SCHOOL DESEGREGATION
Lessons From Three Decades of Experience

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While the contentious public debate regarding school desegregation has subsided somewhat over the last decade as questions about educational quality have forced their way into the national spotlight, the issues of segregation and racial inequality continue to lurk in the shadows just beyond center stage of our contemporary public policy debate about education. There are a number of factors that will make the continued exclusion of these issues from the ongoing national dialogue about educational policy and the federal role increasingly untenable, both practically and politically. Prominent among these factors are the rapidly changing demographic characteristics of our nation, and particularly its schools (Hodgkinson, 1985); the overwhelming cost of the perpetuation of the permanent underclass growing up in many of our cities (Wilson, 1987); and the demands that a competitive, global economy are placing on the development of a well-educated and technologically sophisticated work force (National Task Force, 1983).

In light of these factors, the national policy and federal role with respect to school desegregation and educational inequalities need to be reexamined. This article seeks to contribute to such a reexamination and the reincorporation of these issues into the national debate in three principal ways: First, by reviewing the evolution of the national policy and federal role over the past 35 years; second, by drawing some conclusions about what we have learned from this experience; and finally, by suggesting what these lessons may portend for the role of the federal government in school desegregation policy in the 1990s and beyond.

THE NATIONAL POLICY AND THE FEDERAL ROLE

While I will focus on the federal role in school desegregation over the past 35 years, it is important to remember that it is situated in a broader historical

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and policy context that reaches to the founding of the Republic and the treatment of race in all aspects of American life. Among the characteristics of race and education policy in America that makes it unique are its persistence as an issue, the conflict it engenders between constitutional values and political realities, and the ongoing interaction it fosters between the courts, Congress and the executive branch in shaping and reshaping the policy and the federal role.

Against this rich backdrop, it is possible to sketch out the contours of the policy and the emergence of a federal role during the first half of the century; the process of policy consolidation and enforcement that characterized the the 1960s and the early 1970s; the politicalization of the policy and fragmentation of the federal role during the balance of the 1970s; and finally, the abandonment of the federal role and redirection of educational policy in the decade of the 1980s. By examining the developmental stages of desegregation policy and the federal role over this period, we may gain a greater appreciation of the role and limits of the federal education policy that has brought us to this point and learn some important lessons for shaping school desegregation policy and the federal role in the 1990s.

POLICY FORMULATION AND EMERGENCE OF A FEDERAL ROLE

The history of the education of the minority child in America has been one of exclusion, segregation and inequality (Weinberg, 1977). Prior to the Civil War, virtually none of the over one million Black slave children were enrolled in the public schools. Even after President Lincoln issued the Emancipation Proclamation in 1863, few Blacks were immediately afforded access to any type of formal public education or other privileges enjoyed by Whites (Bond, 1934). This pattern persisted through much of the 1870s and 1880s, when Congress assumed a leadership role, enacting a series of Reconstruction Era civil rights acts designed to facilitate the enforcement of the Thirteenth, Fourteenth and Fifteenth Amendments, which had been ratified after the Civil War. It was the U.S. Supreme Court that construed these laws and the Fourteenth Amendment narrowly during the last quarter of the 19th century, before etching the doctrine of separate but equal into our constitutional jurisprudence with its 1896 decision in *Plessy v. Ferguson.*

It was not until well into the 20th century that the Court began assuming a progressively more affirmative role in matters of race and public policy. In 1917 it struck down a municipal ordinance requiring residential segregation

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in Louisville (*Buchanan v. Warley*, 1917), before turning its attention between 1930 and 1950 to a series of higher education cases brought by the National Association for the Advancement of Colored People. In these cases, the Court successively invalidated higher education policies which provided differential access to collegiate or professional education, inferior educational programs at state institutions admitting Blacks, and later, the segregation of Blacks within classrooms and library facilities at nominally desegregated colleges (*Gaines v. Canada*, 1938; *McLaurin v. Regents of Oklahoma*, 1950; *Sipuel v. University of Oklahoma*, 1948; *Sweatt v. Painter*, 1950). This progression of cases laid the foundation for the Court's 1954 pronouncement of a new standard governing race and education in the United States, a standard recognizing that state-sanctioned segregation is "inherently unequal" and "has no place" in the field of public education (*Brown v. Board of Education*, 1954). In arriving at this policy, the Court acknowledged the illusory nature of equality based on comparable educational inputs and emphasized the importance of intangible factors and associational opportunities that could only be realized in common schools given a White-dominated and -controlled society.

POLICY CONSOLIDATION AND ENFORCEMENT

Even as the Court assumed substantial leadership in the mid-1950s, and perhaps because of it, the executive branch was brought more actively into the civil rights movement, although not necessarily with great enthusiasm. Then-President Eisenhower was quoted as saying, "I think it makes no difference whether or not I endorse [the Court's decision in *Brown*]" (Kluger, 1976, p. 753). The public resistance to the Court's commands in the aftermath of *Brown*, however, compelled a reluctant president to nationalize the state militia and order federal troops to Little Rock. The 1950s also brought the first civil rights legislation since Reconstruction, laws which led to the organization of the Civil Rights Division within the Department of Justice and the establishment of an independent U.S. Commission on Civil Rights to monitor and report on the nation's progress toward equal opportunity in various spheres of American life including education (Amaker, 1988).

The 1960s witnessed heightened federal activity among all branches of government in furtherance of the goal of equal educational opportunity and a policy of school desegregation. The Court continued to play a dominant role in response to numerous state and local attempts to expressly nullify the new policy of desegregation, covert measures to circumvent its application,

and a variety of strategies designed to delay or minimize its ultimate impact. It met these challenges with a resolute unanimity, striking down as unconstitutional each barrier thrown up to block the admission of Blacks to formerly White schools, including interposition resolutions, civil disobedience, and the closing of public schools and issuing of tuition grants to White students for attendance at private segregated academies (see, e.g., *Cooper v. Aaron*, 1958; *Griffin v. School Board of Prince Edwards County*, 1963).

Increasingly impatient with the rate and degree of desegregation, the Court began to require school districts to take affirmative measures to ensure that Blacks and Whites were enrolled in common schools on an equal basis. In doing so, the Court spelled out a new standard for evaluating the legal adequacy of plans and the speed with which they must be implemented. This standard, set out in *Green v. New Kent County School Board* (1968), struck down voluntary or freedom of choice approaches, requiring instead "a plan that promises to realistically work, and work now" (p. 439). At the same time, the Court acted to broaden the traditional notion of desegregation, introducing the concept of a "unitary school" as one in which students of different races are not only brought together but are provided curriculum and instruction, faculty and staff, facilities and resources, and co- and extra-curricular activities that are comparable in every respect. In addition, *Green* (p. 438) required that school districts eliminate the vestiges of past discrimination "root and branch."

