

Afrocentric Movements in Education: Examining Equity, Culture, and Power Relations in the Public Schools

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Introduction

Desegregation operates on the belief that the law can alter social attitudes and, ultimately, produce positive and lasting social change.¹ School desegregation has acted as the pilot program for forced racial mixing.² In theory, an equal education for African Americans³ could be compelled by the integration of African Americans into the Anglo educational mainstream.⁴ But the price paid by African Americans for the promise of educational equality has been great: African Americans have been forced to adopt the European cultural heritage that dominates the

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As an Anglo-American, the author is reminded of Gwendolyn Brooks's admonition to Anglos who purport to understand the perspective of African Americans:

There is indeed a new Black today. He is different from any the world has known. He's a tall walker. Almost firm. By many of his own *brothers* he is not understood. And he is understood by *no white*. Not the wise white; not the Schooled white; not the Kind white. Your *least* pre-requisite toward an understanding of the new Black is an exceptional Doctorate which can be conferred only upon those with the proper properties of bitter birth and intrinsic sorrow. I know this is infuriating, especially to those professional Negro-understanders, some of them so *very* kind, with special portfolio, special savvy. But I cannot say anything other, because nothing other is the truth.

Gwendolyn Brooks, *The Field of The Fever, The Time of The Tall-Walker*, in REPORT FROM PART ONE 85-86 (1988).

Even in light of Gwendolyn Brooks' admonition, both African Americans and Anglos must be moved to understand the racial conflict that still divides American society. To be Anglo and not so moved only countenances the racial injustice that exists in American society.

1. ROSEMARY C. SALOMONE, EQUAL EDUCATION UNDER LAW 3 (1986).

2. *Id.* at 3-4.

3. In this article the author uses the term "African American" due to the cultural and historical reference it gives to persons of color living in the United States. Those of European origin and non-Europeans who form the majority population in the United States are referred to herein as "Anglos."

4. *See* Brown v. Board of Educ., 347 U.S. 483, 493 (1954).

educational milieu and thereby abandon their own cultural ties.⁵ Inevitably, as African Americans began to separate from their own cultural tradition and assimilate into the dominant culture, they lost a degree of cultural identity and unity.⁶

Historically, the public schools have been one arena where Anglos and African Americans fought for political power.⁷ For African Americans, a lack of access to the political process has translated into a denial of equal education. Without a political voice, African Americans have been unable to attain educational equivalence; without educational equivalence, African Americans cannot participate on equal terms in the political process or gain social or economic equivalence. For African Americans, the dereliction of majoritarianism and democratic ideals lay in the denial of the tools necessary to participate on equal terms in the American democratic system.

The American educational system remains dominated by Anglo traditions, values, and standards. This is one possible reason the courts cannot completely eliminate the vestiges of discrimination in the public schools. Integration acted as a long-awaited racial education of Anglos,⁸ but African Americans did not make the educational progress that many anticipated after *Brown v. Board of Education*.⁹ Desegregation demanded

5. African Americans have always struggled for a heritage of their own in primary and secondary public education. Even efforts over the past decade to incorporate Afrocentric curriculum into the public schools have been limited and have incited strong criticism from Eurocentrists. See, e.g., Mary Lefkowitz, *Point of View: Afrocentrism Poses a Threat to the Rationalist Tradition*, CHRON. OF HIGHER EDUC., May 6, 1992, at 52. See Section III *infra* for a discussion of need for an African-American definition and meaning of education supported by various measures including Afrocentric curricula and other measures seeking to counter school environments breeding exclusion through a dominant curriculum or school culture.

6. See generally Molefi Kete Asante, *The Afrocentric Idea In Education*, 60 J. NEGRO EDUC. 170-80 (1991). Cf. TSEHLOANE KETO, *THE AFRICA-CENTERED PERSPECTIVE OF HISTORY* 25-28 (1989).

7. Diane Ravitch, *Multiculturalism: E Pluribus Plures*, AM. SCHOLAR, Summer 1990, at 337.

8. This is not to say that Anglos somehow became "enlightened" after the *Brown* decision or, for that matter, changed their behavior. Indeed, the 1957 resistance to school integration in Arkansas, where President Eisenhower was forced to call upon the National Guard to enforce a desegregation order, demonstrated that the race battle had just begun. Although the Arkansas resistance illustrated one of the most outward reactions of Anglos to integration, Anglos demonstrated many more subtle and coercive responses. One primary reaction that left lasting impressions on the educational, social, political, and economic makeup of inner cities was "white flight." See Sonia R. Jarvis, *Brown and the Afrocentric Curriculum*, 101 YALE L.J. 1285, 1289 (1992).

9. 347 U.S. 483 (1954). There is evidence that the level of African-American educational attainment has increased over the past fifty years. In 1940, the median education for young African-American men was 6.5 years and for young Anglo men it was 10.5 years. By 1980, the schooling gap had declined to less than one half of one year, or, 12.6 years for African

of African Americans that they enter into previously all Anglo schools without resentment, without hesitation, and possessed of the self-concept of children who were not at odds with their racial and cultural identity.¹⁰ Rather than attempting to build upon the heritage of African Americans, the American educational system has deprived African-American children of their culture and sought to condition them with the values held by those that sought to maintain segregation.¹¹

Despite the Supreme Court's moral and legal conviction in *Brown*, African Americans have come to the realization that integration of the suburbs and inner-city schools is not likely to be compelled by the courts;¹² that even in fully integrated environments African Americans have been separated from Anglos on assertedly "non-racial" grounds;¹³

Americans and 13.0 years for Anglos. See NATIONAL RESEARCH COUNCIL, A COMMON DESTINY: BLACKS AND AMERICAN SOCIETY 334-35 (Gerald Dan's Jaynes & Robin M. Williams, Jr. eds., 1989). While this data reflects a genuine progression in African-American educational attainment, some reports show African-American high school drop-out rates approaching 50%. *Id.* at 337. Moreover, other disturbing trends persist. For instance, in a case brought by African Americans against the San Francisco School District, African Americans made up only 31.1% of the school enrollment in 1976-77, but African-American students constituted 53.8% of those labeled mentally retarded and placed in special education classes. Of the 20 California school districts in which 80% of African-American students were enrolled, African Americans made up 27.5% of the overall student populations and 62% of those students considered mentally retarded and confined to the educational track of the "special education" label. John U. Ogbu, *Literacy and Schooling in Subordinate Cultures: The Case of Black Americans*, in GOING TO SCHOOL: THE AFRICAN-AMERICAN EXPERIENCE 113, 125 (Kofi Lomotey ed. 1990).

10. See Janice Hale-Benson, *Visions for Children: Educating Black Children in the Context of Their Culture*, in GOING TO SCHOOL: THE AFRICAN AMERICAN EXPERIENCE, *supra* note 9, at 210-11. Hale-Benson asserts that the education of Anglo children is more successful than of African-American children because the schools were designed for Anglo children. *Id.* at 210. Hale-Benson quotes Hakim Rashid as saying that "[c]hildren from non-European, lower socioeconomic-status cultural groups are at a disadvantage in the schools because the American educational system has evolved out of a European philosophical, theoretical, and pedagogical context." *Id.* at 210 (quoting Hakim M. Rashid, *Early Childhood Education as a Cultural Transition for African American Children*, EDUC. RES. Q. 6, 55-63 (1981)). Moreover, the educational process proceeds more efficiently and effectively for Anglo children because they are in a learning setting that compliments rather than opposes their culture, whereas African-American children rarely have that opportunity. Hale-Benson, *supra* note 10, at 210.

11. Felix Boateng, *Combatting Deculturalization of the African-American Child in the Public School System: A Multicultural Approach* in GOING TO SCHOOL: THE AFRICAN-AMERICAN EXPERIENCE, *supra* note 9 at 73.

12. *Milliken v. Bradley*, 418 U.S. 717 (1974) (holding that in the absence of racially discriminatory acts of suburban school districts, apart from simply maintaining a segregated school system, inter-district desegregation remedies spanning the distance between the suburbs and inner cities could not be required). See *infra* notes 38-48 and accompanying text for a discussion of *Milliken* and its impact on school desegregation.

13. See *infra* notes 82-95 and accompanying text for a discussion of segregation within school buildings integrated only by designation.

and that the Anglo educational establishment has not sought to promote the interests of the African-American community in public schooling during the "integrated" years after *Brown*.¹⁴

These realizations have given rise to a new debate among African-American parents and educators about how to create the best education for African-American children. Some African-American parents believe that desegregation, if not presently, will eventually bring about educational equality. Other African-American parents firmly believe that an educational system dominated by Anglos will never safeguard the educational interests of African-American children. These parents have sought to create African-American based educational systems. For example, African-American parents and educators in Milwaukee have created African-American "immersion" schools which are devoted specifically to the needs of minority children.¹⁵ Educators in Detroit and New York City have sought to create academies emphasizing African-American culture and positive role models.¹⁶ Proponents of "immersion" schools and academies argue that African-American based educational systems are more responsive to African-American parents, more likely to be sensitive to the needs of African-American children, more likely to know how to instill pride and self-assurance in African-American children, and are more likely to consider the broad range of elements necessary for African-American educational success.¹⁷ Effective African-American schools share three common characteristics: (1) specific dedication to the education of African-American children; (2) an understanding of, and empathy for, African-American students and the communities in which they live; and (3) confidence in the ability of every African-American child to learn and succeed.¹⁸ Moreover, the experience with desegregation has led many African-American parents and educators to the belief that Anglos will never protect the interests of African Americans.¹⁹

14. See *infra* notes 20-48 and accompanying text.

15. Derrick Bell, *The Case for a Separate Black School System*, 11 URB. LEAGUE REV. 136 (1988). See *infra* notes 166-91 and accompanying text for discussion of the Milwaukee Manifesto and the Milwaukee "immersion schools"—movements in Milwaukee to create separate Black school systems.

16. See *infra* notes 192-96.

17. Asante, *supra* note 6, at 170 ("[s]chools are reflective of the societies that develop them," i.e., an Anglo-dominated society will develop a Anglo educational system exclusionary to difference). See William Raspberry, *Male Teachers for Inner-City Boys*, WASH. POST, Mar. 2, 1987, at A11. See also Bell, *supra* note 15, at 142.

18. Kofi Lomotey, *Qualities Shared by African American Principals in Effective Schools: A Preliminary Analysis*, in GOING TO SCHOOL: THE AFRICAN-AMERICAN EXPERIENCE, *supra* note 9, at 181.

19. Ogbu, *supra* note 9, at 126.

Part I of this article examines the perceived failures of integration both in placing a disproportionate burden on African Americans and not requiring lasting change on the part of Anglos. This section discusses the role that culture and power relations play in educational settings and the role Eurocentricity has played in dislocating African Americans from their cultural and historical origins. Part II discusses the independent school movements, including the "immersion" schools in Milwaukee and the Afrocentric academies in Detroit and New York. Finally, Part III argues that segregated, Afrocentric educational systems, like segregated Eurocentric schools, halt the progress toward greater understanding that comes from racial contact. However, before there can be true integration, the Eurocentric domination of the American educational system must be overcome. Eurocentric dominance in public education results in the busing of African-American children more often and at greater distances than Anglo children, separates African-American children from Anglo children through ability grouping and culturally biased testing, and perpetuates a Eurocentric curriculum that refuses to recognize and celebrate cultural differences. Integration must be defined to require an unyielding respect of diversity and the value of diversity in American society, or it simply will not work.

I. The Perceived Failures of Integration

A. Disproportionate Burdens

Martin Luther King, Jr. observed that "true integration will be achieved by men who are willingly obedient to unenforceable obligations."²⁰ The success or failure of desegregation is measured largely by the cooperation of the Anglo majority in making adjustments in their way of life. After 1954, the promise of educational equality set forth in *Brown* and its progeny turned to disillusionment for African Americans who saw that desegregation plans across the country were not disestablishing inequality in public education.²¹ Some African Americans went so far as to suggest that many desegregation plans were designed more for Anglos than for African Americans.²²

The African-American community, the group intended to receive the benefits of *Brown*, has reaped few of the intended benefits because not all African-American children since 1954 have attended integrated

20. MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY* 101 (1968).

21. Jarvis, *supra* note 8, at 1289-91.

22. Charles V. Willie, *The Intended and Unintended Benefits of School Desegregation*, 11 *URB. LEAGUE REV.* 127, 128 (1987).

schools.²³ However, this does not diminish desegregation as a positive tool for producing greater racial understanding if expanded to include all African-American children without placing disproportionate burdens on African Americans.²⁴

The failure to expose every African-American child to an integrated school environment became apparent after implementation of the Atlanta desegregation plan. The Atlanta plan did not require the busing of Anglo children.²⁵ No previously all-Anglo schools remained all-Anglo, but many previously all-African-American schools remained all African American.²⁶ Accordingly, Anglo children received an integrated education, but a majority of African Americans did not.

