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ABSTRACT

On the occasion of the 40th anniversary of the "Brown v Board of Education" decision, it is appropriate to review it as the spark for a new definition of equality in American life. The Brown case was the first significant step in the modern civil rights movement, and, as such, defined the structure and legal reasoning for the push by women, Hispanics, the disabled, and other disenfranchised Americans for equal treatment under the law. The Brown decision was a crowbar for change, and we are all the better for it. As we affirm what has come since Brown, we must acknowledge that which remains to be done. We are beginning to recognize that low expectations and watered-down curricula are depriving children of what they might learn. Real progress will depend, not on the courts alone, but on the political and community leadership that will bring people together. Diversity without insistence on excellence and high standards will weaken the educational system and deprive all children. The central task is now a world-class education for each American child. An attached fact sheet summarizes some gains made since the Brown decision. (SLD)

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UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

Remarks Prepared For¹
Richard W. Riley
U.S. Secretary of Education

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40TH ANNIVERSARY OF BROWN V BOARD OF EDUCATION
GEORGETOWN UNIVERSITY LAW CENTER
Washington, D.C.
Tuesday, May 17, 1994

"FULFILLING THE PROMISE OF BROWN"

Good afternoon. Thank you, Dean [Judith] Areen, for your very generous introduction. I have just come from teaching a "civics" class on *Brown v Board of Education* to a group of 8th graders at Martin Luther King, Jr. Middle School in Beltsville, Maryland, along with the President of the United States, Thurgood Marshall, Jr. and Ernie Greene of the "Little Rock Nine."

It was a wonderful experience. I am always astonished by the insights of young people. Here was the President of the United States in their classroom -- a rather unusual event for a Tuesday history lesson.

And now I am here at Georgetown University Law Center. It is quite different from an 8th grade class in a Beltsville, Maryland middle school, but there is a linkage.

Forty-one years ago in 1953, just a year before *Brown*, Ruth Paven, the mother of my Scheduling Director Andy Paven, became the first woman to graduate from this Law Center.

Ruth Paven became the first of thousands of women and minorities --- including my General Counsel Judy Winston, her executive assistant Katherine Ellis, my acting Chief-of-Staff Leslie Thornton and about fifteen other members of my legal staff -- to graduate from this Law Center. Also, our Assistant Secretary for the Office of Civil Rights, Norma Cantu.

Georgetown is to be commended for the true diversity of its student body and its leadership on issues of juvenile justice. I am sure that Patrick Healy -- a son of Georgia, an African-American, a Jesuit who is often described as the second founder of this great university -- would find a great deal of satisfaction in our meeting here today.

¹The Secretary may depart from prepared remarks.

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So there is, to my mind, a sure linkage between what is taught here about the law and the President's classroom discussion at the Beltsville Middle School. For the profound Constitutional questions which are studied here at Georgetown often begin with simple requests made on behalf of school children.

Joseph Albert Delaine of Clarendon County, South Carolina -- my home state -- decided that his child and all the black children of Clarendon, deserved to ride in a school bus. A simple request. The white kids got to ride a bus to school -- the black kids had to walk long distances.

Oliver Brown in Topeka, Kansas worried that his daughter, Linda, walked too far to school each day. Couldn't she just go to the school in her neighborhood? A simple request.

From these simple requests and others in Virginia and Delaware came the great legal ruling that we commemorate today.

There are many ways to interpret the meaning of Brown. Legal scholars -- as is their need -- engage in learned discussions about the ramifications of Constitutional law. But I would like to interpret the meaning of Brown more broadly.

First, Brown was the spark for a new definition of equality in American life, a definition that we are still defining even as we speak. It was the "crowbar," as historian Roger Wilkins has noted, that opened up post World War II America.

Brown was the first significant step in the modern civil rights movement which, in turn, defined the very structure and legal reasoning for the continuing push by women, Hispanics, the disabled and other disenfranchised Americans for equal treatment under the law.

The Civil Rights Act of 1964, the Supreme Court's ruling in Green v Board of Education in 1968, Swann in 1971, the passage of Title IX in 1972, and the Supreme Court's ruling in Lau v Nichols in 1974 are all rooted in the simple requests that Brown began to answer.