The Court, however, was no longer acting alone in the 1960s. Early in the decade, President Kennedy advanced, and President Johnson formally proposed, the most sweeping civil rights legislation since Reconstruction. After a bitter and protracted debate, Congress enacted the 1964 Civil Rights Act (42 U.S.C. § 2000 et seq.). Among its provisions was Title IV, which expressly authorized the U.S. attorney general to initiate and intervene in suits to enforce school desegregation through the courts (42 U.S.C. § 2000c-6 & 2000h-2). It also authorized the secretary of Health, Education and Welfare (HEW) to provide technical assistance to local school districts through a national network of desegregation centers and institutes and to fund planning grants for local school boards (§ 2000c-2-6). Title VI of the same act prohibited race discrimination in all educational programs and activities receiving federal financial assistance and established an administrative enforcement mechanism by which HEW could terminate or defer federal aid to noncomplying districts (§ 2000d-1, et. seq.).

The adoption of the landmark Elementary and Secondary Education Act the next year provided the substantial financial inducement for school

districts to bring themselves within the purview of Title VI's antidiscrimination provisions. To coordinate the monitoring of compliance and the invocation of fund-termination proceedings, the Office for Civil Rights was created within HEW (Orfield, 1969).

With these new tools, the Departments of Justice and HEW moved in concert against segregated school districts across the Southeast, first cautiously and then more boldly. As new victories were won in the courts with the active participation of the Justice Department, the Office for Civil Rights in HEW proceeded to codify and elaborate the newly announced principles in administrative regulations and Title VI enforcement standards. These standards in turn were used to justify fund terminations in administrative proceedings, while the regulations were accorded substantial deference by the courts in evaluating the adequacy of desegregation plans that came before them in subsequent litigation (*U. S. v. Jefferson County Board of Education*, 1967).

This process of federal policy consolidation and enforcement culminated in 1971 with the Supreme Court's decisions in *Swann v. Charlotte-Mecklenburg Board of Education* and a companion case decided the same day, *North Carolina State Board of Education v. Swann*. In these cases, the Court for the first time not only expressly approved but actually required the use of busing as a remedy where necessary to overcome unlawful segregation. The unanimous decisions, authored by Chief Justice Burger, also endorsed the use of race-conscious remedial measures and placed the burden on school districts to justify the continuation of any one-race schools.

The impact of this judicial and administrative enforcement machinery was dramatic. Between 1968 and 1972 the number of Black children attending schools with some Whites increased by 59%, while more than a million Blacks across the South entered majority White schools for the first time (U.S. Commission on Civil Rights, 1975, p. 47). These years represent a watershed in the implementation of school desegregation policy in the United States, and not coincidentally a high-water mark in federal enforcement activities. During this period, more than 498 school districts were under federal court orders calling for complete desegregation, another 496 had been or were in the process of negotiating plans with HEW, and some 4,200 other districts were brought within Title VI's jurisdiction requiring nondiscrimination on the basis of race and national origin, including 500 Northern districts that were under review for possible Title VI violations (Nixon, 1970b, p. 669).

POLITICALIZATION AND FRAGMENTATION OF THE FEDERAL ROLE

This stable triangle—a supportive Court, Congress and executive branch—was soon weakened by the intense heat of rising political opposition. The very effectiveness of the coordinated federal enforcement machinery proved its undoing. As more and more communities, including those outside the South, became subject to the policy, they began to exert pressure not only on their elected representatives in Congress, but also on a Republican president who professed a Southern electoral strategy (Bolner & Shanley, 1974). How the executive branch and Congress responded in the 1970s illustrates the constitutional politics that have characterized desegregation policy for much of its history and the effect of feedback within the broader environment on subsequent policy-making and implementation (Deutsch, 1966; Johnson, 1977; Wirt & Kirst, 1989).

Presidential Politics

Within the executive branch, members of the Nixon administration indicated that although committed to equal educational opportunity, they were less than fully committed to the coercive reassignment measures and timetables being employed by the courts. In 1969 the Justice Department broke ranks for the first time with Black plaintiffs, siding with a Mississippi school district in arguing for more time to implement a desegregation plan (*Alexander v. Holmes County Board of Education*, 1969).

The President himself made numerous statements and several major addresses on school desegregation during the early 1970s, in which he declared his support for equal educational opportunity while expressing opposition to school busing (Nixon, 1970a, 1970b). In the first of two major addresses in the spring of 1970, he alluded to the harm of segregated education and the need to make the playing field level for Black and White students so that each might have "an equal chance at the starting line" (Nixon, 1970a, p.436). To accomplish this, he advocated federal aid to desegregating districts, noting that "words often ring empty without deeds," and that "[i]n government, words can ring even emptier without dollars." At the same time, the president concluded that while the prevailing judicial approach in handling desegregation matters was "more reasonable than some had feared," a few lower federal courts had adopted extreme positions which the administration would not enforce. Accordingly, the administration's principles of enforcement provided that "neighborhood schools be deemed the most

appropriate base" for a unitary system, that remedies be limited to those schools within a district that can be demonstrated to be intentionally segregated, and that housing patterns not be a cause for federal enforcement actions involving the schools (Nixon, 1970a, p.435).

Consistent with this philosophy, the executive branch's enforcement activities, particularly fund-termination proceedings, slowed dramatically in the early 1970s (National Center for Policy Review, 1974). This deceleration of administrative oversight shifted the burden of enforcement to the courts and private parties, prompting civil rights interests to sue HEW for failure to enforce the law in a vigorous and timely fashion (*Adams v. Richardson*, 1973). Even as HEW was ordered to investigate and dispose of complaints in accordance with a judicially prescribed time frame, its will and capacity to do so were routinely called into question at contempt proceedings which punctuated the 15-year life of the case. The case was dismissed on procedural grounds in the mid-1980s, before being reinstated in 1989 as a sign of the continuing dissatisfaction of civil rights interests with the federal Title VI antidiscrimination enforcement record across 20 years and four different administrations.