The same situation existed in Dallas, Milwaukee, and St. Louis.²⁷ The Dallas plan initially desegregated every Anglo school, but left half of the African-American students in segregated all-African-American schools.²⁸ As in Atlanta and Dallas, Milwaukee proscribed all-Anglo schools by requiring at least a twenty-five percent African-American population in each previously all-Anglo school.²⁹ The Milwaukee plan, however, left 20 of the school district's 120 schools with all-African-American student populations.³⁰

Even within school buildings with racially diverse student populations, African-American students often were separated from Anglo students. In 1991, the National Research Council's Committee on the Status of Black Americans reported that "resegregation—separation of pupils by race or ethnicity within a desegregated school—frequently occurs,"³¹ resulting in "two schools within a school."³² Most commonly, resegregation occurs as a result of "ability grouping" and "tracking" of students into separate academic programs, often placing minority children in special education programs as a result of lower achievement test scores and teacher evaluations.³³ The Committee on the Status of Black

23. Charles V. Willie, *The Future of School Desegregation, in THE STATE OF BLACK AMERICA* 37, 39 (Nat'l Urban League, Inc. 1987).

24. *Id.* at 47.

25. *Id.* at 40.

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 82.

32. *Id.* (quoting Janet Schofield, *School Desegregation and Black Americans* (Paper prepared for the Committee on the Status of Black Americans, National Research Council, Washington, D.C. (1986)).

33. NETWORK OF REGIONAL DESEGREGATION ASSISTANCE CENTERS, RESEGREGATION OF PUBLIC SCHOOLS: THE THIRD GENERATION. A REPORT ON THE CONDITION OF DESEG-

Americans concluded that resegregation had occurred within most desegregated schools.³⁴ Tracking is often the major cause of intra-school segregation and is greatest in schools that are racially balanced.³⁵ Moreover, African Americans in schools that appear desegregated in terms of total student population are overrepresented on virtually every measure of disciplinary and remedial action and are underrepresented in positive educational instruments (for example gifted and talented programs and enrichment classes).³⁶

In spite of the way desegregation plans were implemented, the gradual change in Anglo attitudes has demonstrated that integration can produce positive changes in racial attitudes even though Anglos are generally more accepting of the concept of racial equality than reforms that require sacrifice.³⁷ Only when desegregation plans achieve a balance between Anglos and African Americans at an even cost to both races, could one expect a more complete transformation of racial attitudes than that accomplished by the limited integration achieved after *Brown*.

B. *Brown, Milliken, and Beyond*

Residential segregation of most large cities steadily rose from 1954 to the 1990s, and where desegregation remedies have failed to overcome residential housing patterns, the schools remained segregated.³⁸ The Supreme Court's response to this demographic change and its examina-

REGATION IN AMERICA'S PUBLIC SCHOOLS 13 (1989) (on file with Hastings Constitutional Law Quarterly). See also NATIONAL RESEARCH COUNCIL, *supra* note 9, at 82; Laura Mannerns, *Should Tracking Be Derailed*, N.Y. TIMES, Nov. 1, 1992, at 4A, 14.

34. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 82.

35. *Id.* (citing Epstein, *After the Bus Arrives: Resegregation in Desegregated Schools* (paper presented at the annual meeting of the American Educational Research Association, Boston, Mass. (1980); Janet Eyster et al., *Resegregation within Desegregated Schools*, in THE CONSEQUENCES OF SCHOOL DESEGREGATION 126-62 (Christine H. Rossell & Willis D. Hawley eds., 1983).

36. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 82. See also Kay Adams, *Examining Black Underrepresentation in Gifted Programs*, Report to U.S. Department of Education, Dec. 1990 (on file with Hastings Constitutional Law Quarterly) (concluding that because of biased measures of ability and evaluator stereotyping, African Americans are underrepresented in gifted and talented programs).

37. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 155.

38. ANDREW HACKER, TWO NATIONS: BLACK AND WHITE, SEPARATE, HOSTILE, UNEQUAL 229 (1992). The U.S. Census Bureau figures published in 1991 reflect dramatic population shifts to segregated housing patterns of inner cities from 1950 to 1990. In Detroit, for example, African Americans made up 16.4% of the total population in 1950. By 1990, only 24.3% of the total population in Detroit was Anglo. *Id.* Indeed, so pronounced is the racial isolation within many inner cities that the Committee on the Status of Black Americans for the National Research Council concluded that "[i]n locations such as Detroit and Chicago where there are large black populations living in predominantly black areas, the geographic polarization of the races is almost complete." NATIONAL RESEARCH COUNCIL, *supra* note 9, at 91.

tion of the underlying causes of that change proved to be the most critical test of the Court's staying power after *Brown*. Having exercised their economic prerogative to leave the inner cities, Anglos reestablished segregated school systems in the suburbs. In *Milliken v. Bradley*,³⁹ the Court found that this residential choice was not an outgrowth of de jure segregation in Detroit and was therefore beyond the reach of the Constitution.⁴⁰ The standard by which a plea for an inter-district remedy would be measured, that is intentionally segregative acts on the part of a suburban school district, effectively immunized many suburban schools from equal protection scrutiny and authorized predominantly suburban school districts to maintain segregated schools.⁴¹ The loss in population from the inner cities coupled with a large increase in unemployment directly impacted the quality of education for those remaining by creating funding levels greatly disparate to those available to suburban schools

39. 418 U.S. 717 (1974). The Supreme Court in *Milliken* held that the Detroit federal court could not, in the exercise of its equity powers in a school desegregation case, impose an inter-district remedy between the Detroit Public Schools and the suburban school districts in the metropolitan Detroit area unless it was first established that racially discriminatory acts of the suburban school districts had caused inter-district segregation or that school district lines had been drawn with segregative intent. *Id.* at 744-45. Accordingly, the Court held that the remedy in *Milliken* was required to be limited to the Detroit inner-city schools even though no desegregation could be achieved because the inner cities did not reflect the true racial composition of the metropolitan area as a whole. *Id.* The Court further held that the private decisions of parents to relocate in the suburbs and send their children to suburban schools did not meet the Court's requirement for segregative intent of the suburban school districts. *Id.*

40. *Id.* at 745.

41. Inter-district desegregation remedies were rare. For example, in *Keyes v. School District No. 1*, 609 F. Supp. 1491 (D.Colo. 1985), an original desegregation plan became unworkable in the mid-1970s due to demographic changes in Denver. *Id.* at 1507-08. In 1974, the first year of court-ordered desegregation, there were 43,576 Anglo students in the Denver public school system. By the fall of 1983, the number of Anglo students had fallen to 20,000. The most pronounced decline in Anglo student enrollment occurred during the first three years after the busing order was issued, which would tend to indicate that the population shift in Denver was at least partially related to the desegregation order. James J. Fishmon and Lawrence Strauss, *Endless Journey: Integration and the Provision of Equal Educational Opportunity in Denver's Public Schools: A Study of Keys v. School District No. 1*, in *JUSTICE AND THE SCHOOL SYSTEMS: THE ROLE OF THE COURTS IN EDUCATION LITIGATION* 195 (Barbara Flicker, ed. 1990). Yet despite the Supreme Court's requirement of a showing of intentionally segregative acts apart from school segregation caused by housing pattern shifts, Indianapolis, Wilmington, Louisville, and Little Rock have court-ordered inter-district desegregation plans. See *United States v. Board of Sch. Comm'rs*, 677 F.2d 1185 (7th Cir. 1982), *cert. denied*, 459 U.S. 1086 (1982) (Indianapolis); *Evans v. Buchanan*, 416 F. Supp. 328 (D.Del. 1976) (Wilmington); *Newburg Area Council v. Board of Educ.*, 510 F.2d 1358 (6th Cir. 1974), *cert. denied*, 421 U.S. 931 (1975) (Louisville); *Little Rock Sch. Dist. v. Pulaski County Special Sch. Dist.*, 778 F.2d 404 (8th Cir. 1985), *cert. denied*, 476 U.S. 1186 (1986). Other than in these cities, inter-district desegregation has not been achieved.

and further contributed to racial and economic polarization.⁴² The loss of population had a cyclical effect on the funding available for inner-city schools to support desegregation orders.⁴³ "Magnet school" plans were designed to achieve voluntary integration by making African-American schools so appealing that Anglo students would be attracted to these schools without compulsion. To make inner-city schools as attractive as suburban schools, or more so, inner-city schools often required substantial refurbishing, an increase in funding for higher teacher and administrator salaries, and innovative programs designed to attract suburban students, all of which required heavy capital support.⁴⁴ In some cases, as in Kansas City, state and city officials were forced to raise additional revenue to fund magnet schools.⁴⁵ After *Milliken* drew the integration line at the border between the inner cities and suburbs, magnet schools represented the only chance for any meaningful integration in those cities that had lost their racial diversity. Even magnet schools, however, have been unable to achieve broad integration.⁴⁶

42. JONATHAN KOZOL, *SAVAGE INEQUALITIES: CHILDREN IN AMERICA'S SCHOOLS* 200-03 (1991).

43. Mount Greenwood and Roseland, Illinois, both working neighborhoods in Chicago two miles from each other, illustrate the impact of the Anglo exodus. African Americans who moved into the previously all-Anglo neighborhood watched as Anglos moved away, taking businesses with them. Isabel Wilkenson, *Black Neighborhood Faces White World with Bitterness*, N.Y. TIMES, June 22, 1992, at A1. The Anglo evacuation was so rapid that houses were left vacant or were rented at low cost. Some buildings left vacant were taken over by drug users and dealers. *Id.* As businesses left, funding for city services (including library funding) declined proportionately. *Id.* at B7.

44. *Cf. Missouri v. Jenkins*, 495 U.S. 33 (1990).

45. *Id.* at 57-58. To fund a magnet school remedy in Kansas City, Missouri, the district court allocated roughly two-thirds of the cost of the first three years of an \$88 million remedy to the State of Missouri. *Id.* at 38. Due to taxing limitations imposed upon the State by the Missouri Constitution and state statutes, however, the Kansas City, Missouri School District (KCMSD) and the State were financially unable to comply with the requirements of the district court's magnet school plan. The district court ordered a direct property tax increase sufficient to fund the cost of the remedy. *Id.* at 38-42. The Supreme Court held that the Supremacy Clause and Fourteenth Amendment permit federal courts to levy property taxes at levels sufficient to finance desegregation remedies and enjoin the enforcement of state statutes which obstruct desegregation orders. The Court reversed the district court insofar as the district court ordered a direct property tax, and agreed with the Eighth Circuit's view that the alternative available to the district court was to order KCMSD to levy property taxes at rates adequate to fund the desegregation remedy and enjoin state laws standing as obstacles to the accomplishment of desegregation orders. *Id.* at 57-58.

46. *See generally* NETWORK OF REGIONAL DESEGREGATION ASSISTANCE CENTERS, *supra* note 33. The Desegregation Assistance Centers were created by Title IV of the Civil Rights Act of 1964. The 1989 report of the Title IV Desegregation Assistance Centers concluded that "[m]agnet schools, such as those in Chicago and Los Angeles supported by the Reagan Justice Department, have left the pattern of segregation virtually untouched and often have failed even to integrate the buildings in which they operate." *Id.* at 27. Moreover, while magnet schools may be beneficial to those students positioned to take advantage of better edu-

Milliken displays the Court's ambivalent commitment to integration after *Brown*.⁴⁷ *Brown* established a level of racial consciousness and a moral baseline. But the simple proposition that segregation was inherently violative of the Equal Protection Clause provided little guidance in determining the scope of constitutional authority. Asked to decide in *Milliken* whether inter-district remedies were required under *Brown*, the Court refused to continue the path of desegregation into the suburbs. The decision in *Milliken* reduced the quest for educational equality to crude economic terms. Those who could access suburban schools could obtain better educations. For those left in the cities, the disparity in educational opportunities impacted their view of education and was coupled with the familial and cultural divisions caused by economic disadvantage.⁴⁸

C. Equity, Culture, and Power Relations

Milliken v. Bradley was a severe setback for those who saw that integration would not be achieved unless the courts crossed the bridge between the inner cities and suburbs. The Court later ruled in *Rodriguez v. San Antonio Independent School District* that children do not possess a

ational opportunities, they tend not to advance the overall condition of the public schools. The 1989 report cited the findings of Donald R. Moore and Suzanne Davenport who have concluded from a four-city study that:

magnets consistently tended to admit students with high basic skills test scores, good attendance, good behavior records, a mastery of English, no record of being held back, and no special learning problems. When magnet schools and optimal programs have stringent admissions criteria, they drain the neighborhood schools of their high-achieving and well-behaved students, leaving the neighborhood school to face even higher concentrations of the students with serious problems, low basic skills achievement, truancy, behavior problems, handicaps, and limited English proficiency. Furthermore, the neighborhood school frequently loses many of its best teachers to the magnets and receives in return those teachers the magnets don't want. . . . Many have grown to believe that the students who do not make it into a selective school or program are by and large 'losers' from whom little can be expected.

