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The Relationship between the Social Construction of Race and the Black/White Test Score Gap in

Toriano M. Dempsey
University of South Florida, tdempse2@mail.usf.edu

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The Relationship between the Social Construction
of Race and the Resegregation of Public Schools in the United States

by

Toriano M. Dempsey

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Major Professor: Bernd Reiter, Ph.D.
H. Roy Kaplan, Ph.D.
Steven Tauber, Ph.D.

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Abstract

This research is an investigation into the relationship between the resegregation of American public schools and the social creation of race. This research is based on the popular notion that American public schools are failing to produce students capable of competing in today's global society. The proof most often used to assert the failure of American public schools is the Black/White Test Score Gap. For the purposes of this research the Black/White Test Score Gap is defined as the gap between the scores on academic standardized tests between Black public school students and White public school students regardless of which government agency administered the test. Also within this research the Black/White Test score gap will be used synonymously with the term achievement gap.

The most widely accepted hypothesis for the existence of the Black/White Test Score Gap is the segregation of public schools based on race. The United States has had a long history of the racial domination of Black people and public schools have been a widely used tool in that domination. The segregation of Black people into public schools that are incapable of producing a quality of education sufficient enough to enable its students to compete in the global marketplace has been a problem for the American government. My research will demonstrate that this problem exists because many public schools contain high levels of individuals experiencing extreme levels of poverty; this

fact is in contrast to the widely held notion that segregation based on race is the most significant factor in predicting the achievement gap in American schools.

In this research I will investigate the social construction of race in the United States. This investigation is done to demonstrate why race is not the best predictor of the achievement gap in the United States. My hypothesis, in this research, is that once the social construction of race is exposed the premise that race is the best predictor of the Black/White Test Score Gap will diminish because that social construction is unreliable for use in policy formation and scientific research. More specifically I propose that the best predictor for the aforementioned relationship is not race but class. The segregation of Black public school students into school districts which contain significant levels of students that are poor is much more significantly associated with the Black/White Test Score Gap than the fact that these students attend schools that are predominately Black in the United States.

Chapter One

Introduction and Organization

The backdrop for my investigation into the social creation of race will be the Supreme Court decision in the case of *Brown v Board of Education of Topeka, Kansas* 347 U.S. 493 (1954). In this research I will demonstrate how the litigation of the Brown decision demonstrates the volatility and unreliability of the variable of race. The decision in the Brown case was based on a premise that segregation based on race was causing psychological damage to Black public school students. The premise in this research is that political elites in the United States have used race-based notions like the psychological damage premise developed by Dr. Kenneth Clark, to further their economic and political agendas.

In chapter two I will begin my analysis with a historical overview of the creation of Black identity in the United States. The historical analysis will begin with the introduction of African slaves into the Americas prior to the establishment of slavery in the thirteen colonies comprising the United States. Using a historical analysis will allow me to focus on the key individuals and groups which have been invested in creating Black identity in this country while giving context to development of race specifically in the United States. By focusing on these political entrepreneurs (Brubaker 2004) I will demonstrate how they affected the litigation of Brown and consequently created political and social cleavages inside Black identity which continues to cause problems for any

individual or group which is attempting to use race as a basis for developing policy or designing prediction-based research. These political and social cleavages have combined to create a declining significance for race as a means for predicting the behavior of Blacks as individuals and as a group in this country.

Theoretical Framework and Research Design

The theoretical framework for the historical analysis in chapter two will come predominately from the work of Anthony Marx in his book "*Making Race: A Comparison of South Africa, the United States, and Brazil (1997)*." In that work Marx (1997) premises that elites in the United States, South Africa, and Brazil have used the racial domination of African slaves to create a group of Blacks and Whites in these countries. According to Marx (1997) in liberal democracies like these nations Whites become defined as those individuals who are the included in these societies. As a result of being the included group Whites enjoy the protection of their individual rights and the benefits of privilege in these societies Blacks as a consequence of being the excluded group become defined as a group which does not enjoy these protections and privilege. In Marx's theory races become defined as those groups which belong to either the excluded or included group within states

My research associates the volatility of race to the premise that national political entrepreneurs have created races among groups who do not always share a common identity. I am arguing in this research that Black identity in the United States has been created with the existence of political agendas which have rendered this variable unsuitable for use in research and policy design.

Specifically I am arguing that because the litigators of the Brown decision relied on a definition of race that is imagined they caused the resegregation of American public schools. As a consequence of using this unreliable variable for predicting the behavior of public school students they determined that the best method for combating the Black/White Test Score Gap would be to desegregate public schools based on race. At this point the desegregation of public schools based on race became the goal of Brown instead of strategy used to combat the achievement gap. Consequently by using desegregation as a goal instead of a strategy these litigators set the stage for the violation of the desegregation decision which was based on residential resegregation because they did not adequately address the class based differences between schools.

In chapter three I will change my focus to the current state of American public schools. After establishing the social construction of race as an unreliable variable, I will examine the consequences that this nation's schools have experienced as a result of the use of that variable in developing policy. Specifically I am referring to the resegregation of American public schools. I propose to demonstrate that because desegregation has been based on race, American public schools have resegregated based on the same variable as a means of protecting the privilege of the included group at the expense of the excluded group. The difference in this resegregation is that it is now based on class because inner city schools have experienced severe losses of middle class students.

This chapter will end with a statistical analysis of the resegregation of American public schools based on the current information surrounding the subject. During this analysis I will focus specifically on the ability of public schools to close the Black/White

Test Score Gap. Charts in this section of the study will compare the most prominent class-based variables related to predicting the achievement gap in the United States.

By examining the statistical evidence I will demonstrate that the concentration of poverty in public schools with large numbers of poor students is a significant predictor in determining the test score gap. This premise is contrary to the theory behind the racial integration of public schools which, again, was based on the notion that Black children suffered psychological damage by being forced to attend segregated schools.

Finally I will end this section with another historical analysis. This historical analysis will focus on the federal legislation and federal policies that have followed the Brown decision in an attempt to deal with the achievement gap in American public schools. By focusing on significant court cases and federal legislation following Brown I will demonstrate the recognition by American political elite that they realize that race is an unreliable variable for use in closing the achievement gap in public schools. American elite have finally realized that strategies like integration and standardized testing cannot reduce the test score gap alone. This recognition is crucial to understanding why class (defined through poverty) has to be a significant portion of any formula developed for predicting this aforementioned relationship and designing policy to deal with it.

The summary will include my interpretation of the implications of my research. I will rely heavily on the current theories surrounding the creation of race in America, the state of American public school segregation, and the ability of government to reduce the Black/White Test Score Gap. I will conclude with an honest assessment of my hypothesis. If the Black/White Test Score Gap is higher in schools and school districts

experiencing high concentrations of poverty I will consider race as declining in significance as a predictor of that relationship. This relationship will also include those districts which are now predominately Hispanics.

Chapter Two

Literature Review

References to the Black/White Test Score Gap will be based on the racial classifications developed by the United States Census. The United States Census Bureau through the Department of Commerce uses a process of self-identification to determine racial classification in the United States. On the census form residents are asked to indicate which race or races to which they most identify and indicate whether or not they are of Hispanic or Latino origin.

The United States Census officially recognizes six racial classifications. As of the 200 Census those categories are: White: a person having origin in any of the original people of Europe, the Middle East, or North Africa. It includes people who indicate their race as White or report entries such as Irish, German, Scottish, Italian, Lebanese, Near Easterner, Arab or Polish; Black or African American: A person having origin in any of the Black racial groups of Africa. It includes people who indicate their race as Black, African American, or Negro, or provide written entries such as Kenyan, Nigerian, or Haitian; American Indian and Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment; Asian: A person having origin in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the

Philippine Islands, Thailand and Vietnam. It includes Asian Indian, Chinese, Filipino, Korean, Japanese, Vietnamese, and other Asian; Native Hawaiian or Pacific Islander: A person having origin in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. It includes people who indicate their race as Native Hawaiian, Guamanian, Samoan, or other Pacific Islander; Two or more races: People may chosen to provide two or more races either by checking two or more race response check boxes, by providing multiple write in responses, or by some combination of check boxes and write in responses.

At the beginning of the census there is an explicit recognition of the social basis of these categories. The document states “The racial categories included in the census questionnaire generally reflect a social definition of race recognized in this country and not an attempt to define race biologically, anthropologically, or genetically In addition, it is recognized that the categories of the race item include racial and national origin or sociocultural groups (US Census, 2000).” These definitions, however, have developed real consequences for the individuals included in each definition because they have been used as a basis for the development of public policy. This work is an examination of both the social creation of the Black or African American category and the implication of the social policy developed to close the Black/White Test Score Gap in the United States.

Before delving into key points of my argument within this work I need to establish the working definitions of a few terms and phrases which are not part of every day social language. The first of these terms is political entrepreneur. Political entrepreneur is a term developed by Rogers Brubaker in his work “*Ethnicity without*

Groups (2006).” According to Brubaker political entrepreneurs are individuals who are invested in groupism. In this research the recognition that political entrepreneurs engaged in group-making during the American nation building process is crucial to understanding the volatility associated with using race as a basis for predicting individual behavior or creating policy.

