

## Segregation by Any Other Name:

## Central High School and Integration in American Memory

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A plaque in the Central High School Commemorative Garden reads, “Throughout the years, Central High School has been seared by the heat of controversy, scarred by episodes of hatred and strife. Yet, in spite of those evils, it has survived. Indeed, not just survived, but succeeded beyond anyone’s belief becoming once again Arkansas’s premier high school. It has showed this not by returning to its old form, merely showing its pretty face, but by modeling the diversity and pluralism that caused the original storm of protest.”<sup>1</sup> In many ways, this represents the story of the Little Rock Nine in American memory—a success story and an issue of the past. When the Little Rock Nine returned to Central High School as adults, they were revered instead of detested. Still, Central High School and the majority of public high schools in the United States have never achieved full integration. The United States has made significant progress involving race relations since the Central High School Crisis of 1957. This progress should not, however, justify the misconception that segregation is a problem of past generations. Indeed, schools have gradually become resegregated. Resegregation is the reversal of integration, causing the continuation of the separation of races. Instead of segregation being state-mandated, however, it has taken other forms. Many of the problems result from the retraction of

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<sup>1</sup> Little Rock Central High School National Historic Site Commemorative Garden. 1500 Park Street Little Rock, AR 72202. 7 July 2011.

proactive integration legislation, causing schools to be virtually one race. Other schools may have a racially balanced student population, but academically track students, which tends to divide students within the school based on socioeconomic class. Either form of resegregation yields the same dilemma: schools remain separate and unequal. Until equality can be achieved, the promise of *Brown v. Board of Education* and the hopes of the Little Rock Nine remain unfulfilled.

Understanding the 1957 desegregation crisis at Central High School is critical to understanding the significance of the issue of integration and the position of the nation's public schools today because many of the same fears and desires that caused the turmoil of those years can be seen still unresolved in today's environment . The Supreme Court's 1897 decision *Plessy v. Ferguson* held that public accommodations could legally be separate, so long as they were equal. In the south, most facilities were segregated, but very few of them were equal. The very construction of Central High School made this clear. While the Little Rock School Board spent \$1.5 million to erect Central High School, the African-American community had to come up with its own funding--\$400,000 to construct Dunbar High School. Dunbar High School looked similar to Central High School, yet it was only one-third of the size and had more students. There were fewer classrooms, used equipment and fewer facilities.<sup>2</sup> Furthermore, the school board spent unequal amounts of money on students' education: In 1952, two years prior to *Brown v. Board of Education*, Arkansas spent \$663.00 per white student, only spending \$440.00 on each African-American student.

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<sup>2</sup> *Little Rock Central High School*, National Park Service Brochure, U.S. Department of the Interior, 2011.

The landmark case, *Brown v. Board of Education*, addressed these gaping inequalities. In 1954, the Supreme Court ruled that “separate but equal is inherently unequal,” and that schools should desegregate “with all deliberate speed.”<sup>3</sup> Most schools used this phrase to justify delaying desegregation, integrating grudgingly in the 1960s and 1970s. For many reasons, the NAACP targeted Central High School as the place to integrate in 1957. Arkansas seemed a natural place to start because it was relatively moderate when it came to race relations. ASJ Harvie Wilkison III observes in his book, *From Brown to Bakke*,

Even before the Brown decisions, several Negroes had attended the University of Arkansas. By the end of 1955, ten Arkansas school districts had announced plans for gradual desegregation. That same year, Negroes enrolled in five of the six state-supported white colleges, all without intervention from Governor Faubus.<sup>4</sup>

Little Rock also had people who were interested in immediate integration, such as Daisy Bates. Bates was the president of the local chapter of the Arkansas NAACP who petitioned the courts to order the Little Rock School Board to comply with *Brown v. Board of Education*. She was interested in Central High School, in particular, because it had an outstanding reputation throughout the South. *The Washington Times* wrote about this reputation:

[Central High]’s graduating classes, often running 700 or more, annually won hundreds of thousands of dollars worth of scholarships, its bands and glee clubs won regional and national awards, and its football teams played schools

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<sup>3</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

<sup>4</sup> Wilkinson, J. Harvie, *From Brown to Bakke—The Supreme Court and Integration: 1954-1978* (New York: Oxford, 1979), 88-89.

throughout the South and often finished the season undefeated. One of the most popular tourist postcards in the first decade after the school was opened in 1927 was a view of the school under the legend, “The South’s Most Beautiful High School.”<sup>5</sup>

In short, Central High School was so important to integrate because of its fame and reputation. If students could integrate Central High School successfully, it would send a powerful message to the rest of the South.

In 1956, the district court ordered the Little Rock School Board to abide by the *Brown v. Board of Education* decision and desegregate. The Board of Education put together a desegregation plan, which would desegregate the schools over a period of six years. Central High School would be first. Bates recruited students from Dunbar High School to transfer. Hundreds volunteered, but by order of the Little Rock School Board, only a small number would be allowed to attend, for fear of overwhelming Central High School. The number was cut down—the board and Bates selected students, but many of them backed out. The students themselves, as well as their families, were under immense pressure, as they would frequently receive threats and many of the parents’ jobs were put in jeopardy at the prospect of their children integrating. In addition, none of the African-American students were allowed to participate in extracurricular activities at Central High School. By September 1957, only ten students remained.<sup>6</sup>

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<sup>5</sup> Newspaper Article, *Central High: Still a Symbol for Many*, 11 March 1994, *The Washington Times*, folder “Edmonds, Terry,” OA/ID 10990, Subject File, White House Office of Speechwriting, Clinton Presidential Records, William Clinton Presidential Library.

<sup>6</sup> *The Little Rock Nine*, National Park Service Pamphlet, U.S. Department of the Interior, 2011.