At a second level, as a Southerner, I have to say that Brown was good for the South just as the civil rights movement was good for the country as a whole. We are a better country for it.

Certainly we struggled to make integration happen. When the schools of my hometown -- Greenville, South Carolina -- were desegregated in 1970, I found myself and my children in the very center of the process. It was not an easy time to live through, but it was a necessary time and we are all the better for it.

At a third level, we need to interpret the meaning of Brown at a deeper level. And to my mind there is no better summation of that meaning than that written in the epilogue of the masterful book, Simple Justice. Simple Justice stated that every African-American knew that Brown

"did not mean he would be invited to lunch at the Rotary the following week. It meant something more basic and important. It meant that black rights had suddenly been redefined; black bodies had suddenly been reborn under a new law. Blacks' value as human beings had been changed overnight by the declaration of the nation's highest court....."

Now, forty years later, we commemorate the simple requests of Oliver Brown, Joseph Albert Delaine and others. I believe that we have a very strong need to reaffirm what Brown accomplished even as we recognize that there is still much work to be done.

There are still children in Summerton, South Carolina, in Topeka, Kansas, here in Washington, D.C. and all across America who have yet to get the quality education they deserve. So this is an appropriate time to take stock of what has been accomplished, where work still needs to be done -- to reflect on how we, as a nation, can affirm the promise and goodness of Brown.

We can begin by saying that the old legal system of de jure segregation was taken apart and children all across the South of different colors began to go to school with each other. The South, as a region, went from zero percent to 43.5 percent of the schools fully integrated by 1988 -- a substantial gain that has, unfortunately, tapered off in the last few years to about 39 percent.

In the ensuing decades, the increased high school enrollment and graduation rates of African-Americans and the dramatic gains made in closing the "gaps" in reading and math scores on our National Assessment of Education (NAEP) are some of the "least known stories" in American education.

A few weeks ago, I asked the College Board to run some numbers on how African-American children in various Southern states were faring on the S.A.T. I was pleased to discover that in my home state of South Carolina, for example, the combined S.A.T. scores for black children rose 96 points from 1976 to 1993, and increased 35 points among white children.

I should also note that these scores rose even as the number of minority test takers rose 66 percent. Now, test scores are important, but they are only one measure. What is far more significant is how the lives of these young people changed -- their sense of expectation and their belief that they could do high-quality work.

The progress made in closing the education "gap" between African-Americans and other minorities at the elementary and secondary level was also reflected in higher education. Between 1964 and 1992 the percentage of African-Americans, age 18 to 24, in college went from 8 percent to 25 percent, while young Hispanic-Americans entering college increased from 13 percent in 1972 to 21 percent in 1992.

So progress has been achieved even as we recognize that progress does not come easy. But there are, as some experts have noted, three generations of problems -- including many inequities within schools to which I will speak later in my remarks.

We also have a growing awareness that low expectations as to what students can learn and the use of watered-down curricula have an enormous negative impact on many of our children. As President Clinton said yesterday at the Goals 2000 White House Ceremony, "The greatest inequality in our education today is the inequality of expectations."

In addition, the long recession that ended the 1980's, the heavy impact of poverty, and enormous changes in the demographic mix of our students are redefining how we fulfill the promise of Brown for all of our children. So, here in 1994, we need to take a fresh look at where we are and reflect on what we have learned. Several lessons come to mind.

First, there are limits to what the law can do. The strength of the law is in how it is used to bring people together, rather than keep them apart -- and in the leadership at the local and national levels encouraging people to believe that the law is fair and just.

In the first hard years after Brown, there were many courageous federal judges that fulfilled their oaths to the Constitution in the noblest of ways. But all too often, the political will to bring people together was lacking. Too often, the working poor were pitted against the really poor by political leaders all too happy to use race as an issue.

If we want to make progress, the Courts cannot carry the load alone. There must be political and community leadership at all levels of government willing to do the hard steady work of bringing people together. Our religious institutions, our community-based organizations, our business and educational leaders must all be part of this effort.

A second lesson is that we were so focused on the physical desegregation of schools in the 1960's and 1970's that we did not do justice to the issue of excellence and high standards which was always the primary goal.

