models for the future, where we have diverse schools that actually are positive environments where high levels of learning can take place and children can reach their full potential, I think that these are the types of communities that we need to be focusing on and providing support for.

The book that I'm working on now is about Latino immigration and it's set in a suburb -- Waltham, Massachusetts, which is a tiny city just outside of Boston and the change in this community. It's gone from a heavily white working class community to now a heavily Latino and African immigration community in a period of just 15 years. And this is where I find a lot of hope, our potential, in places like this, which do exhibit some level of diversity because of immigration, and perhaps to some extent, we should be focusing equal attention on these communities in addition to these heavily urban communities that have been the focus of my concern.

But I don't think the answer is a different government structure. I don't think it matters almost when you've got 80 percent of your kids from a poverty background.

MR. KAHLBERG: Very quickly, let me say that the suburbanization of poverty actually makes integration logistically a little more easy. I mean, if you think of Washington D.C. as a separate jurisdiction, how are you going to integrate with Montgomery County?

It's tough, but within Montgomery County there are real pockets of poverty and there's a lot of wealth. Well, that's within one jurisdiction and so the jurisdictional obstacles to integration are ironically reduced by the suburbanization of poverty. Today, a majority of poor people live outside of urban areas, and that means they can be part of plans – maybe easily part of plans to integrate.

MR. JIM LOEWEN: I am Jim Loewen. I am the author of "*Sundown Towns*," a book that came out about a year ago, and I want to make three points.

First of all, the suburban communities didn't play by the rules. They were, in fact, sundown towns by explicit, often formal and often informal, but public policy. From about 1905, on they maintained themselves as all-white communities, and I can prove that for several communities in Connecticut and do prove it for hundreds of communities across the United States including many communities involved in the Milken v. Bradley lawsuit.

So I think all four of you were too nice about defacto segregation. I would argue there is no such thing. It's always public policy and if you do good historical research you can show it. It's never been played by the rules from 1979 on, from Buchanan v. Warley and for that matter, the 14th amendment.

Second point, I agree with Rick on my right said about bad parenting, absolutely, and I think we've got to take some steps about that, but I submit that we can divide parents into just three groups – I'm leaving one out, but that's all right.

Bad parents – with all you said about them – who badmouth the principal and anyway, you described them. Good parents in the inner city and good parents in the suburbs – now, of course I am leaving out bad parents in the suburbs, but let's forget about them for a minute. What you're saying amounts to this: these folks in the sundown towns in the suburbs have the right to make good parents in the inner city bear the brunt of bad parents in the inner city.

And I don't see why they have that right. I think that good parents in the inner city have the right to spread the burden of bad parents in the inner city. I don't see – yes, you're all black or you're all Puerto Rican, whatever. I don't see how we have that group responsibility.

And the third point I would make is we left out one other form of bad citizenship, bad living, and the bad impact for all this and that is the impact on kids in the sundown towns, and I'm just going to make a point very briefly with a Connecticut reference. And I know you know about it, Susan, I am sure.

Five or six years ago, Connecticut, bizarrely I think, has a state football championship and the championship was between Darian, an infamous sundown town, sundown suburb, which kept out Jews as well as blacks and Weaver I think, certainly a Hartford high school and I think it's Weaver, and halfway through that game Weaver started winning and the Darian folks started using the n word, starting saying racial slurs, started sayings things like, "Well, in another five years you'll be working for me" which is a class point, and so on.

It's very difficult. It's possible, but it's very difficult to grow up non-racist, to say nothing of anti-racist when you live in a sundown suburb, where you know that it's a good school system, it's a wonderful place to raise kids, and one of the reasons why it's a good school system is because we keep out blacks, because we keep out –

So it's possible to grow up un-racist, but it's not easy. This doesn't show up on SAT scores or any kind of educational pathology, but it's a pathology, nevertheless, and it's a pathology we have to deal with and I don't see how we deal with it, sans integration.

MS. BROWN: You're up next.

MS. EATON: It's a great book, by the way, *Sundown Towns*. I highly recommend it.

MR. BRITAIN: It sure is.

MS. BROWN: I will just say that I think Rick was saying the families who move into those towns to play by the rules, I don't think he was implying the creation of the towns was by the rules.

MR. HESS: That's right. I mean, I think it's always a question of where do you draw the starting point. There are always these arguments about at what point can individuals be fairly held to have earned whatever they're in possession of at the moment, whether it's skills, whether it's possessions, whether – and that's right.

So the question is if you're somebody who was born in the early 1960s and you grew up somewhere else and you went and you bought into Simsbury or West Hartford, how culpable are you as an individual in terms of the historic behavior, the historic institutional pattern?

MR. LOEWEN: Well, it is historic, but sundown suburbs and sundown towns were keeping out blacks pretty thoroughly until at least 1996. That's only nine or 10 years ago. It's not very historic and everybody who moves into them is fully aware of their racial composition when they move in.

They may not be fully aware of the despicable means by which they came about, but they are fully aware of it. And some of them move into it because of it and others move into it because of the prestige generated by it.

MS. EATON: And you can turn that argument around, as well, and say how culpable is the young mother who suffers from depression because her children can't go out and ride around. And she's got her sister's son in her care also.

I mean, this is a situation of people who live in urban areas and it's very easy to look at them – at a lot of them and say, uh, they are really bad parents from a suburban

perspective. But when you really get down to it and you look at the causes of their behavior or the history, the decisions that they make often seem pretty intelligible from their point of view, leaving three kids at home, for example, who were probably too young to be left home, so that they could go and work, because otherwise they're not going to have food on the table. These behaviors and these decisions and the psychologies that develop in this particular social environment don't derive solely from something endemic to the person.