Id. at 27-28.

The 1989 report, citing Asa Hillard, Professor of Urban Education at Georgia State University, found that "school choice" plans, by introducing selectivity and exclusiveness into the public school system, erect barriers to the achievement of all but the small number of students who are admitted to the schools of choice. *Id.* at 28. These plans tend to divert resources away from those students who need them the most, and therefore, perpetuate a system of failure for many minority students.

47. *Cf. Griffin v. County Sch. Bd.*, 377 U.S. 218 (1964) (by closing publicly funded schools and contributing to segregated private schools that took the place of the public schools, the county had denied the plaintiffs equal protection of the laws); *Green v. County Bd.*, 391 U.S. 430 (1968) ("freedom of choice" plan which effectively discouraged integration was unconstitutional); *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971) (sanctioning the use of busing and mandatory reassignment quotas to achieve desegregation).

48. *Jarvis*, *supra* note 8, at 1291-92.

constitutional right to equal levels of funding in public education.⁴⁹ The effect of these rulings has been that segregated school systems in suburbs are immune from the Fourteenth Amendment and that states permit suburban schools to spend up to \$11,000 to \$15,000 per student annually while some inner-city districts are able to spend only \$3,000 to \$5,500 per student each year.⁵⁰ One prominent educator has observed that what the states and educators mean when they talk about "equity" is:

*something that resembles equity but never reaches it: something close enough to equity to silence criticism by approximating justice, but far enough from equity to guarantee the benefits enjoyed by privilege. The differences are justified by telling us that equity must always be "approximate" and cannot possibly be perfect. But the imperfection falls in almost every case to the advantage of the privileged.*⁵¹

Learning becomes meaningful or not in direct response to how children are received into the learning environment. As students interact with each other and teachers, confidence can be built or destroyed. When the school environment disfavors minority students, those students' productive and creative capabilities are in jeopardy of being crippled. This is the likely result when one group of students is allowed to dominate the learning environment. Studies of male-female school interactions have demonstrated that many female students learn to become passive because males tend to dominate the classroom milieu.⁵² It is only logical that the same set of relationships could exist in the race context.⁵³ To the extent that African-American students feel vulnerable due to racial identity or economic status, they may learn to become passive and enter the "silent ghetto" where they learn to construct walls around their own untapped potential.

49. 411 U.S. 1 (1972) (holding that the strict scrutiny test, appropriate when a state action impinges upon a fundamental right or operates to the disadvantage of a "segregated class," was not applicable to funding levels based upon relative wealth of districts because there was no showing that any children were suffering absolute deprivation of public education).

50. KOZOL, *supra* note 42, at 73-74, 83-84.

51. *Id.* at 175. Many states have initiated legislation seeking to bring equity to the funding of inner-city versus suburban schools. One such effort in Detroit has encountered strong resistance on the part of suburban schools that claim no responsibility for the disparate funding levels between Detroit and suburban school districts. *Windfall for Detroit Schools?*, DET. NEWS, March 3, 1992. Under the plan proposed by Michigan Governor Engler, the Detroit public schools would have received \$18 million while more affluent districts would have lost nearly \$13 million. The Engler proposal was ultimately defeated in the Michigan legislature.

52. See generally Carol Gilligan, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982); see also Rodney A. Clifton et al., *Effects of Ethnicity and Sex on Teachers' Expectations of Junior High Students*, 59 SOC. OF EDUC. 58-67 (1986).

53. See generally Jim Cummins, *Empowering Minority Students: A Framework for Intervention*, 56 HARV. EDUC. REV. 18, 21 (1986).

Power relations have a major impact on school performance.⁵⁴ Three dominant theories have emerged linking school performance to social position. Jim Cummins attributes the lack of positive cultural and racial identification of minority students to "bicultural ambivalence," or conflicting attitudes regarding their home and school cultures.⁵⁵ Ogbu has tied academic failure of minority students to social and economic discrimination and to the internalization of the inferior status attributed to minorities by the dominant culture.⁵⁶ Feuerstein ascribes minority academic failure to the alienation of a group from its own culture.⁵⁷ These views recognize that academic progress cannot occur in minority groups that are not positively oriented both to their own and the dominant culture, that perceive themselves as inferior to the dominant group, and that are cut off from their own cultural values.

Minority students are thus disabled in schools in much the same way that they are lost in the broader society.⁵⁸ This implies that minority students can only improve their educational standing to the extent that patterns of interaction in schools counter those prevailing in society.⁵⁹ The role definitions that educators implicitly or explicitly assume dictates the extent to which minority students are "empowered" or "disabled."⁶⁰ Success in education is dependent upon the extent to which the language and culture of minority students is incorporated into the school environment, the level of participation of the minority community in their children's education, and the level of intrinsic motivation of students.⁶¹

John Ogbu's cross-cultural research has demonstrated that school performance closely tracks social power.⁶² Ogbu has shown that any mi-

54. *Id.*

55. *Id.* at 22.

56. *Id.*

57. *Id.*

58. *Id.* at 23.

59. *Id.* at 24.

60. *Id.*

61. *Id.*

62. In 1986, John Ogbu identified caste-like systems outside of the United States, including West Indians in Great Britain, Maoris in New Zealand, Burakus in Japan, Harijans in India and Oriental Jews in Israel. Ogbu, *supra* note 9, at 371. Ogbu's findings from other countries confirmed what African Americans understood all along. That is, in each of these cases, groups with caste-like minority status were one to two years behind in reading when compared to the reading skills of those in the majority culture, were disproportionately concentrated in remedial reading programs, and were under-represented in higher education. *Id.* Caste-like minority status, not necessarily a reflection of racial or ethnic origin, was the principal factor in the disparate performance levels of the dominant and dominated groups. Indeed, in India, Israel, and Japan, the dominated group in a caste system did less well academically than the dominant group, even though of the same race. *Id.*

nority group, even if of the same race as the dominant social group, will reflect lower school achievement and "measured intelligence" compared to the dominant group if the minority group is placed in what Ogbu and others have called a "caste-like social status."⁶³ Caste-like minority status is characterized by the minority's "involuntary incorporation into the dominant society and by extreme discrimination during an extended period of relegation to society's least valued occupational roles."⁶⁴

Compared to European Americans, African Americans have shown all the performance related differences that follow a caste-like minority, including overall less-developed reading skills, disproportionately greater representation in special education classrooms, consistent underrepresentation in higher education, and consistently lower achievement test scores.⁶⁵ These performance differences are attributable to many complicated factors and have come to be known as the "achievement gap" in education.⁶⁶

Desegregation required that African Americans leave their own neighborhoods and assimilate into previously all-Anglo schools in which the values and culture of Anglo America dominated. Integration did not contribute to a positive orientation on the part of African Americans to their own culture and the dominant group because African Americans were expected to adapt to the dominant culture and to accept Anglos as they were.⁶⁷

Desegregation remedies have undermined the growth potential of many African Americans by perpetuating the same patterns of African-American and Anglo interactions existing in the broader society.

The mores, values, and aspirations taken by children must come first from their parents and their culture.⁶⁸ To create the desire for learning, parents must instill the value of education in their children. If parents of any ethnicity view education with ambivalence, then so too will their children.⁶⁹ Therefore, for any pedagogical remedy to have a positive effect, it must first seek the endorsement and involvement of parents. De-

63. *Id.*

64. *Id.*

65. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 346-56.

66. *Id.* The term "achievement gap" in education is used as shorthand for measures of performance in which whites have outperformed African Americans. Missing in the shorthand explanation for disparate school performance is that children of more affluent parents, a disproportionate number of whom are white, have the social and economic stability to make learning possible.

67. Hale-Benson, *supra* note 10, at 210-11.

68. Gloria Johnson Powell, *Self-Concept In White and Black Children*, in RACISM AND MENTAL HEALTH 249, 308 (Charles V. Willie et al. eds., 1973).

69. *Id.*

segregation remedies, however, did not represent the views of African-American parents in how they wished their children to be educated.⁷⁰ The choice of schools, location of those schools, racial composition of schools, teacher-to-student ratios, and the content of curricula were all dictated to African Americans by courts and predominantly Anglo school administrators.⁷¹ Desegregation plans were imposed upon the African-American community, African-American parents, and African-American children with limited involvement by the African-American community in structuring educational strategies. The terms of education have always been dictated to African Americans and desegregation has merely been an extension of that dictate.

African-American children have been expected to embrace Anglo values and assimilate into a culture that throughout American history had been hostile to them.⁷² Desegregation created in the schools the same power structure that existed in Congress, in state legislatures, in state and federal court systems, and in the economic and social structure of American society. After *Brown*, African Americans still had no effective democratic voice in education. The overall school environment has told African-American children that Anglo values dominate, and to the extent that conflicting values are recognized, they are subordinate.⁷³

Desegregation became more of a racial education for Anglos than a racial liberation for African Americans. But the limited experience gained by Anglos in the civil rights era did not imbue Anglos with an understanding of African-American history and culture. Anglos were, therefore, simply not qualified to direct the course of African-American education. This was a function which African-American parents bore the unrealized right to control.

D. The Role of Eurocentricity in Education

African-American students in a Eurocentric milieu confront a triple dilemma. They must simultaneously meet the mainstream culture's expectations; meet the African-American culture's expectations; and reconcile the frequent conflicts between them. In reaction to a school environment that is not open to cultural or racial differences, African-

70. Charles V. Willie, *Future Designs for Educational Equality: A Conference Summary*, 4 EQUITY AND CHOICE 75, 76 (Feb. 1988).

71. *Id.*

72. Ogbu, *supra* note 9, at 126-27; Hale-Benson, *supra* note 10, at 210-11.

73. Hale-Benson, *supra* note 10, at 210-11. Hale-Benson quoted Hakim Rashid for the observation that "[t]he African-American child who only sees the Euro-American cultural tradition manifested in the preschool environment can only conclude that the absence of visual representation of his culture connotes his essential worthlessness." *Id.* at 211.

American children often choose to defend the validity of their home and cultural experiences, and thereby reject the Eurocentric standards of the schools.⁷⁴

Desegregation and racial conflict pits the African-American child against himself.⁷⁵ If he embraces education on Anglo terms, he is forced to become a traitor to the movement for African-American equality.⁷⁶ If he rejects education (a sign of African-American independence), he limits his source of greater economic opportunity.⁷⁷

74. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 372.

75. Asante, *supra* note 6, at 171. Asante asserts that African Americans as economically and politically marginalized people cannot feel part of a Eurocentric educational system. "How alien the African American child must feel," Asante writes, "how like an outsider! The little African-American child who sits in a classroom and is taught to accept as heroes and heroines individuals who defamed African people is being actively de-centered, dislocated, and made into a nonperson." *Id.*

76. *Id.*

77. Linda Black, *Holding Back, Some Black Students Bear A Burden By Being Smart*, DET. FREE PRESS, Sept. 24, 1991, at A1. The article cited Jawanza Kunjufu, a Chicago educator and author of *TO BE POPULAR OR SMART: THE BLACK PEER GROUP* (1988), for the observation that the popular black culture often does not associate school achievement with blackness. Kunjufu, the article reported, asserts that many black children are raised on negative stereotypes because, in part, they have not studied black history and have not realized the value of education to Blacks. Kunjufu maintains that one of the vestiges of slavery and racism has been the belief that only whites are supposed to be intelligent and this belief is responsible for high dropout rates of black students. *Id.* at 8A.

Ethnographic research by Signithia Fordham and John Ogbu (1986), suggests that African-American peer group pressures undermine the goal of academic success. A study of eleventh grade students at a predominantly African-American high school in Washington, D.C. revealed that many behaviors associated with high achievement such as studying long hours were regarded as "white" traits. Students who sought academic success were labeled as "brainiacs" and were ridiculed. Some students reported that they had made a conscious decision to limit their academic efforts and goals to prevent being harassed. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 372 (citing Signithia Fordham and John Ogbu, *Black Students School Success: Coping with the Burden of "Acting White"*, 18 URB. REV. 176-206 (1986)).

African Americans confronted a number of factors that impacted their views on education. In 1974, Ogbu conducted ethnographic research in Stockton, California and found that while African-American parents said that they valued education and desired that their children do well and get a good education, the end result of their efforts did not translate into educational progress. The African-American parents surveyed had participated in public demonstrations to demand better education for their children, encouraged their children to get a good education, and helped with homework assignments. At the same time, however, the parents' own lives created ambivalent attitudes in their children with respect to schooling. Children saw the status of their parents' lives, and thereby their own lives, in terms of menial jobs, underemployment, and unemployment. These images created a message powerful enough to undo the exhortations of their parents. As a result, these African-American students did not seek to maximize their school performance. They admitted that they did not pursue school work because they did not believe they had equal standing to get good jobs even with ability and hard work. *Id.* at 371-72 (citing JOHN OGBU, *THE NEXT GENERATION: AN ETHNOGRAPHY OF EDUCATION IN AN URBAN NEIGHBORHOOD* 1974).

