

De-Segregation of Schools Affirmative
JV Pack 2017-18



DE-SEGREGATION OF SCHOOLS: YOU DECIDE

BAUDL JV AFF PACK:
DE-SEGREGATION
OF SCHOOLS



DE-SEGREGATION OF SCHOOLS- AFFIRMATIVE

This Affirmative focuses on the Impact of Segregation of schools based on race and class. There have been resources systematically taken away from people of color in this country, which has effected the schooling process. The Affirmative makes that argument that Education should be equal amongst all races and specifies the legislative rights of people of color to have the same access to the best schools and the best resources regardless of where they come from. This conversation about Segregation of schools is not a new conversation, but is a vital and important conversation because we are experiencing a re-segregation that could possibly have a bigger impact than it has had in the past.

Who is right and who is wrong? The answer is up to you.

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Dear JV Debater,	

Welcome to a new season of debate! You will notice two things about this pack that make it different from novice. 1. This pack is longer. There are more strategies available for the neg and more aff cards in this pack. 2. Most cards aren't underlined. As experienced debaters, you can underline them yourself. It's a strategic choice that you are ready to make.

Good luck & Have Fun!

Love, BAUDL

JV PACK GUIDELINE: DEBATERS MAY PRODUCE THEIR OWN EVIDENCE BASED ON ARGUMENTS FOUND IN THE PACK.



WELCOME AND HOT TIPS

Welcome to JV Debate.

Congratulations on moving up divisions! JV is exciting because there will be more affirmative case areas and more negative strategy options. We hope you enjoy making strategic choices and using the power of your voice to be a critical thinker about the problems of the world. Below are a couple of tips for maximizing the power of the affirmative!

- Make your 1st Affirmative Constructive your own! Change the cards around and think about the advantages. Only put the stuff you want in the debate in the 1AC.
- Write blocks. Blocks are 5-8 answers to an off-case negative argument. These answers should include some evidence (1-3 pieces), but they should also be your analytical attacks on the negative arguments, as well as using your affirmative case. Writing block assures you have your best answers in the debate and will save you tons of prep time!
- Communicate with your partner. The affirmative requires every speech have a similar set of answers. The 1ar and the 2ar need to be on the same strategic page the entire debate. Make sure to discuss in prep time what the winning arguments are against each negative argument.

Speech	Time	General purpose
First Affirmative Constructive (1AC)	8 minutes	Present affirmative case (harms, inherency, plan, solvency)
Cross-examination by Second Negative	3	Ask questions, clarify affirmative's arguments
First Negative Constructive (1NC)	8	Present negative off-case and attack affirmative case
Cross-examination by First Affirmative	3	Ask questions, clarify negative's arguments
Second Affirmative Constructive (2AC)	8	Attack negative off-case arguments, rebuild affirmative case
Cross-examination by First Negative	3	Ask questions, clarify affirmative's arguments
Second Negative Constructive (2NC)**	8	Respond to some of 2AC arguments, rebuild negative arguments
Cross-examination by Second Affirmative	3	Ask questions, clarify negative's arguments
First Negative Rebuttal (1NR)**	5	Respond to rest of 2AC arguments, rebuild negative arguments
First Affirmative Rebuttal (1AR)	5	Rebuild affirmative arguments, respond to both 2NC and 1NR
Second Negative Rebuttal (2NR)	5	Explain why the negative team should win
Second Affirmative Rebuttal (2AR)	5	Explain why the affirmative team should win



***EVIDENCE
FOR THE
AFFIRMATIVE:
CORE AFF***



DE-SEGREGATION OF SCHOOLS: 1AC

Contention 1: Inherency

U.S. SCHOOLS STILL FACE RAMPANT DESEGREGATION

Scott, 16 --- Ranking Member on the Committee on Education and the Workforce in the US House of Representatives (5/19/16, Bobby, “America's schools are still segregated by race and class. That has to end,” <https://www.theguardian.com/commentisfree/2016/may/19/america-schools-segregation-race-class-education-policy-bobby-scott>, accessed on 5/8/17, JMP)

This week marks the 62nd anniversary of the landmark supreme court ruling in Brown v Board of Education, which concluded that “separate educational facilities are inherently unequal”, and compelled states to provide for educational opportunity that is “available to all on equal terms”.

Thanks in large part to federal intervention in the decades following Brown, students experienced indisputable academic and social benefits inherent to racially and socioeconomically diverse learning environments. A recent report by the Century Foundation affirms that learning in diverse environments improves critical thinking and problem solving. But as time marched on, deliberate government action and meaningful federal oversight fell by the wayside in many communities.