They are, to some extent, the product of an environment that has been created and sustained by a history of racial discrimination, and so yes, it's attenuated. You can't say, oh, that bad parent, that's just because there was racial discrimination in our society, so he is not really culpable. But the same way you can't then – if you're going to say how culpable is that person who just bought the house in the suburbs and wanted to do well by his family, they really aren't responsible for their decision, then you can't turn around and say oh, well, that young mother who suffers from depression, who left her children home and then there was a fire and blah, blah, blah is completely culpable either. You can't play it.

MR. HESS: I know, absolutely. I think that's exactly right. And I think – but further as Rick's point from before – that even to the degree of which anybody is culpable for any of this is a question about how much of this should carry over to the kids. The kids are kind of independent of decisions that are made or behaviors on the part of parents.

All I'm suggesting then is that the question of what one does about it, I think, sometimes it's easy to get caught up in moral fervor and suggest that any remedies that seem to flow from that fervor are obviously desirable. And all I was trying to suggest is that I think it's much greater than we sometimes presented this.

MS. EATON: Yes. That's why I think it's so important to continue, and I tried to do this in the book, to keep that link clear between history and present. It is attenuated, and it's not something that you can pinpoint exactly and you can't throw numbers into a computer and come out with a model that shows that there were 20 percent responsible for the plight of the inner city.

Each of us has a one percent. It's keeping hold of that narrative that shaped this country, that there is indeed a link between horrible things that the country did based on racial discrimination in the past and the legacy that we have, that's been left.

MR. CHESTER HARTMAN: To John's point – I'm Chester Hartman from PRRAC, the Poverty and Race Research Action Council.

I think it's important in identifying suburbs and suburbia to recognize the role of the state in having created this, I mean through FHA and VA and highway programs and zoning. There is a whole structure there that the state is responsible for.

What I want to ask though is, a week or two ago *The Times* had a long front-page story about John Edwards. I thought it was kind of a nasty story about his approach to poverty, in which they made the point, I guess they were talking about moving to opportunity or Section 8 vouchers, that dispersion is not an answer. It doesn't produce the results that Edwards says it does, and I am wondering if people want to comment on that particular social policy.

MR. KAHLENBERG: I want to comment. I did a little thing on our website, which I would suggest that you read Chester. It's the moving to opportunity program for those of you who don't know, which has provided low-income families a chance to have a better life, go to the suburbs and be in a more economically integrated environment.

And the results were very disappointing. People expected some really positive, robust effects both on the adults' earnings and the kids' learning and they found nothing. So how to explain that? Well, if you look closely, they were not moving to opportunity. They were moving to mediocrity. The kids who were in the control group, those who didn't have an opportunity to move, were in schools that had a free and reduced lunch number – I think it was about 73 percent – and then the kids who were supposedly going to greener year pastures attended schools that were about 67 percent low income.

So there weren't robust results, because it wasn't a fair test. And I told the reporter that – and he said that was in his original article and it didn't make it to the final cut, but I thought that was a pretty significant omission.

MR. BRITAIN: Chester, what I would like to add and it's been indirectly referred to here and a point you know so well is that housing segregation is really the cause of education segregation.

However, due to barriers in the law and barriers in social policy, the efforts to integrate housing are far less successful than the efforts to provide for more integrated and equal educational opportunities. When we can integrate this housing, we can also solve the educational equity question.

MS. BROWN: Okay. The last question, I'm sorry, it's going to be Phyllis McClure.

MR. PHYLLIS MCCLURE: Thank you. I think the point that you made that these two cases are not at the Supreme Court, because some white suburban parents revolted. They are at the Supreme Court because of white parents living in the city whose children didn't get their choice of some optional program at the high school level.

Race is being used only at the very margins of school operations and so it seems to me that we're not dealing with the white sentiment that's opposed to whole-scale desegregation. What we are dealing with is the end of a counter-revolution that began 30 years ago with Nixon's appointments to the Supreme Court. There's been a whole 30-year backlash against using race, and when you lose these cases in the Supreme Court the

victors will not be patient. They are going to go after your so-called economic integration cases. They are going to go after race siding, they are going to go after anything that smacks of racial preference hidden in some other basket.

So you've got to think more in terms of just whether this is an old, city suburban-type of conflict.

MR. BRITAIN: Yes. I would like to quickly comment that both the Seattle and the Jefferson County cases don't deal with local schools, because the parents didn't want to go to their local schools, right? Rather, they wanted to go to what are considered higher pecking order, select schools in these communities, and in both sections, in both cities, nearly all of the parents got their choices. And these were the few who didn't, and they're suing because they can't get into a higher-elective choice group.

MR. KAHLENBERG: Can I comment very quickly, Cynthia? I think you're right. They will go after socio-economic status too, but I think they'll lose. I mean, there is a long line of cases suggesting that we're going to treat the use of race very differently than the use of socio-economic status.

If you look at the briefs in the Louisville and Seattle cases, the really right-wing groups point to the socio-economic status as an alternative that they're okay with. I am not suggesting that they won't turn around the next day. You can look at the briefs. They say that this is permissible and the Bush administration says the same thing.

Now they can turn around and reject their own view tomorrow, but it will be much more difficult for them to challenge any use of socio-economic status than it will be to challenge the use of race.

MS. BROWN: You are welcome to come up and continue this conversation up here. I want to thank the panel. I think this has been a very enlightening and useful conversation. And thank you all for hanging in there, and I am sorry we've had to end it.

(END)