Courts have required African-American children to leave the safety of their own neighborhoods and assimilate at tender ages into a culture that they perceive as hostile.⁷⁸ The opportunity for discrimination was never greater than when a African-American child entered a previously all-Anglo school.⁷⁹ Race acts as a source of power for Anglo children and a source of disadvantage for African-American children in this environment, as in the broader society, because even in a desegregated environment, Anglos still constitute the majority and the dominant culture.⁸⁰ Like segregation, integration singles out African Americans as symbols of inequality.⁸¹

Integration statistics tell the story of what happens within school buildings which have not sought to represent African-American interests. The Title IV Desegregation Assistance Centers in a collective report have recognized that many schools that were formally integrated were divided by classroom assignments based on "ability grouping," but often identified by racial composition.⁸² Less overt forms of separation which are assertedly "race-neutral," are strikingly similar to race-based grouping.⁸³ For example, while African-American students represent approximately sixteen percent of all public school students, African-American students make up almost forty percent of those students classified as learning disabled.⁸⁴ A disproportionately greater number of African-American students are assigned to "special education" classrooms, usually ensuring that they will not keep pace with their Anglo peers.⁸⁵ Some African-American students are placed in special education classes because their behavior fails to mirror the behavior expected of middle class children, most of whom are Anglo.⁸⁶ As one commentator has observed, "[s]lower tracks have become repositories for pupils whose con-

78. "[I]n desegregated schools throughout the nation disaffection and mistrust also abound because Blacks see inferior education perpetuated through many subtle devices they suspected the schools of using (e.g., biased testing, misclassification, tracking, biased textbooks, biased counseling, etc.), and because they doubt that these schools understand Black children and their needs." Ogbu, *supra* note 9, at 164. Ogbu cited his own ethnographic fieldwork and the work of Slawski and Scherer (1977) as confirming "that Black mistrust and conflict with schools reduce the degree to which Black parents and their children can accept as legitimate the school's goals, standards and instructional approaches." *Id.*

79. *Id.*

80. *Id.*

81. *Id.*

82. HACKER, *supra* note 38, at 164. *See also*, NETWORK OF REGIONAL DESEGREGATION ASSISTANCE CENTERS, *supra* note 33, at 13, 29.

83. *See* NETWORK OF REGIONAL DESEGREGATION ASSISTANCE CENTERS, *supra* note 33, at 13.

84. HACKER, *supra* note 38, at 164.

85. *Id.*

86. *Id.*

duct teachers find bothersome or inappropriate.”⁸⁷

The practice of placing children in separate classrooms depending upon presumed ability is often defended on the basis that brighter students should not be slowed by children of lesser abilities. Race is never cited as a reason for separating children of varying abilities.⁸⁸ The decision upon a child’s placement rests almost entirely upon teacher assessment and upon standardized test scores.⁸⁹ If a child does not impress the teacher with the necessary “skills” to participate successfully in the higher-level classroom, then that child will be placed in a slower-paced academic track.⁹⁰

87. *Id.*

88. If a teacher, through his or her socialization, brings preconceived notions about racial “difference” to such judgments, then racial bias has entered the equation. Likewise, if a teacher holds a certain set of behavior expectations of students based upon shared cultural values, and a minority student’s culture has not schooled the student in the majority’s behavioral characteristics, then to the extent the student differs from those behavioral norms, the student has been characterized by a measure other than ability.

89. HACKER, *supra* note 38, at 164. The “objective” standards of performance in education act as pretexts for racial bias because they are founded upon the notion that standardized performance standards are both rational and objective. Studies have shown that Scholastic Aptitude Test (SAT) scores are less rational for African Americans than Anglos because the SAT assumes a knowledge base about Anglo society and Anglo culture that Anglo children find natural and African-Americans do not. In this highly controlled system, African-Americans remain “poor” performers. HACKER, *supra* note 38, at 144.

Hacker cites the report of the gap between African-American and Anglo students who took the 1990 SAT. Anglo students on average scored nearly 200 points higher than African American students. *Id.* at 141. However, the scores of Asian and Hispanic students might suggest that the African American-Anglo disparity in SAT scores is attributable more to a class bias than a cultural bias. Of course, class and cultural bias can be so closely linked that they may not be susceptible of separation. One question on the SAT asked which of the following options was most analogous to “runner . . . marathon:”

- (a) envoy . . . embassy
- (b) martyr . . . massacre
- (c) oarsman . . . regatta
- (d) referee . . . tournament
- (e) horse . . . stable

Id. at 144-45.

90. See *supra* notes 31-36 and accompanying text for a discussion of “tracking.” Recent surveys of neighborhoods and schools reveal that African Americans spend even more of their time in segregated environments than recent immigrants, experiencing a diminished exposure to the broader society. HACKER, *supra* note 38, at 146. The explanation for this phenomenon is subject to varying perspectives. In the view of Anglos, American society remains predominantly Anglo and to the extent African Americans do not adapt to that society, they cannot compete on all levels with Anglos. From the vantage point of African Americans, theirs is not a failure to adapt but a failure on the part of the majority to accept them for who they are, and not what Anglos believe they should be. One commentator has noted, “that black modes of perception and expression, which are largely products of segregation, become impediments to performing well on tests like the SAT reveals that racial bias remains latent not only in the multiple choice method, but in the broader expectations set by the modern world.” *Id.*

The goals of education, and whether those within American society are making progress toward those goals, are defined predominantly by Anglo America. Because those goals have become a part of the American fabric, and lie at the root of what Anglo Americans consider to be rational thinking, it is difficult for Anglo Americans to recognize that they have defined in their own likeness and to their benefit the objectives of education, the measures of progress to those objectives, and the terms and conditions of education.

Although African-American children were no longer legally excluded from Anglo schools, the school environment did not accommodate the interests of African-American children.⁹¹ African Americans and Anglos were still separated by Eurocentric curriculum, by the cultural biases of Anglo teachers, and by the exclusion of African-American culture from the school milieu.⁹² The Eurocentric curriculum of Anglo schools rejected the knowledge of African Americans that their race had equal value.⁹³ African-American children may have been sitting in Anglo schools, but their physical presence did little for their sense of self-worth.⁹⁴ Like segregation, this model for integration worked the same results on African-American children that the Supreme Court sought to ameliorate in *Brown*: “[t]o separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”⁹⁵

The experience of African Americans in American history has inspired the demand for African-American *validation*. By definition, validation requires that Anglos recognize the independent worth of African Americans. African Americans need school integration to reflect what Gwendolyn Brooks in *Requiem Before Revival* has described as the “es-

91. Boateng, *supra* note 11, at 73-81 (arguing that Anglo scholars consistently deculturalize African-American students).

92. *Id.*; Hale-Benson, *supra* note 10, at 211; See also NETWORK OF REGIONAL DESEGREGATION ASSISTANCE CENTERS, *supra* note 33, at 1-2.

93. See also Boateng, *supra* note 11, at 73-84; Cf. Hale-Benson, *supra* note 10, at 211.

94. See NATIONAL RESEARCH COUNCIL, *supra* note 9, at 373-74 (reporting the research findings of Stuart W. Cook, *Social Science and School Resegregation: Did We Mislead the Court?*, 5 PERSONALITY AND SOC. PSYCHOL. BULL. 420-37 (1979); Edgar Epps, *Impact of School Desegregation on Aspirations, Self-Concept, and the Aspects of Personality*, 39 LAW AND CONTEMP. PROBS. 300-313 (1975); M. Weinburg, *Minority Students: A Research Appraisal*, Nat'l Institute of Education (Washington, D.C., 1977) (concluding that the educational aspirations of segregated African Americans are as high or higher than those of segregated Anglos, whereas some studies suggested that African-American educational and occupational aspirations remained constant or became lower after desegregation). *Id.*

95. *Brown v. Board of Educ.*, 347 U.S. 483, 494 (1954).

sential Black statement of defense and definition” in the face of “assimilationist urges:”

. . . there is in ‘the souls of Black Folk’—even when inarticulate and crippled—a yearning toward Black validation.

To be Black is rich, is subtle, is nourishing and a nutrient in the universe. What could be nourishing about aiming against your nature?

I give whites big credit. They have never tried to be anything but what they are. They have been and will be everlastingly proud proud proud to be white. It has never occurred to them that there has been or ever will be ANYthing better than, nor one zillionth as good as, being white. They have an overwhelming belief in their validity. Not in their ‘virtue,’ for they are shrewdly capable of a very cold view of *that*. But their validity they salute with an amazing innocence—yes, a genuine innocence, the brass of which befuddles most of the rest of us in the world because we have allowed ourselves to be hypnotized by its shine.⁹⁶

E. The Role of Assimilation

One historical function of American schools has been the assimilation of immigrant children into the American melting pot.⁹⁷ The purpose and configuration of the “melting pot” has in recent years become the focus of examination.⁹⁸ Proponents of multiculturalism have suggested that the melting pot must be more like a mosaic wherein each member retains individual identity while contributing to the overall American picture.⁹⁹ In contrast, the historical view of assimilation has been that those that come to this country must shed their cultural identity.¹⁰⁰ In education, the traditional assimilationist doctrine is still the one most frequently used in curriculum development and instruction.¹⁰¹

Under the traditional view of assimilation, only one curriculum is necessary.¹⁰² The function of the schools is to inculcate into children the values, mores, traditions, and customs of the dominant society.¹⁰³ The morality and necessity of the traditional assimilation model has been questioned by those who believe that it has existed to perpetuate the ex-

96. GWENDOLYN BROOKS, *REQUIEM BEFORE REVIVAL*, reprinted in *PRIMER FOR BLACKS*, at 14-15 (Third World Press 1991).

97. Boateng, *supra* note 11, at 73.

98. *Id.*

99. *Id.* at 77.

100. *Id.* at 75.

101. *Id.*

102. *Id.* (citing J.C. McDAVID, *EQUALITY OF EDUCATIONAL OPPORTUNITY* 5, 6 (1969)).

103. *Id.*

isting power structure and for no real educational purpose.¹⁰⁴ European Americans, when confronted with this assertion, have difficulty recognizing the advantage given to them by their forebears in establishing the traditions and values upon which American society operates.¹⁰⁵ Many in this dominant position argue that their ancestors shed their ethnic identity, and so too should others.¹⁰⁶ They argue that part of what holds African Americans back in American society is their refusal to shed their African identity.¹⁰⁷ Implicit in this argument is the expectation that African Americans would shed their identity to become reborn in the mold of their oppressors.

The traditional view of assimilation also assumes that all those entering American society can accept the melting pot as it had been established by European Americans.¹⁰⁸ For African Americans, this assumption is not true. To assimilate into American society on these grounds, African Americans would be required to accept their past position of inferiority in American society as the starting place for their assimilation.¹⁰⁹

F. The Role of Culture in Assimilation and Education

The traditional view of assimilation discounts the role culture plays in education.¹¹⁰ Educators have argued that education of Anglo children is relatively more successful than for African-American children because

104. *Id.*

105. *See, e.g.*, ARTHUR M. SCHLESINGER JR., THE DISUNITING OF AMERICA 6-17 (1991).

106. *Id.*

107. *Id.* at 58-67.

108. *Id.*; ROBERT N. BELLAH ET AL., HABITS OF THE HEART 196 (1988).

109. Assimilation also operated on the belief that since immigrants came to this country freely, they would voluntarily shed their ethnic and cultural identities. In actuality, assimilation never required this exacting toll on even the most diverse European immigrants. For African Americans, this premise was entirely untenable. African Americans did not come to this country freely, did not have equal access to the opportunities available to Anglos, and therefore, would not have the regard for traditional assimilationist principles held by immigrant groups. Reminded of these facts by African Americans, European Americans discount these historically inescapable facts as modern-day irrelevancies. This failure of understanding on the part of European Americans stems from a dearth of personal experience in being subjected to the denial of opportunity at the level experienced by African Americans. The traditional view of assimilation cannot be applied to African Americans because it refuses to recognize the harm historically wrought upon Africans in their historical passage from slavery to segregation, and always, the desperate poverty of the ghettos. To accept the great American melting pot as traditionally configured, African Americans would be required to extend forgiveness to the dominant society without even so much as a request for forgiveness. Whether or not assimilation for African Americans is possible even under the mosaic model, the orthodox view of assimilation defies the basic requirements of racial healing.