Two years ago, on the occasion of the 60th anniversary of Brown, I joined two of my colleagues in formally asking the Government Accountability Office (GAO) to examine racial and socioeconomic isolation in K-12 public schools and the resulting impact on educational equity. I did this because research consistently shows that our nation’s public schools remain segregated by both race and class, producing inequitable access to educational opportunity that has robbed our nation’s most vulnerable students of learning gains and later life success. In the face of many skeptics who denied that segregation was occurring, we asked the GAO to confirm what researchers claimed.

◆.....◆
Your Words. .

Glossary: Segregated: set apart from the rest or from each other; isolate or divide.



DESEGREGATION OF SCHOOLS: 1AC

SEGREGATION IS DECIMATING MINORITY STUDENTS OPPORTUNITY TO RECEIVE A QUALITY EDUCATION

Hertz, 14 --- masters student in public policy at the University of Chicago, has written about urban affairs for several publications, including Citylab (7/24/14, Daniel, “You’ve probably never heard of one of the worst Supreme Court decisions; But we’re still dealing with its awful legacy,”

https://www.washingtonpost.com/posteverything/wp/2014/07/24/youve-probably-never-heard-of-one-of-the-worst-supreme-court-decisions/?utm_term=.8f851ada1429, accessed on 5/14/17, JMP)

In fact, more recently the Supreme Court has voted to curtail attempts to desegregate even within school districts, to the extent it’s possible. Predictably, the result of all this is that many American school districts are moving towards pre-Civil Rights Movement levels of racial separation. In the last few years, reports from ProPublica and UCLA’s Civil Rights Project, among others, have found that school segregation has been getting worse for decades. Sometimes, we’re tempted to justify our separate schools by arguing that they’re equal. Or, more accurately, that they could be equal: we tell the stories of racially and economically segregated schools that have “beaten the odds” by performing as well academically as their wealthier, more integrated peers. But entire school districts shouldn’t have to “beat the odds” to get a decent education. Moreover, as the phrase implies, the vast majority don’t. In his book Fives Miles Away, A World Apart, law professor James Ryan cites a study that found that high-poverty, high-minority schools have a one-in-300 chance of being “high-performing,” or scoring in the top third of schools on at least two subjects in two grades over two years. Mostly white, middle-class schools have a one-in-four shot. Nor is more money enough, even where it’s needed. Studies have shown that low-income students learn more in economically integrated schools than they do in mostly poor ones – even when the poor schools have more funding. Piercing school district borders – the walls that prevent enrollment or, in many cases, funds from being spread more evenly between white or relatively more affluent districts and ones populated by black, brown, or poorer families nearby – isn’t a simple task, politically or logistically. But the five justices who wrote Milliken 40 years ago wanted us to believe something else: that it wasn’t a necessary task, morally.

◆.....◆
Your Words.

Glossary: Equal: being the same in quantity, size, degree, or value.



TRUMPS MAKES DE-SEGREGATION WORST: 1AC

THESE PROBLEMS WILL BECOME MORE ENTRENCHED UNDER TRUMP --- THE DOE’S OFFICE OF CIVIL RIGHTS WILL BE RESTRICTED AND GREATER “SCHOOL CHOICE” WILL FUEL MORE SEGREGATION AND STRENGTHEN THE SCHOOL-TO-PRISON PIPELINE

Quinlan, 3/1/17 --- education reporter at ThinkProgress, CUNY Graduate School of Journalism (Casey, “Trump won’t protect students’ civil rights; Trump says he wants to help disadvantaged students, but his administration’s actions will do the opposite,” <https://thinkprogress.org/trump-calls-education-a-civil-rights-issue-after-endangering-the-education-department-s-civil-ed904adf27b3>, accessed on 5/8/17, JMP)

In an interview with The Washington Post, Derek Black, a law professor at the University of South Carolina School of Law, said of Heriot, “With these individuals in place, it is hard to imagine much good happening at the federal level. Even if they do not rescind other department positions on integration, school discipline, English language learners, and school resources, they are very unlikely to enforce existing regulations and policy guidance.” In addition to concerns that the OCR will be weakened, Trump’s interest in expanding private school vouchers could create exacerbate civil rights violations. Trump said in his address before Congress: I am calling upon Members of both parties to pass an education bill that funds school choice for disadvantaged youth, including millions of African-American and Latino children. These families should be free to choose the public, private, charter, magnet, religious or home school that is right for them. But there isn’t evidence to show that vouchers actually improve the quality of education students receive or boost student achievement. Recent research shows that in many cases, vouchers hurt student learning. Vouchers can also increase racial and economic school segregation. Many years of research have shown that choice programs tend to benefit advantaged students the most. In schools where the population is predominantly African American, black students are suspended at higher rates. And harsh student discipline against students of color fuels the school-to-prison pipeline, and reduces opportunities for the disadvantaged youth Trump refers to.