Presidential pronouncements throughout the middle as well as early 1970s routinely undercut the policy of desegregation by agreeing with it in principle, but opposing it in practice. The use of busing, which had proven indispensable to the policy's implementation in many cases, became the focus of not only popular but presidential scorn and was a major campaign issue in the 1972 elections (Bolner & Shanley, 1974). Busing persisted as an issue through the decade as Presidents Ford and Carter both expressed reservations regarding it (Ford, 1976; Carter, 1980).

Congressional Compromises

Within Congress the response to the policy of school desegregation was even more complex and acrimonious. It was characterized by the simultaneous launching of a massive program of federal aid to desegregating school districts and legislative maneuvers to rein in the federal judiciary and restrict the use of busing as a means of desegregation. Movement in these apparently contradictory directions reflected sharp regional differences in Congress coinciding with the situs of federal enforcement activities, as well as compromises synonymous with legislative policy-making.

As the pace and scale of desegregation heightened across the South in the late 1960s, it was possible to see the conflict between federal policy goals

and actual outcomes in local school districts and classroom settings. Although each school roughly mirrored the racial composition of the district in which it was located, various forms of in-school segregation and discriminatory treatment were evident, denying to Blacks that which they thought desegregation promised. Among the most prevalent obstacles were strict classroom-grouping or tracking policies (Findley & Bryan, 1971; Oakes, 1985) and exclusionary discipline practices (Hall, 1975). In addition to these issues of student treatment, many minority educators also experienced unintended consequences, particularly those principals who had enjoyed leadership positions in all-Black schools, but who were now deemed unqualified to preside over a school in which Whites comprised a portion of the student body (Select Subcommittee on Equal Educational Opportunity, 1971).

In recognition of the enormity of the task of desegregation, Congress passed the Emergency School Aid Act (ESAA) in 1972, an initiative endorsed two years earlier by President Nixon. ESAA provided financial assistance to local school districts "to meet the special needs incident to the elimination of minority group segregation and discrimination; to encourage the voluntary elimination, reduction, or prevention of minority group isolation; and to aid school children in overcoming the educational disadvantages of minority group isolation" (20 U.S.C. § 1601[b]). ESAA annually channeled in excess of $100 million of federal categorical aid to help school districts defray the costs of a variety of desegregation-related improvements including special remedial programs, comprehensive guidance and counseling services, interracial educational projects, and the hiring of additional aides and professional staff, along with extensive training programs for all personnel (§ 1606). Other provisions of ESAA authorized the development of magnet schools, educational parks, and metropolitan-area programs for overcoming segregation, although with respect to the latter, funds were available only if two-thirds of the local education agencies in a Standard Metropolitan Statistical Area approved the application (§ 1608). Ironically, another provision of the Education Amendments of 1972 authorized the award of attorney's fees to prevailing plaintiffs in school desegregation actions, the very type of actions that Congress was attempting to discourage through other legislation (§ 1617).

Although primarily a funding vehicle to support court-ordered and to encourage voluntary desegregation, ESAA, like other categorical aid programs, required districts to comply with various terms and conditions and to satisfy eligibility criteria as a precondition of the award. The eligibility criteria were both broad in scope and particular in detail. Districts were required to certify that their policies and procedures did not lead to classroom segregation, the disparate exclusion of Blacks from school for disciplinary

reasons, or the disproportionate dismissal of minority staff. Numerical standards of compliance were set out in the regulations. Waivers to apply for funds were available only to school districts that first provided a satisfactory plan for remedying breaches of these standards and stipulated that they would implement the plan if the grant was awarded. The effect of this infusion of substantial ESAA resources was to induce districts to agree to a set of results-oriented standards that extended beyond school assignment to in-school practices. As a result, districts were prodded to introduce a variety of strategies designed to reshape educational practices and enhance school responsiveness to diverse student populations (Hawley et al., 1983).

Even as it appropriated monies to fund extensive desegregation plans, Congress enacted a number of antibusing measures. The Educational Amendments of 1972 barred the use of federally appropriated funds for desegregation-related transportation (20 U.S.C. § 1652 [a]). They also restricted the authority of federal officials to require the transportation of students as a condition of receipt of any federal funds "where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available . . . will be substantially inferior to those at the school to which the student would otherwise be assigned" (§ 1652(b) [a]). Other provisions authorized parents to reopen or intervene in court orders involving such transportation and directed courts to postpone the implementation of any orders requiring transportation until all appeals were exhausted (§ 1652, 1653).

Congress adopted the Equal Education Opportunity Act of 1974 two years later, reiterating its preference for neighborhood schools, this time by establishing a hierarchy of remedies (20 U.S.C. § 1713) and requiring courts to exhaust all available alternatives before resorting to busing (§ 1755). Another provision of the act, championed by Congressman Esch of suburban Detroit, barred HEW from ordering the implementation of a desegregation plan requiring the busing of a child to a school beyond "the one closest or next closest" to his or her place of residence (§ 1714).

During the later half of the decade, Congress also amended various appropriation measures to restrict federal enforcement activities. In 1976 it adopted the Byrd Amendment prohibiting the Office for Civil Rights from terminating federal financial assistance to school districts that refused to implement plans requiring students to be reassigned to schools other than the one closest to their homes (P.L. 94-206 §209). This limitation on administrative enforcement was expanded to cover paired or clustered schools in 1978 with the passage of the Eagleton-Biden Amendment, sponsored by the

senators from Missouri and Delaware where heated controversies flared over expansive desegregation orders involving St. Louis, Wilmington, and New Castle County, respectively (P.L.95-480 §209).

Having effectively precluded administrative enforcement of Title VI in many situations, Congress moved in 1980 to adopt the Helms Amendment, which would have limited the Justice Department's authority to seek busing remedies through the courts. This measure, however, was vetoed by President Carter, who questioned its constitutionality since, when coupled with the previously adopted amendments, it would effectively preclude judicial as well as administrative enforcement, leaving the victims of unlawful segregation without a remedy. His veto message made it clear, however, that his action was based on principle, not on any personal favor for busing for desegregation purposes (Carter, 1980).

Judicial Reconsideration

Even as Congress was debating the national policy during the 1970s and seeking to restrict the transportation essential to its implementation, the U.S. Supreme Court was being challenged to reassess the limits of judicial authority in a series of Northern desegregation cases. While community after community desegregated across the South, segregation remained a fact of life for Blacks in the schools of the north and west. In 1970, 71% of the Blacks in the 32 states comprising these regions remained isolated in predominantly minority schools (U.S. Commission on Civil Rights, 1975, p. 47).