110. Boateng, *supra* note 11, at 75-76. Boateng asserts that "Euro-American-centered consciousness" has remained the basis of curriculum and development in the public school system.

public schools compose a learning environment that complements rather than conflicts with their culture.¹¹¹ It would follow, then, that to achieve the same educational results for African-American children, the educational system must complement rather than oppose African-American culture.¹¹² African Americans have never received cultural affirmation from the Eurocentric educational system, as W. E. B. DuBois recognized as early as 1903.¹¹³

The traditional assimilation model, broadly conceived, is a “deculturalization” process by which each new member is stripped of his or her culture and reconditioned.¹¹⁴ Felix Boateng has asserted that although some educational research has rejected deculturalization as a complete explanation for disparate school performance, culturally different children come away from Eurocentric education feeling as though they must reject their own culture to succeed in school.¹¹⁵ If the result of teacher attitudes on performance levels is considered, one can readily see the impact of Boateng’s observation. Indeed, as he has stated, “[t]hese individuals are made to believe that the first step in education is to convert all first graders to replicas of White, middle-class suburban children.”¹¹⁶ Despite this evidence, traditional assimilationists cling to the belief that the public schools must reflect a single definition of the American character. Some educators, however, are concluding that to deculturalize African-American children, as assimilationist efforts have done in the past, deprives African-American children of that which determines the way they feel about themselves, the society they live in, and their role in that

In 1969, the published proceedings of six Head Start Research Seminars held under the auspices of the U.S. Office of Economic Opportunity made the observation that,

Our society is a diverse and heterogeneous one, in which we embrace a variety of subcultures delineated by ethnic, linguistic, racial, geographic, educational, and socioeconomic earmarks. Within each of these subcultures, social standards vary, and corresponding socialization practices vary. Yet we plan public education as a single, massive, uniform Procrustean Institutionalized system of values, beliefs, and habits defined according to some stereotype rising magically out of the middle-class pillars of society . . . This, then, is the stereotypical target toward which our institutionalized educational system tends to socialize all of its participants, regardless of the adult subculture to which they are bound, and regardless of the relevancy or irrelevancy of these values and habits to each one’s own real world.

Id. at 75 (quoting J.C. McDAVID, EQUALITY OF EDUCATIONAL OPPORTUNITY 5-6 (1969)).

111. Hale-Benson, *supra* note 10, at 210; Boateng, *supra* note 11, at 76. Boateng observes that “[a]s a consequence, the public school system has become a strategically important vehicle that promotes the deculturalization of African-American children to Euro-American norms and creates confusion in the consciousness of these children.” Boateng, *supra* note 11, at 76.

112. Boateng, *supra* note 11, at 73.

113. See W.E.B. DuBois, THE SOULS OF BLACK FOLK 45 (Signet 1969) (1903).

114. Boateng, *supra* note 11, at 73.

115. *Id.* at 75.

116. *Id.*

society.¹¹⁷

To the Supreme Court in 1954, and thereafter, "integration" meant assimilating African Americans into Eurocentric society.¹¹⁸ African Americans have felt the betrayal of integration under this regimen.¹¹⁹ They have realized that integration remedies could not change the basic behavior and belief systems of European Americans because integration did not require European Americans to independently respect African Americans, but only required that European Americans allow African-Americans participation in *their* society.¹²⁰ Why did European Americans neither openly accept African Americans into their society nor respect African Americans independently of provincial European value systems? In part, this change never came about because the courts in the way they structured integration remedies never required such a change on the part of European Americans.¹²¹ Beyond this failure, the reasons lie within the belief systems of Euro Americans and how they came by those belief systems.¹²²

G. Anglo-American Individualism

The struggles of European immigrants in adapting to a new culture shaped their image of themselves and of others.¹²³ Individualism shaped the core of European notions of what assimilation meant and required.¹²⁴ Europeans came to America expecting economic opportunity and social mobility.¹²⁵ Under the Horatio Alger myth, which still pervades the American psyche, the individual through perseverance and hard work can achieve any ambition (usually defined as financial reward), and thereby, can become reborn in success.¹²⁶ This mythic individualism stresses that one's status is not so much determined by how or where one started, but on the individual's status through individual achievement.¹²⁷

117. *Id.* at 73. For this reason, the traditional assimilation model could not measure up to the Supreme Court's stated goal of ameliorating the adverse affects of exclusion upon educational attainment. Because it operated unilaterally, the traditional assimilation model did not seek for African-American children a positive orientation to education or American society.

118. *Id.*

119. Ogbu, *supra* note 9, at 126-27.

120. *Id.*

121. Integration remedies spoke only to the physical integration of African-American and caucasian children. The term "multiculturalism" was virtually unknown to most educators and courts when courts were presiding over redistribution plans.

122. BELLAH, *supra* note 108, at 196-97.

123. *Id.* at 214.

124. *Id.*

125. *Id.* at 196-97.

126. *Id.*

127. *Id.* (citing SEYMOUR MARTIN LIPSET, *FIRST NEW NATION* 2 (1963)).

In theory, accidents of birth, class, and race are irrelevant to the *potential* for individual triumph.¹²⁸ This belief system is held by each strata of European Americans.¹²⁹ Middle-class means having "certain attitudes, aspirations, and expectations towards status mobility."¹³⁰ The middle class constantly hold out for higher economic aspirations and the poor strive towards inclusion in the middle class. In this social structure, economic status is the sole measure of individual worth.¹³¹ Indeed, so firmly established is this structure that most Americans would be unable to define individual merit in terms other than economic attainment. Economic attainment in America supersedes altruistic merit.

At the same time Euro-Americans believe in the power of their individualism, they cling to the ideal of egalitarianism in America.¹³² Occupied with demonstrating that they have or are on the road to "making something of themselves," established middle-class Americans do not reflect upon how or why they have come to be in the middle class or consider the entry barriers to the middle class that they may be responsible for erecting or maintaining.¹³³ The middle class in America are normally not cognizant of their relative place in American society as a development of their historical circumstances. Realizing it or not, however, Europeans have formed the predominant image in American society and the image of the position they would assume after immigrating to the United States.¹³⁴ As unaware of this as most European Americans are, they are more blind to the fact that the cultural traditions of European Americans are drastically different from those that African Americans developed because African Americans trace their identity from an entirely different set of circumstances, both from their native culture and their history in the United States.¹³⁵ Therefore, a cultural chasm exists between European Americans and African Americans that is rooted in cultural tradition and historical circumstance. Anthropologists David M. Schneider and Raymond T. Smith have observed that the transformation of European societies to ideologies based upon classical economic theory and political nationalism, rather than religious doctrine such as Calvinism, emphasized the "rational individual as the fundamental

128. *Id.*

129. *Id.* at 196 (quoting DAVID M. SCHNEIDER AND RAYMOND T. SMITH, CLASS DIFFERENCES AND SEX ROLES IN AMERICAN KINSHIP AND FAMILY STRUCTURE 19-20 (1973)).

130. *Id.*

131. *Id.* at 197.

132. *Id.* at 214.

133. See SCHNEIDER & SMITH, *supra* note 129, at 19-28, 42-44.

134. BELLAH, *supra* note 108, at 196-97.

135. *Id.* at 214-18.

moral entity out of which society is composed through individual acts of association.”¹³⁶ Schneider and Smith have argued that this doctrine, among others, is ultimately predicated upon a view of society as a collection of individuals with responsibility primarily to self, rather than as a true organic entity.¹³⁷

From this perspective on individual morality, principles of equity are not compatible with the emphasis on the value of the individual. This value system operates on the assumptions that (1) each person’s responsibility resides primarily with “making something of oneself,” and (2) while some acts of generosity are desirable, long-lasting efforts to uplift the condition of others diminish the value of the individual to whom assistance might be extended.¹³⁸ These are classical American middle-class values. As Lloyd Wagner has described European based values in America:

In the bright glow and warm presence of the American Dream all men are born free and equal. Everyone in the American Dream has the right, and often the duty, to try to succeed and to do his best to reach the top. [T]wo fundamental themes and propositions [inherent in this proposition are], that all of us are equal and that each of us has the right to the chance of reaching the top, are mutually contradictory, for if all men are equal there can be no top level to aim for, no bottom one to get away from¹³⁹

The fraud of this view of American mobility, open to *all* aspiring individualists, is revealed most starkly in the level of opportunity available to minorities, including African Americans, American Indians, Hispanics or Latinos, Mexican Americans, Puerto Rican Americans, Asian Americans, and women. Seymour Martin Lipset has explored how values of egalitarianism and individualism reconcile in American society.¹⁴⁰ Lipset observes that “American egalitarianism is, of course, for White men only. The treatment of the Negro makes a mockery of this value now as it has in the past.”¹⁴¹ In reality, egalitarianism has rarely existed in America and individualism usually has translated into some form of exploitation, sometimes in the form of enslaving Africans to make the cotton industry viable or sometimes in the form of the eradicating a native culture that, as a matter of mere inconvenience to “rugged individu-

136. *Id.* at 213 (quoting SCHNEIDER & SMITH, *supra* note 129).

137. *Id.*

138. *Id.* at 196-97.

139. W. LLOYD WARNER ET AL., *SOCIAL CLASS IN AMERICA* 3 (1960).

140. LIPSET, *supra* note 127, 318-48 (1963).

141. *Id.* at 330.

alists," occupied North American soil first.¹⁴² To appreciate the value of individualism in these terms is to narrowly value raw ambition. The belief in individuality that supported various forms of exploitation also constructed confining categories for African Americans, Native Americans and other "marginal" members of American society.¹⁴³ The poor, to the thinking of individualists, are a class of persons characterized by abnormally low "motivation," and therefore, not deserving of what the individualist has obtained.¹⁴⁴ To the individualists, it is irrelevant how motivation is created or destroyed. What is relevant is that in them ambition exists, and in the poor it does not. This is part of a process of devaluing minorities in order to support the dominant position of the majority culture.¹⁴⁵ In the end, the arguments may not be so much concerned with ambition and rewards, but with power and control over the allocation of resources.¹⁴⁶

Under this model for economic viability, African Americans can either adopt this European pathology or reject it and risk exclusion from the economic and social mainstream. Having adopted some of these attitudes out of necessity, African Americans soon learn that the rules that operate for European-American individualists are inapplicable to African Americans who likewise seek to become individualists.¹⁴⁷ European-American individualists require African Americans to "pull themselves up by the bootstraps" out of poverty and into mainstream American society.¹⁴⁸ But this seemingly fair chance to succeed is anything but fair because African Americans usually do not have access to the resources required to change their circumstances.¹⁴⁹

Education is a prime example of this deception of opportunity. Education is the entry barrier to greater economic stability. Thus, the qual-

142. Some parallels can be drawn between the experience of Native Americans and African Americans. In a speech in 1812, Tecumseh, a Shawnee chief, gave his perspective on "manifest destiny":

Every year our white intruders become more greedy, exacting, oppressive, and overbearing. . . . Wants and oppressions are our lot. . . . Are we not being stripped day by day of the little that remains of our ancient liberty? . . . Unless every tribe unanimously combines to give a check to the ambition and avarice of the whites, they will soon conquer us apart and disunited, and we will be driven away from our native country and scattered as autumnal leaves before the wind.

T.C. McLUHAM, *TOUCH THE EARTH: A SELF-PORTRAIT OF THE INDIAN EXISTENCE* 69 (1971).

143. BELLAH, *supra* note 108, at 215.

144. *Id.*

145. *Id.*

146. *Id.*

147. *Id.*

148. *Id.*

149. *Id.* at 214-15, 434.

ity of education is a matter of economic and competitive concern. If African Americans are denied education or receive a lower quality of education, they are disadvantaged.¹⁵⁰ Even after African Americans won a so-called protected status in public education after 1954, the inner-city schools for most African Americans are, on average, substandard compared to their suburban counterparts.¹⁵¹ Jonathan Kozol in his book *Savage Inequalities* surveys the condition of inner-city schools today and concludes that the condition of most inner-city schools has remained largely unchanged over the past forty years.¹⁵² In the present economic order of the inner cities, learning is not recognized or valued as a relevant endeavor because it cannot offer immediate solutions for the urban poor.¹⁵³ Therefore, an "achievement gap" exists in education between Anglo children and African-American children. Lower achievement by African-American children is directly tied to lower economic outcomes as adults and a cycle of disadvantage is perpetuated.¹⁵⁴

Many within the African-American community have come to view the existing model for assimilation through integration as a blueprint for continued African-American subordination. As Gwendolyn Brooks has stated, "the black-and-white integration concept, which in the mind of some beaming early saint was a dainty spinning dream, has wound down to farce, to unsavory and mumbling farce, and that Don L. Lee, a major and muscular black voice of this day, is correct in 'The New Integrationist': 'I seek integration of negroes with black people.'"¹⁵⁵

At this point in the "evolved" state of American society, the African-American school movements reflect efforts to heal the wounds of segregation and failed integration remedies from within the African-American community.¹⁵⁶ Gwendolyn Brooks has described this process as a redirection of African American attention "not *against white* but *FOR Black*."¹⁵⁷ This process is both necessary and healthy. It is *healthy* in the sense that only the African-American community can bring an understanding to other members of the African-American community

150. For the historical perspective on the lower quality of education available to African Americans, see HOWARD K. BEALE, *A HISTORY OF FREEDOM OF TEACHING IN AMERICAN SCHOOLS* 112-132, 175-195 (1966). For a discussion of the current state of inner-city education, see KOZOL, *supra* note 42, at 2-6.

