Nixon's "Southern Strategy" and Forces against Brown
Author(s): Frank Brown
Reviewed work(s):
Published by: Journal of Negro Education
Stable URL: http://www.jstor.org/stable/4129605
Accessed: 09/03/2013 20:09

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at http://www.jstor.org/page/info/about/policies/terms.jsp

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.
Nixon’s “Southern Strategy” and Forces Against Brown

Frank Brown
University of North Carolina at Chapel Hill

The U.S. Supreme Court’s 1954 decision in Brown, declaring that state-imposed school segregation was unconstitutional, increased the politics of education rather than decreased its importance in the school desegregation. This article describes the political activities in school desegregation after Brown by the two major political parties, republicans and democrats. In summary, the Republican Party placed its major activities toward winning southerners’ votes in order to change the majority in the U.S. Congress, slowing down the desegregation process, creating alternatives to public school desegregation (such as school-choice option), and making conservative appointments to the federal judiciary. The Democratic Party sought to retain its southern political base by promising an orderly process for implementing the U.S. Supreme Court’s ruling in Brown, providing legal remedies through the courts with assistance by the Office of the U.S. Attorney General, and providing financial support to local school districts seeking to desegregate their schools. Nevertheless, the conservatives, over a 50-year period, lost a few struggles but won the political war against court-ordered school desegregation. The national political struggle over school desegregation is discussed in this article, and that struggle continues.

The America constitution leaves the role of public education to the individual states. In America we have 50 state educational systems with varying degrees of educational services for their citizens and approximately 16,000 local school Districts (Thompson & Wood, 2001). For the purpose of Brown v. Board of Education (1954), implementing the 1954 Court's decision, plaintiffs must bring legal action in each offending local school districts. The federal government gets involvement in public education by passing and enforcing legislation to protect the legal rights of school children under the general welfare clause of the U.S. Constitution.

After the U.S. Civil War, Congress enacted three Constitutional Amendments: the 13th Amendment ended slavery, the 14th Amendment gave the former slaves legal rights and citizenship, and the 15th Amendment gave Black males the right to vote. The important Amendment for school desegregation under Brown is the 14th Amendment, that applied the Bill of Rights to State Action, provided expanded due process beyond those found in the Fifth Amendment, and added the Equal Protection Clause.

Despite the wishes of the Reconstruction U.S. Congress, the U.S. Supreme Court changed and in 1896 the Court, in Plessy v. Ferguson, upheld a Louisiana statute requiring “separate but equal” facilities as meeting the Equal Protection Clause of the 14th Amendment. Louisiana outlawed integrated rail travel within the state. In the 1954 Court, Brown (1954) reversed the decision in Plessy v. Ferguson (1896) and held that the state-enforced “separate but equal” doctrine was in violation of the equal protection clause of the 14th Amendment.

The executive branch of government represented by the President of the United States gets involved in public education when it is to his political advantage; and that is what President Richard M. Nixon did in 1968 when he sought the Republican nomination for President. Brown gave birth to the modern reform movement via public vouchers and other educational reform measures under his “Southern Strategy,” that was designed to gain the votes of individuals who opposed school desegregation and the votes of northern Whites who did not wish for their children to attend school with urban minorities, but who did not have the resources to move to White
isolated suburban communities. The school-choice movement that became the backbone of the “Southern Strategy” in education began in the State of Virginia in late 1950s with attempts to derail school desegregation, and drew national attention with the 1964 U.S. Supreme Court ruling in Griffin. In 1959, Prince Edward County, Virginia closed its public schools for five years rather than desegregate. The State of Virginia provided White students with financial support to attend White-only private schools in the same county. Nonetheless, most Black students went without an education for five years (Kronholz, 2004). The U.S. Supreme Court ordered an end to its policy of “all deliberate speed,” but it waited until 1968 to provide the lower trial courts with an operational definition of desegregation (achieving “unitary status”) in Green (1968). After Green, the lower courts began to move more aggressively in southern school districts in violation of Brown; however, many politicians called upon the nation to oppose court-ordered desegregation plans and opt for freedom of choice with government support similar to that in Prince Edward County but without closing the public schools. Republican presidential candidates and some conservative Democrats push the school-choice plans supported with vouchers and tuition-tax credits.

President Richard Nixon reacted to the 1971 Court decision in Swann v. Charlotte-Mecklenburg School District, a school desegregation case that approved the use of race to assign students to schools by the use of busing, by instructing the U. S. Justice Department to draft a constitutional amendment to nullify the Court's decision (Kruger, 1975). In 1984, President Ronald Reagan, campaigning for reelection in Charlotte, North Carolina (the site of the 1971 Swann Court decision), criticized the Democrats for their support of “busing that takes innocent children out of the neighborhood school and makes them pawns in a social experiment that nobody wants” (Gillard, 1988, p. xv). Reagan continued the “Southern Strategy” began by President Richard Nixon in order to win White southern votes (Carter, 2000).

In southern politics, race and ethnicity overshadow economic class, and both Nixon and Reagan knew this better than most politicians as the once “solid” South moved from the Democratic column to the Republican column. Opposition to Brown by Republican candidates for U.S. President convinced most White southern politicians to switch from the Democratic Party to the Republican Party (Black & Black, 2002). The Nixon “Southern Strategy” was also effectively used by Presidents Ronald Reagan, George H. W. Bush, and George W. Bush (Carter, 2000).

Opposition to school desegregation was intense from the beginning and continues to this day; and the results are clear, that is, most White Americans do not support school desegregation (Jeffries, 1994; Motley, 1998; Ogletree, 2004). The racial composition of schools has not changed much, but the desegregation of students by race has changed. U.S. schools are more segregated racially today than 30 years ago (Orfield & Lee, 2004). At the national level, Richard Nixon ordered his Attorney General to draft a constitutional amendment to replace the Brown decree as recommended in the Civil Rights Act of 1964. In the Civil Rights Act of 1964, Congress reenacted all the laws passed during Reconstruction (Motley, 1988). The 1964 Civil Rights Act authorized the U.S. Attorney General to bring legal action against school systems practicing school segregation and to assume the costs of these legal cases. Nixon ordered a slow down of such cases, if not an absolute halt to such actions; and a halt to the collection of racial data on school enrollment by the U.S. Department of Education. His opposition to Brown formed the basics of his party's “Southern Strategy” to win White votes in the South.