◆.....◆
Your Words. ·



1AC

MAKING EXCEPTIONS TO DESEGREGATION, WHETHER IN THE NAME OF “EDUCATIONAL QUALITY” OR “SCHOOL CHOICE” JUST LETS RACISM WIN --- THE CONSTITUTION DEMANDS THAT PUBLIC INSTITUTIONS COMPLY WITH THE LAW

Black, 6/6/17 --- Professor of Law, University of South Carolina (Derek, “Education in America Has Deep Flaws—and That’s Why Racial Segregation Is on the Rise,” <https://theconversation.com/why-schools-still-cant-put-segregation-behind-them-78575>, accessed on 6/13/17, JMP)

The idea that a judge could allow this is unfathomable to most, but the case demonstrates in the most stark terms that school segregation is still with us. While racial segregation in U.S. schools plummeted between the late 1960s and 1980, it has steadily increased ever since – to the the point that schools are about as segregated today as they were 50 years ago.As a former school desegregation lawyer and now a scholar of educational inequality and law, I have both witnessed and researched an odd shift to a new kind of segregation that somehow seems socially acceptable. So long as it operates with some semblance of furthering educational quality or school choice, even a federal district court is willing to sanction it. While proponents of the secession claim they just want the best education for their children and opponents decry the secession as old-school racism, the truth is more complex: Race, education and school quality are inextricably intertwined. Unfortunately, there’s no middle ground in segregation cases. No matter what spin a court puts on it, allowing secessions like Gardendale’s hands racism a win. While it’s true that stopping the secession may come with a cost to members of that community who have done nothing wrong, our Constitution demands that public institutions comply with the law. That is the price of living in a democracy that prizes principles over outcomes. In this case, the constitutional principles are clear. In Brown v. Board of Education, the Supreme Court held that there is no such thing as separate but equal schools: Segregated schools are “inherently unequal.”Rather than stick to these principles, the judge in the Gardendale case seemingly tried to strike a bargain with segregation. As long as Gardendale appoints “at least one African-American resident” to its school board and does not do anything overtly racist moving forward, the court will allow the city to pursue its own agenda.

◆.....◆
Your Words.

Glossary: Racism: prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that one's own race is superior.



1AC

CHALLENGING INSTITUTIONAL RACISM IS A PRIOR ETHICAL QUESTION— IT MAKES VIOLENCE STRUCTURALLY INEVITABLE AND FOUNDATIONALLY NEGATES MORALITY MAKING DEFENSES OF UTILITARIANISM INCOHERENT

Memmi, 2k --- Professor Emeritus of Sociology @ U of Paris, Naiteire (Albert, Racism, Translated by Steve Martinot, p. 163-165)

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet, for this very reason, it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism; one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim (and which man is not himself an outsider relative to someone else?. Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity. we cannot fail to rise to the racist challenge. However, it remains true that one's moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination. In short, the refusal of racism is the condition for all theoretical and practical morality because, in the end, the ethical choice commands the political choice, a just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

◆ ◆
Your Words.

Glossary: Remission: the cancellation of a debt, charge, or penalty.



1AC

GOVERNMENT BASED EDUCATION REFORMS CAN TRANSFORM SOCIETY --- DEFEATIST ATTITUDES ENSURE THE WORLD STAYS THE SAME

Glaude 16—Professor of African American Studies and Religion at Princeton and a PhD in Religion from Princeton [Eddie S., Jr., *Democracy in Black: How Race Still Enslaves*, p. 185-197]