In the first Northern desegregation case, *Keyes v. School District of Denver* (1973), the Court withstood the challenge to its authority, ruling that Northern segregation traceable to purposeful policies and practices of local school officials was no less offensive to the constitution than the segregation commanded by state statute in the South. Furthermore, the Court reasoned that once purposeful segregation was proven in a significant portion of a Northern district, a presumption arose that any other segregation was the result of similar international action, thereby necessitating a systemwide desegregation remedy.

The Court's ruling in this case implicitly approved segregation findings and desegregation orders issued between 1969 and 1973 in cases involving more than a score of Northern and Western communities from Pontiac to Pasadena. For the first time, two decades after *Brown*, desegregation had been translated beyond a mere regional policy into a national one, and with it the promise of even broader desegregation in the years to come.

While desegregation continued in the north and west after 1973, the progress was neither as rapid nor as widespread as initially anticipated. This was due in part to the Court's reexamining and grappling with the meaning and application of concepts such as "segregative intent" and "incremental segregatory effects" – both of which were either added to the judicial vocabulary or redefined during the decade – as defendant school boards attempted to chip away at the constitutional foundation on which the policy of school desegregation rested. In *Washington v. Davis* (1976) the Court rejected the notion that segregatory intent could be inferred merely from the natural, probable, and foreseeable consequences of public action, instead substituting a more stringent standard of proof. The momentum of school desegregation was further slowed by the Court's transitory embrace of the "incremental segregatory effect test" in *Dayton Board of Education v. Brinkman* (1977), requiring desegregation plans to be narrowly tailored to address only the effects of proved unconstitutional conduct. These concepts and their application engendered considerable confusion, provoking one commentator to lament the "vagueness and vacillation" and the "sea of murky technicality" that characterized many of the Court's desegregation decisions in the 1970s (Kirp, 1982, p. 285). However, because plaintiffs were able to demonstrate discriminatory intent and prove official conduct with systemwide segregatory effects in subsequent cases, the Court's vacillation and reconsideration tended to slow rather than halt the progress of desegregation.

The Court's two decades of uninterrupted support for desegregation, however, came to an abrupt halt at the city limits of Detroit in 1974, when the Court rejected a proposed desegregation remedy for the city schools and up to 52 suburban districts in a three-county area. In its 5-4 decision in *Milliken v. Bradley* (1974), the Court held that federal courts lack the authority to order interdistrict relief except upon a showing of purposeful governmental actions that have "an interdistrict segregatory effect." This decision sealed off the 72% Black city school district from the virtually all-White suburban districts that ringed it. In a strenuous dissent, Justice Marshall observed: "In the short run, it may seem an easier course to allow our great metropolitan areas to be divided up each into two cities – one white, the other black – but it is a course I predict, our people will ultimately regret" (*Milliken*, 1974, p. 819).

The Detroit metropolitan case triggered not only a reassessment of the scope of pupil reassignment plans, but also a shift in the nature of the remedies that would be sought subsequently in cases involving urban school districts. Faced with the prospects of a Detroit-only plan that would leave the district predominantly minority and without the expanded resources and

political leverage that a metropolitan plan would have provided, school officials focused their attention on redefining the content and contour of an effective remedial plan in light of contemporary community conditions and the emerging concept of a unitary school.

Late in 1974, the federal district judge presiding over the Detroit case ordered the district to submit a Detroit-only plan for his consideration. The Board of Education responded with a comprehensive remedial proposal consisting of 13 educational components, as well as a limited pupil-reassignment plan. These ancillary educational components focused on reading and communications, multicultural and bilingual education, vocational and technical training, guidance and counseling services, in-service training for staff, school community relations and a uniform code of student conduct. The district court and Sixth Circuit Court of Appeals affirmed the plan and ordered the state of Michigan to pay half the cost of implementing several of the components. When the state objected, the *Milliken* case returned to the Supreme Court, where the authority of federal courts to order such broad programs of ancillary relief was affirmed in a 9-0 decision referred to as *Milliken II* (*Milliken v. Bradley*, 1977).

The Court noted: "Pupil assignment alone does not automatically remedy the impact of previous unlawful educational isolation; the consequences linger and can be dealt with only by independent measures" (*Milliken v. Bradley*, 1977, p. 287-88). The Court, advised lower federal courts that in fashioning such decrees, they must ensure that the plans are "remedial in nature, that is . . . designed as nearly as possible to restore victims . . . to the positions they otherwise would have occupied . . . but for the unconstitutional segregation" (pp. 280-281). In so ruling, the Court shifted the focus of the national policy from mere access to common schools and comparable educational inputs to a more nearly outcome-oriented measure of educational equity.

While the Court expressly warned that the district court's order in *Milliken II* was not a blueprint for other cases, the imprimatur of the Court on an expansive remedial regime, plus the prospects of a nonschool-district party assuming a substantial portion of the associated costs, all but drowned out the Court's cautionary admonition. In successive cases between 1976 and the early 1980s, federal district courts ordered and appellate courts affirmed comprehensive remedial orders for school districts serving Boston, Cleveland, Columbus, Indianapolis, St. Louis, and Wilmington among other Northern and Western communities.

In review, the 1970s were a paradoxical period for school desegregation policy and the federal role. While the Supreme Court was reassessing and

limiting the scope and availability of pupil reassignment remedies in some cases, it was at the same time greatly expanding the nature and availability of ancillary relief, including educational quality components designed to remedy the effects of past segregation and discrimination. By decade's end the Court had reaffirmed most of the legal principles that it had paused to reconsider, leaving metropolitan relief the only major setback. During the same period, Congress enacted legislation that infused substantial levels of federal aid into desegregating districts, while also passing laws that restricted the executive branch's authority to enforce desegregation through administrative means and sought to constrain relief available through the courts. The executive branch, while slow to exercise its administrative fund-termination powers, was checked by the judiciary and did not completely abandon the prosecution of cases of unlawful segregation, even as presidents expressed their personal disapproval of the methods associated with the policy's implementation.