On September 2, the night before the first day of school, Governor Orval Faubus called the National Guard to Central High School under the pretext of “maintaining and restoring order” while privately instructing them to refuse admittance to any of the African-American students. An angry mob filled the streets leading to Central High School, waving confederate flags and shouting epithets. Elizabeth Eckford was the only one to walk through the mob, where people spat on her and threatened to lynch the sixteen-year-old girl. After seeing what happened, one of the ten decided to remain at Dunbar High School, leaving the Little Rock Nine.<sup>7</sup>

This demonstration gripped the nation. The images of a crowd jeering a young girl engulfed the nation and the world. Mass media and television were relatively novel at this time. The United States was in the midst of the Cold War, opposing communism and claiming democracy was based on high moral ground. The images from Central High School, portraying intense hatred based on the race of a young girl, being barred from entering by the Arkansas National Guard, made the international community critical. America’s “moral” war seemed a contradiction if American youth could be treated in such a way.<sup>8</sup>

This international and domestic pressure gave President Eisenhower no choice but to act. Though he was somewhat reluctant, Eisenhower sent the 101<sup>st</sup> Airborne Division to Little Rock to escort the students to school. On September 25, 1957, the students finally made it inside Central High School. The students had to leave early that day

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<sup>7</sup> *Little Rock Central High School*, National Park Service Pamphlet.

<sup>8</sup> *Little Rock Central High School*, National Park Service Pamphlet.

because the mob outside was uncontrollable. The students had federal protection for the duration of the year.<sup>9</sup>

Such a crisis was unexpected in Arkansas, a state whose integration record had been successful, especially compared to other southern states. What had been going smoothly in the Arkansas universities was expected to likewise happen at Central. Rodney Slater, Secretary of Transportation under the Clinton administration and an African-American who grew up in Arkansas during this time remarked,

The costs didn't have to be so high. Tolerance actually got its start in Little Rock. The University of Arkansas Law School had been integrated since 1949. The city had already desegregated its public buses, its library, its zoo, its library and its park system. Little Rock was poised to deal with the issue in a positive way. They were touched with what Abraham Lincoln called "the better angels of our nature." But the actions of a few caused the lesser angels to manifest themselves.<sup>10</sup>

Governor Faubus was arguably the key figure in inciting the controversy throughout Central High School. He was believed to have exploited the circumstances for political gain. He stated, "I will not force my people to integrate against their will. I will fight to preserve the rights guaranteed to the people, and that includes control of the school."<sup>11</sup> Politics played a major role in this event, later referred to as the Crisis at Central High School. When he was elected the first time, Orval Faubus was viewed as a moderate on integration issues, a position that cost him deep conservative support during

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<sup>9</sup> *Little Rock Central High School*, National Park Service Pamphlet.

<sup>10</sup> Draft of Op-ed, Rodney Slater, "40<sup>th</sup> Anniversary of Desegregation of Central High School," folder "Edmonds, Terry," OA/ID 10990, Subject File, White House Office of Speechwriting, Clinton Presidential Records, William Clinton Presidential Library.

<sup>11</sup> "Central High School," Little Rock Central High School National Historic Site. 1500 Park Street Little Rock, AR 72202. 7 July 2011.

his campaign. Throughout the Little Rock Central High School Crisis, he developed a reputation as a staunch segregationist, which proved to be politically advantageous.<sup>12</sup> Orval Faubus was re-elected five times, serving a total of six terms, longer than any governor in the state's history.<sup>13</sup> This proved the depth of segregationist sentiment in Arkansas and throughout the South. Following the 1957-1958 school year, Faubus ordered Central High School to be closed, an act to prevent further desegregation.

Though the southern segregationists were vehemently opposing integration measures, the United States Supreme Court was at work trying to enforce *Brown v. Board of Education* and demand integration. There is a direct correlation between the involvement of the Supreme Court and the success of integration in public schools throughout American history. *Brown v. Board of Education* marked the end of legalized segregation. What this would mean to society and daily life had yet to be determined. People immediately began to test the limits of the decision and outcry against the decision was prevalent in the South. Ninety-six Congressmen signed a document known as 'The Southern Manifesto,' in which states advocated against *Brown v. Board of Education* in assertion of states' rights. They believed the Supreme Court had overstepped its boundaries. They signed that, "We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation."<sup>14</sup> This was not just the random act of

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<sup>12</sup> *Little Rock Central High School*, National Park Service Pamphlet.

<sup>13</sup> *History of Governors*, Arkansas State Capitol Building, 500 Woodlane Ave, Little Rock, AR, 7 July 2011.

<sup>14</sup> "The Southern Manifesto", *Governmental Printing Office, Washington, DC*, 12 March 1956. Accessed 12 July 2011, [Strom.clemson.edu/strom/manifesto.html](http://strom.clemson.edu/strom/manifesto.html).

extreme segregationist congressmen, but a view widely supported and accepted throughout the South.

Even with such political pressure, the Warren Court continued to enforce its decision, becoming active in developing policy that would uphold the *Brown v. Board of Education* decision. In direct reaction to the crisis during the integration of Central High School, the Little Rock School District's petition proposed postponing integration to such a time that the public would be more accepting of desegregation. The Supreme Court convened during its recess to hear the case, something the Court had only done three times before in its history. The Court denied the Little Rock School District the authority of postpone integration in its decision *Cooper v. Aaron*, claiming that this would effectively be viewed as the government giving into the desires of a mob.<sup>15</sup> In his book, *From Brown to Bakke*, Wilkinson cites Justice Frankfurter's concurrence, arguing that if the Little Rock School District postponed integration, the larger significance would suggest that,

Law should bow to force. To yield to such a claim would be to enthrone official lawlessness and lawlessness if not checked is the precursor of anarchy. On the few tragic occasions in the history of the Nation, North and South, when law was forcibly resisted or systematically evaded, it has signaled the breakdown of Constitutional processes of government on which ultimately rest the liberties of all.<sup>16</sup>

This issue was not only about desegregation itself, but the broader implications—the Constitution would lose force and people would lose their implicit liberties if the

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<sup>15</sup> *Cooper v. Aaron*, 358 U.S. 1 (1958).

<sup>16</sup> Wilkinson, *Brown v. Bakke*, 92

Supreme Court voted to wait to enforce desegregation. Having found that segregation violated the right to equal protection in *Brown v. Board of Education*, the Court could not rule in favor of the Little Rock School Board's proposal to delay desegregation.