We have to change our view of government, especially when it comes to racial matters. Government policy ensured the vote for African Americans and dismantled legal segregation. Policy established a social safety net for the poor and elderly; it put in place the conditions for the growth of our cities. All of this didn't happen simply because of individual will or thanks to some abstract idea of America. It was tied up with our demands and expectations. Goldwater was wrong. So was Reagan. And, in many ways, so is Obama. Our racial habits are shaped by the kind of society in which we live, and our government plays a big role in shaping that society. As young children, our community offers us a way of seeing the world; it lets us know what is valuable and sacred, and what stands as virtuous behavior and what does not. When Michael Brown's body was left in the street for more than four hours, it sent a dear message about the value of black lives. When everything in our society says that we should be less concerned about black folk, that they are dangerous, that no specific policies can address their misery, we say to our children and to everyone else that these people are "less than"-that they fall outside of our moral concern. We say, without using the word, that they are niggers. One way to change that view is to enact policies that suggest otherwise. Or, to put it another way, to change our view of government, we must change our demands of government. If we hold the view that government plays a crucial role in ensuring the public good-if we believe that all Americans, no matter their race or class, can be vital contributors to our beloved community-then we reject the idea that some populations are disposable, that some people can languish in the shadows while the rest of us dance in the light. The question "Am I my brother's or my sister's keeper?" is not just a question for the individual or a mantra to motivate the private sector. It is a question answered in the social arrangements that aim to secure the goods and values we most cherish as a community. In other words, we need an idea of government that reflects the value of all Americans, not just white Americans or a few people with a lot of money. We need government seriously committed to racial justice.

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Your Words:

Glossary: Racial Justice: achieving a beneficial action on behalf of the government that is associated with your race. Example: Winning a civil rights case



1AC- IMPACTS SPREAD

POLITICAL NIHILISM SPREADS BEYOND THE CLASSROOM – IT EMPOWERS VIOLENT CONSERVATIVES LIKE TRUMP – FORSAKING COMPROMISE IS A DANGEROUS, ACADEMIC LUXURY

Claudio, 16 --- assistant professor of development studies and southeast Asian studies at the Ateneo de Manila University (7/1/2016, Lisandro, “Intellectuals have ushered the world into a dangerous age of political nihilism,” qz.com/721914/intellectuals-have-ushered-the-world-into-a-dangerous-age-of-political-nihilism/)

On the surface, it would seem that intellectuals have nothing to do with the rise of global illiberalism. The movements powering Brexit, Donald Trump and Third-World strongmen like Philippine president Rodrigo Duterte all gleefully reject books, history and higher education in favor of railing against common enemies like outsiders and globalization. And you’ll find few Trump supporters among the largely left-wing American professoriate. Yet intellectuals are accountable for the rise of these movements—albeit indirectly. Professors have offered stringent criticisms of neoliberal society. But they have failed to offer the public viable alternatives. In this way, they have promoted a political nihilism that has set the stage for new movements that reject liberal democratic principles of tolerance and institutional reform. Such thinking promotes political hopelessness. It rejects gradual change as cosmetic, while patronizing those who think otherwise. This nihilism easily spreads from the classroom and academic journals to op-ed pages to Zuccotti Park, and eventually to the public at large. As this crisis unfolds, we will need intellectuals who use their intellects for more than simple negation—professors like the late New York University historian Tony Judt, who argued that European-style social democracy could save global democracy. Failing that, we need academics who acknowledge that liberal democracy, though slow and imperfect, enables a bare minimum of tolerance in a world beset by xenophobia and hatred. For although academics have the luxury of imagining a completely different world, the rest of us have to figure out what to do with the one we have.

◆.....◆
Your Words. ·

Glossary: Culture: the arts and other manifestations of human intellectual achievement regarded collectively.



1AC PLAN + SOLVENCY – SECTION 5 OF 14TH AMENDMENT

PLAN TEXT:

THE UNITED STATES FEDERAL GOVERNMENT, VIA SECTION 5 OF THE FOURTEENTH AMENDMENT, SHOULD REGULATE K-12 SCHOOLS THAT RECEIVE PUBLIC FUNDING BY IMPLEMENTING A LAW THAT:

- **REQUIRES STATES TO AFFIRMATIVELY FURTHER RACIALLY INTEGRATED EDUCATION**
- **FUNDS DELIBERATIONS THAT BOTH DOCUMENT THE CURRENT RACIAL INEQUITIES IN EDUCATIONAL OPPORTUNITY AND PROVIDE USEFUL DATA THAT MAY ASSIST STATES AND LOCALITIES IN FOSTERING RACIALLY INCLUSIVE EDUCATIONAL OPPORTUNITIES**
- **FUNDS RESEARCH, DEVELOPMENT, AND POLICY REPLICATION TO PRESERVE AND STRENGTHEN FEDERAL, STATE, AND LOCAL EFFORTS TO PROTECT EQUAL ACCESS TO EDUCATIONAL OPPORTUNITIES AND TRANSPORTATION TO SCHOOLS.**

◆
Your Words. ◆

Glossary: Amendment: an article added to the US Constitution.