Finally I want to be clear about my historical analysis/overview in this work. As a means of brevity my historical overview will skip some important eras of American political history. I will begin my historical analysis with the emancipation of African slaves in this country. Also the political reconstruction of the South is not significantly addressed within this work. That era of American politics, though significant, is again not addressed in order to also concentrate more on the American Civil Rights Movement. These are omissions are made so that I may concentrate more on the political entrepreneurs I propose are most relevant with shaping Black identity in the United States and which my research shows, affected the litigation of the Brown (1954) decision most significantly.

A crucial premise in this work is that political entrepreneurs have created the American social definitions of race. These definitions have then been applied to people in the United States creating races. I argue that these races represent imagined communities (2003) of individuals that are contextual and based on the social outlook of the individuals invested in their creation. As a consequence of the varying social outlook of Americans based on their individual class characteristics, these groups become an unstable variable for use as a guide for public policy or scientific research.

The term imagined community is taken from the work of Benedict Anderson in his book *“Imagined Communities: reflections on the origin and spread of nationalism (1991).”* In that work Anderson describes racial categories as imagined communities. They are imagined communities because most of the individuals who claim the group affiliation of race will never interact with one another. For Anderson (1991) as a consequence of this non interaction these groups are unstable and easily manipulated by elites. This work seeks to demonstrate that Black people in the United States represent such a group.

The Creation of Black Identity in the United States

In this chapter I will discuss the chronicle the creation of Black identity in the United States. By using a historical analysis I will demonstrate the development of social cleavages in Black identity and demonstrate how those social cleavages have caused problems for litigators of the Brown decision. I intend to demonstrate that these problems stem from the fact that these social cleavages have been manipulated by political entrepreneurs creating an imagined community among Blacks in the United States and also resulting in a variable unsuitable for use in creating public policy and predictive scientific research.

In this work Black identity will be used synonymously with the label Black associated with the racial identification in the United States Census. One of the major premises of my work is that Black identity in the United States has been developed with inconsistencies that limit the utility of this label for use in developing political policy and for creation of scientific research.

As mentioned earlier, the United States Census recognizes that race is a socially created phenomenon. One of the major methods of creating these social classifications has been through the use of hypo descent. As Anthony Marx (1997) demonstrates in his work, liberal democracies operate on the basis of binary classification systems for race which contain dominant and subordinate groups. Hypo descent is the automatic assignment of children of a mixed union to the subordinate race. The legal manifestation of hypo descent in the United States is the one drop rule. The rule was first established as a matter of law in 1910 as part of the “*Racial Integrity Act (1910)*” in Virginia and Tennessee. That act required that every person in the those states at birth be recorded as belonging to either the White or Colored race for purposes of the Census. It also defined Colored as persons with any African or Indian ancestry. This process of automatically classifying any person with African descent as Black has created problems for Black identity because it lumped people with different identities into one monolithic group which never had a single identity.

Paul E. Lovejoy addresses this issues relating to the gender, ethnic and cultural factors through which enslaved Africans and their descendants interpreted their lives under slavery, thereby creating a community with a shared sense of identity in his work “*Identity in the Shadow of Slavery (2011)*.” His work focuses on the ways in which communities were formulated under slavery and ways in which the individuals struggled to escape slavery and how these struggles continued to affect the lives of the descendants of slavery. Lovejoy’s (2011) work is used here to demonstrate that the Atlantic Slave Trade brought together individuals that did not have a unified identity and demonstrate how that fact continues to have an impact on Black identity in the United States.

In the section entitled “Identifying Enslaved Africans in the African Diaspora,” Lovejoy addresses the struggles to create identity by enslaved Africans when he states that “African backgrounds were diverse; there was no single cultural heritage in Africa that could provide a collective baseline when trying to survive in the America (Lovejoy 2011, 3).” The premise of Lovejoy’s (2011) work, again, is that to understand how Blacks were able to survive slavery you must understand the cultural, language, class, gender, family, and ethnic pluralities that existed in slave communities. He proposes that these social characteristics can be associated with the fact that these individuals were taken from different regions of Africa and as such transferred these differences to America. I propose that these factors contribute to the social nature of race in American and contribute to the variable being unstable for Blacks today because it continues to oversimplify so many of the cultural factors that Lovejoy describes in his work.

Additionally as Lovejoy (2011) chronicles the Atlantic Slave Trade he demonstrates that “who became assimilated to what depended upon the relative numbers of people who crossed the Atlantic and the extent to which there were concentrations of people of similar origins in reasonably close settlement and within overlapping periods of arrival. The trade in enslaved Africans exceeded 12.5 million people and most crossed the Atlantic in the 150 years after 1680 (Lovejoy 2011, 5).” Lovejoy (2011) establishes in this work that most of the Africans that ended up in the Atlantic Trade came from the Yoruba, Gbe, Igbo, and the closely related Bantu groups of West-Central Africa (e.g. Kongo, Mbundu). Again according to Lovejoy (2011), contrary to popular opinion, the Africans that came from these tribes were culturally distinct and did not contain a monolithic racial identity prior to their arrival in the colonies as slaves.

Finally Lovejoy (2011) believes that one of the most important factors to understand in regards to the formation of Black identity in the United States is Creolization. He describes the Creolization of African slaves and the use of the word Creole by stating “Creole means born in the Americas, sometimes applied only to enslaved population but by extension to the mulato population and other people of mixed descent. The term is used also to describe linguistics difference and to refer to the offspring of speakers of dialects, and finally common or trade languages by people working together without a common first language (Lovejoy 2011, 8).’ Lovejoy’s (2011) Creolization concept is important for understanding how the use of hypo descent to assign Creoles and mulattos to the Black race created cleavages in Black identity. By ignoring these linguistic differences the application of hypo descent to all descendants of African slaves creates an imagined community of these individuals because they did not have a common identity before their arrival and, according to Lovejoy (2011), continued to develop differences based on language.

Creating a common language was absolutely essential to the survival of African slaves in America. Lovejoy’s (2011) work, again, demonstrates how the process helped to foster cleavages in Black identity. In the Gulf region the French dominated slave trade created cleavages amongst African slaves which were based on a French linguistic difference and a European fostered skin-tone based dichotomy amongst Blacks. As Black identity continued to develop in the United States ethnic differences among the original slaves began to transfer to regional differences among the descendants of these individuals.

A Nation within a Nation: Black Identity During Slavery

After the introduction of slaves into the North American colonies the issue of slavery became intertwined with issue of race (Marx 1997). In the United States the process of Creolization (Lovejoy 2011) and the use of hypo descent made every individual with any identifiable African ancestry Black by law whether that person identified themselves as Black or not. This meant that Black identity contained a number of different ethnic and linguistic differences within it that would make the formation of a common identity very difficult if not impossible.

In the book "*A Nation Within a Nation (2011).*" Author John Earnest discusses the struggles of African Americans during and after the Civil War to create communities and social organizations aimed at social uplift and identity development. The book details the early development of Black churches, freedmen bureaus, and community organizations and the struggles of both slaves and eventually freed Blacks to control the images of African Americans and advocate for the full citizenships of Blacks in the United States.

John Earnest's (2011) work is insightful for this investigation because it demonstrates that as Black identity developed in the United States it developed in spite of the cleavages contained within in it. This fact is important context for understanding the difficulties experienced during the Brown litigation and implementation. In discussing the Norfolk Association (an association headed by Fredrick Douglass in 1814 which was advocating to General Andrew Jackson for fair treatment of slaves) Earnest states "what is impressive about the Norfolk association is that African communities faced even more

basic problem than arguing against White oppression namely, gathering together those of African heritage to form a potentially coherent community. Throughout the early national period of the United States such a community simply did not exist though the grounds and need for it were strongly recognized by Black leaders and writers. Long after Africans were brought to America by force people from different regions, often speaking different languages and shaped by different religious beliefs and cultural practices remained scattered and fragmented both geographically and ideologically in terms of their living conditions and possibilities they entertained for themselves (Earnest 2011, 5).” Earnest (2011) proposes that these cleavages in Black identity remained prominent through the post war years of the Civil War and into the Reconstruction period of the South.

The Civil War and Black Identity in the United States

The Emancipation Proclamation was a crucial turning point in Black identity for obvious reasons. The act freed slaves in confederate states severely undermining the Southern war effort because slaves cooked for southern soldiers and provided many other services crucial to the Confederacy. After losing the Civil War many Southern States suffered devastating destruction to their infrastructure both politically and economically (Earnest 2011). In this work Southern Reconstruction will refer to two periods in American history. The first Reconstruction is the period between 1865-1877. This period in American history is characterized by the period in Southern States immediately following the Civil War in which many southern states elected federal representatives consisting of freedmen or freed slaves. This era ended with the rapid reconstruction of the South and the violent overthrow of these freedmen legislators by Southern Dixiecrats. “In

1957 political scientist John C. Woodard coined the term second reconstruction to describe the interconnected efforts of the federal government and the Modern Civil Rights Movement to overturn White Supremacy and extend racial equality in (Valley 2004, 251).” Political Scientist Richard M. Valley uses that definition to perform a comparative analysis of the two eras based around the research question of why the second period has lasted so much longer than the first in his book “*The Two Reconstructions (2004)*.” In this book Valley (2004) is examining the limitations on political coalition building of a biracial majority which supported the enactment of the 1964 Voting Rights Act which was in stark contrast to the inability of Black leaders and Northern elites to build such a coalition during and after Southern Reconstruction. The work is used here to demonstrate further how Black identity changed between these two eras to overcome the White supremacy in the first era and build a biracial coalition for the second era. That biracial coalition, however, ended up cementing cleavages in Black identity that persisted through the Civil Rights Movement and into Brown.