Should we care what the President thinks about the Constitution? Yes, the President appoints judges to the federal courts with lifetime tenure, including judges of the U.S. Supreme Court, and, being a member of the hegemonic group (White Americans), may aid this group in gaining control over most areas of public and private life in this country. Gunnar Myrdal (1944), in his study of race relations and African American education, observed that the “attitudes of the Whites are of greatest importance for the growth of Negro education, as Whites have all the power.” Today, White Americans still control important avenues to power: political, economic, legal, and social power. In the legal arena this includes interpretation of the Constitution and the enforcement of Constitutional guarantees that may determine Blacks’ access to quality education. Patrick J. Buchanan (2002) (a former advisor to Presidents Richard M. Nixon, Ronald Reagan, and George
Bush; and twice a candidate for the Republican nomination for President) advised Republicans that the Nixon-Reagan "Southern Strategy" worked with Republicans taking 60% of the White votes in the presidential elections (Buchanan, 2002). Buchanan believes that if Republicans can continue to raise their share of the White votes, no other votes are needed to elect a President, particularly, the votes of White males (Buchanan, 2002). He also felt the "Critical Theory" that uses diversity as a theme is an attack on the Whites (Buchanan, 2002, p. 148).

Presidents and their supporters also have the power and influence to recruit Blacks to their cause. In 1980, a month after Ronald Reagan was elected President, a conference of Black Conservatives met in San Francisco to advise the President on how to deal with Black people: Percy E. Sutton, former President of Manhattan Borough, economist Bernard Anderson, political scientist Martin L. Kilson, Clarence M. Pendleton, Jr., President of the San Diego Urban League, and Clarence Thomas, aide to Senator John C. Danforth (Hamilton & Hamilton, 1997). This group challenged Black leaders on school busing, war on poverty programs, full employment proposals, affirmative action, and the role of government in the economy. Other Black conservatives also champion such views concluding that: affirmative action is short-term solution and should be replaced with a class-based solution; and Blacks would make greater process if they would play down the race issue (Patterson, 1997). Racism is about actions, not talk, and racism exists in places where they talk about it and in places where people pretend it does not exist.

### Table 1

**Racial Composition of Schools Attended by the Average Student of Each Race, 2001-2002**

<table>
<thead>
<tr>
<th>Race in Each School</th>
<th>White Students</th>
<th>Black Students</th>
<th>Latino Students</th>
<th>Asian Students</th>
<th>Native American Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>79.0</td>
<td>30.5</td>
<td>28.2</td>
<td>45.4</td>
<td>45.0</td>
</tr>
<tr>
<td>Black</td>
<td>8.6</td>
<td>53.8</td>
<td>12.0</td>
<td>11.8</td>
<td>6.7</td>
</tr>
<tr>
<td>Latino</td>
<td>8.1</td>
<td>12.2</td>
<td>54.2</td>
<td>19.8</td>
<td>10.3</td>
</tr>
<tr>
<td>Asian</td>
<td>3.2</td>
<td>3.0</td>
<td>4.9</td>
<td>22.3</td>
<td>2.5</td>
</tr>
<tr>
<td>Native American</td>
<td>1.0</td>
<td>.5</td>
<td>.8</td>
<td>.7</td>
<td>35.5</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>


The law should protect parents and students against discrimination based upon race, gender, disability, religion, or national origin. But the degree to which these rights are enforced depends upon the philosophy of the political party in power and/or the ideological composition of the U.S. Supreme Court. Today, the U.S. Supreme Court has stopped enforcing Brown by not allowing public school districts to use race in making student assignments (Belk, 2002). The Court in Belk (2002) reversed its 1971 decision in Swann that allowed the use of a student's race in making school assignments to promote school desegregation. The Court has also reversed its earlier rulings on the use of public funds to support educational services in K-12 religious schools. In addition, the Court has weaken the Bill of Rights as applied to the states by the 14th Amendment when it approved of the use of publicly funded vouchers in religious schools as not being in violation of the separation of church and state based upon the 14th Amendment (Zelman v. Simmons-Harris, 2002).

What is the core issue in public education after Brown? One strategy used by those who oppose school desegregation is to focus on educational reform as a means of improving education with school choice: vouchers, magnet schools, and charter schools. This is a shift away from...
equity in education with the call for freedom of choice in education. There are also other labels related to school choice/privatization issues such as family choice, charter schools, vouchers, opportunity scholarships, magnet, public school academies, “break-the-mold” schools, “new schools,” “reconstituted schools,” deregulation, private money for public schools, and tuition tax credits. People who oppose Brown now use value-laden, coded words common to democracy and individualism; words that include family values, market incentives, excellence, merit, family choice, and individual rights.

REFORM AND AFRICAN AMERICANS

The supporters of Nixon’s “Southern Strategy” used school reform as a means to attract parents away from making further efforts to send their children to desegregated schools; or, at the least, provided support for White parents who oppose desegregation. Individuals who have done everything possible to prevent school desegregation now preach educational reform as the cure for failing public schools and as a means of closing the achievement gap between the races. Should Black parents turn their attention away from desegregation to reforming neighborhood schools? This is not a new idea, but will it work; remember the community-control school movement by Black schools in the 1960s (Byndloss, 2001)?

Educational reform is often a metaphor for other agendas and not educational reform as stated in public announcements by many educators and politicians, who represent a combination of: political, economical, racial, and educational ideas. Some common metaphors for school choice are family values, family choice, deregulation, and democratic values. But, one thing is certain; low academic productivity in public education is associated with poorly funded schools in poor communities, and most poor-performing schools are located in urban communities where most students come from racial and ethnic minority households. Poor Black residents possess less economic and political capital than those who live outside of these communities. Many reformers proposing radical solutions to the problems of urban schools affecting poor African American children are political enemies of residents in these communities.

This is a political struggle between the hegemonic majority group and minority groups; and poor Whites who recognize or believe that however inferior their schools, minority schools are worse. Racial and ethnic minority students are more likely to attend the worse public schools that often have White teachers and administrators with little understanding of their culture (Reich, 1994).