Both sides made valid points that represented important views. The Little Rock School District claimed that the issue was not all racism and, in fact, postponement of integration could be both protective to the students and ultimately more conducive to successful integration. Richard Butler represented the Little Rock School Board, stating,

Well, this school board in Little Rock, Arkansas, was not faced with theories, it was faced with actualities which are undermining and which are going to destroy the public school system in Little Rock, and when it's destroyed, it'll be destroyed not just for white students, it'll be destroyed all the way down the line, unless they're given the opportunity to work this thing out in a climate of calm rather than a climate of hysteria.

Thurgood Marshall represented the other side, claiming that postponing desegregation would take away the purpose of the ordeal the Little Rock Nine faced. He stated,

I think we have to think about these children and their parents, these Negro children that went through this every day, and their parents that stayed at home wondering what was happening to their children and all of the business. I don't see how anybody under the sun could say, that after those children and those families went through that for a year to tell them: All you have done is gone. You

fought for what you believed to be democracy and you lost. And you just go back to the segregated school from which you came. I just don't believe it.<sup>17</sup>

The Court ruled that Central High School could not postpone segregation; it was unconstitutional based on the *Brown v. Board of Education* ruling. In response, Governor Faubus closed Central High School and other Little Rock high schools in order to prevent segregation. They remained closed for the 1958-1959 school year, but a district court required them to be reopened for the 1959-1960 school year.

*Cooper v. Aaron* represents one of the first major tests the Court faced after its decision *Brown v. Board of Education*. The Court stood firm in its decision, refusing to back away from it in spite of immense political pressure. In spite of the fact that the Supreme Court did not waver in its decision, it did not take any major education cases for the next five years. There could have been many reasons for this, but the Supreme Court needed to be pragmatic and conscientious of its times. Wilkinson suggests, "The very turmoil of Little Rock may, ironically, have persuaded the Court that gradualism was the wisest course, that insistence on more integration would only make Faubusism more commonplace."<sup>18</sup>

Earl Warren's Court did, however, make other significant decisions regarding school desegregation. The Court was generally progressive and active in unprecedented ways, and *Green v. New Kent County* (1968) continued this tradition of Warren court activism. In New Kent County, Virginia, the school system claimed that it complied with *Brown v. Board of Education* demands by creating a "freedom of choice" policy, in

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<sup>17</sup> *Transcript of Narrated Arguments in Cooper v. Aaron and Edited Supreme Court Opinion*, <http://xroads.virginia.edu/~public/civilrights/cva.html>, accessed 11 July 2011.

<sup>18</sup> Wilkinson, *Brown v. Bakke*, 93

which students were allowed to decide which school they wanted to attend. No white students attended the formerly all-black schools, but some black students (15 percent) enrolled at the formerly all-white school. The Court ruled that the “freedom of choice” plan was unconstitutional because the school board was, in effect, still operating a dual school system. The schools were still largely not integrated. The school board left it to parents to decide where their children should attend school, which was an unfair burden and a decision that should be left to the school board alone.<sup>19</sup> This decision indicated that plans to comply with *Brown v. Board of Education* needed to encourage integration by dismantling dual school systems, as opposed to only eliminating mandatory segregation.

In 1969, Chief Justice Earl Warren retired and President Nixon selected Warren Burger as Warren’s predecessor. The Court under Chief Justice Earl Warren made progressive decisions in an era of unprecedented judicial activism. Chief Justice Warren Burger’s Court was more restrained, but still focused on a strong enforcement of the *Brown v. Board of Education* decision.<sup>20</sup> By 1969, the majority of the country’s public schools remained segregated. Schools still operated under dual school systems, justifying this by the *Brown v. Board of Education II*’s requirement that schools integrate “with all deliberate speed.” Holmes County, Mississippi was one such school district. In 1969, in the case *Alexander v. Holmes County*, the Court grappled with what the “all deliberate speed” phrase entailed. The Court ruled that fifteen years had exceeded what the original “with all deliberate speed” had allowed and the school district had to take proactive steps toward integration. The Supreme Court held, “under explicit holdings of this Court the

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<sup>19</sup> *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968).

<sup>20</sup> *The Supreme Court: Beginning of the Burger Era*, 16 October 1969: [time.com/time/printout](http://time.com/time/printout), accessed 12 July 2011.

obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.”<sup>21</sup> This had immediate consequences. According to Wilkinson, “white public school enrollment dropped 25 percent between 1968 and 1970; in those counties with the largest black majorities in general population, white flight from the public schools reached 90 percent, and even, in one case, 100 percent.”<sup>22</sup> This case was an important step toward integration—no longer could counties stall integration under the pretext of “all deliberate speed”—they would need to implement actual steps toward integration.

The next major case that interpreted the mandate for integration was *Swann v. Charlotte-Mecklenburg Board of Education* (1970). In the Charlotte-Mecklenburg school district, 14,000 of 24,000 African-American students attended schools that were all African-American.<sup>23</sup> The school district devised desegregation plans, but they were rejected by the district courts as being ineffective. In this case, the Supreme Court ruled that the district court had the power to control how integration was carried out. The Court commented on specific segregation remedies such as changing attendance zones and, notably, busing. Following the case, children were bused to schools in order to create racially balanced environments. In the syllabus, the Court held, “the District court’s conclusion that assignment of children to the school nearest their home serving their grade would not effectively dismantle the dual system is supported by the record, and the

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<sup>21</sup> Wilkinson, *Brown v. Bakke*, 120.

<sup>22</sup> Wilkinson, *Brown v. Bakke*, 120.