1AC- THE PLAN EVIDENCE

THE PLAN IS A COMPREHENSIVE MECHANISM TO ADDRESS RACIAL SEGREGATION IN PUBLIC EDUCATION - -- CONGRESSIONAL ACTION IS CRITICAL

Epperson, 12 --- Associate Professor of Law, American University Washington College of Law (Winter 2012, Lia, Harvard Law & Policy Review, "SYMPOSIUM: EDUCATION: EQUALITY OF OPPORTUNITY: Legislating Inclusion," 6 Harv. L. & Pol'y Rev. 91, Lexis-Nexis Academic, JMP)

The aforementioned adjudicatory considerations of the reach of equal protection indicate that carefully tailored race-conscious legislation to eliminate racially isolated schools and address broad-based racial inequality in educational opportunity may be well within the Supreme Court's construction of congressional enforcement power under Section 5. Proposed legislation may be designed as a constitutional response to address the educational inequality facing racial minorities, which falls into the type of remedial legislation for the protection of traditionally excluded groups that the Court is more likely to uphold. Moreover, as discussed above, the nature of the legislative branch is that it does not suffer from the same constraints as the judiciary. As an institution, it is designed to gather facts from a broad range of constituents across the nation, the very data that would be necessary to develop appropriate remedial and prophylactic legislation addressing the compelling interest in alleviating persistent racial isolation in education. In the wake of narrowed judicial avenues to remedy the structural racial inequality in education, Congress may be better situated to create a meaningful response. First, Congress has a clear responsibility under Section 5 of the Fourteenth Amendment to enforce racial equality. In addition, such responsibility is especially critical in the domain of education. n122 Given the text, history, and structure of congressional enforcement power under Section [*106] 5 of the Fourteenth Amendment, Congress should have broad power to establish national standards to protect basic educational rights and solve persistent racial inequality.

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Your Words.

Glossary: Implementation: the process of putting a decision or plan into effect; execution.



1AC = ACCESS TO THE GOVERNMENT

CITING SECTION 5 OF THE 14TH AMENDMENT IS BEST - GUARANTEES EDUCATIONAL EQUALITY IS PRIORITIZED

Epperson, 12 --- Associate Professor of Law, American University Washington College of Law (Winter 2012, Lia, Harvard Law & Policy Review, "SYMPOSIUM: EDUCATION: EQUALITY OF OPPORTUNITY: Legislating Inclusion," 6 Harv. L. & Pol'y Rev. 91, Lexis-Nexis Academic, JMP)

Section 5 of the Fourteenth Amendment, conversely, is the legislative power that is precisely designed to vindicate human dignity and equality. As such, I argue that Section 5 provides the best means for enacting legislation aimed at reducing racial isolation in education. While practical expediency may have necessitated the use of congressional commerce power in the case of the 1964 Civil Rights Act, n15 congressional action to enforce race-conscious legislation in the domain of schools should not, and need not, take that path. n16 Such legislation should be grounded in the language of equality rather than masking the essence of the constitutional entitlement it seeks to protect. Section 5 of the Fourteenth Amendment serves as the best democratic tool to carry out the judicial expression of equality.

In addition, such proposed legislation would address the intersection of fundamental racial inequality and educational opportunity. While the Court has not found an explicit fundamental right to education under the Equal Protection Clause, education holds a special place of importance in Supreme Court jurisprudence. n17 The Court has held that education is the "very foundation of good citizenship" n18 and is critical to sustaining "our political and cultural heritage." n19 Indeed, education is integral "in maintaining our basic [*94] institutions" and leaves a "lasting impact of its deprivation on the life of the child." n20 Consequently, courts have long upheld significant federal regulation of public schools. n21 Moreover, the Court has held that Congress may exercise its authority under Section 5 to protect myriad rights that do not find explicit protection in the text of the Constitution. n22 Given that such legislation would touch upon equality and substantive rights that the Court has held to be of extraordinary significance, Congress should have expansive constitutional authority to legislate in this realm. In fact, Congress's Section 5 power should be at its apex when passing legislation to root out the persistent, pervasive malady of racial isolation and segregation and its attendant educational inequities.

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Your Words. ·

Glossary: Engagement: an arrangement to do something or go somewhere at a fixed time.