In major U.S. cities during the last decade of 1990 to 2000, segregation levels of Black and White children grew sharply as a result of White flight (Orfield & Lee, 2004; Schmitt, 2001). In Milwaukee where the voucher experiment began, Black children made up 61% of the public school population in 2000, up from 46% in 1990 (Schmitt, 2001). “White flight,” the exit from or avoidance of racially mixed urban public schools, was as strong in the 1990s as it was in the 1970s (Clotfelter, 2001). In 238 metropolitan areas from 1987 to 1996, White flight from urban public schools resulted from White families moving from one district to another, enrolling their children in private schools and moving into school districts with high White concentrations (Clotfelter, 2001). This pattern exists across small and large urban communities and is consistent in both southern and northern urban communities. School desegregation produces three conditions: White flight, a demand by the remaining White parents for increased discipline among minority students, and ability grouping. White flight occurred in school districts under court-ordered desegregation and in those not under court-ordered desegregation where sizable minority populations existed (Flemming, 1976).

It is important to note that, in America, race plays a critical role in determining who gets to choose the type and kind of education they will receive from public schools. The school-choice movement began in America with Brown. In general, White parents’ desire to educate their children in schools with other White children, but will accept a minimum level of minority enrollment and involvement. Many White Americans, nationwide, are so opposed to school
desegregation that they will find multiple ways to avoid racially integrated schools almost at any
cost (Coons & Sugarman, 1974, p. 28).

Table 2

Percentage of Black Students in 50-100% Minority Schools, 1968, 1988, 1991, and 2001:
United States of America

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>80.9</td>
<td>56.5</td>
<td>60.1</td>
<td>69.8</td>
</tr>
<tr>
<td>Border</td>
<td>71.6</td>
<td>59.6</td>
<td>59.3</td>
<td>67.9</td>
</tr>
<tr>
<td>Northeast</td>
<td>66.8</td>
<td>77.3</td>
<td>75.2</td>
<td>78.4</td>
</tr>
<tr>
<td>Midwest</td>
<td>77.3</td>
<td>70.1</td>
<td>69.7</td>
<td>72.9</td>
</tr>
<tr>
<td>West</td>
<td>72.2</td>
<td>67.1</td>
<td>69.2</td>
<td>75.8</td>
</tr>
</tbody>
</table>


Three major cities operate voucher programs, Milwaukee, Cleveland, and the District of Columbia. The State of Florida allows a special state voucher for students attending academically failing schools. The Wall Street Journal expresses support for the Cleveland Voucher Program and concludes that giving parents a choice in education with vouchers is not a violation of the Constitution (Gigot, 2002). The Journal notes that Linda Brown, the plaintiff in Brown, was forced to attend the all-Black Monroe Elementary School, but at least she could learn to read and write at the Monroe School, because education is a social process, and the Black teachers at the all Black Monroe Elementary School were committed to teaching Linda Brown, to read and write. However, the White teachers at her new, integrated, mainly White elementary school would not teach her to read and write regardless of their academic qualifications and additional resources as compared to those at Monroe Elementary. The Journal also concludes that Black parents should not expect White teachers to properly teach Black children but cites no evidence for this conclusion. However, the Journal failed to tell us that most children receiving vouchers in Cleveland are White children already enrolled in religious schools; not the poor Black children from the Cleveland Public School District.

School-choice plans produce racially segregated public schools via de facto means. First, after Brown, many White parents in the southern states removed their children from the public schools and enrolled them in racially segregated White schools. These parents used “school choice” as a rationale for maintaining racially segregated schools. Politicians promised these White parents public vouchers and tuition tax credits to fund segregated schools commonly called “Christian Academies” (Levin, 1999). Politicians seeking support from this White constituency promised publicly funded vouchers to help pay the cost of sending their children to racially segregated schools, supported racially segregated neighborhood schools (e.g., magnet schools in the public schools that enhanced racial separation of students), and eliminated the use of public funds to transport children for the purpose of racially desegregating public schools. The U.S. Congress made it illegal to use federal funds for the purpose of racially desegregating public schools unless the school district was under a court order to desegregate. These same anti-desegregation forces supported “market” forces and the private management of public schools.

The first federal support for school choice programs began in the early 1970s with federal support for magnet schools; and federal grants for support of magnet schools in public school districts continues to this day. Magnet schools are special focused schools designed to pacify White parents by using a de facto method of voluntarism without “forced busing” to get White children to attend special programs (magnet schools) in the Black community. It is the victim who is being analyzed, researched, and it is up to the victim to fit the problem: make a selection to get a
better education and force the power structure to make our democratic ideals work (Ambach, 1979). There is little evidence that magnet schools will promote desegregation (Ambach, 1979; Green III & Mead, 2004).