<sup>23</sup> Wilkinson, *Brown v. Bakke*, 138.

remedial technique of requiring bus transportation as a tool of school desegregation was within the Court's power to provide equitable relief."<sup>24</sup>

The major legacy of *Swann v. Charlotte-Mecklenburg Board of Education* involved busing. The decision was extremely controversial and many people were against busing. In fact, busing was so controversial that it was an important consideration in President Richard Nixon's decision for a Supreme Court nominee. In *Can We Talk About Race*, Beverly Tatum quotes a conversation in which President Nixon and Attorney General John Mitchell discussed, "I'd say that our first requirement is to have a southerner...I don't care if he's a Democrat or a Republican. Third, within the definition of a conservative, he must be against busing, and against forced housing integration. Beyond that, he can do as he pleases."<sup>25</sup>

Busing was the issue that propelled integration success in some regions and extreme white flight in other places. White flight describes the action of whites that opposed either busing or integration and fled the school districts for private schools or suburbia. Since *Brown v. Board of Education*, integration had been a political issue and highly significant in the minds of the American public. The Supreme Court had actively enforced its decision, assuming unprecedented power. By the 1970s, however, the country was becoming more conservative, and this was reflected in the makeup of the Supreme Court. Nixon appointed four justices during his time in office: Warren Burger, Harry Blackburn, Lewis Powell and William Rehnquist. Their more conservative

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<sup>24</sup> *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

<sup>25</sup> Beverly Daniel Tatum, *Can We Talk About Race and Other Conversations in an Era of School Resegregation* (Boston: Beacon Press, 2007), 9.

leanings and beliefs in judicial restraint were reflected in the decisions of the Court.<sup>26</sup> The great experiment with court-enforced desegregation was beginning to recede.

By 1974, the predominant view of conservatives in the country was that the Supreme Court had overreached its authority by not only ruling on school integration in *Brown v. Board of Education*, but by enforcing policy. The Court began to limit federal power on integration issues, evidenced in *Milliken v. Bradley* (1974). Detroit's public school system was deemed too segregated by the state. Detroit had a large African-American population, such that integration was virtually impossible. The state therefore sought to incorporate other school districts surrounding Detroit so that students could be bused and racial balance might be achieved. The Supreme Court ruled in a 5-4 decision that, because there was no evidence of the other districts violating integration laws, the courts did not have the jurisdiction to create such a mandate. The Court further stated that *Brown v. Board of Education* required dismantling a dual school system, but it never required a balanced student body for integration.<sup>27</sup> All four of Nixon's justices were with the majority in this decision. Thurgood Marshall dissented, stating,

After 20 years of small, often difficult steps toward that great end, the Court today takes a giant step backwards...The rights at issue are too fundamental to be abridged on grounds as superficial as those relied on by the majority today...Our Nation, I fear, will be ill served by the Court's refusal to remedy separate and

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<sup>26</sup> Beverly Daniel Tatum, *Can We Talk About Race*, 9.

<sup>27</sup> *Milliken v. Bradley*, 418 U.S. 717 (1974).

unequal education, for unless our children begin to learn together, there is little hope that our people will ever learn to live together.<sup>28</sup>

Thurgood Marshall foresaw the ramifications of such a decision. White flight was immediate—people fled the cities for the suburbs, giving them access to neighborhood schools and sheltering their children from the effects of busing. The Court no longer had jurisdiction over this and could not consolidate districts. Whatever progress had been made thus far was therefore dissipating. Many whites, however, could not afford to leave the city for the suburbs. This left the underprivileged of both races in the city, with little money in the public schools. As Wilkinson observes, “The poor of whatever race or ethnicities often brought to school the same educational differences and the same limited home backgrounds. And poor schools, integrated or not, suffered from the same dim status as all-black ones. For busing to make educational sense, it was believed, all strata of society had to be included.”<sup>29</sup> This was an unintended consequence of white flight—as the wealthy fled the cities or enrolled in private schools, they simultaneously took the money out of public schools and left them poor.

In addition to the obvious, tangible implications of *Milliken v. Bradley*, it also demonstrates the Court releasing its power by claiming it did not have jurisdiction over large areas. Such a decision represents the belief in judicial restraint and the Court’s reluctance to continue interceding in integration issues. This view became even clearer in 1991 with the release of the decision *Board of Education of Oklahoma City v. Dowell*. This decision was made under Chief Justice William Rehnquist, who was appointed to

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<sup>28</sup> Charles J. Ogletree, *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education* (New York: W.W. Norton, 2004), 171.

<sup>29</sup> Wilkinson, *Brown v. Bakke*, 220

the position of Chief Justice by President Reagan. The national mood was more conservative and less focused on school integration. Rehnquist was a proponent of judicial restraint and believed the time had come for the issue of integration to be returned to school boards as opposed to continued reliance on federal government oversight. All of these themes are found in *Board of Education of Oklahoma City v. Dowell*. In Oklahoma City in 1971, the city had implemented “The Finger Plan”, an integration measure that called for African-American students to be bused to white schools. In 1977, the plan stopped because the district was deemed integrated. In 1984, busing decreased and neighborhood schools were used in order to avoid long bus rides. Those who had initially opposed segregation worried that de facto segregation would result from students attending neighborhood schools; after all, neighborhoods were commonly largely segregated. The issue was whether a federal court could dissolve an injunction forever after a district had completed the goals for a period of time. The Supreme Court ruled that the courts did have such power. The Court further stated that federal oversight of schools should only be a temporary condition, but local school boards should be regaining control of integration. If a Board of Education finds that its schools comply with the Equal Protections Clause and will not return to a segregated status, it is up to that school board to remove the injunctions.<sup>30</sup> The major result of this decision was that many school districts began to retract their integration initiatives in order to decrease busing or allow students to go to neighborhood schools. As enforcement of integration policies dwindled, however, resegregation was on the rise. Fifteen years had elapsed since the *Milliken v. Bradley* decision. Since that time, the

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<sup>30</sup> *Board of Education of Oklahoma City v. Dowell*, 498 U.S. 237 (1991).

debate over integration had gradually become less important in the public dialogue. The Supreme Court did not feel compelled to deal with this issue any longer and relinquished the power to respective school boards.