FEDERAL ABANDONMENT AND POLICY REDIRECTION

The early 1980s reflected few major policy pronouncements and minor if any shifts in Supreme Court philosophy (see, e.g., *Crawford v. State of California*, 1982; *Seattle School District No. 1. v. State of Washington*, 1982; *Bob Jones University v. U.S.*, 1983). The Court actually agreed to review only 2 of 26 desegregation cases between 1980 and 1986, a fact that some construed to mean the Court considered desegregation law, with few exceptions, to be well settled and in little need of judicial adjustment (Hellman, 1985). Even with respect to those few exceptions, the Court was not anxious to act, however. Characteristic of the period was the Court's denial of review in cases from Norfolk and Oklahoma City in which the Fourth and Eighth Circuits arrived at diametrically opposed conclusions regarding when a district should be considered unitary and thus free to modify long-standing, court-imposed student assignment plans (*Riddick v. School Board of Norfolk*, 1986; *Dowell v. Board of Education of Oklahoma City*, 1986).

Thus, even though the substance of the constitutional policy of school desegregation may not have changed appreciably during the 1970s and early 1980s, a dramatic change in how it was interpreted and enforced soon diminished not only the role of the Court, but also the influence of its prior pronouncements. As Selig (1985) has observed, historically, and almost inevitably, "The Court's clear mandates, combined with the controversial nature of school desegregation, present every administration with both

volatile individual situations and a generalized tension between the requirements of the law and the pressure of politics" (p. 795).

School desegregation is replete with examples of this tension and the difficulty it poses not only for presidents, but for members of Congress and even the appointed and life-tenured federal judiciary. To understand the operational status of the national policy of school desegregation in the 1980s, however, is largely to understand its interpretation and enforcement by the executive branch under the Reagan administration. In assuming office, the administration articulated an agenda of restricting the role of the federal government and returning authority with respect to educational policy to states and localities. It proceeded on a number of fronts to implement this agenda, with implications for the national policy of school desegregation and the role of the federal government. These measures included departures from past policies in terms of civil rights enforcement, federal aid mechanisms, and the provision of independent monitoring and technical assistance.

The greatest challenge to the national policy came from the Justice Department and the manner in which it chose to interpret and enforce the constitutional policy of school desegregation during the 1980s. The department's Civil Rights Division, which historically had played a major role in the execution of school desegregation policy, failed to file any new suits between January 1981 and 1983. It changed its position in terms of appropriate relief in a number of pending cases inherited from earlier administrations, and even switched sides altogether in in several cases, realigning itself with school districts it had formerly sued (for detailed analyses of the division's handling of desegregation cases, see e.g., Amaker, 1988; Citizens' Commission on Civil Rights, 1989; Selig, 1985; Washington Council of Lawyers, 1983).

When it did initiate actions, it settled many of them with minimal demands for actual desegregation through the unprecedented use of consent decrees, including 16 negotiated between January 1984 and April 1985. In a number of cases, the settlements were filed on the same day the suit was initiated, effectively precluding meaningful participation or intervention by the victims of unlawful segregation. Characteristically, the settlements eschewed mandatory reassignment, relying exclusively on magnet schools and good-faith efforts by local school officials (Moss, 1986).

The failure to initiate new actions, the changing of positions in pending actions, and the extensive use of consent agreements reflected a fundamental departure from the division's past practices, based not on what the U.S. Constitution requires, but on what the administration thought the policy should be and what it was willing to enforce. The division's actions repre-

sented a retreat and de facto abandonment of the policy of school desegregation. This divergence—between what the constitutional policy provided and what the division interpreted it to require—was reflected in various interpretations and enforcement postures assumed by the division.

With respect to the fundamental thrust of desegregation policy, the division characterized it as ensuring equal educational resources, notwithstanding the Court's rejection of the doctrine of "separate but equal" in *Brown.* Regarding the scope and nature of a district's remedial obligation, the division contended that responsibility extended only to specific schools demonstrated to be unconstitutionally segregated, contrary to the *Keyes* presumption. And finally, regarding the methods which may or must be used in remedying unlawful segregation, the division decided to rely exclusively on parental choice and to exclude consideration of remedies involving transportation, in direct contradiction of the commands of *Green* and *Swann* (Reynolds, 1981a, 1981b). As Assistant Attorney General William Bradford Reynolds (1985) characterized the administration's position:

> We are today committed to the pursuit of a different remedial approach . . . one premised on consensus, not conflict. Our focus is no longer on mandatory transportation feature, but rather on . . . voluntary techniques and expanded educational opportunities designed to attract students to the public schools, not drive them away.
>
> Against this backdrop, it is just a matter of time before—*and not much time at that* [italics added]—before . . . all students . . . will be accorded the full range of educational opportunities in a desegregated school environment. (p. 49)

In pursuit of its agenda, the administration also recommended, and Congress adopted, the Educational Consolidation and Improvement Act of 1982 (ECIA). ECIA rolled some 28 categorical aid programs, of which the Emergency School Aid Act was the largest, into a single block grant to be distributed through the states and used at the discretion of local school districts (20 U.S.C. §3801). As a result, those groups that were the subject of unconstitutional discrimination necessitating federal involvement in the first place were made to compete at the state and local level for dollars to support desegregation programs, the same initiatives which had long been an anathema to those now responsible for determining the use of these block grant funds (Gittell, 1986).

With the rescission of ESAA, the last federal carrot was yanked from the bunch, and districts were stripped of any incentive to take substantial, systemwide measures to desegregate. Districts implementing court-ordered

plans were also negatively affected, particularly those required to implement broad programs of educational improvement as part of their desegregation plans. The rescission of ESAA also effectively eliminated ESAA's regulatory framework prohibiting various forms of in-school segregation and discrimination. Only the magnet school component of ESAA ultimately survived, when in 1984, as the result of congressional pressure, it was revived and embodied in a continuing categorical aid program known as the Magnet Schools Assistance Act (20 U.S.C. §4051), a program reauthorized and expanded in 1988 as part of the Hawkins-Stafford School Improvement Amendments (20 U.S.C. §3021).

As part of its general strategy of fiscal rescissions and reduction of the federal role, the administration also moved to discontinue a national network of desegregation technical assistance centers funded under Title IV of the 1964 Civil Rights Act (U.S. Department of Education, 1987). Congress balked, and the centers remained in place, although undergoing a major reorganization that reduced their number from more than 40 to just 10. Finally, the president sought to make wholesale changes in the membership of the U.S. Commission on Civil Rights, the independent agency that in the late 1970s and early 1980s had grown increasingly critical of the nation's progress in achieving school desegregation and eliminating educational inequalities (U.S. Commission on Civil Rights, 1983). Only after extended conflict with forces in Congress, and a lapse in the commission's authorization, was it reconstituted in 1984, this time in the form of a joint presidential-congressional agency (Thompson, 1985).