### Table 3

<table>
<thead>
<tr>
<th>Rank</th>
<th>% of Blacks in Majority White Schools</th>
<th>% of Blacks in 90-100% Minority Schools</th>
<th>% of Black Exposure to White Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>California 13.5</td>
<td>Michigan 62.7</td>
<td>New York 18.0</td>
</tr>
<tr>
<td>2</td>
<td>New York 13.9</td>
<td>Illinois 61.0</td>
<td>Illinois 19.1</td>
</tr>
<tr>
<td>3</td>
<td>Michigan 18.0</td>
<td>New York 60.8</td>
<td>Michigan 20.0</td>
</tr>
<tr>
<td>4</td>
<td>Illinois 18.0</td>
<td>Maryland 52.1</td>
<td>California 22.8</td>
</tr>
<tr>
<td>5</td>
<td>Maryland 20.8</td>
<td>New Jersey 50.8</td>
<td>Maryland 23.5</td>
</tr>
<tr>
<td>6</td>
<td>Mississippi 22.9</td>
<td>Pennsylvania 48.1</td>
<td>New Jersey 25.3</td>
</tr>
<tr>
<td>7</td>
<td>Texas 23.4</td>
<td>Wisconsin 44.7</td>
<td>Mississippi 26.1</td>
</tr>
<tr>
<td>8</td>
<td>Louisiana 23.2</td>
<td>Alabama 44.3</td>
<td>Louisiana 26.9</td>
</tr>
<tr>
<td>9</td>
<td>New Jersey 23.4</td>
<td>Mississippi 43.8</td>
<td>Texas 28.1</td>
</tr>
<tr>
<td>10</td>
<td>Georgia 27.2</td>
<td>Louisiana 42.3</td>
<td>Pennsylvania 29.4</td>
</tr>
<tr>
<td>11</td>
<td>Connecticut 27.4</td>
<td>Missouri 40.2</td>
<td>Wisconsin 29.6</td>
</tr>
<tr>
<td>12</td>
<td>Wisconsin 28.1</td>
<td>California 37.6</td>
<td>Alabama 29.8</td>
</tr>
<tr>
<td>13</td>
<td>Pennsylvania 28.5</td>
<td>Texas 37.3</td>
<td>Georgia 30.3</td>
</tr>
<tr>
<td>14</td>
<td>Ohio 29.8</td>
<td>Georgia 36.5</td>
<td>Ohio 32.6</td>
</tr>
<tr>
<td>15</td>
<td>Alabama 29.9</td>
<td>Ohio 36.0</td>
<td>Hawaii 32.7</td>
</tr>
<tr>
<td>16</td>
<td>Massachusetts 31.8</td>
<td>Connecticut 32.0</td>
<td>Connecticut 32.9</td>
</tr>
<tr>
<td>17</td>
<td>Arkansas 31.8</td>
<td>Florida 31.5</td>
<td>Missouri 33.4</td>
</tr>
<tr>
<td>18</td>
<td>Missouri 32.6</td>
<td>Massachusetts 25.3</td>
<td>Florida 34.7</td>
</tr>
<tr>
<td>19</td>
<td>Florida 34.4</td>
<td>Arkansas 21.5</td>
<td>Arkansas 37.1</td>
</tr>
<tr>
<td>20</td>
<td>Rhode Island 35.4</td>
<td>Indiana 20.9</td>
<td>Massachusetts 38.7</td>
</tr>
</tbody>
</table>


The 2000 U.S. Census reports that most White and Black children live in segregated neighborhoods and attend racially segregated schools (Schmitt, 2001). This is a significant increase over the 1990 Census (Schemo, 2001). Several big cities are pushing to increase the number and percentage of White middle-class residents, referred to as gentrification (Wilgoren, 2001). Racially segregated, neighborhood public schools are often promoted (indirectly) as an incentive to attract gentrified (White) residents back into inner cities. Changing demographics among White suburbanites are also fueling a movement back to the inner cities. These gentrified residents consist of families with few or no children, and their long commutes to work is the major motivating force to relocate to a more attractive neighborhood if acceptable schooling opportunities are available for their children (Scott, 2001). This process is sometimes referred to as a “possessive investment in whiteness,” where whiteness has value that includes the unequal education allocation to children of different races (Lipsitz, 2000, p. 669).

**VOUCHERS**

**Cleveland**

There are more than 75,000 children in the Cleveland City Schools, and about 80% are from low-income minority families. The Cleveland voucher/tuition aid is distributed to parents according to
financial need (Zelman, 2002). The Cleveland Voucher Program began in 1995 to low-income students attending private or suburban schools with the state paying $2,250 in tuition per student. During the 2001-2002 school year, about 4,300 students attended private or religious schools. Suburban schools refused to participate; therefore, most voucher recipients are enrolled in religious schools. Families with incomes below 200% of poverty are given priority and are eligible to receive 90% of private school tuition up to $2,250. Participating private schools may not charge a co-payment more than $250 per child. But for all other families, the program pays 75% of tuition costs, up to $1,875, with no co-payment cap. These higher income families receive tuition vouchers only if the number of available scholarships/vouchers exceeds the number of low-income children who participate. In 2000, the Cleveland program enrolled approximately 3,000 students for a total cost of about $12 million of which $7.5 million for vouchers and remainder for related costs of transportation. Most assistance went to students attending private schools; only about 200 students from public schools received vouchers. The two independent for-profit schools enroll most of the students from the public schools. Most parents used the vouchers to enroll their children in religious schools. If parents choose a private school, checks are made payable to the parents who then endorse the checks over to the private school. Parents who choose to keep their child in public schools and seek tutorial assistance through grants must arrange for registered tutors to provide assistance to their child and submit bills for those services to the state for payment. Students from low-income families receive 90% of the amount charged for such services up to $360, and all other children receive 75% of $360. The number of tutorial grants offered in a covered district must equal the number of vouchers provided to students enrolled in participating private or adjacent public school districts. In the 1999-2000 school years, 56 private schools participated in the voucher program; 46 were private schools of which 82% were religiously affiliated. No publics outside of the district schools participated in the voucher program (Harvey, 2000). Approximately 3,700 students participated in the program and 96% were enrolled in private religious schools; 60% were from families with incomes below the poverty line, and about 1,400 students received tutorial assistance. In 2000, 96% of the students receiving public vouchers in Cleveland attended religious schools.

In 1999, the U.S. Supreme Court granted a stay in a 5 to 4 decision, permitting the Cleveland voucher program to continue after a Federal District Court had issued a preliminary injunction to halt the use of vouchers to attend religious schools, before the U.S. Court of Appeals for the Sixth Circuit had a chance to hear the case. In 2001, the Bush administration asked the U.S. Supreme Court to rule on the case (Greenhouse, 2001). This action by the Bush administration came after two recent statewide voucher initiatives had failed in California and Michigan. In September 2001, the U.S. Supreme Court agreed to hear arguments for and against the Cleveland voucher program, and, in 2002, the Court ruled that the voucher program did not violate the Constitution's provision of separation between church and state (Zelman, 2002).

Milwaukee

The Milwaukee voucher program paid up to $5,100 per student, $38 million for 4,200 students enrolled in religious schools and 2,300 enrolled in private non-religious schools in 1997 (Nelson, Drown, Muir, & Meter, 2001). In Milwaukee, the state established a voucher system initially for poor inner-city children, where most were African Americans, accommodating 1.5% of the district's student population.