For Valley (2004) the Republican Party’s support for the Civil Rights Movement was based on a coalition of working class Whites in Northern and Southern states with the Black elite in the South. He proposes that the Black middle class activism that formed the original National Association for the Advancement of Colored People in 1939 was a middle class organization which was instrumental in this coalition. Valley’s model is a rational choice model which seeks to eliminate the personal attributes of individual politicians like Abraham Lincoln during the Emancipation Proclamation and Lyndon Johnson during the enactment of the Voting Rights Act. For Valley (2004) the coalition between the Black middle class and the Republican Party was a rational decision to win

Presidential elections. In this thesis the work demonstrates that the Black middle class took an active lead in the development of Civil Rights legislation including Brown and geared those policies to a rational choice that favored the interest of their class above the interest of other sections of the Black community.

Dr. Derrick A. Bell Jr. discusses the NAACP and the interest of the Black Middle Class and how those interests affected the litigation of the Brown case in particular and the Civil Rights Movement in general. Dr. Bell developed a theory known as the interest convergence dilemma. The theory is crucial in this work to understanding the difficulties that faced the NAACP and later the NAACP Legal Defense Fund during the Brown litigation. In "*Brown v. Board and the Interest Convergence Dilemma (1980)*" Bell's theory is that "formal legal equality granted through the courts, could never guarantee economic, legal and social opportunity for the mass of Black people (Bell 1980, 3)." Bell's premise rested on his notion that American national elites will only accommodate the interest of achieving racial equality for Blacks when those interests converge with interest of Whites. The work is used in this study only to illuminate the role of political entrepreneurs in creating racial identity in the United States. I propose that as President Lincoln issued the Emancipation Proclamation he operated out the paradigm that Bell (1980) establishes. In my work I demonstrate that the dilemma faced by the NAACP Legal Defense Fund was an attempt to merge the interest of the Southern Black identity with those of the Northern Black identity on a world stage. These interests were significantly different because each region experienced oppression differently.

Brown vs. Board and the Civil Rights Movement in the United States

Again after the political reconstruction of Southern government's many Blacks began migrating to Northern States. This migration was due to the Supreme ruling in the Plessy case, the establishment of Jim Crow legislation which precluded Blacks from attending public schools with Whites was initiated during this period in United States history. Historical evidence from the work of Anthony Marx (1997) demonstrates that Black identity also shifted during this time period. According to Marx (1997) regional distinctions developed in Black identity as that identity began to be defined by the Civil Rights Movement. In Marx's (1997) theory racial oppression not only creates a racial identity amongst the excluded but it also creates the opportunity for a unified response to that exclusion. This research proposes that the Civil Rights Movement in the United States was the unified response among Blacks in the United States to their exclusion. Problems developed for Black identity as a result of the distinct nature of oppression in each region made creating a unified strategy based on racial identity very difficult for Blacks.

As mentioned earlier the United States Civil Rights Movement began in the period following the adoption of Jim Crow legislation in the South. Most research designates the years between 1950 and 1968 as the most prominent years of the Civil Rights Movement. For the purposes of this study I will use the premise developed earlier by Richard Valley that the Civil Rights Movement extends from the second Southern Reconstruction in 1939 until the adaption of the 1964 Voting Rights Act. Valley's (2004) rational choice theory, again, is based on the creation of a coalition between Southern

Republicans and the Black middle class and is helpful for understanding the development of political cleavages in Black identity during this period.

The Legal Defense Fund of the NAACP lead by Thurgood Marshall was largely a Southern middle class Black organization as was its parent organization the NAACP. The Civil Rights Movement was developed as non violent social movement aimed at restoring the voting rights of Blacks in the United States. Originally the Civil Rights Movement was based solely in the South as political meetings were held in Black Churches and lead by Southern Minister Dr. Martin Luther King Jr. Dr. King was instrumental in creating a coalition between the strategy of non violent protest and American political interest which were based around the Cold War.

The Civil Rights Movement coincided with end of World War II and the beginning of the Cold War between the United States and Soviet Union. According to Anthony Marx (1997) the non violent protest method of the Dr. King and the movement provided political pressure for the American State Department because the State Department was interested in presenting a positive public image of the United States as an ambassador for Democracy around the world. Marx (1997) believes that prior to the initiation of the Brown decision the Legal Defense Fund, the NAACP, and Dr. King were able to pressure the federal government to end the overt Southern discrimination created by Jim Crow legislation.

At this point a distinction needs to be established between the NAACP and the NAACP Legal Defense Fund. The Brown case would be tried by lead council Thurgood Marshall of the NAACP Legal Defense Fund. The National Association for the

Advancement of Colored People is an organization which traces its roots to 1909. Since its establishment the organization has been focused on its mission to “ensure the political, educational, social, and economic equality rights of all persons and to eliminate racial hatred and racial discrimination (naacp.org 4).” The NAACP Legal Defense Fund, however, by the dawn of the Brown case was a separate entity from the NAACP. In 1939 the Legal Defense Fund spun off from the NAACP to form its own independent organization under its president John Payton. In the work “*Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (2002).” Author James Patterson proposes that one of the main reasons for the split between the two organizations was the insistence of the Thurgood Marshall on pursuing a strategy of civil rights for African American based on a human rights initiative. This direction was in contrast to the NAACP desire to remain focused on a narrower interpretation of civil rights with an exclusively American focus. As a consequence of this split and the desire of the Legal Defense Fund to maintain a focus based on human rights the litigation of the case became very central to the Civil Rights Movement, the Cold War, and Black identity in general in the United States.

This distinction is crucial for understanding why the Legal Defense Fund eventually abandoned its human rights platform which included a call for both equal funding and the integration of American public schools. According to Carroll Anderson (2003) abandoning the human rights platform meant embracing integration as a goal instead of a strategy in Brown. When the goal of the litigation was the human rights of Blacks integration was only one method in reducing the achievement gap between the races because the premise was that the core problem was the oppression of Blacks human

rights through education. When the focus became the Civil Rights of Blacks through the Fourteenth Amendment and Equal Protection Clause integration became the goal because it was established during the litigation of the Plessy (Anderson 2003).

In “*The Declining Significance of Race (1980)*,” Dr. William Julius Wilson chronicled the development of geographic cleavages in the Black community during the development of the Civil Rights Movement. For Dr. Wilson as Blacks continued to move to Northern states as a result of pursuing employment in large industrial centers like Chicago and Philadelphia they experienced housing segregation while enjoying the economic benefit of working in these industrial centers. According to Wilson (1980) Blacks who migrated to these areas clashed with Eastern European immigrants who had migrated to these areas previously. Residential segregation forced Blacks into housing that had been abandoned by Eastern European immigrants and as consequence was not well maintained. This housing segregation resulted in all Blacks being located in inner city districts which had been previously abandoned by Whites (Wilson 1980). This housing pattern meant that even more affluent Blacks were forced to share the same neighborhoods as poorer Blacks. This residential pattern meant that Black Northern neighborhoods were gentrified by class and segregated by race. In the South the Black middle class lived separately from the Black poor and the neighborhoods were not as gentrified. Employment discrimination combined with this residential segregation to create a distinct form of de facto racial domination for these Blacks.

Employment discrimination was unique in the North. Dr. H. Roy Kaplan detailed some of these discriminations in his work *American Minorities and Economic Opportunities 1977*. In the work Dr. Kaplan details chronicles the entrenched in building

trades faced by Blacks in Northern cities like Philadelphia, New York, and Chicago. Again this type of discrimination was not susceptible to direct confrontation because it was de facto. Discrimination of this manner helped to separate

For Northern Blacks racial domination lacked the legal component it had in the South. Once North Blacks were formally the equals of Whites.. These individuals did not face Whites-only signs that designated where Blacks should eat or sleep. Their form of racism was not amenable to sit-ins, boycotts, or Court sponsored litigation. According to Marx (1997), as a consequence of their experience of de facto segregation many Northern Blacks felt abandoned by the Civil Rights Movement. The Black Power movement became the physical manifestation of the frustration of Northern Blacks with the leadership of the Civil Rights Movement in the United States. According to Anthony Marx (1997), political entrepreneurs like W.E.B. Du Bois and Malcolm X pioneered the Black Power Movement. That movement was based in a theology that advocated a cultural return to the African roots of Blacks to combat the American system of racial domination that had originally enslaved Blacks in the United States.

The geographical cleavage within Black identity was accompanied by a philosophical difference about the best direction for movement. As mentioned earlier the Southern political leadership of the Civil Rights movement was based on a strategy of non violence by Dr. King and a human rights platform by the Legal Defense Fund. The philosophical difference is illustrated best by examining the participation of W.E.B. Dubois in the Civil Rights Movement. Carroll Anderson (2003) notes that in 1945 W.E.B Dubois was a member of the NAACP's delegation to the United Nations that was promoting an end to the European colonization of Africa. Dubois believed that European

nations like Britain and France should abandon their African colonies in an attempt to promote the universal human rights of their former colonies in Africa. Du Bois worked closely with Pan Africanists Kwame Nkrumah and Marcus Garvey on legislation to end re colonization of Africa through organizations like the International Monetary Fund and World Bank.