We need to recognize that diversity without a sustained and determined commitment to helping all students reach high academic standards will always fall short of our common goal. This is why we are so committed to world-class education for all children -- whoever they are and wherever they live.

I believe that there can be no equality in this Nation without a renewed commitment to excellence ... that educating every child to use his or her God-given talent is the pre-condition for full equality in this great Country of ours.

In 1954, it would have been "unfair" to talk about high standards. Now in 1994, it would be "unfair" not to talk about high standards. Excellence and equality have to be seen as one. Excellence and equality are not incompatible -- we've just never tried hard enough to put them together for all of our children.

I believe this is why there is a growing frustration among some African-Americans that they have borne the burden of integration ... and sometimes at too great a cost. I detect a sentiment in this community that, regardless of how integration efforts go forward, every African-American child must have a first-class education.

If you start with this very basic and fundamental premise -- that all children can learn -- which is at the very core of the Goals 2000 Act, we can begin to put an end to the destructive habit of categorizing, stigmatizing and creating a sense of inferiority in young people who are already disadvantaged.

Here, then, the outline of the future should begin to become clear. If we educate a generation of children to be very smart, but we keep them isolated from each other out of fear or racial insensitivity, we are really not preparing them to be full participants in the new emerging global economy.

But, by the same token, if we are all for diversity without excellence and high standards, we may simply weaken the learning of the next generation -- and surely this is an injustice as well.

All this must be set in the new context of American education undergoing a demographic revolution. By 1996, America's school-age population will be the largest it has been since 1971.

In the next ten years, seven million more children will need to be educated to world-class standards and many of these children will come from diverse backgrounds and many more will be Hispanic and Asian.

The central task of our time, then, is to give every child a world-class education to high standards ... and at the same time,

teaching them to live together in a multi-racial and multi-cultural society ... to give all Americans the freedom to share what is best about their heritage with the larger community so that we are all stronger for it.

Forty years ago, we thought that integration would be simple. We would bus some black children to white schools and some white students to black schools and all would be well.

In the second phase, we assumed that new buildings and extra courses alone would solve the problem. Once again, we did not fully factor into the equation the idea of excellence and high standards ... and how difficult it can be to overcome stereotypes, ignorance, and fear about each other.

I believe that, as we look ahead, a new model of excellence and equality can be created for American education centered around five common sense building blocks.

First, every child, and I mean every child, including the disabled child, has a right to an education of high standards. This is our great and overriding principle. All children can learn to high standards whether they go to the local neighborhood school, a magnet school, a private school or a rural school.

We cannot give up on any child or young person -- which is why we are working hard to reform Title I (formerly Chapter 1) of the Elementary and Secondary Education Act to make sure it fits our new emphasis on high academic standards. We cannot allow the tyranny of low expectations to become the segregation of the 1990's.

This is why Goals 2000 is the center of all of our efforts to fulfill the promise of Brown and why it is at the very heart of President Clinton's bold, new education strategy for America's future.

A strategy of learning for a lifetime that begins with early childhood initiatives like Head Start and Even Start -- raises standards and expectations across-the-board at the primary and high school level -- helps the neglected majority of high school students make the transition from school-to-work -- and prepares many more of them for college, good jobs and advanced education.

A second building block -- we will use all of the traditional tools available to us to insure that every child gets an education of high standards. Our Office of Civil Rights will devote substantial time and resources to conducting compliance reviews with a particular emphasis on "second generation" desegregation issues.

These include: fair testing; over-labeling of minorities into lower tracks and special education classes; under-representation of minorities and young women and girls in math and science and high achievement programs; access to programs for Limited English Proficient students; racial and sexual harassment; Title IX athletics; and questions of desegregation at all levels of education, including higher education.

In higher education, we have already worked to clarify the federal government's policy on "race targeted" scholarships, made a substantial effort to shore up and strengthen the very important Pell Grant program -- and added new monies to our successful TRIO programs to encourage disadvantaged young people to go to college.

In January, the Office of Civil Rights published a notice outlining how it would apply the Supreme Court's 1992 decision in U.S. v Fordice to the public higher education systems in Southern and Border states.