Wisconsin State Democratic Representative Polly Williams of Milwaukee, an African American, and the early national spokesperson for vouchers recently admitted that she "knew that once they (conservative White Republicans and the right wing foundations) figured they didn't need me as a Black cover, they would take control of vouchers and use them for their own selfish interest" (Peterson & Miner, 2000, p. 819). She felt that the conservatives would remove the separation of church and state; remove the income cap set at $23,000 per year level for a family of four; and the White city administration would use the voucher program to attract White people.
back into the city by promising that “you don’t have to go to Milwaukee schools with Black children because we have opened a way for you” to send your children to school with other White children (Peterson & Miner, 2000, p. 821). The conservative Bradley Foundation of Milwaukee funded much of that city’s voucher efforts. The foundation also contributed $1 million to support Charles Murray’s research for the Bell Curve (Herrnstein & Murray, 1994), a book that claims to document the inferior intellectual abilities of African Americans and pushes for school choice as the best strategy to help African Americans. Political conservatives continue to attract Blacks to support voucher initiatives using the promise the African American communities will be given money and control over the education of Black children (Wilgoren, 2000). But as Representative Polly Williams discovered, her goal of pursuing a better education for poor Black children was less important in the bigger scheme: a return to racially segregated neighborhood schools.

District of Columbia

In 2003, the U.S. Congress gave final approval to the nation's first federally funded school voucher program, for the District of Columbia, ending nine years of acrimonious debate. Congress allocated $14 million a year for five years to provide poor children a public voucher to attend private school, including religious schools. Some argue that because the vouchers can be used for church-affiliated schools, the program violates constitutional separation of church and state. The program was included in a $328 billion catchall, spending measure that cleared the chamber after minority Democrats abandoned filibuster tactics against unrelated measures that delayed passage nearly four months into the federal fiscal year. The legislation permits the U.S. Secretary of Education to launch a five-year pilot program in consultation with Washington, DC Mayor Anthony A. Williams. This voucher program provides annually, publicly funded grants of up to $7,500 a year per student for 1,600 District of Columbia schoolchildren to attend private and parochial schools. These “Opportunity Scholarships” are limited to children in families earning up to 185% of the poverty level—about $36,000 for a family of four with priority going to children attending low-performing public schools.

Florida/Federal Government

In Florida, the state allows the use of state funds to educate children from failing public schools to private schools; and allows corporations to give money to state-approved scholarships for low-income students and get their state taxes reduced dollar-for-dollar based upon the total amount of their contributions to the program (Kronholz, 2002). The Florida program allows parents of children from low performing schools to enroll their children in private schools with a $4,500 per year voucher. However, the state will only cover the basic tuition cost of educating a child in a public school; the parents must cover any additional expenses for a private education beyond the cost of a public education in the state. This policy allows parents of special education children with the money to enroll their children in selective private schools if they can afford such cost. Private schools are not required, as with public schools, to monitor the progress of special education students.

The U.S. Federal Government is getting into the school-choice movement with its financial support of charter schools, magnets schools, gifted education, and the support of school districts to use federally funded Title I money to allow students to transfer out of low-performing schools to higher performing schools. The federal government, through its No Child Left Behind Program (Title I Programs), will now require a local educational agency (LEA) to provide choice options for Title I students enrolled in low-performing schools for two consecutive years, unless forbidden by a court-ordered school desegregation plan or by state statute (Paige, 2002). This requirement seems like a self-fulfilling prophecy, because, by definition, Title I programs are located in low-performing schools and low-income communities.
Summary

To understand the impact of vouchers on students and school districts, parents and educators need to know: the size of the voucher in dollar terms, who qualifies for a voucher, the financing of the voucher, the rules governing private schools that accept vouchers, and how individuals and private schools react to specific voucher policies (Goldhaber, 2001). Researchers do know that given a choice in selecting schools for their children, most parents give the added weight to the demographics of the school’s population their child attends, which generally results in greater segregation of students by race and social class (Goldhaber, 2001).

What are the limits to the use of vouchers to educate children from low-income families? The two states statutes with vouchers allow these vouchers to be used in private schools or in another public school district. The cost of attending many private schools is beyond what a public voucher can purchase. But what about using these vouchers to attend schools in another public school district? Vouchers have strong support from wealthy individuals and business leaders, but, at the same time, wealthy school districts where these wealthy individuals live are opposed to children from poor school districts attending school in their wealthy districts (Finn, 1997). School districts outside of Milwaukee and Cleveland are not required to participate in the voucher programs in these cities designed for mostly African American children from poor families by accepting students from these two cities. Wealthy public school districts do not participate in voucher programs and typically place a “bounty” on non-residents who fraudulently enroll children in their schools. This situation poses a problem for voucher programs trying to enroll low-achieving students into high-achieving public schools. A Cleveland, Ohio mother went to jail for enrolling her son in a wealthy suburban school (Lewin, 1997). Illinois makes illegal school registration in another school district a misdemeanor punishable by up to 30 days in jail, a $500 fine, and tuition reimbursement.

RESULTS AND PROMISES

School choice options promoted to improve education for African American children lack evidence that these options are superior to those offered by public schools. The promoters of school choice give the impression to Black parents that simply having the option to choose the school their children will attend allows these parents control over the education of their children. The history of such programs is that there are limited options because of geographical distance to some schools and the attractiveness of these schools for middle-class families with more political influence. Also, once parents leave their children at a private schoolhouse door, there is no evidence that they will have more control over what happens inside the private school. These parents may have less influence with private schools than with public schools, and multiple private school options may not be available. It is true parents can exercise influence by withdrawing their child from a private school, but what are the options if they take this action, return the child to a public school, or enroll their child in a private school of less quality (assuming that their first choice was of superior quality)? In the absence of more politically powerful consumers, vouchers may not purchase superior schooling for poor Black children, and an expansion of vouchers to all income groups may further segment schools by race, ethnicity, income, and ability (Sawhill & Smith, 2000).

Congress authorized the District of Columbia to offer public vouchers to parents to be used to educate their children in private or public schools outside of the District. The evaluation of the program leaves the District’s administration with a heavy responsibility; for example, who will pay for the management of the voucher program? This management responsibility will require a professional staff and additional housing for the staff to perform these duties; and there are likely to be contested problems requiring legal assistance and possibly court costs. The District will have to take time to assemble a competent staff, and, under the best of circumstances, the internal fights, quality of the program’s evaluation, and the quality of program management are likely to yield more negative publicity than positive publicity. Furthermore, the District of Columbia will provide the traditional public school system with additional motivation to pressure the Congress
for additional resources to meet the needs of the many low-performing students. There is a temptation to compare the two states' voucher programs with the District of Columbia's program, but, within the two states, the voters in the states have a direct political connection to the state governments. However, vouchers in the District of Columbia do not have a direct political connection to Congress; Washington, DC residents do not have a voting member of Congress.