In 1945 W.E.B Dubois was a member of the NAACP delegation that was promoting an end to the European colonization of Africa. Dubois believed that European nations like Britain and France should abandon their African colonies in an attempt to promote the universal human rights of their former colonies in Africa (Anderson 2003). Du Bois worked closely with Pan Africanists Kwame Nkrumah and Marcus Garvey on legislation to end re colonization of Africa through organizations like the International Monetary Fund and World Bank.

These Pan African initiatives were only publicly supported by the communist nations of China and Russia. They were virtually ignored by all other members of the United Nations Security Council including the United States. The United States went a step further than non-support as they initiated political pressure on all organizations, to disassociate themselves from anything that could be remotely considered communist. The NAACP at this point was forced to abandon these affiliations with the Black Power movement as that movement was heavily considered as having communist leanings (Marx 1997). When Du Bois refused to comply it began his process of parting ways with the NAACP. The argument here is that the NAACP understood the interest convergence dilemma that association with the Black Left would cause for its litigation of Brown. The

organization made a choice that favored southern Blacks and further exacerbated the cleavage between Northern and Southern Blacks.

At this point in the historical analysis I want to move away from the examination of individual influence on Black identity and examine further the systemic factors shaping the litigation of the Brown decision in general and Black identity in particular. The United States Supreme Court has played a significant role in defining Black identity in the United States. As a result of being the branch of government which has the responsibility for interpreting federal legislation through its ruling, the court's decisions have impacted the exercise of Black civil rights and as a consequence Black identity because Black identity is tied to the exercise of individual rights. Consequently at this point in the study I want to examine the most relevant Supreme Court Ruling's in respect to the segregation of Blacks in public schools in the United States.

The Supreme Court and Social Cleavages in Black Identity

One of the most significant early rulings for Black identity in the United States was the Supreme Court ruling in the case of *Plessy v. Ferguson* 163 U.S. 537 (1896). In that case the court established the doctrine of Separate but Equal as the law of the land. This doctrine was established when the court ruled that the state of Louisiana did not violate the Equal Protection Clause of the Fourteenth Amendment when it required separate railway cars for Blacks and Whites in that state were legal as long as those cars were involved in intra state travel. This ruling significantly impacted the balance between federal authority and state's rights in America.

In *Plessy v. Ferguson* (1896) the Supreme Court established that the State Supreme Court of Louisiana did not violate the Equal Protection Clause of the Fourteenth Amendment when it established the legality of Separate but Equal. In the case the court ruled that Louisiana could establish separate public facilities for Blacks as long as those facilities were equal to those established for Whites. The ruling established that state's had the ability to bypass the constitution and significantly swung the balance of power in their favor.

The Supreme Court ruling in *Plessy v. Ferguson* (1896) became significant for Blacks because it established the notion of Black second class citizenship as a matter of law after slavery. This becomes very evident when one examines the opinion of Justice Brown when he wrote "we consider the underlying fallacy of the plaintiff's argument that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction on it (1896)." This statement would become a central issue the *Brown* (1954) case.

To understand how this case created a cleavage within Black identity in the United States one must understand the difference between de jure and de facto segregation. De jure segregation is segregation experience with the sanction of law. De facto segregation however is segregation experienced as a matter of fact. This type of segregation is considered de facto because it involves the use of societal pressures which establish codes for behavior. These codes for behavior have the effect of creating a racial domination through its continued practice from successive generations of people.

Marx (1997) proposes that Southern Blacks adapted to the establishment of Jim Crow. According to Marx (1997) in the south Blacks developed a strong middle class to accommodate their exclusion from White society. Marx (1997) proposes in his work that Southern Blacks compensated for their economic exclusion from White markets through Jim Crow by creating a thriving economic base through providing needed resources to Blacks like teachers in all Black schools, barbers, and other professions. According to Marx (1997) the exclusion experienced through Jim Crow began to be a source of embarrassment for these individuals which made their experiences of racial domination different than the way that same exclusion was being experienced in Northern states.

For Northern Blacks racial domination was distinctly de facto (Anderson 2003). These individuals did not face Whites-only signs that designated where Blacks should eat or sleep. Their form of racism was not amenable to sit-ins, boycotts, or Court sponsored litigation. According to Marx (1997), as a consequence of their experience of de facto segregation many Northern Blacks felt abandoned by the Civil Rights Movement. The Black Power movement became the physical manifestation of the frustration of Northern Blacks with the leadership of the Civil Rights Movement in the United States. According to Anthony Marx (1997), political entrepreneurs like W.E.B. Du Bois and Malcolm X pioneered the Black Power Movement. That movement was based in a theology that advocated a cultural return to the African roots of Blacks to combat the American system of racial domination that had originally enslaved Blacks in the United States.

At this point in the historical analysis the context is set for the litigation of the Brown decision. As African slaves were introduced into the United States they brought with them the cleavages that existed in Africa. After emancipation these ethnic cleavages

developed a linguistic component through Creolization. After the Reconstruction of the South these cleavages began to develop a geographical and philosophical component based on the direction of the Civil Rights Movement and differing perceptions of oppression by Blacks in the North and South. Finally the Supreme Court helped to enrich these cleavages through decisions like the one in the Plessy case.

The 1954 Presidential election of Dwight Eisenhower will be the final bit of context used to demonstrate how political entrepreneurs created cleavages in Black identity that renders this category as useless for policy creation and scientific research. The election involved interest dilemmas (Bell 1980) which were developed during Southern Reconstruction and manipulated by elites. Specifically the relationship between the Republican Party and the Civil Rights movement was manipulated to change integration from a strategy in Brown to the goal of Brown.

The Political Context of Brown v. Board

“Eyes off the Prize (2003),” is the work of Carol Anderson. In that work Anderson (2003) chronicles the presidential election of 1954 as a means of explaining how the Civil Rights Movement compromised its goals to get legislation like Voting Rights Act passed and to get favorable decision in the Brown case.

Dwight Eisenhower took office on January 20th, 1953. At that point in United States history World War II was the dominant event in international and domestics. Many American citizens were skeptical of American participation in the United Nations after the end of World War II (Anderson 2003). According to Anderson (2003) Americans were also skeptical of the Universal Declaration of Human Rights (UDHR). The

organization and policy were framed by the American media as attempts by foreigners (mainly communist) to impinge on American civil liberties. Anderson (2003) quotes one American journalist as quoting a source saying “as long as we remain members we are not captains of our own souls the makers of our own destiny. We are at the absolute mercy of a conglomeration of other nations including a darn good-sized Communist vote (Anderson, 2003, 217).” Anderson (2003) believes that during the 1954 presidential election each candidate understood that aligning themselves with any institution that favored the United Nations or the Unified Declaration of Human Rights would hurt their chances of winning the election.

Domestically the Civil Rights Movement was the major issue in American politics in 1953 (Anderson 2003). The issue was part of the political distinction between the left and right in the United States. The Democratic Party 1953 was controlled by Southern “Dixiecrats.” Dixiecrats were Southern members of Congress who favored state’s rights over federal authority. For these members of Congress the Supreme Court decision in *Plessy v. Ferguson* was paramount in how they viewed the relationship between the states and federal government. These members of Congress understood that if Southern States wanted to maintain Jim Crow they could not support a presidential candidate who supported a civil rights platform that involved an appeal to human rights (Anderson 2003). Anderson (2003) proposes that Dwight Eisenhower understood that to win the 1953 presidential election he needed to win the States which were represented by Southern Dixiecrats and could not be overly concerned with the civil rights of Blacks. Anderson (2003) also proposes that the NAACP understood this domestic political

landscape and catered its litigation decisions based on the interest convergence that this landscape caused.

Anderson's (2003) demonstrates that the Legal Defense Fund of the NAACP understood the dilemma it faced. In her work, Anderson (2003) spells out the impact this dilemma had on the political leaders of the Legal Defense Fund and the Civil Rights Movement when she states that "the NAACP could either write off the Republican Congressional Leadership as hostile, which meant relying on a fractured Democratic Party, which had not been able even during Truman's heyday to muster even a single piece of Civil Rights Legislation. Or, the NAACP could try to find some way to work with the GOP (Anderson 2003, 217)." Anderson's (2003) quote shows that the calculation for the NAACP Legal Defense Fund was that "if we give the impression that we regard the Republican leadership as completely hostile to our objectives we will either be shut out completely, or they will ignore us and proceed to enact the kind of program they desire, having us in the frustrated role of mere opposition (Anderson 213; 2003)." Clearly this author believes that litigators of the Brown case understood the political landscape they were operating in and as a consequence catered their strategy to deal with this landscape, sacrificing segments of Black identity to achieve a political goal.

The Litigation of Brown

The Supreme Court case that is listed as *Brown v. Board of Education* (1954) is the result of a collection of cases brought by LDF and the NAACP. The litigation of these cases is important for understanding the social cleavages that exist in Black identity today and how these social cleavages affect educational policy in general and the Black/White

Test Score Gap in particular. The argument in this research is that because of decisions made during this litigation cleavages in Black identity were cemented that render race a less significant variable and identity for predicting the behavior of Black people in the United States.

