



May 16, 2004

## Long After Brown v. Board of Education, Sides Switch

By GREG WINTER

**L**OUISVILLE, Ky. — Black families were so set on prying open white classrooms here in the 1970's that they hauled the schools into court, then put their children on buses that were guarded by troops and pelted with stones.

A generation later, black parents here went to court again, but not to force integration. This time, they were challenging it with nearly the same passion as their predecessors once fought to attain it.

"Integration? What was it good for?" said Gwendolyn Hopson, an auto parts saleswoman who sued in the late 1990's after her daughter, Dionne, was kept from the school of her choice to maintain its racial balance. "They were just setting up our babies to fail."

Fifty years after the Supreme Court banned school segregation on May 17, 1954, in *Brown v. Board of Education*, the battle over the racial composition of America's schools continues in courtrooms across the country. But in the last few years an unexpected dimension has emerged in some cases: The combatants have switched places.

Many school districts, even some that once doggedly resisted integration, now argue that diversity benefits everyone and they pursue it avidly. And yet they sometimes find themselves fending off or succumbing to legal challenges from the very minority families who integration was meant to benefit.

"It's tremendously ironic," said Byron E. Leet, the Louisville school board's lawyer, "a complete reversal of roles."

Here in Louisville, the black families won their case in 2000, prompting the court to discard the order that had integrated the local

schools for 25 years. And while most challenges still come from white parents, minority families in other districts too have joined, if not led, the charge against integration plans that were once seen as pivotal to solving the issues of inequality in America.

Few of the opponents — white, black or otherwise — fail to recognize the transformative power of the Brown decision, particularly its role in toppling legal segregation in social institutions of every kind.

But for many families, the benefits of mandatory integration have simply not been worth the burden it may bring. Now their legal challenges may determine the fate of Brown v. Board of Education, even whether the deliberate integration of schools will even be permissible, much less required.

Using language that is strikingly similar to the arguments leveled against affirmative action, a family with a Latino father and an Asian mother in Berkeley, Calif., lost a lawsuit in April to prevent the city from striking a racial balance in its schools.

Black, Latino and white parents in Lynn, Mass., are waiting for an appeals court to rule on their challenge to another integration policy, which stops students from switching schools when it intensifies segregation.

Beyond that, black parents in places like Nashville have agreed to dissolve longstanding legal victories, hoping to trade long bus rides for better schools close to home.

"There are those who will say, 'You sold out black folks,' " said Vernon Dixon, president of the N.A.A.C.P.'s Nashville branch, which helped advise the plaintiffs in the case. "It wasn't that. Black folks were saying: 'We're tired of being bused. Why can't we have schools here?' "

At least some of the frustration with forced integration stems from demographics. Though the image of integration is often one of white schools being forced to open their doors to black students, the racial composition of public school districts today often makes for quite a different reality.

Because minority students fill a growing portion of desks in public classrooms, they are often the ones denied access to the school of their choice in the name of integration.

The battle in Louisville started over a single, albeit beloved, school. Sitting in the heart of a black neighborhood, Central High School had long been one of the community's most identifiable institutions, and its local fame only increased with the fortunes of its most recognizable alumnus, Cassius Clay (later Muhammad Ali).

Even after desegregation, when it became a magnet school, black applicants far outnumbered white ones. But the desire to run schools that were at least somewhat reflective of the city's population meant that many black students were routinely turned away. That is, until black parents fought for the school to become predominantly black again — in essence, more like it was during segregation.

"I didn't care if there was an equal balance of black and white," Ms. Hopson said. "All I cared was that my child was denied because of racial quotas."

Since her victory, Central has reverted to a school with about eight black students for every white one, a ratio that sits perfectly well with some, uncomfortably with others, but with a certain amount of ambivalence for most.

Critics of mandatory integration contend that there is nothing wrong with having predominantly black schools; in fact, they say, it is racist to suggest otherwise. What is more, the fatigue of busing their children for hours each day, only to see them do poorly at predominantly white schools, has led some black parents to almost yearn for the type of tight-knit network of black educators that integration disbanded.

"I find enormous nostalgia for the world pre-Brown," said Lani Guinier, a professor of law at Harvard. "This is very disconcerting but not surprising. People feel like what was lost was a sense of community."

It was a similar logic that led black parents to relinquish a desegregation order in Nashville in 1999. They settled with the district in exchange for newer, better schools in their own neighborhoods, over which they hoped to have more control.

Now, some wonder if they made a mistake. The problem is not that the schools in black neighborhoods are segregated, so much as they are poor, said Mr. Dixon of the local N.A.A.C.P. The extra money that parents expected for the local schools has been slow to materialize, he added, but abandoning the court order has left them without the same leverage to demand it.

"We're actually worse off than we were five years ago," Mr. Dixon said, "because now we have no legal protection."

Hundreds of school districts across the nation are still under court-ordered desegregation decrees that have stood for decades, according to the NAACP Legal Defense and Educational Fund Inc., which has worked on many of them. Even so, a series of Supreme Court rulings in the early 1990's has made it relatively easy for districts to come out from under these rulings.

Since 1990 alone, researchers at the Civil Rights Project at Harvard have found, more than 100 districts have been released from desegregation orders, including San Diego, Denver, Dallas, St. Louis and Miami. Districts like Berkeley and Lynn that still strive for integration often do so voluntarily, but they are now rapidly becoming the locus of the fight over whether schools can impinge on student choices in order to achieve it.

"This is the last line of defense for Brown," said Richard Cole, senior counsel for civil rights at the Massachusetts attorney general's office, which is defending Lynn's integration plan. "If school districts lose these voluntary plans, then the aspirations and the relevance of Brown to the 21st century is over."

So far, the outcome has been mixed, with disgruntled parents defeating integration plans in states like Maryland and Virginia, but losing in New York and Washington. The cases have made for some unusual allies, as some minority families have teamed up with opponents of affirmative action, pitting them against the civil rights groups that once fought for them.

"Having a debate is healthy," said Chinh Quang Le, assistant counsel for the NAACP legal defense fund, "but what these lawsuits do is close off the ability of communities to engage in this dialogue."

The ambivalence over mandated integration appears in opinion polls as well. A 1998 poll by Public Agenda, a nonpartisan research group, found that the vast majority of whites and blacks believed that integrated schools both improved race relations and educational opportunities.

And yet 82 percent of whites and 62 of blacks opposed making children leave their neighborhoods to create racially balanced schools, the poll found. About three-quarters agree that "the schools work so hard to achieve integration that they end up neglecting their most important goal — teaching kids."

Though the disillusionment is plain enough here in Louisville, veteran school officials marvel at what they call a total about-face in the city as a whole.

When desegregation began, no gas station in the county would sell fuel for Louisville's school buses, residents recall, and any store that did not hang signs in solidarity with the resistance would have its windows smashed. Now, the district says, more than three-quarters of all parents favor the integration plans, despite the legal challenges to them.

Still, traces of the old attitudes remain. White students at Central say their acquaintances outside of school can hardly believe a white person would ever choose to go there. And black students say the stigma of going to a predominantly black school is

anything but subtle, even if that is precisely what black families effectively sued to create.

Usman Mian, a 19-year-old Pakistani senior here, said, "I don't think it's anything like Brown v. Board thought it would be 50 years later."

*Next: The legal focus shifts from integration to money.*

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