The Rehnquist Court did make further rulings regarding school desegregation. In *Missouri v. Jenkins* (1995), the Kansas City School Board wanted to promote integration and simultaneously inhibit white flight by creating schools that were competitive with other opportunities white students could receive. The Board created magnet schools, pouring money into schools in order to give them top-notch equipment and facilities. In order to fund these extremely expensive projects, property taxes were raised throughout the city. The Court ruled in a 5-4 decision that raising property taxes for such ends was unconstitutional, finding that the power of a school district to work toward integration had its limits and increasing taxes to fund what was viewed as extraneous was, to the Supreme Court, beyond those limits.<sup>31</sup>

The Court throughout the nineties, therefore, was either silent about the resegregation that was occurring, or a supporter of those practicing it. The national attention was no longer focused on segregation or even Civil Rights. The Court had actively dealt with the issue for two decades, yet as the Court became more restrained, it began to resist focusing on integration issues. This resistance can be seen directly within the schools themselves. As the Court began returning integration power to the school districts, many of the integration initiatives were reversed or were not enforced. When the Courts were heavily involved, statistics prove that it was largely successful. In addition to court decisions, legislation also catalyzed integration. The Civil Rights Act of 1964, for

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<sup>31</sup> *Missouri v. Jenkins*, 515 U.S. 70 (1995).

example, withheld funding from schools that did not meet integration standards. Along with the Elementary and Secondary Education Act of 1965, which poured money into southern schools, these acts added momentum to southern desegregation.<sup>32</sup> With Supreme Court decisions, most notably, *Alexander v. Holmes County*, integration was being achieved in some districts. In *After Brown: The Rise and Retreat of School Desegregation*, Charles Clotfelter notes, “Whereas 78 percent of black students attended schools that were 90 percent or more minority in 1968, by 1972, that share had fallen to 25 percent.”<sup>33</sup>

Busing, though highly controversial, was partially responsible for the success of integration during this period. Following the decisions of the 1990’s and lack of public opinion, school districts began redistricting so that students were assigned to schools within their neighborhoods. School districts’ decisions such as these represent the indirect, unintentional nature of resegregation in the United States. Mathew Lassiter, a professor at University of Michigan, remarked,

The thing about public policies is, even if somebody personally harbors no ill will, the way that policies can tend toward segregation whether you’re actively involved or not...Most public school assignments are to neighborhood schools. The Supreme Court has recently told Seattle and Louisville that they can’t overcome this in limited ways. And so, if we assign students to neighborhood

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<sup>32</sup> Clotfelter, *After Brown*, 26

<sup>33</sup> Clotfelter, Charles, *After Brown: The Rise and Retreat of School Desegregation* (New Jersey: Princeton University, 2004), 26

schools, which has certain logic, but neighborhoods are segregated, then it guarantees that schools will be segregated.<sup>34</sup>

Statistics prove that this problem was realistic. Neighborhoods were often completely segregated, so much so that by “1990, the black populations in the 18 largest metro areas in the North were so concentrated that 78% would have had to move in order to achieve residential racial balance.”<sup>35</sup> Neighborhood schools are segregated because neighborhoods themselves are highly segregated. With such extreme problems involving racial concentration, it would seem there was no other way to keep schools integrated than through a busing plan.

Neighborhood segregation and neighborhood schools represent many of the problems inherent to segregation itself. In general, white neighborhoods tend to be more affluent whereas African-American neighborhoods tend to have higher levels of poverty. Desegregation is important for this reason. Gary Orfield, head of the Harvard Civil Rights Project, discusses, “a student moving from a segregated African-American or Latino school to a white school is usually moving from a school of concentrated poverty to a school with fewer burdens and better resources to prepare students for college and jobs.”<sup>36</sup> Many criticize the integration movement as paternalistic, presuming that African-American children will improve in school simply by sitting next to white children. This is not part of the integration motivation or doctrine at all. Orfield goes on to suggest,

Segregated schools are unequal not because of anything inherent in race, but

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<sup>34</sup> Anthony Brooks, "The Legacy of the 'Little Rock Nine'." *Talk of the Nation (NPR)* (n.d.): *Newspaper Source*. EBSCO. Web. 12 July 2011.

<sup>35</sup> Eric Liu, *The Washington Post*, 1996, “Central High School,” Little Rock Central High School National Historic Site. 1500 Park Street Little Rock, AR 72202. 7 July 2011.

<sup>36</sup> Orfield, “The Growth of Resegregation,” 54.

because they reflect the long-term corrosive impact on neighborhoods and families from a long history of racial discrimination in many aspects of life. If those inequalities and the stereotypes associated with them did not exist, desegregation would have little consequence.<sup>37</sup>

Statistics prove that there are higher levels of poverty in predominantly minority schools. According to Orfield, “Two thirds of the schools with less than one-tenth students in poverty had 90 to 100 percent white students. At the other extreme, among the 5047 schools with 90 to 100 percent African-American and Latino enrollment, 57 percent were high-poverty schools.”<sup>38</sup> These economic disparities are seen throughout the schools themselves. In a study on education as part of President Clinton’s One America initiative, those heading the project found that,

students of color are less likely to have such educational opportunities and resources as preschool programs, high-quality teachers, challenging curriculums, high standards, up-to-date technology and modern facilities. For example, a recent study shows that 42 percent of schools with more than 50-percent minority enrollment reported at least one inadequate building, compared with 29 percent of schools with 50 percent or less minority enrollment.<sup>39</sup>

These statistics, however, are not generally in the American dialogue. Lasiter goes on to discuss that the national dialogue shifted during the nineties, the focus of the attention about desegregation went from integration to diversity, which are two distinctively different ideas and lead to fundamentally different results. Diversity is

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<sup>37</sup> Orfield, “The Growth of Resegregation,” 59.

<sup>38</sup> Orfield, “The Growth of Resegregation,” 57.

<sup>39</sup> Judith Winston, *One America in the 21<sup>st</sup> Century: Forging a New Future*, (Washington, DC, US Government Printing Office, 1998), 62. William Clinton Presidential Library.

highly subjective and has different implications than integration. He discusses that while most people throughout the country would say they want to live in neighborhoods with diversity,

Part of the problem is that different racial groups define diversity in different ways. And for whites, studies have shown that diversity and integration means about 90 percent white and 10 percent minority in minority neighborhoods or schools is the comfort level...but African-Americans, for example, move into suburbs, studies have shown they prefer to live in neighborhoods that are 50 percent African-American, 50 percent white. And so, obviously, there's a real disjuncture here between these two goals, and it helps show why integrated neighborhoods and integrated schools are temporarily integrated before they re-segregate.<sup>40</sup>

There are many intangible factors such as these in the discussion about resegregation. While the Supreme Court's decisions in the late twentieth century did not endorse integration, some of the determinants involved are beyond the scope of the law. Wiley Branton, an influential civil rights advocate, suggested that although students in minority schools do not receive equal education, the Supreme Court's jurisdiction has its limitations. He states, "The resultant deprivation of educational opportunity is no less damaging than that identified by the Court in *Brown*. As deplorable as these conditions may be, the relevant question for a federal court is whether they are attributable to a

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<sup>40</sup> Anthony Brooks, *The Legacy of the Little Rock Nine*.

constitutionally cognizable violation, which has contributed to the current condition.