151. See generally KOZOL, *supra* note 42.

152. *Id.* at 2-6.

153. See Mary B. Tabiv, *Living on the Edge*, N.Y. TIMES, Aug. 2, 1992, § 4A, at 16.

154. *Id.*

155. GWENDOLYN BROOKS, *REPORT FROM PART ONE*, 45, 75-78 (1972).

156. See *infra* text and accompanying notes 166-96 for a discussion of "immersion schools" and African-American academies.

157. BROOKS, *supra* note 155, at 77.

about their origins and historical treatment in American society. It is *necessary* that members of the African-American community come to the aid of others within their community because it is clear that meaningful assistance from Anglos is not forthcoming.

II. The Independent School Movement

American history has left African Americans with a deeply held distrust of Anglos and a belief that Anglos cannot be trusted to benefit African Americans.¹⁵⁸ According to several studies¹⁵⁹ reflecting their views of public education, African Americans do not trust inner-city schools to guarantee the educational rights of African-American children.¹⁶⁰ At the same time that African Americans distrust public schools, however, many still believe that African-American schools have been unable to provide the same educational opportunities that are available to Anglo children.¹⁶¹

Largely in response to disparate levels of educational resources, many African Americans came to feel that African-American schools were inferior to Anglo schools. This belief gave rise to legal challenges to systems of separation culminating in the Supreme Court's decision in *Brown v. Board of Education*.¹⁶² In challenging the legal effect of separate schools, the attention of the African-American community was diverted from concentrating on the single factor which in time would most affect its economic competitiveness and political power: educational achievement.¹⁶³

When African Americans saw that their children were required to travel further and more often than their Anglo classmates to attend integrated schools and saw an inferior education promoted through biased testing, classification, tracking, Eurocentric textbooks, and biased counseling, their historical distrust of the public schools was confirmed.¹⁶⁴ Like the segregated years prior to *Brown*, a spirited segment of the African-American community has come to believe that even fully integrated schools, usually controlled by the Anglo educational establishment, will not seek to understand African-American children or see to their developmental needs.¹⁶⁵ In Milwaukee, Detroit, and New York, this belief

158. Ogbu, *supra* note 9, at 126.

159. *Id.*

160. *Id.*

161. *Id.*

162. 347 U.S. 483 (1954).

163. Ogbu, *supra* note 9, at 126.

164. *Id.*

165. *Id.*

has inspired African-American parents and educators to create independent educational systems for African-American children, thereby rejecting efforts to gain an equal education through integration.

A. The Milwaukee Manifesto and Immersion Schools

In 1987 a group of Milwaukee, Wisconsin African-American parents, educators, and legislators announced their intention to seek legislation that would create an independent and predominantly African-American school district in Milwaukee.¹⁶⁶ Their proposal encompassed nine schools serving approximately 6000 students, ninety-seven percent of whom were African American.¹⁶⁷ The parents called for either the creation of a new school district or a special neighborhood district within the existing city public school system.¹⁶⁸ The proposal did not seek to exclude Anglo children who wished to attend the African-American schools nor to compel all African-American students within the proposed school district to attend the African-American school district.¹⁶⁹

The parents' proposal, entitled "A Manifesto for New Directions In the Education of African American Children in the City of Milwaukee,"¹⁷⁰ expressed the betrayal the African-American parents felt in the "integrated" years after *Brown*.¹⁷¹ The Milwaukee Manifesto challenged the assertion of Milwaukee educators and researchers that the weak performance of poor and minority students, most of whom were African American, was the "logical and *predictable* extension of their race or family income."¹⁷² Integration, the Manifesto asserted, subordinated the educational needs of children to a larger power struggle and failed to produce equal educations for minority children.¹⁷³ The experience with desegregation in Milwaukee, the parents asserted, displaced African-American children miles from their homes and prevented the parental contact with schools that forms the basis of an educational partnership and school accountability.¹⁷⁴ "If the last 34 years of desegregation have proven anything," the parents observed, "it is that busing to achieve 'racial balance' does not improve learning."¹⁷⁵

166. Bell, *supra* note 15, at 136.

167. *Id.*

168. *Id.*

169. *Id.* at 144.

170. Referred to herein as the "Milwaukee Manifesto."

171. Bell, *supra* note 15, at 136.

172. *Id.* at 141.

173. *Id.*

174. *Id.*

175. *Id.* at 142.

The Milwaukee Manifesto was a democratic challenge to desegregation from the group intended to benefit from desegregation. In seeking to establish the framework for African-American parental control over the education of their children, the Milwaukee Manifesto charged that the metropolitan Milwaukee desegregationists' strategies were "antithetical to the notion of African American people working together *and accepting responsibility* for creating the conditions needed to take on the task of effectively educating our children."¹⁷⁶ As the Milwaukee parents asserted, for an African-American pedagogy to develop and be accountable to the educational needs of African-American children, African-American parents must be able to control the educational environment of their children. The Milwaukee Manifesto as originally proposed did not receive funding from the Wisconsin legislature.¹⁷⁷

The Milwaukee School Board later empaneled a task force to study the benefits that could be derived from all male African-American "immersion schools."¹⁷⁸ The task force identified many statistical measures indicating the need for a devoted educational response to the needs of African-American males. For example, the task force reported that African-American males make up only 27.6 percent of the Milwaukee Public School student population, but they account for 50 percent of the students who receive disciplinary suspensions.¹⁷⁹ Of the 5716 African-American males enrolled in the Milwaukee high schools, only 135 (2 percent) have a "B" grade point average.¹⁸⁰ These poor educational outcomes directly correlate into later income potential.¹⁸¹ In 1984, only 23 percent of African-American males in the United States earned enough to support a family of three above the poverty line.¹⁸² Moreover, even though African-American men constitute only 6 percent of the total population, they make up 46 percent of the prison population, and for those African-American men between the ages of 15 to 44, the most frequent

176. *Id.* at 143.

177. Interview with Dr. Howard Fuller, Superintendent of the Milwaukee Public Schools (leading proponent of The Milwaukee Manifesto) (Oct. 5, 1992).

178. *Id.* Immersion schools seek to expose African-American children to learning and positive reinforcement about their own culture. As the African American Task Force of the Milwaukee Public Schools asserted, "[i]t is clear that desegregation alone will not be sufficient. Rather, those serious about improving education must build a high quality, multicultural educational program."

179. Memorandum from Kenneth C. Holt, Co-Chair to Implementation Committee Members, African-American Focus Schools, The Milwaukee Public Schools, Questions and Answers (Jan. 7, 1991) (on file with the *Hastings Constitutional Law Quarterly*).

180. AFRICAN AMERICAN MALE TASK FORCE, MILWAUKEE PUBLIC SCHOOLS, EDUCATING AFRICAN AMERICAN MALES: A DREAM DEFERRED 1 (May, 1990).

181. *Id.* at 2.

182. *Id.* at 3.

cause of death is homicide.¹⁸³

The task force reported that the Milwaukee public schools have achieved broad, but less than complete integration. Of the 150 schools in the Milwaukee Public School system, 131 are desegregated and through a cooperative effort with the suburban schools, nearly 6000 minority students attend suburban schools and nearly 1000 suburban Anglo students attend schools in Milwaukee.¹⁸⁴ However, nineteen schools in the Milwaukee Public School system remain all African American and were exempted from court ordered desegregation.¹⁸⁵ The Board mandated that the male academies be implemented in two of these racially identifiable schools, schools which are over 95 percent African American.¹⁸⁶ In response to those who argued that integration remedies would be forsaken with the implementation of the immersion schools, the task force distinguished between disestablishing an integrated school and providing an enhanced cultural and educational experience in schools that would likely remain racially identifiable.¹⁸⁷

The task force recommended altering the established pedagogy to accommodate the academy model. In addition to changing the curricular policy to appreciate African-American culture and the culture of other people, the task force recommended faculty development to establish the understanding that not all students learn in the same way, seeking a greater number of African-American teachers and encouraging greater involvement and collaboration between parents and staff.¹⁸⁸ The longer-range goals of the task force included devising alternative discipline approaches, developing curriculum in African-American history, enhancing family support for African-American males, recognizing and attempting to aid parental support of their children's educations, increasing the involvement of both the African-American and Anglo communities in the education of African-American males, and finding the resources necessary to implement the proposal.¹⁸⁹ On the advice of counsel, the Board resolved to open the African-American immersion schools to all students without distinction as to race or gender.¹⁹⁰ On September 3, 1991, the first African American Immersion School

183. *Id.*

184. *Id.*; See also Memorandum from Kenneth C. Holt, *supra* note 179, at 1.

185. Memorandum from Kenneth C. Holt, *supra* note 179, at 1.

186. *Id.*

187. *Id.*

188. *Id.*

189. *Id.*

190. Letter from David S. Tatel and Bethany E. Lorens of Hogan & Hartson to Dr. Robert S. Peterkin, Superintendent of Schools, Milwaukee Public Schools (June 27, 1990) (discussing constitutionality of Milwaukee all-male academies).

opened.¹⁹¹

B. The Detroit and New York Academies

In Detroit and New York, desegregation has been abandoned in favor of the African-American academy model.¹⁹² Although the Detroit all-male academy model was declared unconstitutional as discriminatory on gender grounds,¹⁹³ the dual-sex African-American academies in Detroit have received an enthusiastic response from the African-American community.¹⁹⁴ For the 1991 school year, approximately 1200 applicants sought enrollment for only 560 seats.¹⁹⁵ Administrators argue that the academies are suited to address the host of social problems that confront minority children.¹⁹⁶ The same arguments have been made in proposals to create minority academies in New York and have incited criticism from those who believe that the academy model isolates minority children. Critics of the academies have argued that the integration model should be improved upon rather than abandoned.

C. The Afrocentric Curriculum

A key aspect of the African-American immersion school approach is the effort to teach Afrocentric curriculum. The Afrocentric curriculum movement seeks to instill in African-American children the same sense of self-esteem through their heritage that European-American children receive in the dominant curriculum.¹⁹⁷ An Afrocentric curriculum exposes students to the study of the world from the African perspective and seeks to mitigate the feelings of alienation and defeatism created by a Eurocentric model of instruction which typically focuses upon the ac-

191. Christopher Steskal, Note, *Creating Space For Racial Difference: The Case for African-American Schools*, 27 Harv. C.R.-C.L. L. Rev. 187 (1992).

192. After *Milliken v. Bradley*, 418 U.S. 717 (1974), discussed *supra* note 39-48 and accompanying text, the Detroit Public School system could not effectively reach an integrated status due to the lack of racial diversity within Detroit.

193. Brenda Gilchrist, *Single Sex Schools are Unconstitutional; Judge Stops All-Male Programs In Detroit*, DET. FREE PRESS, Aug. 16, 1991, at A1.

194. *Id.*

195. *Id.* On Tuesday, September 29, 1992, Detroit's Malcolm X Academy opened in a predominantly white neighborhood. In response to threats from residents of the Warrendale neighborhood, a police helicopter flew over the heads of the children entering the school, Detroit police officers patrolled the school grounds, and police dogs were brought in to sniff for bombs; all while dozens of parents crowded the school's office seeking spots in the school for their children. Debra Adams and Margaret Trimer-Hartley, *First Day Delights Most; Academy Opens Without Incident; Detroiters Cheerfully Cope With Chaos*, DET. FREE PRESS, Sept. 30, 1992, at B1.

196. Gilchrist, *supra* note 193, at A1.

197. Molefi K. Asante, *The Afrocentric Idea in Education*, 60 J. OF NEGRO EDUC. 170, 178-79 (1991).

complishments of Anglo males only to the exclusion of women and racial minorities.¹⁹⁸ The theory of Afrocentrism is that African-American students must have a basis of knowledge that corrects those historical distortions that would ignore or deny that Africans have a history and tradition of their own and that African Americans are a part of that tradition, just as European-Americans are a part of European history.¹⁹⁹ Proponents of Afrocentric curriculum argue that students learn to achieve or learn to fail as a direct consequence of a positive or negative emphasis on their cultural heritage.²⁰⁰

D. Why African Americans Create Separate School Systems

As one African-American teacher from Ann Arbor, Michigan recently remarked, America's public school system, as far as many African Americans are concerned, is training African-American students for failure.²⁰¹ Molefi Kete Asante has observed that learning in most American classrooms is conducted from a European centered perspective.²⁰² Considering that early childhood education is in large measure a socialization process, African-American children are placed at risk of being alienated from the educational system because they are taught "to accept as heroes and heroines individuals who defamed African people."²⁰³ The result, as Asante asserts, is that the African-American child is being "actively de-centered, dislocated, and made into a nonperson; one whose aim in life might be to one day shed that 'badge of inferiority:' his blackness."²⁰⁴ Of course, the educational system has no business in seeking to dislocate children of color any more than it would children of European descent. As long as the educational system is allowed to operate to the benefit of Anglos and to the detriment of persons of color, then the Supreme Court's mandate in *Brown* to ameliorate the effects of physical segregation can never be achieved.