In Fordice, the Court held that in order to comply with Title VI, states could not simply adopt race-neutral policies as a remedy for correcting previously segregated higher education systems. States are obligated to eliminate all vestiges of the de jure segregated system.

And in the process, they should not place a disproportionate burden during the desegregation process on black students or traditionally black institutions of learning.

Third, in 1994, we have an enormous number of creative mechanisms that can encourage both excellence and diversity. It is so important not to respond to today's problems with yesterday's solutions when we have so many new solutions that can bring people together. While keeping our eye on high academic standards -- our very important first principle -- we can, at the same time, encourage racial understanding in so many new ways.

For example, public school choice, charter schools, controlled choice, schools at work sites, inter-district magnet schools, new technology to pair children of different schools together electronically -- all these need to be seen as ways to encourage excellence and diversity at the same time.

In this context, busing is less of a sole method for encouraging young people of different races to come together. Now, busing can be one useful tool.

There are examples where busing, with other desegregation strategies, fit the needs of the community. For example: Carrollton, Georgia, Charlotte-Mecklenberg in North Carolina, and New Rochelle, New York.

Here, it is important to remind ourselves that with seven million new children entering our school system, the issue will not be how two races get along but how children of many races and cultures learn together. Pluralism -- in many, one -- learning a little something from each other about each other is the surest way to build that sense of national community we all seek.

Fourth, all of our efforts to reform American education will come up short unless we create and sustain a "culture of education."

Our schools must be safe. No parents -- black, white, Hispanic or Asian -- will put their children in schools where they are concerned for their children's safety or concerned about the erosion of values that they consider basic American values.

We need to be honest about the issues of class and values. In the past, we did not deal honestly with the issue of class and people's fears, some legitimate and some unfounded, about their children's safety. This is why we made the Safe Schools Act part of Goals 2000 and why we asked for increased funding for our Drug Free School program.

If we want to create a culture of education that speaks to high standards -- that is character-building and reflects America's values, we need strong families for strong schools. Everything that can be done to hook parents into their children's learning needs to be emphasized.

For it is my very sincere belief that high academic standards are character-building -- a way for children to learn honesty, hard work and responsibility. Here again, we have need to harken back to the clarion call of Brown. Let me quote:

"[Education] is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him [and her] for later professional training, and in helping them to adjust normally to their environment."

Above all, to create and sustain a culture of education, we must confront the belief held by too many young people that excellence is only for somebody else -- that using their mind is a sign of weakness.

When people ask me why I am so passionate about education, I tell them that the surest way to create an angry, violent, 19-year-old dropout is to give that young person a watered-down curriculum from kindergarten on. When you do that, you are telling these young people "early on" that they aren't good enough, so why even try.

And, I assure you, they do get the message. By fourth or fifth grade they have already started to give up. We have given up on them ... they have given up on us ... and they are well on their way to giving up on America. If we do not change the minds of these young people early on, they will succumb to the very prejudice, stereotypes and injustice that have done so much to damage others before them.

A final common sense building block is facing up to the reality that poverty is our greatest barrier to educational achievement. More than race, more than the culture of entertainment that captures the attention of our young people -- the heavy, heavy impact of poverty is the great burden too many of our children are carrying.

Schools are being overwhelmed by non-academic problems -- whether they be violence, drugs, the values of the street culture or families that are in crisis. I will be the first to tell you that there are courageous teachers and principals doing the Lord's work in some of this Nation's toughest neighborhoods. I have met them. And a good school, with strong leadership, is often the anchor around which an entire neighborhood can be rebuilt.

But the sheer drag of poverty slows down the progress of education. Poor children in what we call high-poverty schools simply are less able to achieve their full potential than poor children in low-poverty schools.

This is why the President's economic program, the vigor of Henry Cisneros' housing policies over at H.U.D., the crime prevention efforts of Attorney General Reno, the valuable work that Bob Reich is doing over at Labor to reform job training, and the continuing effort of this Administration to improve health care, have to be seen as part and parcel of our effort to fulfill the promise of Brown.

A mother and father who bring home paychecks and teach their children the value of work and learning are our greatest assets in creating and sustaining the culture of education that we need for our children.