Charter Schools

In 28 states, school districts are allowed to experiment with charter schools, autonomously operated and public. Since Minnesota passed the first charter schools law in 1991, several states and the District of Columbia have statutes authorizing charter schools. About 700 charter schools out of 85,000 public schools are in operation nationwide, and most are small and aimed at disadvantaged elementary and middle-school students. Federal support rose from $51 million in 1995 to $85 million in 2000; and the federal dollar amount continues to increase each year. These states have authorized local school districts to grant parents or teachers the right to operate semi-autonomous public schools known as "charter" schools. Parents may organize a charter school and seek state approval. Parents may operate the school themselves or contract with a private company to manage the school for a fee. These private companies seek to make a profit by reducing administrative cost. A private management company may contract directly with a local school district to manage their schools or contract to manage a charter school within the District controlled by parents.

In theory, charter schools foster competition because they may accept students from within or outside a single school district. To date, most charter schools are located in urban areas and operate in poor minority neighborhoods. But getting parents in the "better" economic parts of the district to enroll their children in a charter school in a poor neighborhood is not proving to be successful. It will take years to systematically evaluate the academic success of charter schools. However, several state accountability systems that mandate annual testing of students in charter schools should provide better data on their effectiveness. In general, students in charter schools score below students in traditional public schools on standardized achievement tests, except for the few charter schools organized and operated by middle-class parents (Zermike, 2001). Recently, approximately 100 charter schools have closed and some granted charters failed to open because of a lack of enough students, staff, or adequate facilities. Charter schools are likely candidates for management by private for-profit companies.

Most charter schools are small and aimed at low-income elementary and middle-school students. Federal and state support is available to aid with planning and start-up costs of charter schools. Charter schools receive state and federal categorical funds to meet the need of high cost students such as Title I students and students in special literacy programs. Federal planning and implementation grants provide funding for charter schools for up to three years of operation. Some states provide transportation for children attending charter schools comparable to that for the school district, or states may mandate that the school district provide transportation at no cost to parents. In general, charter schools have not shown academic advantages over traditional public schools, but are just an advanced model of magnet schools that surfaced in the early 1970s. A study of charter schools in the State of Michigan suggest that charter schools in that state are not "public" in the same sense of control over what and how the students are taught and how the schools are administered (Miron & Nelson, 2002). Per student cost, charter schools in Michigan received more funds than public schools, and there appears to be less of an incentive on the part of state officials to provide meaningful oversight or to close failing charter schools (Miron & Nelson, 2002).

Private Management of Public Schools

Privatization implies that under capitalism, maximum output and efficiency by an organization can best be accomplished if there is an opportunity to make a profit; therefore, government and its citizenry should encourage private vendors to enter public education with the profit motive in

© The Journal of Negro Education, 2004, Vol. 73, No. 3
mind to increase productivity. The profit motive should be an advantage whether a school is operated with private funds or with state funds via a state voucher or a performance contract with a local public school system, that is, because the process increases competition, in education which is considered good for education. However, the history of "markets" in education has not been positive (Richards, Rima, & Sawicky, 1996).

Today, private companies manage more than 200 public schools that enroll approximately 100,000 students (Addonizio, 2001). This is a small portion of the 53 million students enrolled in public schools; moreover, the financial success for these private management companies is rare. The Tesseract Group, Inc. that evolved from Education Alternatives, Inc. failed to get its school management contracts renewed in Dade County, Florida, Baltimore, and Hartford; and it recently sold two Arizona charter schools and a business college due to mounting financial losses (Addonizio, 2001). Nobel Learning Communities, Inc. of Media, Pennsylvania bought the schools and, in 2001, operated 151 small private and public charter schools in 16 states (Addonizio, 2001).

Edison, the largest private company of public schools is in a battle with a Detroit area school district that may force it to withdraw from a school that was one of the first schools to sign with the company. The company president and founder, H. Christopher Whittle, stated that the company intends to reduce its growth figures and terminate contracts with several school districts. Edison manages 133 public schools enrolling approximately 74,000 students but has never made a profit. What can Philadelphia expect now that the Edison Corporation is set to take over their public school system? Based upon what the company performance in Flint, Michigan's at-risk students at Garfield Edison Partnership School, Philadelphia can expect 90 minutes of reading lessons each morning in which teachers follow a set curriculum called Success for All; standardized tests taken on computers each week; quick disciplinary hearing for students who misbehave in class; and soon a computer in each home (Steinberg & Henriques, 2002). Edison manages 134 for-profit schools in 22 states, including schools in Las Vegas, Boston, and Detroit; and they have lost schools in New York City and Wichita, Kansas. However, Edison's results are mixed. In 2002, Edison lost two-thirds of its value compared to the previous year (Steinberg & Henriques, 2002). Nevertheless, not all recipients of private public school management are happy with the process regardless of the positive test scores (Wyatt, 2001a; Wyatt, 2001b).

SCHOOLS OF CHOICE

Will contracting with private vendors to manage public schools make a difference in parents’ choice of a public school for their children? Parents, generally, enroll their children in the same school, with the same teachers and schoolmates, regardless of who administers the school. Furthermore, because of distance, money, peer pressure, and parental knowledge, school choice for the urban poor is more limited than for those who have the means to leave the school district, enroll their children in private schools, or secure special treatment for their children in public schools (Wilgoren, 2001). This inability of inner-city parents to choose quality schools for their children is central to a discussion of school choice, because the school district often involves children from poor urban communities with a high concentration of racial minorities.