This phenomenon is hardly a recent development in American education. Martin Luther King, Jr. personalized this process of marginalization in 1968 when he described the experience of his oldest son and daughter in an integrated school in Atlanta. The music program was

198. *Id.* at 170-171. See generally Molefi K. Asante, *THE AFROCENTRIC IDEA* (1987); Molefi K. Asante, *Infusion of African and African American Content in the School Curriculum* in *PROCEEDINGS OF THE FIRST NATIONAL CONFERENCE* (Asa Hilliard III et al. eds., 1989).

199. *Id.*

200. Asante, *supra* note 197, at 171.

201. Interview with Raymond Pipken, African Studies Teacher, Ann Arbor, Michigan Public Schools (Feb. 6 1993).

202. Asante, *supra* note 197, at 171.

203. *Id.*

204. *Id.*

entitled, "music that made America great," and featured the music of various immigrant groups.²⁰⁵ Although he was certain that the program would also feature the most original of all American music, the "Negro spiritual," the program ended with all the children singing "Dixie."²⁰⁶ King wrote that he "wept [within] for all white children, who, through daily miseducation, are taught that the Negro is an irrelevant entity in American society; [he] wept for all the white parents and teachers who are forced to overlook the fact that the wealth of cultural and technological progress in America is a result of the commonwealth of impouring contributions."²⁰⁷ Relating what this miseducation means for African Americans, King argued:

The tendency to ignore the Negro's contribution to American life and strip him of his personhood is as old as the earliest history books and as contemporary as the morning's newspaper. To offset this cultural homicide, the Negro must rise up with an affirmation of his own Olympian manhood. Any movement for the Negro's freedom that overlooks this necessity is only waiting to be buried. *As long as the mind is enslaved the body can never be free.* Psychological freedom, a firm sense of self-esteem, is the most powerful weapon against the long night of physical slavery. . . .²⁰⁸

Disparate funding levels, a Eurocentric curriculum, economic and social problems facing the inner-city poor, and domination of the public school system by Anglos combine to frustrate any efforts at gradual reform. Funding levels further illustrate the disparity of educational opportunities: In the City of New York average spending per pupil in 1987 was \$5,500, and in the suburbs with the highest level of funding, per pupil expenditures reached \$11,000.²⁰⁹ Kozol cites a report of the Community Services Society which found that the belief is that "resources would be 'wasted on poor children.'"²¹⁰ Children of the poor soon learn this message, Kozol asserts, and they learn that "[i]f society's resources would be wasted on their destinies, perhaps their own determination would be wasted too."²¹¹

On June 16, 1858, at the close of the Republican state convention in Springfield, Illinois, Lincoln in his "House Divided" speech observed that "[i]f we could first know *where* we are, and *whither* we are tending,

205. KING, *supra* note 20, at 42.

206. *Id.*

207. *Id.* at 43.

208. *Id.* (emphasis added).

209. KOZOL, *supra* note 42, at 83.

210. *Id.* at 99.

211. *Id.*

we could then better judge *what* to do, and *how* to do it.”²¹² Is not history the best evidence of “whither we are tending,” as Lincoln asked? W.E.B. DuBois described the plight of African Americans in the American public school system as it existed in 1903:

We have been so hotly engaged recently in discussing trade-schools and higher education that the pitiable plight of the public-school system in the South has almost dropped from view. Of every five dollars spent for public education in the State of Georgia, the Anglo schools get four dollars and the Negro one dollar; and even then the Anglo public-school system, save in the cities, is bad and cries for reform. If this is true of the Anglos, what of the blacks? . . . What in the name of reason does this nation expect of a people, poorly trained and hard pressed in severe economic competition, without political rights, and with ludicrously inadequate common-school facilities? What can it expect but crime and listlessness, offset here and there by the dogged struggles of the fortunate and more determined who are themselves buoyed by the hope that in time the country will come to its senses?²¹³

DuBois’s description of the public schools in 1903 is strikingly similar to Kozol’s 1991 descriptions of the East St. Louis, South Side Chicago, New York City, Camden, District of Columbia, and San Antonio school districts.²¹⁴ To compare the inequalities existing between the kind of education available in the inner city and the suburbs as described by Kozol to DuBois’s description in 1903, is to see that one constant in American history is the ability of our political system to tolerate gross inequalities in the treatment of European and African-American school-children. As a school principal from the Bronx observed:

Will these children ever get what White kids in the suburbs take for granted? I don’t think so. If you ask me why, I’d have to speak of race and social class. I don’t think the powers that be in New York City understand, or want to understand, that if they do not give these children a sufficient education to lead healthy and productive lives, we will be their victims later on. We’ll pay the price someday—in violence, in economic costs. I despair of making this appeal in any terms but these. You cannot issue an appeal to conscience in New York today. The fair play argument won’t be accepted. So you speak of violence and hope that it will scare the city into action.²¹⁵

Is it beyond the reach of our collective imaginations and therefore our scientific inquiry that a nation’s sins may be cyclical as a family’s

212. Abraham Lincoln, House Divided Speech, *reprinted in* SELECTED WRITINGS OF ABRAHAM LINCOLN 62 (Bantam Books 1992) (1953).

213. DuBois, *supra* note 113, at 202.

214. Compare DuBois, *supra* note 213, with Kozol, *supra* note 42.

215. Kozol, *supra* note 42, cover.

cycle of abuse? As *Brown* reaches maturity at forty years, we are asking why America's schools are not producing an equal education and why the African-American community has abandoned integration in favor of separate schools. The answer, quite simply, is that an equal education for African Americans might never be found if the African-American community waited for the assistance of a majority that has no interest in extending help.

Anglos have sharp responses to the Afrocentric movement.²¹⁶ Some attacks have been leveled against the intellectual integrity of Afrocentrists.²¹⁷ Other Anglos have criticized Afrocentrism as a curriculum designed to make African-American students feel good rather than to serve legitimate educational functions. This argument assumes that the standard curriculum is not itself a curriculum of self-affirmation for European Americans, or that developing an affirmative self-image is not an important educational goal.

The curricula in the public schools has become a source of domination that African Americans have been forced to confront. In reaction to their status before attempts to integrate and the limited progress, if any, made after integration, African Americans have focused on the contributions of Africans to the exclusion of Western contributions. This exclusion has mirrored the exclusiveness found in the Eurocentric curriculum.

Because the stakes for both groups include economic and political domination, neither group will concede that the other is in part correct. The children of the two races act as foot soldiers in a war for domination because the schools are one place where equal standing is taken and denied, and therefore, neither race can afford to give away the schools. As political constructs, Afrocentrism and Eurocentrism are built upon extreme positions which vie for exclusivity and sabotage the learning process. Exclusivity is the soil in which suspicion and distrust grows.

Many who cannot see past the Anglo perspective on assimilation argue that Afrocentrism (as a reference to the African-American focus on cultural origin) poses a threat to national unity. One such outspoken critic of Afrocentrism is the historian Arthur Schlesinger, Jr. Schlesinger concedes that the nation's new found ethnic conscience has begun "at last to give shamefully overdue recognition to the achievements of minorities subordinated and spurned during the high noon of Anglo dominance."²¹⁸ But Schlesinger argues that vocal and visible minorities also pose a threat to national unity because they "present a threat to the brit-

216. See, e.g., Mary Lefkowitz, *supra* note 5, at A52.

217. *Id.*; See generally SCHLESINGER, *supra* note 105.

218. SCHLESINGER, *supra* note 105, at 15.

the bonds of national identity that hold this diverse and fractious society together.”²¹⁹ Schlesinger argues that ethnic and racial ideologies will ultimately lead to the Balkanization or “tribalization” of American society because group identities will override national identity. Like it or not, Schlesinger observes, the Anglo-Saxon Protestant tradition has had the dominant influence and position in American society, and therefore, the solution lies in minorities assimilating and adapting to their historical position as best they can.²²⁰

Schlesinger assumes that in America a national unity can presently be found or could ever be found, and he pretends that Balkanization does not already exist. He assumes that African Americans have separated themselves from Caucasians after an open reception from Caucasians and that, through assimilation, African Americans will gain access to the same resources and opportunities available to Caucasians. African Americans have begun to regroup after coming to the stark realization that traditional notions of what assimilation has meant only gives Anglo-Saxon Americans more direct power over African Americans. Even Schlesinger, in a fleeting moment of recognition, concedes that:

Assimilation and integration constitute a two-way street. Those who want to join America must be received and welcomed by those who think that they own America. . . . In recent times white America has at last begun to confront the racism so deeply and shamefully inbred in our history. But the triumph over racism is incomplete. When old-line Americans, for example, treat people of other nationalities and races as if they were indigestible elements to be shunned and barred, they must not be surprised if minorities gather bitterly unto themselves and damn everyone else. Not only must they want assimilation and integration; we must want assimilation and integration too.²²¹

As a vague and ever changing description of the standards for entry into the economic, political and social mainstream of American society, the term “assimilation” is actually a code word for Anglo dominance. African Americans, in reality, never had to assimilate into American society because they formed an essential part of the American fabric from the beginning. Even assuming that African Americans were required to assimilate, the notion that African Americans have refused to assimilate, even on Anglo terms, is misleading. African Americans have always wanted to “assimilate,” even if assimilation meant the total abandonment of their African and African-American heritage. Culminating in *Brown*,

219. *Id.* at 113.

220. *Id.*

221. SCHLESINGER, *supra* note 105, at 19.

the African-American struggle to integrate is itself evidence of the desire to assimilate. Moreover, the same theory of assimilation that requires African Americans to become white in order to assimilate never required the sacrifice of cultural traditions on the part of other ethnic groups. For example, no one would assert that those of the Jewish faith have less than fully assimilated into American society, yet they have maintained their ethnic, religious and cultural cohesiveness.

Accordingly, the orthodox view of assimilation, at least as it applies to African Americans, is not so much a description for socialization as it is a method for erecting and maintaining an entry barrier into the economic, political, and social order. Given the same access to resources and opportunity available to Anglos, assimilation would be a relatively simple matter for minorities. Taken in isolation from the economic and political power structure, assimilation would not require cultural uniformity, but would require only a shared belief in the kind of political and economic structure that Americans have decided to live under. The essential failure of assimilation, therefore, is not the choice on the part of minorities to reject the Anglo prototype for assimilation, but the unwillingness of those in the majority to accept persons different from themselves. As a construct for maintaining racial divisiveness, assimilation as defined by Anglos has no place in education.

Why do separate African-American systems exist? An African-American independent school movement is necessary to release African Americans from the defeatism that comes from the deception that African Americans are educationally inferior to and less deserving than Anglo children. To the extent it is successful, the African-American independent school movement is necessary to create a solid educational foundation that sets African-American generations free by creating economic viability. To the extent that it proves more or less successful in combating the funding disparities that it will inevitably face, the African-American educational orthodoxy will pose a threat to the economic exclusion facing many African Americans in the workplace due to educational disparities. African-American schools also give African-American parents a meaningful voice in their children's educations that they never possessed as minorities in the Anglo educational establishment. Finally, the independent school movement rebuilds a moral consensus in the African-American community that existed before *Brown* and that was in jeopardy of being lost in assimilation. That moral consensus says unmistakably that each African American is part of a People, a People of a proud heritage. In the African-American independent school movements, one resounding theme echoes throughout: that what African

Americans want the most, and have wanted always, is to be both African and American.

III. Integration From the Diversity Perspective: The Argument for Integration

Forty years after *Brown*, African Americans seem less inclined to integrate with Anglos than before *Brown*.²²² In the face of the resistance to integration by Anglos, this situation is understandable. The independent movements in African-American education are evidence of a growing sentiment against integration with Anglos. Yet the racial conflict that grows out of social isolation comes with significant social costs. A divided society can never devote its fullest measure of attention to its problems, suffers from inefficiency, and never realizes the potential of each member of society. A society that works together is simply more productive than a society that works against itself. This was one of the underlying bases for integration. The unifying principle of diversity and nationhood cannot survive when the individual interests of one group are allowed to dominate. Therefore, the educational system, perhaps more than any other institution, must explore the commonality of cultures and seek to inculcate respect for differences in American society.