Whether they are, of course, depends on the particular case.”<sup>41</sup>

With the courts either unable or unwilling to proactively cause reintegration, the ability to integrate relies on public intervention and dialogue. With skewed perceptions of diversity and a belief that integration is a problem of the past, such a public push seems unlikely at this time. As Orfield notes, “We don’t think about the problems because we think that we solved them.” Statistics make it clear that, though the issue of integration was discussed more during the Civil Rights Movement, it is no less of an important issue currently. In fact, in many places throughout the country, segregation has increased significantly. Orfield writes, “The proportion of black students in schools with more than half minority students rose from 1986 to 1991, to the level that had existed before the Supreme Court’s first busing decision in 1971.”<sup>42</sup> Resegregation is an important problem of our time, but it goes largely unnoticed by the public because it has reverted back this way in such a subtle manner.

These national trends are significant and startling. Entire schools are composed of one race, and problems are rising. Even schools that have achieved racial balance, however, still have deep segregation problems. Central High School is one such school. Central does not follow the same resegregation patterns that many schools struggle with. In fact, Central maintains a racial balance with about 60% African-American, 40% white

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<sup>41</sup> Book Selection, Wiley Branton, “Race, the Courts and Constitutional Change in Twentieth Century Desegregation Cases After *Brown*,” in *African Americans and the Living Constitution*, ed. John Hope Franklin and Genna Rae McNiel, folder “Edmonds, Terry,” OA/ID 10990, Subject File, White House Office of Speechwriting, Clinton Presidential Records, William Clinton Presidential Library.

<sup>42</sup> Gary Orfield, “The Growth of Resegregation,” in *Dismantling Desegregation*, ed. Gary Orfield, Susan Eaton (New York: New Press, 1996), 54.

enrollment. Central High School's current resegregation struggles occur from within, as students tend to be separated across racial lines in classes and social spheres. These conditions are not state or school mandated, yet they remain a significant hindrance to true integration.

From the time Central High School reopened in 1959, classrooms have been largely segregated. This was a point of controversy for the Little Rock School Board throughout the 1960s, with power split between those who promoted classroom segregation and those who wanted schools to remain segregated.<sup>43</sup> Even during this time, Central High School was more integrated than most other high schools of the time, with an enrollment of 15 percent African-Americans in 1967. While the *Swann v. Charlotte-Mecklenburg* decision, perpetuating the use of busing as a remedy of segregation, caused outrage and white flight in Little Rock, such problems were less widespread than they were in other cities. In Memphis, TN, for example, more than half the white students who attended Memphis City Schools in 1970 had left the school system by 1978—over 50,000 students.<sup>44</sup> Little Rock's problems were marginal compared to this. Little Rockians remained in the city and public school system for many reasons: the size of Little Rock made it unable to support suburbs, many jobs and businesses were located within the city itself and, for Central High School, its stellar academic reputation was cause enough to stay.<sup>45</sup>

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<sup>43</sup> Kirk, John, *An Epitaph for Little Rock: A Fortieth Anniversary Retrospective on the Central High Crisis* (Fayetteville: University of Arkansas, 2008), 116.

<sup>44</sup> Pohlmann, Marcus, *Opportunity Lost: Race and Poverty in the Memphis City Schools* (Knoxville: University of Tennessee, 2008), 81.

<sup>45</sup> John Kirk, *An Epitaph for Little Rock*, 132.

Though segregation remained a problem in Little Rock, Central High School did make moderate progress throughout the 1970's, particularly in comparison with the 1957 Crisis. By this time, a slight majority of African-Americans composed the enrollment of Little Rock School District schools. In a 1976 newspaper article, Paul Fair, the school superintendent at the time, reflected,

I didn't believe at first that this could be done. Now I believe anything can be done. It's obvious to me that desegregation of schools is best. In order to build a solid, cohesive community, you have to have it. Quality education for all is essential in our society. And I feel very strongly that desegregation should be pursued in all sections of the country. The Constitution wasn't written to apply only to some sections and not others.<sup>46</sup>

The article goes on to recognize, however, a new segregation phenomenon, "In-school segregation," in which the races generally tended to remain separate socially with little crossover.<sup>47</sup> This was an entirely different problem than that of 1957. It was less tangible than the Crisis of 1957; there were no antagonists or protagonists. Still, segregation lived on, taking a different form, as race and socioeconomic factors continued to divide the school. One parent observed, "Color is a lot less important now than money, than what you can afford. Desegregation was worth it—it had to be—but by itself, it's not sufficient. We've moved beyond where we were, but not necessarily close together. I'm not sure where we've moved."<sup>48</sup> Many people began to consider that blatant racism was no longer the principle divider at Central High School. Instead, students were divided by

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<sup>46</sup> John Egerton, *Going Back would be Unthinkable*. *Southern Exposure*, 1979, 45.

<sup>47</sup> John Egerton, *Going Back would be Unthinkable*. 45.

<sup>48</sup> John Egerton, *Going Back would be Unthinkable*. 45.

socioeconomic status. The school had come a long way, but the student body still was not integrated.

