

Pending Supreme Court Cases could Undermine Desegregation

By Hazel Trice Edney, NNPA Washington Correspondent July 3, 2006 [Talkback](#)

DETROIT (NNPA) - Two new cases to be considered in the fall by the U. S. Supreme Court endangers desegregation in elementary and secondary public schools across the nation, civil rights activists warned during the annual summer conference of the National Newspaper Publishers Association.

"This could set us farther back than Plessy v. Ferguson," says Shanta Driver, national Co-chair of BAMN, (By Any Means Necessary). That's the Michigan-based group that led a march and rally of 50,000 outside the Supreme Court during the University of Michigan Affirmative Action cases that resulted in the reaffirmation of affirmative action in higher education.

"I feel that we have a tremendous opportunity facing us," Driver said. "This nation is becoming increasingly polarized. The right wing is prepared again and again and again to overreach. They've given us an opportunity to build a new civil rights movement to stand together and fight and take back what we have lost in the last period of time because of our inability to mobilize."

Driver and other activists pleaded with publishers and associates to get the word out about the continued attacks on affirmative action around the country, including in Michigan where Black conservative Ward Connerly has pushed through a referendum for a ballot in November that would allow voters to ban affirmative action. A report by the Michigan Civil Rights Commission says Connerly's so-called Michigan Civil Rights Initiative (MCRI) obtained its petition signatures fraudulently by misleading people into thinking they were signing to hold a referendum for affirmative action.

"We need your help. We need your help," Hester Wheeler, executive director of the Detroit NAACP told the breakfast audience. "Lots of education is required on this particular issue. Six to eight million dollars are required...Those of you who work in media and press, we need your help. We can win on this particular issue. We're going to beat them at the polls in November," he said, "We can not mislead people to think that this particular issue will somehow fade."

Audience members eagerly received educational flyers on the Connerly issue, handed out by some of about a dozen youth that accompanied Driver. But, the upcoming Supreme Court cases took center stage as Driver vowed to mobilize thousands to march on Washington like three years ago.

The two pending cases, Parents Involved in Community Schools v. Seattle School District and Meredith v. Jefferson County Board of Education (Kentucky), are expected to be heard in the fall. In each case, the school programs before the court were upheld as constitutional by federal appeals courts. The U.S. Court of Appeals for the Sixth Circuit in the Jefferson County case and the U.S. Court of Appeals for the Ninth Circuit in the Seattle case, ruled that the programs did not violate the Equal Protection Clause of the Fourteenth Amendment, meaning that race may be considered in the placement of students.

An adverse ruling by the reconstituted court could have the affect of overturning the desegregation mandates set forth in the 1954 Brown v. Board of Education of Topeka, Kansas.

"The Court's ruling in these cases will have far reaching implications for the future of the nation's schools," says a statement issued by the NAACP Legal Defense and Educational Fund. "Since the Court's unanimous decision in Brown v. the Board of Education, which ended legally- sanctioned segregation in public schools, the nation has struggled to integrate its public schools and its institutions of higher education. Unfortunately, Brown's 52-year history has been marred, first by resistance and, most recently, by continuing legal attacks."

The upcoming cases have caused anxiety in the civil rights community because of the loss of Sandra Day O'Connor, the swing voter in close cases. Justices Clarence Thomas, Antonin Scalia, new appointee Samuel Alito and new Chief Justice John G. Roberts Jr. are staunch conservatives. David Souter, Ruth Bader Ginsburg, Stephen G. Breyer, and Justice John Paul Stephens are the only liberals left on the court. Justice Anthony M. Kennedy could emerge as the court's new swing voter.

"We can win. We can seize this opportunity, this overreach, and we can use it as the basis to continue this new civil rights movement, fight and win. It's going to be up to us," says Driver. She says BAMN will revive its protests of three years ago by trying to mobilize masses of people outside the Supreme Court on the day of the arguments.

"If we can get a million people there, we can convince Justice Kennedy that it's too dangerous to overturn these programs and that the conservative thing to do is to uphold Brown v. Board of Education."

Says Akwasi Evans, publisher of Nokoa News of Austin, Texas, who moderated the panel discussion: "We need to be there with her in November."