These five common sense building blocks seem to me to be the core around which we can encourage excellence and equality for all of our children: high standards; an active use of traditional civil rights tools; the use of creative mechanisms to encourage excellence and diversity; supporting and sustaining a culture of education; and working hard to eliminate the poverty that does such great harm to all of our children.

The process of becoming one, equal people is hard steady, work. It may take us another forty years ... and then another forty

years. But we must keep going on. You will always hear voices at both extremes telling you to pull back and give up ... saying that we will never be able to sort out the many crosscurrents of this ever so demanding and contentious American dilemma.

But to move beyond the stereotypes, the ignorance, the fear and even the hate that can drag us backwards, we Americans cannot afford the luxury of ebb and flow when it comes to race. Overcoming deep-seated emotions, lasting stereotypes, ignorance, fear and even hate is hard steady work.

We must learn to understand each other in a deeper way.

The African-American was here in this country before the first Pilgrim set foot on Plymouth Rock. 375 years. Yet, it is only in these last forty years that these resilient Americans have been given the opportunity to achieve the fullness of their citizenship.

Let us recognize their frustration, why they sometimes become impatient when other Americans suggest that since civil rights laws are now on the books, we are all now equal and the slate is clean. History is not so neat and tidy.

At the same time, if African-Americans only see the "whiteness" of their fellow citizens -- if, in their effort at self-help and building up, they become too inward-looking -- they lose a valuable opportunity to recognize that their fellow citizens also have stories to tell -- stories first told at Ellis Island.

These echoes from Ellis Island -- hard stories, true stories -- of fleeing hardship and oppression, confronting bigotry on the streets of America, yet still achieving -- these echoes are at the very heart and soul of millions of ethnic American families.

Even though these stories come out of a different experience than that of the African-American, they share a powerful commonality that we have yet, as a nation, to tap into in our quest for mutual understanding.

For these stories, like the story of Joseph Albert Delaine of Clarendon County and Oliver Brown of Topeka are stories that "challenge a nation to become its best self."

They are stories rooted in spiritual faith. And this indeed may be our challenge. For our mutuality -- our coming together as a people -- is as much about a spiritual deepening of this Nation as it is about any new federal education policy or a new civil rights law.

The majority of people in this country believe in the strength of

American education. And so do I. Education is the bedrock of our free enterprise system and democratic rights ... and public education is the one American institution that has done more than any other to give each generation, and new immigrants as well, the chance in life they needed to get ahead.

This is the promise of education, the promise of Brown, and the promise of America. Education, with your help, can truly be the catalyst to pull us all together -- to make our Country what we will seek to be -- one Nation, under God, indivisible, with liberty, justice ... and quality education ... for all.

Thank you.

FACT SHEET

40TH ANNIVERSARY OF
BROWN v BOARD OF EDUCATION

" One of the least known stories in education is the dramatic gains made by African-Americans and low-income children in achievement test scores over the past two decades."

Jennifer O'Day, Marshall S. Smith
Systemic Reform and Educational Opportunity

* According to the study done by O'Day and Smith, African-American children and other low-income children made remarkable progress in closing the "gap" in reading scores with white children in the years following Brown. The gap was closed "between 30 to 60 percent from 1971 to 1988, depending on the grade assessed," according to the National Assessment of Educational Progress (NAEP) reading tests.

* Enrollment of non-whites ages 5-19 in grades K-12 went from 80.8 percent in 1954 to 93.4 percent in 1993.

* In 1950, the average black male completed only 7.4 years of schooling vs. 12.4 for white men. By 1985, the rate had increased for black men and women to 12.7 years compared to 12.9 for whites.

* Between 1964 and 1992, the percentage of 18-24 year old African-Americans in college went from 8 percent to 25 percent while the number of white Americans went from 22 percent to 35 percent. Latino participation went from 13 percent in 1972 to 21 percent in 1992.

* Overall, the number of college degrees attained by African-Americans increased by 11 percent between 1976-1991 with much of this increase occurring among women. However, there was a 5 percent drop among black males going to college between 1990-1992.

* The number of minorities taking SAT tests increased dramatically between 1976 and 1993 and the combined verbal test scores for African-Americans increased between 50 and 115 points in selected states.