Brown and School Choice

The genesis of the school-choice movement or “Southern Strategy” in education was with Brown that declared state-supported school segregation unconstitutional (Levin, 1999). Brown motivated school systems, first in the southern schools and later in northern schools, which were opposed to school desegregation to experiment with school choice as opposition to the racial integration of public schools. The backlash against school desegregation increased after the passage of the 1964 Civil Rights Law that gave the U.S. Justice Department the authority and resources to seek through the federal courts compliance with Brown. School desegregation in the South and race riots in urban centers in the North combined to give the Republican Party a powerful weapon to attract White conservative voters using the rhetoric of school “choice.” In 1968, Republican presidential candidate Richard Nixon proposed his “Southern Strategy” to win office. The
"Southern Strategy" worked in both northern and southern communities. Republican presidential candidate Ronald Reagan repeated this strategy later and it worked, even though the Democratic Party enjoyed a two-to-one edge among registered voters. President Reagan began his presidential campaign in the deep southern state of Mississippi to reinforce his support for those offended by the racial integration of public schools. Reagan, by this action, indicated symbolically that he related to these White voters and offered support for a federal tax-exempt credits for tuition to attend private schools designed to help families off-set the cost of enrolling their children in segregated Christian academies in the southern states; moreover, he recommended federally funded vouchers to support attendance at these private academies. In the North, tuition tax credits appealed to working-class families with children in religious schools. Most of these voters were Democrats who were now voting for Republican candidates. Democratic candidates who refused to use such overt "symbolism" of racism lost many national, state, and local elections. In 1994, conservative Republicans took control of Congress, and most southern state legislatures and governorships were held by Republicans. With these victories, Republicans in Congress attempted to get their 30-year quest for government vouchers enacted for the District of Columbia, where the federal government has control of public education (Johnson, 1996). This proposal was defeated year after year until 2003. In 2003, Congress approved a five-year experimental voucher program for the District of Columbia.

Summary

Forces opposed to Brown helped to bring about school-choice programs and the private management of public education. The school-choice movement in public schools should decline within a decade due to: (a) the realization that without additional resources, choice programs will not improve failing schools and (b) the Federal budget deficits will slow plans to expand charter schools and voucher programs. The preference for neighborhood schools, after the Court ceased to enforce Brown, will likely sap the energy and motivation for alternatives to public schools. Therefore, the major incentive behind the school-choice movement, opposition to Brown, will likely decline.

The desire for school choice, vouchers, or privatization should not be based solely upon benefits to students. Anything that has value is political and the politics of education precedes the art and science of education. Educational reform is often a metaphor for other goals (Conn, 2002). When the "Southern Strategy" is complete, a majority of the U.S. Supreme Court Justices will be individuals with racially and socially conservative views. The current U.S. Supreme Court has effectively ended court-ordered desegregation of public education (Belk, 2002) and approved the use of publicly funded vouchers of low-income students. Vouchers are now operational in two cities, Milwaukee and Cleveland, and soon will be operational in the District of Columbia. The "Southern Strategy" in education was never about how to reduce the implementation of school desegregation under Brown, and, now, with a decline in support for Brown by the Court, we should see a decline in support for school reforms.

A few Black Americans have bought into the use of vouchers to "fix the system" with parental choice as to where their children are educated. Resources available to poor parents are no match with the resources available to wealthy parents who push their agenda of vouchers for the poor (Wilgoreh, 2000; Owens, 2002). For example, The Cleveland voucher program provides private education to mainly White students enrolled in Catholic schools and not Black children enrolled in the largely Black Cleveland Public School System (Zernike, 2002). However, 90% of the children in the Cleveland voucher program, approved by the U.S. Supreme Court, are White. Yet, most poor Black parents of Cleveland will not have the money to have viable choices beyond the public school system. We are not likely to see major changes in improving the education for poor minority children with voucher programs such as the one in Cleveland. There are not enough places in the private schools to accommodate all the low-performing students, suburban schools have shown no desire to participate in voucher programs, and charter schools or magnet schools advanced to improve education for poor children and to increase school desegregation have not
been effective. The *Frank Brown* (author) *Rule* in power politics is that you never play another man's game, because you can only lose. The use of vouchers to support education is the game of wealthy and politically powerful White conservatives with the intent of implementing Richard Nixon's "Southern Strategy" to promote neighborhood schools. It should be remembered that *Brown* did little to desegregate the public schools, because of such strong political opposition to it. Many poor Black children continue to attend segregated, substandard schools (Zernike, 2002). Wealthy suburban schools refuse to participate in the voucher program for the same reason they opposed busing to integrate—they do not want to open their schools up to children from the inner cities (Zernike, 2002).

Most choice programs are aimed at inner-city children. Wealthy communities have been content to watch the privatization movement with neutrality; and with the rich on the sidelines, it is difficult to predict the long-term future of the movement. Polls reveal that most Americans oppose government tuition vouchers for parents to send their children to independent private or religious schools (Rose, Gallup, & Elam, 1997).

By 1986, only 3% of White children were enrolled in the 25 largest city school systems in the country, and most of these were enrolled mainly with other White children in gifted and talented within-school programs (Levin, 1999). In America, vouchers and privatization have more to do with racial politics than education. In short, many White parents want choice as a means of schooling their children with other White children, and African Americans want choice because they feel that the federal courts have no intention of implementing a school integration plan. Therefore, as a practical matter, some Black parents feel that they should accept the money (vouchers) to educate children. Schools also serve as a source of employment for communities, and Blacks remember losing public school jobs in the desegregation efforts after *Brown*; moreover, their schools remained segregated and poor (Levin, 1999). Parents and their children are not the only constituents of public schools; teachers are also major players in the school-choice movement (Buss, 1999); and, in general, teachers are opposed to school-choice options unless it is within the public school system with charter schools or magnet schools.

Experience with school choice reveals that after the first year most students get their first choice because they select the same school as their first choice. Thus, market conditions only operate in making the first choice, and the mechanism of withdrawal and competition does not work as promoted by market advocates (House, 1998). Educational suppliers are limited to the number of children living in a specific community due to the fact that public funds are finite and based upon enrollment; and when parents with more information and resources make their choices, it limits the choices of other parents. This is not the market model that comes to mind when we shop for food and other household goods; these market conditions are not available to the urban poor where suppliers are few. In general, private elementary and secondary education does not seek consumers from among the poor. High quality education suppliers have not fought to take advantage of public education vouchers that serve African American children.