Thus, through its enforcement activities, its methods of allocating federal resources, and measures it took to limit independent oversight and the availability of technical assistance, the executive branch retreated from the constitutional policy of desegregation during the 1980s and abandoned any meaningful federal role. Congress, during this period of judicial silence and executive branch nonenforcement, served as a brake on even further federal backsliding. It did so not only by insisting on the reestablishment of an independent Commission on Civil Rights and refusing to excise desegregation technical assistance programs from the Department of Education's budget, but also by conducting oversight hearings regarding the federal civil rights enforcement record and blocking the nomination of the administration's chief civil rights official to a higher position within the Justice Department. It also reenacted the Magnet School Assistance Program after a two-year hiatus and increased its level of funding several times during the 1980s.

In the preceding pages the evolution of desegregation policy and the federal role have been traced through several stages: (a) the formulation of the constitutional policy and emergence of a federal role in the 1950s, (b) policy consolidation and concerted federal enforcement during the 1960s, (c) the politicalization of the policy and fragmentation of the federal role during much of the 1970s, and finally, (d) the policy's abandonment and the redirection of the federal role during the 1980s. Will the 1990s be characterized by a continuation of the same policy and federal posture that symbolized the 1980s, or will they be marked by a reaffirmation of the importance of desegregated schooling and equality of educational opportunity in the United States? If the federal government is to have a role in the 1990s, what lessons have we learned from the past that may be helpful in shaping it?

LESSONS WE HAVE LEARNED FROM THREE DECADES OF EXPERIENCE

It is never easy to predict the future. Nor is it prudent to do so. History always makes more sense in hindsight, a vantage point unavailable to those making prophetic pronouncements. Although the question of whether or not future generations of America's children will be educated in segregated or desegregated public schools cannot be realistically answered at this point in time, it can be said that federal policy will undoubtedly help to shape the future of school desegregation in this country. The history of the past three and a half decades, therefore, provides lessons for those interested in shaping the answer to the question of school desegregation, for these events portray the manner in which desegregation policy took shape, affected educational policies and practices, and then in turn was affected by the political, social and educational events that it helped to shape. In looking at the changes in federal posture since *Brown v. Board of Education*, five lessons emerge as particularly worthy of consideration.

1. Much of the substantial progress that has been made in bringing students of different races together in common schools is directly attributable to federal pressure and inducements to desegregate. This pressure reached its height of effectiveness between 1968 and 1972, when executive, congressional, and judicial policymakers acted in concert to achieve what was understood as a national goal.

Substantial progress has been made in achieving the goal of desegregation, especially in the Southern and border states and in small and middle-size school districts across the Northern and Western states. This progress was primarily the result of the enforcement of federal constitutional principles through the courts, and to a lesser extent through administrative proceedings to compel compliance with nondiscrimination provisions of Title VI. Fiscal incentives also contributed to the willingness of some school systems to desegregate where they might not have otherwise and reduced the resistance of districts that were compelled to desegregate by providing resources to offset associated costs and, in some instances, substantially upgrade the quality of education available to students. These successes can be attributed, at least in part, to the forthright and forceful manner in which the federal policymakers in each branch of government articulated a clear message to state and local policymakers to desegregate public schools.

2. Earlier successes also carried the seeds of their own demise, as successful enforcement also begot debilitating political backlash and efforts by individual branches of government to curb the powers of other federal policymakers.

Not only has external pressure been a precondition to desegregation in most communities, meaningful progress has resulted in many communities only after the federal courts adopted results-oriented measures of compliance and required the use of all reasonably available means, including busing, to eliminate segregated schools. While effective in the near-term, coercive methods have proven at least partially counterproductive in the long-term by stirring popular opposition and eroding political support for school desegregation within Congress and the executive branch. The resultant fragmentation of the federal role, characterized by the lack of enforcement and the reduction of redistributive categorical aid programs such as ESAA, has transformed the constitutional right to an education free from public-sanctioned segregation and discrimination into a limited guarantee for minority students, many of whom receive an education that is neither desegregated nor equal to that enjoyed by their White counterparts in immediately adjacent, suburban districts. Consensus in desegregation policy at the federal level, therefore, is difficult to maintain, particularly when that policy is driven purely by constitutional rather than political principles. Historically, successful enforcement has generated political pressure to curb desegregation policy, pressure that has erupted at the federal level in attempts to curb the policy-making powers of specific branches of government, as illustrated by the

constraints Congress attempted to impose with the enactment of the Esch, Eagleton-Biden, and Helms amendments.

3. There are limits to what can be accomplished by desegregation policy based primarily on constitutional principles and legal reasoning. The way in which the Court poses problems and identifies solutions places limits on the content of desegregation policy and creates confusion that may ultimately undermine a coherent national policy.

Although much of the progress that has been made can be attributed to court action, an overreliance upon the judiciary to set the national agenda has also created obstacles to meaningful change and widespread confusion among policymakers as to standards and direction. One example, of course, is the Court's determination of desegregation policy in Detroit (*Milliken v. Bradley*, 1974). When the Court rejected a proposed metropolitan desegregation remedy, it placed outside the bounds of its policy-making a significant proportion of Black children enrolled in the public schools. Although subsequent decisions have approved metropolitan orders in Wilmington, Delaware; St. Louis, Missouri; Louisville, Kentucky; and Indianapolis, Indiana, the Court's ruling that such relief is available only upon the demonstration of purposeful governmental action with "interdistrict segregatory effect" assures that these cases will remain exceptions and not the rule. Further progress in school desegregation, therefore, will undoubtedly depend on policies initiated and supported by other branches of the government, since legal principles and the Court's policy-making assumptions preclude meaningful interventions in most large urban school districts.

The perpetuation of a legalistic policy of school desegregation based on the causes of segregation rather than its existence or effects has also contributed to widespread confusion among policymakers and the public, not to mention protracted litigation, regional divisiveness, and the undermining of a coherent and uniform national approach. It has encouraged a federal role based on principles of restitution, which in turn has contributed to desegregation being seen as a process undertaken exclusively to benefit Blacks, quite often, at least in the minds of many, at the expense of Whites. The dominant role of the Court in articulating the policy has also contributed to public misunderstanding due to the incrementalism that typifies judicial policymaking. The Court, faced by schools in need of unambiguous instruction and comprehensive guidance as to their duty to desegregate, has in general, set desegregation principles one plank at a time, spaced across a span of two generations. The legalistic nature of many of these standards, as well as the

way in which they have changed or taken on additional meaning over time, has made it difficult for the Court to steer the course of national policy in an unambiguous direction. Presidential and congressional leadership will probably be required to address these issues in the future.