Dr. Steven Tauber of the University of South Florida discusses the strategy used by the LDF to litigate the Brown decision in his dissertation for the University of Virginia. Dr. Tauber's work is used here to describe how the litigation strategies used in Brown affected Black identity in the United States. In the work Tauber writes "Since the Brown decision was so important many scholars examine the decision and the LDF's contributions to it in isolation of the political context encompassing the issues of segregation and the court's power to end it. Under this approach, the LDF's legal strategy emerges as the most persuasive explanation of the LDF's importance to the case. (Tauber 1995, 212).

According to Dr. Tauber (1995) the main goal of the LDF during Brown was to use the Supreme Court to attack their ruling in the Plessy decision which became the basis for Southern Jim Crow legislation. The LDF's specific strategy in Brown was to attack the legality of the separation of races into separate public facilities on basis that this separation was unequal and as a consequence violated the Fourteenth Amendment of the United States Constitution.

According to Tauber (1995) the basis of this strategy was taken from the work of the Marigold Report. The text of this report (which is only accusable through Jack Greenberg's casebook *Judicial Process and Social Change*," contains substantial data

comparing the expenditure in Black and Whites Schools in a number of Southern States. (Margold 1977). This report demonstrates that in 1950, state segregation statutes rarely mandated unequal school funding. Instead it was the administration of these funds that created unequal schools as Black schools rarely received their mandated funds. Margold's report was crucial in the NAACP's and the LDF's decision to use integration as goal instead of as a strategy. "Margold concluded it would not be worthwhile to demand equalization of funds. Laws already required equal funds (Tauber 1995)." Margold's plan called for a direct and immediate attack on segregated education using the gross inequities in education present in elementary and secondary schools in the deep South (Tauber 1995, 199). The premise in this research is that the decision by the NAACP to follow Margold's strategy helped cement a cleavage in Black identity based on geography and ideology because of the distinctive nature of racism in each region.

With the strategy set the litigation of the case began in 1954, as *Brown v. Board* (1954) was a class action lawsuit initiated by named plaintiff Oliver Brown against the School Board of Topeka, Kansas. In that case Brown was recruited by the NAACP Legal Defense Fund headed by Thurgood Marshall. The original suit alleged that the state of Kansas violated the civil rights of the plaintiff when it refused to enroll his children into the closest school even though Kansas did not have a law requiring separate public schools for Black children. The NAACP alleged that the school district were violating Brown's civil rights by forcing his children to attend a segregated school which was not their closest school. The Kansas lower court sided with the school district citing the aforementioned legal precedent set in *Plessy v. Ferguson* (1896).

The central issue in Brown as it relates to this work was the framing of the issue of segregation. In the worldview that eventually established the litigation strategy in the Brown case was the worldview that believed that segregation into separate and inferior public schools caused psychological damage to Black students. This work premises that that worldview was a Southern middle class worldview based on the experiences of Blacks during Jim Crow. As mentioned earlier there were no laws that mandated the unequal distribution of resources to Black schools. It was the administration of resources that caused Black schools to be unequal. As such according to Anthony Marx (1997) these schools represented the public embodiment of the second class status of African Americans to the world. This view is distinctly southern as Northern Blacks were not segregated by race as much as they were segregated by class.

The psychological damage premise simply helped to provide a social and legal basis for the NAACP's and Legal Defense Fund's claim that segregation by race was unconstitutional according to the Fourteenth Amendment. Unfortunately that theory also helped to entrench cleavages in Black identity.

The psychological damage premise was based on the work of social psychologist Kenneth Clark. In the most famous example Clark used dolls to demonstrate the psychological effect that segregation by race caused Black children. In the test Dr. Clark was able to show how Black children given a choice between Black and Whites dolls choose White dolls more often and furthermore used unflattering terms like ugly to describe the Black dolls. According to Tauber (1995) Dr. Clark's findings were significant because "In school segregation cases, the LDF extended the role of social science in constitutional litigation. Previously social science was employed to uphold

existing social practices, such as segregation or labor laws. The LDF's use of social science was unique because it supported the argument that the court should reverse the entrenched social practice of segregated schools (Tabuer 1995, 210)."

Using a psychological damage premise supported the notion that Blacks were harmed more by their separation than by their unequal resources. As a consequence of using this premise the integration of de jure segregated schools became the goal of Brown instead of a tool to reduce the Black/White test score gap. As mentioned earlier Northern schools were not de jure segregated. They were segregated as a matter of fact which was not amenable to direct integration strategies because their segregation was based more around class.

At the conclusion of the Brown case the official opinion recognized the psychological damage premise and dominant position of de jure segregation in the Brown decision. Justice Earl Warren wrote,

Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does... Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of

law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system... We conclude that, in the field of public education, the doctrine of "Separate but Equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

The decision in the landmark case of *Brown v. Board* (1954) set the state for other legislation including the most prominent civil rights legislation to date the 1964 Civil Rights. After that decision mandated the implementation of the desegregation of American public schools through the use of state-developed bussing plan American schools went through the process of attempting to eliminate segregation by race in American public schools.

The Desegregation of American Public Schools after Brown

One of the central premises of this investigation is the declining significance of race (1980). Again that theory which was developed by Dr. William Julius Wilson proposes that the Black middle class has benefited disproportionately from the Civil Rights Movement and as a consequence created a declining significance for the use of race as a variable that can predict the behavior of all Black people. Dr. Wilson proposes that middle class Blacks will behave more consistently in relation to their class attributes

when confronted with the loss of their privilege. I propose that when one examines the events after Brown that one will understand that this assertion is true and that this behavior is consistent with the notion that Blacks in the United States represent an imagined community because the social nature of race has meant that this group has developed cleavages that prevent a unified perception of race, racism, and racial identity.

White middle class flight became an immediate problem for many school districts after the Brown decision. White flight is a demographic pattern that occurs when individuals defined as White move from an area creating a de facto pattern of segregation in both the communities they leave and the communities they move to. As I mentioned earlier these communities become de facto segregated because Whites use the economic privilege they enjoyed during segregation to distance themselves from the excluded classes by the maintaining exclusive access to positional goods,

In the case of education this meant that White flight caused a resegregation of Northern inner-city public schools based on class. Since school districts were funded through local property taxes the flight of middle class Whites to suburban school districts meant that inner city school districts lost significant portions of their funding bases due to White flight. This created zones of intense poverty as many businesses followed these individuals to the suburbs.

In the United States both court rulings and political events have exacerbated White flight after Brown (1954). The original ruling in the Brown (1954) decision did not specify the method or time frame by which the desegregation of American public schools was to occur. It was not until the ruling in Brown II (1955) that the phrase “with all

deliberate speed,” was added to the decision. The method by which integration was to occur was added in later court decision.

The Supreme Court Case of *Swann v. Charlotte –Mecklenburg Board of Education*, 402 U.S. 1 (1971), was a very important case in regards to American public schools. In that case the court decided that busing was an appropriate remedy for the problem of racial segregation in American public schools. This ruling applied even in situations where the imbalance resulted from the selection of students based on geographic proximity to the school rather than deliberate assignment based on race. The decision led to the widespread development of federally-mandated busing plans to end de jure segregation in Southern schools. The ruling, however, still did not address the de facto segregation patterns that were prevalent in the North.

The case that is most widely held as being responsible for setting the legal precedent for White flight, however, is the ruling in *Milliken v Bradley* 418 U.S. 717 (1974). In that case the Supreme established an important limitation on the Swann decision when it ruled that students could be bused across district lines only when evidence of intentional de jure segregation could be proven. This ruling placed the burden of proof on the plaintiff and virtually excluded all suburban school districts from the court mandated desegregation plans created by the Swann decision.

The final event that is most widely held responsible for the resegregation of American public schools is the assassination of Reverend Dr. Martin Luther King Jr. Although the assassination occurred prior to the aforementioned court rulings in Swann and Bradley, its results were as significant in creating the pattern of White middle class flight

as those decisions. Dr. King's assassination set the stage for this movement as many large city experienced significant property damage due to the riots that occurred in these inner cities. The court rulings merely cemented these patterns.

According to "*Trends in School Segregation 1968-1973*," published in the Urban Institute papers; White flight from the twenty two largest cities in the United States become most prominent in 1968 following the assassination of Dr. Martin Luther King Jr.. Dr. King was killed on March 4, 1968. Immediately following the assassination of Dr. King, rioting broke out in some of America's largest cities like Washington D.C, Louisville, KY., and Baltimore, Maryland.

Trends in School Segregation 1968-1973, tracked the loss of White students from the nations twenty-largest school districts immediately following the assassination of Dr. King in 1968. These students were tracked using statistical reports collected by the Department of Health, Education, and Welfare. Beginning in 1968, the Office of Civil Rights and H.E.W. obtained attendance records from school systems throughout the United States. These statistics showed the racial composition of each school in the district, the racial composition of teaching staffs, and related information.

According to this report, outside of the city of Atlanta, Georgia, most of the significant loss of White public school students came from the largest school districts in Northern states. For example Washington, D.C. was the next highest; it lost 42% of its white students following the riots. Chicago and Detroit also lost 25% and 33% respectively. Other cities experiencing significant loss were Memphis, TN and New Orleans, LA which each lost 33% of their white students. These losses are explicitly

associated with White flight, due to the age of the children lost being lower than 18 and thus still recognized legally as dependant for tax purposes.