The White backlash against *Brown* that spawned the school-choice movement: vouchers, magnet schools, charter schools, and the private management of public education are likely to decline in the near future. This movement never had the active support of middle-class European Americans who reside in largely racially isolated neighborhoods; nor did this movement have the support of most African Americans. Finally, with *Brown* gone as a legal remedy for segregated K-12 schools, there is little possibility that the Court's voucher decision will be reversed. Politically, those who sought protection from *Brown* will no longer have a need for this protection by elected political officials and the courts. Blacks, in general, are planning to move ahead without *Brown* to improve the quality of education for their children (Bell, 2004; Cashin, 2004; Ogletree, 2004; Winter, 2004). Many Blacks accepted *Brown* with mixed emotions (Cashin, 2004; Freedman, 2004; Ogletree, 2004; Winter, 2004). Mixed feelings among Blacks about integrated lower education are not new. For example, Martin Luther King, Jr. was once quoted as saying,

I favor integration on buses and in all areas of public accommodation and travel. I am for equality. However, I think integration of our public schools is different. In that setting, you are dealing with one of the most important assets of

© The Journal of Negro Education, 2004, Vol. 73, No. 3 203

This content downloaded on Sat, 9 Mar 2013 20:09:49 PM
All use subject to JSTOR Terms and Conditions
an individual—the mind. White people view Black people as inferior. A large percentage of them have a very low opinion of our race. People with such a low view of the Black race cannot be given free rein and put in charge of the intellectual care and development of our boys and girls. (cited in Freedman, 2004, p. 8)


**POST-BROWN RECOMMENDATIONS**

I recommend following a plan to advance the cause of K-12 education in the post-
Brown era. The plan involves four areas of education designed to undo the anti school desegregation efforts of Brown: (a) federal educational legislation, (b) community activities, and (c) individual efforts. I begin with the federal government because it is first in line to protect the Equal Protection under the 14th Amendment to the U.S. Constitution. The states also have a responsibility to enforce the Equal Protection Clause, but they are not likely to do so unless forced to comply by the federal courts, the legislative branch, and the executive branch of the federal government. However, all three branches must support the hegemonic majority and is less likely to enforce the Constitution under these conditions. This was a problem for minority rights under the Reconstruction Congress after the Civil War and the post-Brown Congress.

To undo the major anti-Brown legislature, Congress should make the following changes:

1. Under ESEA of 1965 (now called No Child Left Behind), Congress should eliminate tying Title I funds for disadvantaged learners to their test scores and base its funding on the number of Title I children in the school district; and require the funding of Title I schools at the same level as non-Title I schools from state and local funds. The current equity formula for Title I schools should be eliminated; the formula that compares teacher salaries without considering the seniority of teachers (Brown, 1976; Doyle & Cooper, 1988). The current Title I formula is based upon a funding formula that provides money for students who remain two years behind their peers with any equity or compensatory education (Brown, 1976). One may conclude that Title I, the major portion of NCLB, should be called, “Guaranteed To Leave Poor Children Behind.” This formula should not upset the anti-Brown forces (Reed, 1995), because it leaves neighborhood schools in tact (Peterson & West, 2003). Title I legislation uses the terms equity, comparability, and compensatory; but, considering the way these terms are defined, there is less equity or comparability between Title I and non-Title I schools, and there is no compensatory education.

2. The federal government should change its Exceptional Education Programs (Special Education and Gifted Education); both programs promote within-school segregation and may be changed without harming racially isolated or neighborhood schools for White students. Under Brown, some of the 13 special education categories continue to be used exclusively as disciplinary measures for Black and Hispanic males and should be eliminated totally; for example, BED (Behaviorally Emotionally Disabled), OHI (Other Health Impaired), and DD (Developmentally Delayed). The misuse of these categories in “warehousing” minority children outweighs all positive uses in our schools. Almost 100% of these students are minority students, mainly boys. I also recommend the elimination of two areas under MD (Mentally Disabled), EMD (Emotionally Mentally Disabled), and S/PMD (Special/Partially Mentally Disabled). Again, many are Black students (Murdick, Gartin, & Crabtree, 2002). This leaves the Special Education Program with 10 full categories remaining and another one reduced for 11 out of the original 13 categories. The federal government should eliminate its Exceptional Educational Program, called gifted education classes that result in within school segregation. There is no longer a need for this program to prevent school desegregation, because it was not carried out in the first place.

© The Journal of Negro Education, 2004, Vol. 73, No. 3
3. The federal government should eliminate grants for magnet schools that began with Ronald Reagan as a measure against school busing to achieve desegregation. I recommend that Congress use these funds to attract more minorities to the teaching profession with forgivable student loans for teaching in schools where there is less of a match for the racial make up of a particular school or school district. It was the magnet school program in the Charlotte-Mecklenburg School District that the federal courts declared that the use of race in assigning students to magnet programs was unconstitutional as formally approved by the Court in Swann (1971).

4. The new "religion" for the Black community should be voting. Vote in every election; local, state, and national to help preserve rights under the 13th, 14th, and 15th Amendments. Community protests without the vote are meaningless over the long run. Second, an organized group is superior to acting alone, in most cases, against a local school district; and the group does not have to be a permanent organization but a group of concerned parents. The group may expand for a particular challenge and terminate when the fight is over.

These proposals are designed to undo decades of government actions to prevent implementation of Brown. Brown is no longer with us and many of the programs designed to halt Brown are no longer needed for that purpose. Congress should terminate these programs because of the harm they cause minority students; and, like the de jure segregation, these programs are supported by state and federal action in violation of the Equal Protection Clause of the 14th Amendment. But politics is still politics and it will not happen without a politically active Black community. Brown did not fully integrate K-12 schools but it brought relief from apartheid for African Americans in many school districts and other important areas of public life. There are Americans who will always be thankful to the plaintiffs and attorneys who made Brown possible.

REFERENCES


© The Journal of Negro Education, 2004, Vol. 73, No. 3 205


Griffin v. County School Board of Prince Edward County, 337 U.S. 218 (1964).


Plessy v. Ferguson, 163 U.S. 537 (1896).


© The Journal of Negro Education, 2004, Vol. 73, No. 3 207
Zelman v. Simmons-Harris, No. 001751 U.S. Supreme Court, June 27, 2002.

**AUTHOR**
FRANK BROWN is the Cary C. Boshamer Distinguished Professor of Education, School of Education, University of North Carolina at Chapel Hill.
All queries or comments regarding this article should be addressed to fbrown@email.unc.edu.

© *The Journal of Negro Education, 2004, Vol. 73, No. 3*