4. Federal desegregation policy during the past quarter of a century has helped to clarify issues, identify alternative strategies, and generally create a context in which flexibility and collaboration are required if more substantial progress is to occur. Such a process is probably the inevitable result of translating federal policy into meaningful change at the state and local level.

Shifts in other areas of federal policy, such as special education, suggest that there is a natural process by which the federal articulation of goals evolves into policies and practices that address the wide range of conditions that face state and local policymakers (Jung, 1988; Rabe & Peterson, 1988). The initial articulation of federal policy is likely to be hesitant and cautious, as it was with desegregation. The resistance of state and local educators is then likely to be followed by a period of tightening up and substantial enforcement efforts. These efforts, in turn, as they did with desegregation policy, are likely to generate substantial conflict and confusion, as state and local policymakers attempt to apply uniform standards and solutions to problems in diverse settings. Over time, however, federal guidelines and policies are adjusted to accommodate the emerging understanding of the complexity of a problem, as well as the diversity of state and local situations in which problems are manifested. This understanding gives rise to a need for a wider range of solutions, as well as the evolution of a more collaborative approach to problem solving by federal, state, and local policymakers. Certainly, such a need is also evident from the history of desegregation policy in this country.

Shifts in the developmental stages of federal desegregation policy – from cautious articulation and bold pronouncements to fragmentation and politicalization to abandonment and redirection – suggest a similar pattern in the evolution of a federal policy stance. Federal desegregation policy has passed through similar stages, as earlier efforts have served to clarify the issues inherent in desegregating public education. The fragmentation of the federal policy position, in this sense, may actually reflect a greater understanding of the complexity of the goals that the national policy of desegregated education is to achieve. An important lesson of history, therefore, seems to be that federal policy will inevitably evolve into one that requires more cooperation and a greater partnership between federal, state and local poli-

cymakers. Such a partnership is probably not possible initially, at least not when federal initiatives are required to overcome the reluctance of state and local policymakers to address racial inequalities. But as initial reluctance is transformed into awareness, both with regard to the importance and complexity of the issue, greater flexibility may well be required to achieve greater success: Yet, even intergovernmental partnerships require a catalyst, continuing leadership, and a measure of coordination and support. The federal government's assumption of substantial responsibility in forging and encouraging such a partnership seems both appropriate with respect to its unique role in guaranteeing equal educational opportunities and necessary given the historical reluctance of many states and local school districts to address issues of racial inequality.

5. Finally, the past teaches us that while federal desegregation policy has a limited life within the broader context of competing national priorities, once policies are initiated they are not easily abandoned. Structural problems such as race and educational inequality, if not effectively addressed, resurface periodically to demand renewed public attention and priority as national issues.

Desegregation policy has shown an amazing resilience, withstanding several noteworthy attempts to abandon and even reverse it. During the past three and a half decades desegregation policy would seem to have been dealt several deathblows, yet in each instance pronouncements about the demise of desegregation policy have proven to be premature. The Court's adoption of a more stringent intent standard in *Washington v. Davis* (1976) and its embracing of the incremental segregatory effect test in *Dayton Board of Education v. Brinkman* (1977) were seen as exceedingly ominous precedents by the civil rights community, requiring plaintiffs to expend more time and resources in demonstrating a constitutional violation, and then in justifying the scope of the remedy warranted by the violation. Yet, in the aftermath of these precedents, Black plantiffs were largely successful in demonstrating the necessary discriminatory intent and proving official conduct with systemwide segregatory effects, thereby effectively nullifying the impact of the earlier adverse decisions. The Court's decision in *Milliken v. Bradley*, restricting metropolitan relief, was also heralded as the death of federal desegregation policy. Although the Detroit case did place a severe limit on judicial remedies that might be available to overcome metropolitan segregation, it did not herald the end to judicial involvement and support of school deseg-

regation policy, at least not in retrospect. While the Court in the 1980s showed little interest in taking the lead role in policy-making which it had occupied for much of the previous 35 years, it also showed no interest in changing its earlier stance. In retrospect, *Milliken v. Bradley* heralded more of a change in the locus and content of desegregation policy than its discontinuation as a national policy.

Even the efforts of the executive branch during the Reagan administration to abandon desegregation policy have proven, at least in hindsight, to have been less successful than many thought they would be. Although the Reagan administration dramatically curtailed civil rights enforcement, federal aid to states and schools, federal monitoring of compliance, and technical assistance, it did not succeed in totally eliminating them. Congress, for example, prevented the executive branch from eliminating aid to magnet schools and desegregation assistance centers or from compromising the independence of the U.S. Commission on Civil Rights. The Court rejected administration proposals to abandon an Internal Revenue Service policy barring tax-exempt status to private schools that discriminate, while lower federal courts reinstated *Adams v. Richardson* (1973), ensuring that the executive branch will not completely overlook its obligations to ensure compliance with various antidiscrimination and desegregation laws. And as the most recent statement of educational goals by President Bush and the National Governors Association indicates, current reform efforts are not likely to exclude concerns about the educational opportunities afforded minority children (*Education Week*, March 7, 1990). If these goals are implemented, at least as they are stated, they will set a national and corresponding state agendas that require substantial improvement in the educational opportunities afforded to and the levels of achievement realized by minority students.

The history of federal involvement in desegregation policy suggests that until the gaps that characterize Black-White access, treatment, and attainment in education are eliminated, the issue will simply not disappear from the public policy debate for any appreciable period of time. Desegregation will continue, at least periodically, to command the attention of federal as well as state and local policymakers. The growing proportion of public school students who are from racial, ethnic and linguistic minorities also suggests that these policy debates will only increase in frequency, intensity, and urgency in the decades ahead. As stated at the beginning of this special edition, we may well be experiencing only the lull before the storm, a possibility that gains added credence from the resiliency that desegregation policy has shown in the past. This may well be the most important lesson that policymakers should draw from history.

THE FUTURE COURSE OF DESEGREGATION POLICY AND THE FEDERAL ROLE

From these lessons of history, it is clear that the future course of school desegregation and race and education policy depends largely on an active federal role and the support of the Congress and the executive branch. It is doubtful however, that the federal role will resemble that played during the period of consolidation and enforcement when great strides were made using the coercive authority of the courts and federal agencies. In many respects, at least in the absence of new legal breakthroughs which seem unlikely from the present Court, we have reached the limits of the law in compelling much of the desegregation that remains to be achieved, especially across major metropolitan areas.