Again in his work Dr. Wilson (1980) chronicled how Black middle class families eventually followed the same movement patterns out of inner city school districts that Whites did. Dr. Wilson's (1980) chronicles how subsequent legislation like affirmative action allowed middle class Blacks to take advantage of their privilege and extend the distance between themselves and the Black poor by also moving into suburban neighborhoods which were not subject to the desegregation order contained in Brown.

Combining the demographic trends of White flight and with the additional movement of the Black middle class out of inner city school districts with the local funding structure of American schools has created a resegregation of American public schools based on class. Because public schools in the United States are funded through local property taxes once these districts lost middle class families they lost the ability to close the Black/White Test Score Gap. The next section of this study will be dedicated to demonstrating that American public schools have been resegregated by class and that resegregation is just as detrimental as the original segregation by race.

Chapter Three

Introduction

The Supreme Court decision in the collection of cases known as *Brown v. Board of Education* (1954) was significant for a number of reasons which are too numerous to list in this study. One of the most significant aspects of the *Brown* decision is its use of social science as a litigation strategy to demonstrate the detrimental affect of segregation on Black children. Ten years after that decision the United States Office of Education commissioned to create a report entitled “*Equality of Educational Opportunity Act*,” which is also known as the “*The Coleman Report (1966)*.” In section 402 of the 1964 Civil Rights Act it specifically states that “The commission shall conduct a survey and make a report to the President and Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational opportunities at all levels in the United States, it territories and possessions, and the District of Columbia (Coleman et. al.,1966, iii). The findings of the Coleman report were a significant factor in creating and implementing the bussing plans that became mandated by the desegregation order in *Brown*.

A central premise to my investigation, again, is the declining significance of race. According to Wilson (1980) the Black middle class has consistently benefited more from Civil Rights legislation like the *Brown* decision and the *1964 Civil Rights Act*. Wilson

(1980) premises that middle class Black movement out of inner city school districts demonstrates that race is declining in its ability to predict the behavior of individuals defined as Black. My work adds the notion that this behavior is consistent with Blacks being an imagined community in the United States. The Coleman Report coincided with the Great Society initiative of President Lyndon Johnson which was part of the federal compensatory program Title 1 and enacted as part of the *Elementary and Secondary Education Act of 1965*. The stated purpose of these programs was to “allocate extra funds to schools with high concentrations of poverty in order to improve the educational opportunities of poor students. The logic behind the Title 1 program was that increases in funds to high poverty schools would enhance equal educational opportunities for poor students, though equal educational outputs had never been systemically measured (Nicotera and Wong 2004, 227).” I propose that this statement demonstrates a realization that unequal funding between schools was a significant factor demonstrates that by 1964 the federal government was realizing that desegregation based on race was insufficient to deal with Black/White Test Score Gap in the United States.

To assist my contextualization of the Coleman Report in this work I will use an article written by Kenneth Wong and Anna Nicotera entitled “*Brown v. Board of Education and the Coleman Report: Social Science Research and the Debate on Educational Equality*.” In this work the authors demonstrate how the Coleman Report and the Brown decision helped to “reframe society’s understanding of how the changing society reshapes schooling opportunities for all children (Nicotera and Wong 2004, 128).” The article is used in this work to give further understanding and contextualization to the means by which the Brown decision and the Coleman Report help to inadvertently

cause the resegregation of American public schools by relying on social science research which used a binary classification of race to determine the extent to which school funding affected the educational achievement of students.

Methodologically the Coleman Report used a single point in time method which included 600,000 students, 60,000 teachers and 3100 schools across the United States. It is important to note that 10% of the school districts asked to participate in the research project declined because of the student achievement tests, including Chicago, Los Angeles, and all of the school districts in Florida (Grant 1973). The “research posed by Coleman Report went nearer to replicating the intentions of Brown by going beyond assumptions that increases in school resources, such as separate but equal facilities, would improve educational opportunities. Rather, the Coleman was designed to systemically measure the types of inputs that inputs that impact educational outputs (Nicotera and Wong 2004, 130).” The methodology in the Coleman Report is replicated in the by the remaining sociological studies in this work.

The findings of the Coleman Report have been debated within education, political science, and sociology. For this work the important thing about the report’s findings is its findings regarding the ability of integration based on race to create higher achievement for Black students. In regards to that achievement the report states “the higher achievement of all racial and ethnic groups in schools with greater proportions of white students is largely, perhaps wholly, related to effects associated with the student body's educational background and aspirations. This means that the apparent beneficial effect of a student body with a high proportion of white students comes not from racial composition per se, but from the better educational background and higher educational

aspirations that are, on the average[,] found among white students. (Coleman et al., 1966, p. 307).” Again this conclusion by the Coleman report has been highly debated and needs to be kept in context because the report did not include Los Angeles, Chicago or Florida. However, the report at least started the conversation about the limited ability of integration based on race in reducing the achievement gap.

Finally according to Nicotera and Wong the second finding of the Coleman report had a significant bearing on the meaning of equal educational opportunities. However, as the courts and school district dealt with issues surrounding school desegregation, the results of the Coleman report were misinterpreted to equate racial integration with equal educational opportunities, ignoring the more significant influence of social class when understanding educational background and aspirations. This study, again, proposes that the element of social class has become more even more significant, as time has passed, for predicting the educational success of Blacks in the United States.

The Current State of the Black/White Test Score Gap

I will begin this section by establishing the statistical significance of the Black/Whites Test Score Gap. That relationship has relationship has been the subject of both a significant amount of federal legislation and academic research. Both the federal legislation and the academic research is based on the definition for race established by the United States Census. The applicability of those definitions for use in federal legislation and academic is the basis for the investigation in this research. Again the hypothesis is that class will better predict this relationship than race.

District-level segregation and the Black-Whites test score gap is a regression chart compiled by the National Bureau of Economic Research in 2007. This regression is used to demonstrate the current significance of the Black/Whites test score gap in the United States.

This regression compares the test scores of a randomly selected national sample of 4th grade public school students on a mathematic exam administered by the National Assessment of Educational Progress (NAEP), in 2003. The table is used in this thesis to provide the scope of the study. Again I am proposing that Blacks in the United States have been resegregated based on class as opposed to race. This resegregation is one of the unintended consequences of the Brown (1954) decision.

The table is a means of testing my hypothesis through the regression analysis. In 2007 Jacob Vigdor and Jens Ludwig of the National Bureau of Economic Research, tested the Black/White test score gap in their study "*Segregation and the Black/White Test Score Gap (2007)*." In this study these authors created a table which cross referenced the dissimilarity score for individual schools across the major school districts in the United States with their Black/White test score gap on mathematics. The table demonstrates that the use of integration by race does not have a positive effect on closing the aforementioned test score gap.

According to the table the school districts with the highest dissimilarity indexes were Chicago, Philadelphia, and Detroit. Also those districts exist in states that have the highest dissimilarity scores (Illinois, Pennsylvania, and Michigan). These city schools and state districts all exist in the upper right hand corner of the cross referenced analysis

of the district level segregation and black white test score gap, with the mathematic scores for 4th graders, given by the National Assessment of Educational Progress.

I am proposing that this regression demonstrates a number of things. First many Northern school districts have high dissimilarity scores and high test score gaps (upper right hand quadrant). I propose these states (MI., WI. IL.) have not been integrated and have not closed the Black/White Test score Gap among tested 4th graders. This lends credibility to the notion that Northern states have been resegregated and that school integration, based on race, has not closed the Black/White Test Score Gap for many Northern states.

At this point I want to limit my analysis to demonstrating the unreliability of race as a means of closing the Black/White Test Score Gap. I freely admit that the results of this table can lend itself to a number of interpretations. It however is effective in demonstrating that the integration of the public school system in the United States has not resulted in fully integrated school districts. This table indicates that the Black/White Test Score gap is still a prominent part of the American landscape as far as the math test given by the NAEP. These results leads me to the conclusion that race is declining in significance as a useful tool for predicting the Black/White test score gap in the United States.

The Resegregation of American Public Schools

The table compiled by the NAEP proves that the desegregation of American public schools has not currently reduced the Black/White Test Score Gap. The next study I will cite takes this analysis a step further and examines the current resegregation of

American public schools. This resegregation has been based more on class. Specifically it has been facilitated by the ability of the American middle class to move out of inner city school districts which were subject to the desegregation order contained in the Brown (1954) decision.

Many Northern school districts experienced severe losses of Whites students following both the Brown (1954) decision. The dominant theory in American literature is that this loss has been due to White flight. White flight is a demographic pattern that occurs when individuals defined as White move from an area creating a de facto pattern of segregation in both the communities they leave and the communities they move to. These communities become de facto segregated because Whites use the economic privilege they enjoyed during segregation to distance themselves from the excluded classes by the maintaining exclusive access to positional goods,

In the case of education this meant that White flight caused a resegregation of Northern inner-city public schools based on class. Since school districts were funded through local property taxes the flight of middle class Whites to suburban school districts meant that inner city school districts lost significant portions of their funding bases due to White flight. This created zones of intense poverty as many businesses followed these individuals to the suburbs. This research argues that these zones of intense poverty are better predictors of the Black/Whites Test Score Gap than the race of the individuals who are forced to live in them.

