

Talking Points on the Louisville / Seattle Resegregation Cases

- 1. These cases are important to ensuring that this country's fifty-year effort to achieve integrated schools that began with *Brown v. Board of Education* does not come to an end.**
 - 2. The Seattle and Louisville cases are not *affirmative action* cases. They are about traditional public school assignments, not competitive admissions to select schools.**
 - 3. These cases are about whether parents and their elected representatives retain the ability to choose integrated schools for their children, or whether a small group of plaintiffs will succeed in tying school districts' hands and mandating resegregation.**
 - 4. Overwhelming evidence confirms that racially integrated schools provide compelling benefits to students of all races. Integrated schools enable all students to participate fully in American life as workers and citizens.**
 - 5. These plans use only flexible, voluntary mechanisms to avoid racial isolation and promote racial integration. The plans do not involve any mandatory quotas or "forced busing."**
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Background Information for Talking Points

- 1. These cases are important to ensuring that this country's fifty-year effort to achieve integrated schools that began with *Brown v. Board of Education* does not come to an end.**
 - A defeat for the school districts in these cases would turn back the clock on integration: public K-12 schools would be resegregated. The Supreme Court's decision will determine whether the nation can continue its long-standing effort to integrate elementary and secondary schools, or whether the integration effort must be abandoned with the inevitable result of continued resegregation in public schools.
 - These cases are the last stand against a long push by opponents of integration to chip away at *Brown's* core promise of integrated schools. In recent decades the Supreme Court has sharply limited courts' ability to require desegregation. Some school districts including Louisville and Seattle have *voluntarily* integrated their schools without a court order; petitioners in these cases are attempting to ban them from doing so.
- 2. The Seattle and Louisville cases are not *affirmative action* cases. They are about traditional public school assignments, not competitive admissions to select schools.**
 - Every student is guaranteed assignment to a school within the district.
 - These plans apply equally to all races, awarding no bonus points to any particular group. The plans do not advantage or disadvantage any group over any other group.

- These cases are about traditional K-12 schools, not elite magnet schools or programs. There is no competition and no evaluation of student “merit.”

3. These cases are about whether a majority of parents and their elected representatives retain the ability to choose integrated schools for their children, or whether a small group of plaintiffs will succeed in tying school districts’ hands and mandating resegregation.

- Opponents of school integration once advocated parent choice, but now that parents are choosing integration, they now seek to limit parent choice.
- Similarly, opponents of school integration once advocated “local control,” but now seek to limit the power of locally elected school boards to promote racially integrated schools.
- School districts like Louisville spent decades under court order to integrate; now that they are choosing to integrate voluntarily, plaintiffs are seeking a court order forcing them to resegregate.

4. Overwhelming evidence confirms that racially integrated schools provide compelling benefits to students of all races. Integrated schools enable all students to participate fully in American life as workers and citizens.

Social scientists have empirically demonstrated that integrated schools offer significant educational benefits, including:¹

- Breaking down stereotypes and prejudices, and producing students who are more tolerant and capable of cross-racial friendship. This bolsters students’ ability to live and work effectively in a multi-racial society: students who attend integrated K-12 schools are more likely to attend integrated colleges, work in diverse environments, live in integrated neighborhoods, favor integrated schools for their own children, and participate in civic affairs.
- Promoting minority students’ ability to attend selective colleges, earn higher-status jobs, and connect to elite business and social networks.²
- Substantial improvements in academic achievement for black and Latino students, with no achievement loss for white students. Diverse schools improve critical thinking skills for students of all races.
- Providing compelling social benefits, including higher graduation rates and college attendance, reduced poverty, crime, and teenage pregnancy, and a more educated workforce. Additionally, eliminating racially identifiable

¹ The Civil Rights Project at Harvard University is preparing a social science statement that will include more extensive discussion of the findings noted here.

² Cf. *Sweatt v. Painter*, 339 U.S. 629, 634 (1950) (emphasizing that separate law school for African-American students was not equal to the University of Texas Law School because of the exposure students at the latter institution had to leaders of the Texas Bar, Texas Courts and state and local governmental agencies and units).

schools increases community support for, and investment in, local public school systems.

- On the other hand, resegregated schools cause racial isolation, which can have severe negative consequences for minority students. Resegregation consigns many minority students to schools of concentrated poverty, isolation, and limited opportunity. Social science has shown that such racially isolated schools tend to offer limited resources and that their students tend to have poor academic outcomes.

5. These plans use only flexible, voluntary mechanisms to avoid large racial concentrations and thereby achieve the goal of integrated schools. The plans do not involve any mandatory quotas or “forced busing.”

- In Seattle, where the plan applied only to high schools, the goal of overcoming racial isolation acts only as a “tiebreaker” when more children have voluntarily applied to a particular high school than there are seats *and* the school is racially imbalanced. (Imbalance is defined broadly: the school seeks a white population that matches that of the district as a whole, plus or minus 15%.) At most, 10% of incoming ninth graders (about 300 students) found their assignment to a particular school affected by race at all.
- Louisville’s plan does not represent a quota: with an approximately 34% black student population, it sets the flexible goal for each school of having *anywhere between 15% and 50%* black students. Nor does the Louisville plan involve forced busing or assignments to distant schools. All students are initially assigned to a school near their home; students can also choose to apply to non-traditional magnet schools—which accept students without taking race into account in any way; and students can apply to transfer to any other school in the district. Most transfer applications are granted.
- Because we live in a society with deep residential segregation, race-blind plans have consistently failed to produce the same degree of racial integration as plans that include some consideration of race. Thus, to achieve racial integration and avoid the harms of racial isolation, Louisville and Seattle must have the ability to consider race. Both of their plans did this in a limited, flexible way that maximized choice for students and parents.