Nor, however, is it likely that the federal role in the future will be characterized by the abandonment and laissez faire posture that symbolized much of the 1980s. There are simply too many reasons for the federal government to assume a different approach – reasons alluded to at the outset of this article – the profound demographic changes, the extreme segregation, the enduring educational disparities, the overwhelming cost of a permanent underclass, the nation's dependency on an increasingly skilled and minority work force, and the recurring nature of the problem and racial conflict. These factors require an active and coordinated federal role in education and one in which issues of desegregation and educational equality are prominent components.

If the nation recognizes the dilemmas confronting it, we may be on the verge of a new developmental stage – one characterized by a greater degree of collaboration between the federal government and state and local governments, and among them and other public and private groups with an interest in overcoming segregation and educational inequality. If this stage is to lead to substantial progress, however, the federal government will have to draw on what we have learned from the past and employ some of the same tools, but sometimes in different ways or toward different ends. What are some of these tools and how might they be used if the nation is to make meaningful progress in the future?

In this new stage the president would provide leadership by using the bullypulpit to define the national education agenda in broader terms, calling for diversity as well as excellence in America's schools. In doing so he would seek to heighten public recognition of the relationship between this policy and the achievement of existing national goals – such as increasing student academic performance relative to other nations and decreasing the rate of

dropouts—goals that can only realistically be achieved if all groups of students are effectively educated and brought into the mainstream of society. He would urge states and localities to see schools of diversity as being in their own and the nation's interest, rather than as a civil rights objective primarily for the benefit of insular minority groups. He would also lead the nation away from a national school desegregation policy based on legalistic principles of restitution toward one that encourages and rewards states and localities for addressing segregation and educational inequality irrespective of their causes. To facilitate this he would make diversity an integral part of initiatives in the areas of schools-of-choice, dropout prevention, and school improvement and join with Congress in charging a newly constituted Commission on Civil Rights with the responsibility for monitoring and reporting annually on the nation's progress toward these goals.

The president would also urge greater coordination and cooperation at all levels of government. He would require the coordination of federal policy with respect to housing, education, and employment, while also promoting greater intergovernmental cooperation in these areas. At the same time, he would encourage the development of regional educational cooperatives to promote interracial learning, as well as enhance educational efficiency and excellence. Partnership agreements with private businesses would continue to be encouraged as a means of capturing and harnessing the rich human, technological, and fiscal resources of those who are the ultimate consumers and beneficiaries of students educated in the public schools. But school-business partnerships, in order to promote desegregated learning experiences, would also be encouraged to establish schools within the workplace where the sons and daughters of the highest-ranking executives would be educated with children of a broad cross section of workers. Finally, the president would advocate the coordination of local education, social service, and mental and public health initiatives to address the multiplicity of problems which impede the education of children in urban areas.

While this new federal role would emphasize a reeducative approach and incentive-driven national policy, it would not neglect the federal government's unique obligation to guarantee the educational interests and rights of Blacks and other minorities. To both discourage discrimination and encourage voluntary action, the Justice Department would vigorously prosecute cases of public and private discrimination in housing, education and employment. It would place special emphasis on housing discrimination cases so that the need for federal school interventions will be alleviated over time. It would also build on existing precedent in seeking multidistrict desegregation remedies where interdistrict violations can be proven. Coupled with this

litigation agenda would be the introduction of streamlined procedures for systemic and individual complaint investigations, and calls to encourage states and local school districts to develop alternative dispute- resolution mechanisms that facilitate the parties working out their own differences, rather than relying on the federal government to do so. Complementing these enforcement and dispute-resolution measures would be an enriched array of federal technical assistance designed to build state and local capacity with respect to regional demographic analysis and forecasting, the organization of interdistrict educational compacts, and the drafting of intergovernmental and interinstitutional agreements.

To support this new, largely collaborative federal role, Congress, with strong presidential endorsement, would reinstitute categorical aid for school districts responding to the challenge of ensuring excellence in schools of diversity, thereby providing a stimulus for their participation in this new federal partnership. Recognizing the complexity of the problems and the need for bold and innovative solutions, Congress would provide for multiyear funding and acknowledge the need for local flexibility in determining how to best meet the national goals in light of local conditions, while demanding annual progress toward established outcomes as a condition of continued support. To encourage risk taking and reward success, districts that met established outcomes in less time or at a lower cost than anticipated would be permitted to use the balance of the federal monies to pursue other district priorities.

Congress would also authorize demonstration grants to encourage inter-institutional coordination among education, social service, juvenile justice and mental and public health agencies at the local and regional level in order to provide a more coordinated attack on the interrelated problems that plague many school-age children. To expand the availability of professionals sensitive to the unique challenges of serving the needs of diverse populations, a special student-loan forgiveness program would be enacted and strategically administered to prod institutions of higher education to adopt innovative, interdisciplinary programs for training a new cadre of specialists to address the needs of the children of the 21st century.

Finally, a substantial portion of the new aid would be authorized for planning and demonstration grants to overcome the extreme segregation that characterizes the nation's largest cities, using the incentive of federal dollars to encourage states to find creative and cost-efficient ways to link the cities and suburbs and enhance the educational futures of the residents of each. Congress would also increase the funding currently available to consortia of school districts under the Magnet School Assistance Act for the specific

purpose of interdistrict desegregation initiatives. Besides incentives for states and local school districts, Congress would amend the tax code to provide inducements to individual families that foster stable integrated communities or schools through their selection of residence or participation in voluntary interdistrict transfer programs.

CONCLUSION

The past decade has witnessed the abandonment of an active federal role in race and educational policy. The clock of school desegregation policy has been turned backward in the direction of the once-rejected doctrine of separate but equal, or to an even earlier, laissez faire era when race and educational policy were of no concern to the federal government. At the threshold of the 21st century, amid shifting national priorities and enduring segregation and educational disparities, there is need for the federal government to once again assume an active, but perhaps somewhat different role in addressing these issues, one that builds on the lessons of the past. Whether such a new national policy and federal role will emerge in the 1990s is far from certain. What is certain, however, is that whether American children will be educated in schools that are increasingly separate and unequal in the 21st century will depend largely on the role the federal government chooses to play in the 1990s.

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