The assassination of Reverend Dr. Martin Luther King Jr is widely held as a significant factor causing White Flight in United States. According to "*Trends in School*

Segregation 1968-1973,” published in the Urban Institute papers; Specifically White flight from the twenty two largest cities in the United States becomes most prominent in 1968 following the assassination of Dr. Martin Luther King Jr. Dr. King was killed on March 4, 1968. Immediately following the assassination rioting broke out in some of America’s largest cities like Washington D.C, Louisville, KY., and Baltimore, Maryland.

Trends in School Segregation 1968-1973, tracked the loss of White students from the nations twenty-largest school districts immediately following the assassination of Dr. King in 1968. These students were tracked using statistical reports collected by the Department of Health, Education, and Welfare (HEW). Beginning in 1968 the Office of Civil Rights and HEW obtained attendance records from school systems throughout the United States. These statistics showed the racial composition of each school in the district, the racial composition of teaching staffs, and related information.

According to this report, outside of the city of Atlanta, Georgia, most of the significant loss of White public school students came from the largest school districts in Northern states. For example Washington, D.C. was the next highest; it lost 42% of its white students following the riots. Chicago and Detroit also lost 25% and 33% respectively. Other cities experiencing significant loss were Memphis, TN and New Orleans, LA which each lost 33% of their white students. These losses are explicitly associated with White flight, due to the age of the children lost being lower than 18 and thus still recognized legally as dependant for tax purposes.

After experiencing the loss of their White student base many of these same school districts experienced the loss of their Black middle class student base. This Black middle

class flight has been studied significantly by sociologist William Julius Wilson in his work "*The Declining Significance of Race* (Wilson 1980)". The premise in this research is that Black middle class flight from inner city school districts demonstrates that these individuals identify more with their class interest than their race. It is also argued here that this demographic pattern demonstrates a declining significance of race as a variable appropriate for predicting the success or failure of schools, school districts, or individual students at closing the Black/Whites Test Score Gap.

The logic of this argument is that if school districts are funded through local tax bases, and these schools lose their funding source, integrating them with more poor students will not significantly increase their ability to produce students better able to close test score gap regardless of race.

At this point in the study I will turn to the statistical evidence of both the resegregation of American public schools and the Black/White Test Score Gap. By using statistical evidence I will demonstrate that race is an insignificant factor in determining which schools, school districts and students are performing well according to the given criteria of each study. These studies will further demonstrate the volatility of race as a variable useful in prediction of behavior of individuals and groups.

After the Supreme Court decision in the Brown (1954) case successive rulings helped to facilitate middle movement out of inner city school district. These decisions were framed by the American political debate between federal authority and state's rights. After Brown (1954) reestablished federal authority with regard to civil rights and education policy each of these decisions have incrementally reestablished state authority

in both those spheres. These rulings have exacerbated the resegregation of American public schools.

The Supreme Court Case of *Swann v. Charlotte –Mecklenburg Board of Education*, 402 U.S. 1 (1971), was a very important case in regards to American public schools. In that case the court decided that busing was an appropriate remedy for the problem of racial segregation in American public schools. This ruling applied even in situations where the imbalance resulted from the selection of students based on geographic proximity to the school rather than deliberate assignment based on race. The decision led to the widespread development of federally-mandated busing plans to end de jure segregation in Southern schools. The ruling, however, still did not address the de facto segregation patterns that were prevalent in the North.

The case that is most widely held as being responsible for setting the legal precedent for White flight, however, is the ruling in *Milliken v Bradley* 418 U.S. 717 (1974). In that case the Supreme established an important limitation on the *Swann* (1971) decision when it ruled that students could be bused across district lines only when evidence of intentional de jure segregation could be proven. This ruling placed the burden of proof on the plaintiff and virtually excluded all suburban school districts from the court mandated desegregation plans created by the *Swann* (1971) decision.

Federal Reactions to the Resegregation of American Public Schools

The next study cited is taken from the work of Gary Orfield and John. T. Yun. In their work “Resegregation in American Schools,” these authors discuss both the myths and causes surrounding the aforementioned demographic patterns in American schools

and its relationship to the achievement gap for Blacks in the United States. This information was compiled as part of the Harvard University's Civil Rights Project. This work is crucial to the examination of the federal reaction to the resegregation of American schools because these authors examine multiple theories and causes for this relationship. Within this work it will help to understand the significance variables other than race that limit the federal government's ability to close the achievement gap.

In their work Orfield and Yun (1999) determined two major causes for the resegregation of American schools. The first reason relates to the United States growing Latino population. The second major reason is the relationship between segregation by race and schools experiencing concentrated poverty in the United States. This work asserts that each cause relates to each other and demonstrates the declining significance of race in the United States. The author's work is significant for a number of reasons. First it uses the same methodology as the Coleman Report which also uses a cross sectional study of a single moment in time to determine the effect of certain inputs on the achievement of Black students in the United States. This methodology helps make the conclusions of each study comparable. Specifically each study uses both race and class as dependant variables to measure their effect on the achievement gap between Black and Whites students in the United States. I argue that the study by Orfield and Yun (1999) is even more relevant because it includes the school districts which were excluded from the Coleman Report.

In the United States policies that were developed to deal with the achievement gap between public schools were developed based on a binary classification of race. The work of Anthony Marx (1997) and others have demonstrated that any binary

classification system in a liberal democracy has a social and consequently political element which tend to create hierarchies. Blacks have represented the subordinate class in American society for more than one hundred years and as such have suffered in binary racial classification schemes with the achievement gap between the races being only the most obvious example of that suffering. The United States growing Latino population has begun to upset this trend and further demonstrate how that binary classification is unsuitable for the development of public policy because it fails to encompass the nuance of class and its effect on the outcomes of student achievement. The Civil Rights Project demonstrates this reality by revealing the hidden nature of class in educational achievement.

In the table “Growth of Latino Enrollments, 1970-96 in States with More than 100,000 Latino Students in 1996 (Orfield and Yun 1999)” demonstrate that the Latino student population is becoming a significant part of the student population of some of America’s largest cities. This population was not a significant factor in any of the Supreme Court decisions I found including *Brown* (1954). The argument in this research is that continuing to design public policy based on a binary classification of race with does not include the existence of these students will not close the achievement gap in American schools because that gap is based on the notion that Black students are the largest minority in these schools. This data shows that in some major school districts Latino students outnumber Black students making many policies like desegregation obsolete.

The growing Latino population in the United States renders desegregation based on a binary classification of race obsolete for another reason. Most of the Latino

population exists in school districts that contain high numbers of students classified as poor and as a consequence attend school districts with high concentrations of impoverished students. In the table “Relationship between Segregation by Race and Poverty, 1995-96” demonstrates this assertion. According to this table 86.6% of Black and Latino students attend schools that have 50-100% (majority) of poor students (defined as students who participate in the school free lunch program). These numbers demonstrate that poverty concentration is clearly a significant factor in their schools ability to help these students close the Black/White Test Score Gap.

The growing Latino population is a major reason why the Coleman Report failed to properly contextualize the declining significance of race as a means of predicting the achievement gap and why subsequent legislation also fails to close the gap. The data collected by the Orfield and Yun (1999) demonstrates much more accurately how the fact that Latino students also attend intensely segregated schools based on poverty and how that variable better describes the gap in achievement better than the notion that they do not share space with Whites.

A final trend demonstrated within this research is the resegregation of White students. In the table titled “Changing Patterns in Black Segregation by State, 1970-1996 Changes in the Percentage of Whites Students in Schools Attended by the Typical Black Students (Orfield and Yun 1999)” and “Percent Poor in Schools Attended by the Average White, Black, Latino, Asian, and Native American Student, 1996-97 (Orfield and Yun 1999) the trend of White student resegregation can be noticed. The exemption of suburban school districts from federal desegregation orders has caused a resegregation of White students into school districts which have few poor students and few minorities.

Orfield and Yun (1999) this trend serves to limit White students also because they are not being prepared to compete in a multi cultural world. This trend also demonstrates that desegregation based on race and performed through busing has not fixed the problem of the racial segregation of schools in the United States.

The *No Child Left Behind Act* (2001), is the most recent federal reaction to both the resegregation of American public schools and the Black/Whites Test Score Gap. According to ED.gov No Child Left Behind has provisions that include: the requirement of all government run schools receiving federal funding to administer a state-wide standardized test annually to all students. Student scores on these tests determine whether a school has taught the student well. Under No Child Left Behind in order for schools to continue to receive funding they must demonstrate Average Yearly Progress (AYP) in test scores. The argument in this work is that this program is recognition by the federal government that desegregation based on race has not worked to close the achievement gap between students. No Child Left Behind is also an attempt by federal legislature to reduce the power of the states in regards to education policy which is a reaction to the aforementioned court cases that followed the Brown (1954) decision.

The Congressional Quarterly Researcher Published an article entitled "*Fixing Urban Schools,*" on April 27, 2007. That volume is a collection of articles dedicated to reviewing the effectiveness of No Child Left Behind. That volume is used in this work to further demonstrate the problems inherent in using federal legislation to deal with the Black/Whites Test score Gap in the United States. The article's premise is that the NCLB's data-reporting requirements have "lifted the carpet to reveal two previously unrecognized facts about American education; the continued underperforming of the

whole system and the achievement gap for low income and minority students (Clement 2007, 366).” The author believes that No Child Left Behind has experienced many of the same limitations that Brown (1954) has experienced.