As the child's first formal socialization, the school must seek to reach common ground among all children rather than to maintain the false distinctions kept by racial misunderstanding. School integration is the only available means of lowering racial barriers at that point in the child's life when socialization has its most lasting effect. In the absence of any other socialization, a child makes no distinction between African American and Anglo. Is a child better off learning in a society separated by race? Or, is a child better to learn in school, if not at home, that racial and ethnic diversity and a commonality of national purpose are part of what makes a strong and productive society? Given the social costs associated with a divided society, where the demand for and resistance of equality constantly squanders society's productive capability, it seems only logical that the schools would strive to unite students of differing racial backgrounds despite the resistance on the part of some parents.

In 1967, Martin Luther King, Jr. argued that in a multiracial society and in one economy there can be no racial, social, or economic divorce.²²³ King wrote that "liberation cannot come without integra-

222. Immersion schools and African-American academies are evidence of this trend. See *supra* text accompanying notes 28 to 33 for a discussion of "immersion schools" and African-American academies.

223. KING, *supra* note 20, at 62.

tion."²²⁴ However, confronted with the many subversions of desegregation and the unequal quality of African-American education, proponents of immersion schools and African-American academies have adapted their definition of liberation to mean separatism rather than integration.²²⁵ This shift is natural when confronted with seemingly perpetual opposition to integration on the part of the Anglo community.²²⁶ But the separation that many African Americans seek in education, as with other forms of social isolation, halts progress toward racial understanding and acceptance. In the end, African Americans and Anglos must learn to live and work in the same society. As Martin Luther King argued:

[T]he Negro's struggle in America is quite different from and more difficult than the struggle for independence. The American Negro will be living tomorrow with the very people against whom he is struggling today. The American Negro is not in a Congo where the Belgians will go back to Belgium after the battle is over, or in an India where the British will go back to England after independence is won. In the struggle for national independence one can talk about liberation now and integration later, but in the struggle for racial justice in a multiracial society where the oppressor and oppressed are both 'at home,' liberation must come through integration.²²⁷

The isolationism promoted through immersion schools only reinforces the historical inequalities suffered by African Americans. By isolating themselves from Anglos, African Americans leave Anglos free to justify past discrimination and the economic condition of many African Americans, excusing Anglos from responsibility for abuses of political power and economic position. If not for the civil rights movement, public facilities would likely remain segregated. The sacrifices and dedication of the civil rights leaders in establishing both public and lesser known victories confirms that direct, non-violent confrontation is the only means to racial equality.

The Anglo majority has resisted greater political participation and economic standing to African Americans on the fear of what would happen to their rights in a fully integrated society. This response by the Anglo community stems in part from self-preservation; it also stems from a lack of understanding of African Americans. Understanding is built

224. *Id.*

225. *See supra* text accompanying notes 158 to 196.

226. Ogbu, *supra* note 9, at 127 (ethnographic research documenting distrust of African Americans of Eurocentric educational system).

227. KING, *supra* note 20, at 62.

around contact.²²⁸ African-American and Anglo contact in schools has been shown to slowly remove the fears and misunderstandings that sustained segregation.²²⁹ In an educational system of separation, African Americans and Anglos would have only rare opportunities to see their common traits.

Considerations of what makes for a better society are inseparable from the considerations of judges, legislators, educators, and parents of what values must be reflected in America's schools. If systems of separation are adopted and promoted in the public schools, then as a society, America has conceded that it has given up on integration and finds the problems of race insolvable. For African-American children and Anglo children, systems of separation promote isolationism, create suspicion and distrust of the other race, and reinforce the foundations for racial divisiveness. For African Americans, the isolationism promoted by systems of separation only retards progress toward full participation in all aspects of American life.

This was the theoretical framework for integration and the framework for a society assumed to be capable of understanding and accepting each subpart. Yet many of the inequalities that existed forty years ago, and which led the Supreme Court to rule as it did in *Brown*, still exist and await more effective remedies.²³⁰ Integration remedies assumed that the "better angels of our nature" were waiting to be awakened, but rarely was any tangible value for African Americans realized by this optimism.

The Diversity Perspective

Effective remedies to the racial divisiveness in America cannot come without breaking down the tenets of exclusion that still pervade all aspects of American life and which still exist in America's schools. The public schools must seek to represent the diversity in society. If we as a nation are to be persuaded that integration is in everyone's long-term best interest, then the fundamental basis of integration must be *respect* for the interests of minorities in general, and specifically, the African-American community. Respect for the African-American community requires an entirely different view of the purpose of desegregation and the way in which desegregation remedies are structured and implemented. From a position of respect, integration acts to celebrate diversity within American society rather than assuming that minorities must become An-

228. See generally King, *id.* at 61.

229. Willie, *supra* note 22, at 134.

230. NATIONAL RESEARCH COUNCIL, *supra* note 9, at 336; see generally KOZOL, *supra* note 42, for discussion of the condition of many inner-city schools.

glo in order to live successfully in America. In children, this view of diversity acts to embrace difference rather than instilling suspicion of difference, and it creates the ability to work and live compatibly with children who may be different from themselves. The integration that respects diversity seeks to incorporate a myriad of cultures into the school milieu rather than assuming that only the history and culture of Europeans is relevant to American children. Respect for diversity would require that students are not separated as a result of cultural biases in testing and the latent biases in teacher assessments based upon racial and cultural prejudices. Respect means not placing a disproportionate burden upon one race as the price for integration. And finally, from the position of respect for diversity, the factors vital for all students to succeed would be guaranteed.

To change the meaning of integration to African Americans and other minorities, remedies must include the culture of minority students and must incorporate the minority community into the structuring and implementation of integration remedies. Minority parents must be guaranteed equal influence over the decisions affecting their children's education. Having equal influence over the decisions affecting African-American children means relinquishing power to African-American parents to direct the course of their children's education. Like Anglo parents, African-American parents must have a voice over the content of the curriculum to which their children are exposed, the location of their children's schools, the fairness of the methods of testing their children's abilities, the level of encouragement shown to their children by teachers and counselors, and a host of other tangible and intangible factors necessary for educational success.

Viewed in this light, *Brown* must not be construed as a rigid adherence to the kind of integration remedies seen over the past forty years. Courts have fashioned remedies without any special regard to African-American culture or the distinct needs of African-American children and then simply assumed that African-American parents and schoolchildren would embrace these remedies without question. African-American parents must define what is in their children's best interest because they are the only ones qualified to make the decisions about their children's welfare. Accordingly, African-American parents must play an integral role in the integrated educational milieu.

The remedies devised to disestablish segregation in education were misconceived because they were born from the perspective of the constitutional violator rather than from the perspective of the victim. From the violator's standpoint, it was entirely appropriate to require African-

American children to travel to Anglo neighborhoods to attend "integrated" schools. The constitutional violators thought it permissible for the curriculum to reflect a monocultural heritage. The violator saw nothing wrong with tests and performance criteria based upon the knowledge of their own culture. And, finally, schools that were de facto violative of the constitutional requirements set forth in *Brown* were successful in convincing the Supreme Court that their private decisions to live in racially isolated suburbs were beyond the reach of the Fourteenth Amendment. It was a peculiar and untested principle of jurisprudence that allowed those who had violated the Constitution to participate in structuring the remedy to their violation, and indeed, gave them the principal responsibility for implementing the remedy. In the years after *Brown* was implemented by the constitutional violators, the Court received its answer to the desegregation experiment. The experience with desegregation remedies, devised and implemented by the majority, demonstrates that any theory of redistributive justice is suspect that vests responsibility for protecting the subjugated group in the hands of the subjugating group.²³¹

Even for those who view the Constitution not as an instrument of educational outcomes or for redistributive ends, but only as a means to vest in minorities the rights of access not available through the political process, desegregation controlled by the majority defies logic. An effective equal protection remedy presumably would require that a discriminatory political process be restructured not to permit its participants to continue their previous acts of discrimination.²³² Rather than restructuring the political structure of the schools, the Supreme Court simply placed African-American students with Anglo students without any

231. How might desegregation plans have been devised if they had been conceived at least in equal part by African Americans? And, more importantly, how might those plans have been received by both African Americans and Caucasians from this perspective? There is no real basis of experience with which to answer these questions because the integration has not been achieved that placed the protection of minority interests above all other interests. However, busing in the late 1950s and 1960s might have directed Anglo children to previously African-American schools thereby preserving for African-American children the security found in familiar surroundings. To the extent that Anglo parents perceived that previously all African-American schools were in unsafe neighborhoods, those parents (who had greater political power) would have worked to improve the neighborhoods in which their children attended schools. The curriculum would have reflected the origins of African Americans as well as European Americans. Because the schools would be located in the neighborhoods in which African-American children lived, teachers would have had a greater understanding of African-American students and would be less likely to draw classifications based upon cultural and socioeconomic differences. This discussion illustrates that this is exactly the kind of exercise in role reversal that integration demanded, but was never required of Caucasians.

232. Lance Liebman, *Constitutional Values and Public Education*, in *RACE AND SCHOOLING IN THE CITY* 269 (Adam Yarmolinski et al. eds., 1981).

change of the conditions that led to the discriminatory treatment of African Americans.²³³ The “vestiges” of discrimination that the Court sought to eliminate in part stemmed from Anglo autonomy over the school environment, and accordingly, integration remedies must seek to mandate protection within the school environment for African-American children.

Measuring the inadequate levels of funding available to most inner-city schools, and the dearth of developmental attention paid to minority students, one must ask whether the students or the schools are the drop-outs. Substantive constitutional remedies require that, to equalize the position of African-American children and Anglo children in response to a segregative and discriminatory political system, not only must the vestiges or effects of discrimination be eradicated, but the causes as well. Substantive change requires the following: an examination of disparate funding levels, a finding of de facto school segregation as sufficient for an order desegregating suburban school systems, a diverse curriculum, an elimination of testing bias to the extent practicable, and the placement of power over decisions affecting minority children in the hands of minority parents. Racism is so much a part of the American fabric that every aspect of the school environment must be examined and re-examined to measure its effect on patterns of dominance and exclusion.

Desegregation remedies need to be, above all else, equal and fair. Remedies that have been unfair or unequal, if only for a moment, and even with no perceptible advantage, have confirmed the distrust held by African Americans. Usually, however, desegregation remedies have been anything but equal and have placed unfair burdens upon the children of minorities. If remedies have been ambiguous, then African Americans could point to the tangible signs that the ambiguity almost always falls to the advantage of Anglo children and conferred upon African-American children a lesser education.²³⁴ The class struggle that has been at the heart of the need for desegregation remedies, for African-American children, has produced little certainty, little predictability, little trust, but did produce a wealth of chaos and confusion. Courts, legislators and educators must realize that the schools are a microcosm of society. Accordingly, the remedies created to eliminate the vestiges of society's prejudice must not themselves mirror society's prejudice and systems of exclusion.

233. See NETWORK OF REGIONAL DESEGREGATION ASSISTANCE CENTERS, *supra* note 33, at 10, 32 (concluding that even within physically desegregated schools ability grouping, teacher prejudice and testing bias stood as real obstacles to integration and create negative educational outcomes for minority children).

234. See KOZOL, *supra* note 42, at 175.

Taking from the set of circumstances facing the children of the poor, many of whom are racial minorities, educational remedies must operate with clarity, must be predictable, and must be outwardly and inwardly even-handed on all levels and with respect to every educational entitlement. From the number of students bused to achieve an integrated student population, to the grouping of students within school buildings, to the content of the curricula, African-American children must not be viewed as educational problems to be warehoused while educators attend to the education of Anglo children.

Conclusion

The courts and the educational establishment have failed the mandate set forth in *Brown* by allowing integration remedies, as applied, to leave unaltered the dominance and exclusion found in American education. For a time, many schools were physically desegregated at a grossly disproportionate cost to the African-American community. The Supreme Court itself, however, proved unwilling to consistently beat back the many subversions of integration. Cultural exclusion and racial separateness has been widespread even within schools that boasted diverse student populations. The impact on the dominated and excluded child is intolerable.

The independent movements in African-American education bring a validation of what it means to be both African and an American. But with this significant contribution comes isolation—the isolation that breeds greater racism. The isolationism that is the natural product of non-integration validates by non-confrontation those conditions and rewards that support the dominant position of the majority. Unless African Americans seek independent validation *and* integration, they will have neither. In the absence of African-American and Anglo contact, first in the schools and then elsewhere, acceptance and trust will fail to grow between the races. But as much as Anglos and African Americans will never come to accept each other in racially isolated settings, so too, they will never come to trust each other without valuing diversity. It is only logical, then, that the American “melting pot” would seek to end the racial divisiveness that has plagued America throughout its history by creating environments in which each member is respected and valued. The place to start again is in the schools, this time from a position of respect for the rights and value of all people.