In fact, these issues are potentially equally as damaging as the segregation problems in other parts of the country. The goal of integration is to have meaningful interactions and friendships among the races, an ideal that is generally not met at Central High School. This can only be achieved if students of different races associate with each other, both in and out of the classroom. Clotfelter states, “Over the course of a student’s school day, interracial contact has more to do with conversations and encounters in hallways, classrooms and after-school activities than it does with the school’s overall racial composition.”<sup>49</sup>

President Clinton addressed these issues of segregation. Clinton had roots in Arkansas—he grew up there and presided as governor. He had a unique connection to the Little Rock Nine, repeatedly attributing his interest in civil rights to their story. Clinton received powerful political support from the African-American community. He chose to address these immeasurable, qualitative factors of segregation as he spoke at the fortieth anniversary of the desegregation of Central High School. He stated, “We also must not replace forced segregation with self-segregation. Many children sit together in the classroom, but still segregate themselves elsewhere, at the football games, at the dance, in social and civic clubs. Are we moving closer together or further apart?”<sup>50</sup>

Segregation outside of the classroom can be seen as a continuation of what is occurring within the classroom. Academic tracking is used throughout the Little Rock

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<sup>49</sup> Clotfelter, *After Brown*, 145.

<sup>50</sup> Newspaper Article, Draft, “Central High,” folder “Edmonds, Terry,” OA/ID 10990, Subject File, White House Office of Speechwriting, Clinton Presidential Records, William Clinton Presidential Library.

school system, placing “gifted” students in upper-level classes while confining others to regular or remedial classes. These classes tend to be divided across color lines. In a *US News Report* article, Julian Barnes observes a truth about Central High School: “While Central High as a whole is integrated, the individual classes are not. Honors classes are dominated by whites, regular classes by blacks.”<sup>51</sup>

Central High School claims that it is “Arkansas’ premier high school” with valid reason—*Newsweek* ranked it the 396<sup>th</sup> best public high school in the United States in 2011, a statistic based on Advanced Placement test scores, graduation rate, future college attendance and SAT/ACT scores.<sup>52</sup> Central High School is consistently ranked as the top high school in Arkansas by the *Arkansas Times*. These awards only merit one education path students can receive at Central. A teacher remarks in the HBO documentary, *Little Rock Central, 50 Years Later*, “If you are living in an AP world, then you are out of reality when it comes to the students in this school.”<sup>53</sup> Central High School serves some students extremely well, but the education is hardly equal for every student.

The story of Central High School is more complex than this, however. The idea that the classes are generally divided would suggest that African-American students attending Central High School would be less likely to thrive academically. In fact, in 2004, Central High School produced 15 of Arkansas’s 32 African-American National Merit semifinalists. African-Americans are able to thrive at Central High School; it has

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<sup>51</sup> Newspaper Article, Julian Barnes, *Segregation Now*, September 22, 1997, US News Online, folder “Edmonds, Terry,” OA/ID 10990, Subject File, White House Office of Speechwriting, Clinton Presidential Records, William Clinton Presidential Library.

<sup>52</sup> *America's Best High Schools*, June 19, 2011, <http://www.thedailybeast.com/newsweek/features/2011/americas-best-high-schools.html>, accessed 25 July 2011.

<sup>53</sup> *Little Rock Central High: 50 Years Later*, Directed by Brent and Craig Renaud (2007, HBO), DVD.

had many African-American student body presidents and principals throughout its history since 1957. Central High School's problems are more complicated than accusing the school of not providing equal opportunities for the students.<sup>54</sup> Moreover, the school acknowledges the gap between the success in its African-American and white students. Principal Nancy Rousseau explains that "Some kids don't understand or realize what the opportunities are here and so they kind of blow it off. Other kids do, but they may not have the skills, and that's the total frustration for us."<sup>55</sup> The school encourages "mix-up days," requesting that students sit with people outside of their regular social circles, but they have not been met with enthusiasm by the student body. Nancy Rousseau does mean it when she says, "We're working on it."<sup>56</sup> The problems are complex and deeply rooted, but at least they are recognized by the administration.

There could be many factors to lead to the class integration problem. Some suggest that it is plain racism—guidance counselors at the junior high level advise African-American students to take lower-level classes or African-American parents may not be as adamant to have their children placed in upper-level classes. Clotfelter suggests, "Parents who want their children to be placed in advanced classes contact the school and lobby for their children to be so placed."<sup>57</sup> This seems likely at Central High School because, as Barnes quotes a Little Rock school official who states, "In Little Rock, blacks tend to be poorer and have less education themselves; hence they are unaware of the educational benefits that flow from honors classes. Just as important, many are unaware

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<sup>54</sup> Barnes, *Segregation Now*.

<sup>55</sup> Renaud, *Little Rock Central High*.

<sup>56</sup> Renaud, *Little Rock Central High*.

<sup>57</sup> Clotfelter, *After Brown*, 138.

that they can pressure administrators into admitting their children into honors classes.”<sup>58</sup>

It is also suggested that African-American students are less adequately prepared for advanced placement work throughout primary and secondary schools. Surprisingly, as Barnes notes, half of the students in the gifted program at an elementary school that feeds into Central were African-American. Furthermore, at Dunbar Magnet Junior High School, forty percent of the gifted class was African-American students. The reason for this is debated amongst school officials.<sup>59</sup>

There are other underlying reasons minority students may avoid classes. Some students fear social pressures to remain in regular classes. Tanya Corbin, a student at Central High School in 1997 explained, “You get called names: ‘Oh, you are a little white girl. You are an Oreo cookie.’”<sup>60</sup> Students feel pressured to remain within their social cliques both inside and outside the classroom. Brendan Love, a student at Central High School in 2005, represented an exception to this. He was an African-American, enrolled in many AP classes and served as the President of the Student Body. He observed, “Central is still pretty segregated. It’s just we don’t have to have the National Guard to get in... It kind of bothers me that black kids kind of go to school to just chill when white kids come to get an education.”<sup>61</sup>

Students at Central High School seem to attend for different reasons. One teacher remarked that white students go for the unparalleled academic opportunities, whereas black students go because it is where they are districted. Principal Nancy Rousseau discusses that Central High School attracts Little Rock’s wealthiest students as well as its

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<sup>58</sup> Barnes, *Segregation Now*.

<sup>59</sup> Barnes, *Segregation Now*.

<sup>60</sup> Barnes, *Segregation Now*.