The Concentration of minority students in schools with high poverty levels has caused similar problems for the implementation of No Child Left Behind that it caused for Brown (1954). The major difference is that in the No Child Left Behind Act the Average Yearly Progress (AYP) has replaced bussing plans as the target of individuals and groups who intend to circumvent the system. Within the parameters of No Child Left Behind teachers have begun to resegregate to avoid dealing with administrators who want to tie their performance evaluations to the performance of their students on the state-wide assessment tests. According to Congressional Quarterly “NCLB actually incentivizes teachers to leave failing schools, the last thing law-makers intended, says Jennifer King-Price an economist who is associate professor of education policy at the University of Maryland, College Park. Teachers say I can’t produce the AYP average results the law calls for in low performing schools (Clement 207, 368).” This trend of teacher resegregation comparable to middle class flight after Brown (1954) and creates serious doubts about the ability of the federal government to deal with the achievement gap.

According to Congressional Quarterly, another major problem that the administrators of No Child Left Behind have consistently encountered is the trend of teachers teaching to the standardized tests instead of teaching the students. The article states “the achievement targets set by NCLB are panned by many. The main goal schools must meet (to continue to receive funding) is moving kids over a standardized-testing threshold from basic or below basic understanding of reading and math to a proficient

level or above. But focusing on that narrow goal as the key measure by which schools are judged created bad incentives to game the system (Clement 2007, 369).” The section ends by stating “rather than concentrating on overall achievement or trying to give the most help to students score lowest, many schools concentrate on students on the bubble (those who need to raise their scores by only a few points to move into the proficient level) and forget the others according to Patrick McQuillan an associate professor of education at Boston College’s Lynch School of Education (Clement 2007, 370).” These trends continue to hurt inner city school districts more than suburban schools because they become filled with students who are not being taught well and teachers who could not escape to suburban schools. Each of these trends demonstrates that the race of the student is an unreliable variable for use in predicting the performance of the student on standardized tests.

I want to end this investigation on a positive note by examining one of the programs cited as an example of success in regards to closing the achievement gap between Blacks and Whites in the United States. This article finishes by stating “In the 1960s and 1970s some federal courts mandated programs to help urban minorities move to middle class Whites suburbs. The data from those cases show that children who moved did better than those who stayed behind, according to Howell S. Baum a professor of urban studies and planning at the University of Maryland (Clement 2007, 371).” The discussion now moves to one those programs created in the 1960s and 1970s as a means of demonstrating a successful federal program for dealing with the achievement gap in this country.

One of the most successful examples of the aforementioned studies is the Gautreaux Project. This project is attractive for this study for a number of reasons. First, a consistent theme throughout this investigation is that residential segregation hampers any effort to deal with school segregation. For both the litigators of *Brown* (1954) and the administrators of NCLB the concentration of poverty in segregated school districts have frustrated efforts to deal with the test score gap. An ideal project designed to deal with the Black/White Test Score Gap must deal with both residential segregation and the gap in resources between schools. Also the project is notable for being one of the only social programs based in a randomized experiment, and the only anti-poverty housing program endorsed by the Regan, Busch, and Clinton administration. Each of these factors make this project a very attractive subject for social scientific research since these elements are difficult to ethically reproduce in a natural setting.

The Gautreaux Public Housing Program was initiated as a result of the ruling in the Supreme Court case of *Dorothy Gautreaux v. Chicago Housing Authority* (425 U.S. 284 1966). The case was initiated in 1966 by the American Civil Liberties Union (ACLU) as part of a class action lawsuit that alleged that the Chicago Housing Authority (CHA) was engaging in racial discrimination in the assignment of public housing, an act that violated the 1964 Civil Rights Act. Specifically the ACLU alleged that the CHA built public housing units only in areas of high concentrations of poverty and as such violated the 1964 Civil Rights Act and the guidelines for the federal department of Housing and Urban Development (HUD). The relief sought in the case was the building of Section 8 federal public housing in White neighborhoods.

As a result of the Supreme Court ruling in this case the CHA was ordered to distribute Section 8 housing vouchers to 7500 African American families on welfare in either suburban or urban locations. Applicants for the program were qualified by two standards: basic apartment maintenance and lack of a serious criminal record. Two thirds of the applicants were accepted with housing assignments made randomly. Successful applicants were offered placement in private market apartment units in either city or suburban locations chosen at random by the CHA, and most accepted the placement. According to Wikipedia the program was intentionally low-profile: only a few participants were moved into each suburb in order to prevent White flight, and because the residents moved into private units, they had no external markers of being on welfare.

The Gautreaux project is an ideal model for study in the work for a number of reasons. Scientifically speaking, the participants started off as identically as is possible for human beings. Each participant was receiving public assistance through welfare and as such qualified as poor through income verification. Each participant was randomly assigned to either suburban or urban locations. As noted earlier in this study Chicago has one of the highest concentrations of urban poverty in the United States. Each participant's income history was tracked as part of the program as well as the academic progress of their children. The academic progress tracking makes the comparison to both the desegregation order in Brown (1954) and the AYB standard of No Child Left Behind possible.

At this point, however, it does need mentioning that a 1 to 1 comparison cannot be made between each of these programs. Random assignment in Brown (1954) was not possible as state laws prevented busing plans from going across district. Also in the

Gautreaux project teachers were made aware of student participants either through their participation in free lunch or by school administrators required to track the progress of these children. As a consequence of this attention teachers were provided the tools necessary to spend extra time with these students by the participating schools a luxury that many urban schools do not have as they have large concentrations of high needs children from the same backgrounds.

Sociologist James Rosenbaum studied the Gautreaux project and testified as to its effectiveness before the United States Congress. According to Rosenbaum the program has been a very big success. The suburban participant's children were typically, initially below the academic level of their classmates. These children were much more likely than their urban counterparts to reach the grade level of their class mates and to graduate on time with their class mates. Also urban participants were much more likely to drop out of school. The Gautreaux project has currently been replicated in 33 metropolitan areas around the United States and is the basis for the Moving to Opportunity Program (MTO).

I want to be clear at this point that I am not using this program as the sole means of determining what a successful poverty intervention program should look like. The program is valuable in this research because it further demonstrates the relationship between class and the academic achievement of individuals. The program is also valuable because in its design is a recognition by government officials that race alone cannot be the sole independent variable by which a successful program is designed.

The MTO program has in it a requirement for inclusion based on class; the requirement that applicants be on public assistance. These requirements will account for

Latino segregation in school districts that have high concentrations of poor students. The program is randomly assigned which will help prevent biased reporting. The housing assignments are also administered with discretion so as to limit White flight and randomly assigned as to reduce Black middle-class bias. Finally federal administration keeps the current state's rights federal authority balance of today's American political atmosphere.

I believe the MTO program has in it the elements to become a successful program for dealing with the achievement gap in the United States. Again the program is not perfect and it has flaws. History has shown that there is not a perfect solution to this program available to federal administrators. I propose that any successful program must take into account the experiences of past program failures.

Possibilities for Designing Successful Programs for Reducing “The Gap.”

America's failing public school system is one of the most debated topics in American politics. In this thesis I have attempted to investigate the most appropriate variables for predicting the achievement gap between Black and White public school students in the United States.

My initial finding is that race is not a stable variable for predicting the aforementioned relationship. That fact stems from a number of premises. First, the American definition of race is a contrived political variable which was never meant to represent any biological characteristic consistently present in all human beings. For Blacks in the United States my research has demonstrated that individuals included in the demographic definition for this group have varying perceptions and expectations based

on their particular world view. Those world views are significantly affected by variables such as the region of their birth, their income level, and their age. Anyone trying to predict the behavior of these individuals based on their shared race will be mistaken in his findings just like those who designed policy for Brown (1954) and No Child Left Behind.

Also I found that not only does race vary according to the perception of the individual it is also not a discrete variable for today's America. The Latino population significantly affects any program designed to deal with the achievement gap in the United States. Designing binary programs to deal with the achievement gap in American schools based on the Black and White population will not work. As my research demonstrates when one changes his focus to the concentration of Black and Latino students in school districts with high concentrations of students who are poor, the past strategies for dealing with this problem become inadequate. The population of students who do not speak English as their primary language complicates both desegregation plans and state administered standardized testing plans.

Another problem in predicting this relationship stems from an inherent problem for American politics. The balance between state's rights and federal authority has marred all attempts to deal with the achievement gap. In most cases students and teachers become locked into this battle as captive members of this war. Students must attend public schools for their education and teachers must work to earn their livelihoods. There is a limited ability of government authority to design policy to deal with the achievement gap without considering the input of both these groups. The failures of Brown (1954) and No Child Left Behind demonstrate this fact.

Finally, I propose that my work demonstrates that before any policy is designed to deal with the achievement gap in the United States a logical progression must be understood. The problem is not the segregation of public school students by race since the variable of race has been shown to be inconsistent. The problem is also not underperforming teachers segregated into poor schools. If a program is to be successful both separate and unequal must be dealt with. The segregation of students into poorly funded schools plagues American schools. Only when this fact is understood can a successful program be designed for dealing with the achievement gap in the United States.

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