<sup>61</sup> Renaud, *Little Rock Central High*.

poorest, and this is often divided along the color line. Students living in poverty may not be able to prioritize education as highly as students from wealthy backgrounds. Teacher Keith Richardson discusses, “There’s a lot of kids facing a lot of things children shouldn’t have to face that won’t allow any room for education. Where am I going to lay my head? Where am I going to eat?”<sup>62</sup> Still, teachers try to emphasize that a solid education may be the key to a brighter future, breaking the cycle of poverty. Nancy Mahones, a teacher of African American History at Central, explains, “I do believe that Central is two schools, a black school and a white school. I feel that it is a crisis. I tell my students that, but they don’t understand, that if they don’t pass the test, the class, then somewhere down the road, they won’t be able to get the same job, the money to support their family. The gap should be closing, but it doesn’t appear that it is.”<sup>63</sup>

Though equal education should be a top priority of schools, as of now, this does not seem to be the case. African-American students tend to graduate from Central High School three to four reading levels lower than their white counterparts. Tracking is a major factor in the separation of races, and it seems as though it will continue for the foreseeable future. Students would leave the top public schools if they were not placed in the designated ‘advanced’ class, and parents endorse such classes. Clotfelter explains, “Tracking in suburban high schools in St. Louis was found to minimize the potential opposition from white parents and students to a desegregation program that buses black students from the central city.”<sup>64</sup> The same can be assumed of other cities, including Little Rock. Students remain in the school system to be a part of the academic elite

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<sup>62</sup> Renaud, *Little Rock Central High*.

<sup>63</sup> Renaud, *Little Rock Central High*.

<sup>64</sup> Clotfelter, *After Brown*, 138-139.

offered by Advanced Placement classes. It does not seem like such leveling and tracking of students will soon end.

After discussing segregation, desegregation and resegregation, it is important to focus on the overarching themes that make integration important and necessary. So much controversy has surrounded the issue of integration. School integration is key not only to education and schools themselves, but also for the creation of a more unitary, cohesive society. In his book, *After Brown, the Rise and Retreat of School Desegregation*, Charles Clotfelter quotes psychologists Maureen Hallinan and Richard Williams who discuss the benefits of integration, one being propinquity, defined as, “Interaction, whether by chance or choice, generally leads to positive sentiment...students who are assigned or choose to belong to the same instructional groups or participate in co curricular activities are more likely to become friends than those who are in different groups.”<sup>65</sup> To reiterate Thurgood Marshall’s point, integration is an essential issue because, “unless our children begin to learn together, there is little hope that our people will ever learn to live together.”<sup>66</sup> The problem is that, during the nineties, the promises of integration deteriorated as many school districts reverted back to their racial compositions pre-integration and, even in racially balanced schools, the effects of tracking and in-school segregation helped perpetuate the harmful effects of segregation.

The Little Rock Nine believed integration was valuable and important; they risked everything to make Central High School integrated. A variety of reasons motivated them. They integrated for principle, believing that African-American students should have the right to an equal educational experience as their white counterparts. They integrated for

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<sup>65</sup> Clotfelter, *After Brown*, 188.

<sup>66</sup> Charles J. Ogletree, *All Deliberate Speed*, 171.

opportunity, wanting to receive the best educational experience their state could offer: Central High School. But they also integrated for the future, hoping that because of their sacrifice and hardships, students of the future could work together peacefully. Their sacrifice and plight were not in vain. Schools have come a long way, but there are still fundamental problems that absolutely should not be ignored. Upon their return to Central High School, the Little Rock Nine have expressed their personal opinions of race relations in public education throughout the nineties. A majority of them believe race relations still have a long way to go and believe the promises they fought for have yet to be fulfilled.

Carlotta Walls, the youngest of the Little Rock Nine, wrote in her book, *A Mighty Long Way*, that,

It distresses me to see the nation's public schools have become largely resegregated. But even more, I'm disturbed by the low regard for education in many of these schools. I didn't go to Central because I felt a strong desire to sit next to white people in a classroom. I put my life on the line because Central offered the best academic opportunities. I had hoped that the resulting integration with people of another race would be a bonus, a great exchange of cultures and ideas...How did we—particularly black men and women who endured the struggle and benefitted from it—allow such a cultural shift from the time when education was widely viewed in our community as the way to a better life?<sup>67</sup>

This is directly related to Central High School's problems with segregation. Carlotta Walls suggests that emphasis on education and knowledge is the key to ending Central's

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<sup>67</sup> Walls Lanier, Carlotta, *A Mighty Long Way* (New York: One World, 2009), 302.

form of segregation. The segregation issue, to her, is less significant than the quality of the schools themselves, which is worse in many inner-city schools and “regular” classes.

Resegregation in all of its forms and the equality of education offered to every American student remain major, largely unrecognized issues in the United States. Resegregation happened subtly and was not caused by outraged mobs, but the ordered discussion of members in school board meetings. Resegregation is not necessarily an intended result of school boards’ actions, yet it is overwhelmingly prevalent in the school system. There is little widespread discourse on this issue because many of the underlying issues are taboo. They make the public uncomfortable. As Rodney Slater, Secretary of Transportation for the Clinton Administration, observes, “We are talking less to each other and more *at* each other. As terrible as things were 40 years ago, at least we were honest.”<sup>68</sup> The public wants what happened in 1957 to stay in the past, believing that because blatant racism is no longer widespread or socially acceptable, all of the bigger issues have disappeared with it. Without recognition of the problem, the United States public can be free from the burden of guilt and the burden of solving such a problem. The problem of segregation, it is believed, is an issue that past generations have overcome, and the country is reluctant to restart the dialogue about segregation, especially considering the emotionally charged, deeply rooted and complex nature of the issue. Still, such a dialogue is necessary for the United States to ever live up to its founding principles and Constitutional guarantees of equality. Beyond that, true integration represents a hope that surpasses equality: that meaningful relationships will be formed

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<sup>68</sup> Slater, Draft of Op-ed.

and race will no longer be an issue, that one will be judged not “based on the color of their skin, but on the content of their character.”<sup>69</sup>

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<sup>69</sup> Martin Luther King, Jr. “I Have a Dream,” in *American Legacy: The United States Constitution and other Essential Documents of American Democracy*, (Center for Civic Education, 1997), 71.