SOLVENCY – CONGRESS NECESSARY

CONGRESS NECESSARY TO CRAFT ENFORCEMENT LEGISLATION TO FACILITATE RACIAL INCLUSION IN PUBLIC EDUCATION

Epperson, 12 --- Associate Professor of Law, American University Washington College of Law (Winter 2012, Lia, Harvard Law & Policy Review, "SYMPOSIUM: EDUCATION: EQUALITY OF OPPORTUNITY: Legislating Inclusion," 6 Harv. L. & Pol'y Rev. 91, Lexis-Nexis Academic, JMP)

Existing jurisprudential avenues to address current constitutional violations, however, are limited by the modern anti-classification framework used in adjudicating equal protection claims. n5 I suggest that political branches may have more institutional strength, expertise, flexibility, and enforcement [*92] power to pursue racial inclusion in public education. n6 Specifically, I propose that Congress, via Section 5 of the Fourteenth Amendment, should delineate equal protection remedies to address the unique and enduring dilemma of twenty-first century racial isolation and resulting inequality in public education. n7 Though the Supreme Court has issued a series of opinions narrowing congressional power to enact enforcement legislation in recent years, n8 no decisions have addressed congressional enforcement power to legislate at the distinctive intersection of racial equality and educational opportunity.

This article proceeds in four parts. Part I posits Congress has the authority to enact enforcement legislation to alleviate racial isolation in public education. Part II closely examines the scope and contours of congressional enforcement power under Section 5 of the Fourteenth Amendment by analyzing constitutional text and recent Court interpretations of equality and enforcement power. Such analysis highlights Congress's unique power to craft legislation alleviating de facto racial segregation n9 and isolation in public schools, institutions integral to shaping our democracy and preparing students to be effective citizens. It acknowledges potential judicial constraints posed by the current Court, which underscore the importance of legislative imperatives. Finally, Part IV draws from these doctrinal arguments to offer preliminary considerations on optimal statutory design. I offer some suggestions that may help bridge the divide between our constitutional ideals and the practice of facilitating racial inclusion in public education.

◆.....◆
Your Words. ·



SOLVENCY:

WE MUST TAKE ACTION LIKE BROWN V BOARD WHEN AMENDMENTS ARE VIOLATED. CONGRESS HAS THE AUTHORITY TO ENFORCE DESEGREGATION IN PUBLIC EDUCATION THROUGH SECTION 5 OF THE 14TH AMENDMENT

Epperson, 12 --- Associate Professor of Law, American University Washington College of Law (Winter 2012, Lia, Harvard Law & Policy Review, "SYMPOSIUM: EDUCATION: EQUALITY OF OPPORTUNITY: Legislating Inclusion," 6 Harv. L. & Pol'y Rev. 91, Lexis-Nexis Academic, JMP)

In prohibiting state infringement of equal protection, the Fourteenth Amendment provided a constitutional mandate that facilitated the inclusion of African Americans in the national community. Section 5 of the Fourteenth Amendment provides Congress with "the power to enforce, by appropriate legislation," the provisions of the Fourteenth Amendment. n24 This Section gave Congress significant authority to define those individual rights and create the legislative structure necessary to enforce them. As congressional debates show, n25 congressional enforcement power was subject to the test outlined in McCulloch v. Maryland: n26 "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the [*95] letter and spirit of the constitution, are constitutional." n27 Much of this legislative structure focused on the provision and protection of rights to African Americans. n28 The goal of such enforcement legislation was to ensure that Congress, rather than the judiciary, be tasked with remedying Reconstruction Amendment violations. n29 While the Supreme Court restricted the scope of congressional enforcement power in the nineteenth century, citing principles of federalism, n30 it continued to articulate the McCulloch test for congressional enforcement power. n31 In Katzenbach v. Morgan, n32 one of the first key Supreme Court decisions of the twentieth century to examine Congress's Section 5 power, the Court again voiced an expansive reading of congressional power to protect fundamental rights and the rights of traditionally excluded groups. n33 The Warren Court found that Section 5 gave Congress the power to legislate for the "perfect equality of civil rights and equal protection of the laws." n34 The Court explicitly rejected the notion that "an exercise of congressional power under § 5 of the Fourteenth Amendment that prohibits the enforcement of a state law can only be sustained if the judicial branch determines that the state law is prohibited by the provisions of the Amendment that Congress sought to enforce." n35 Such a reading would run counter to "congressional resourcefulness and responsibility" for implementing the Fourteenth Amendment. n36 This constitutional enforcement power, particularly in the safeguarding of rights for minorities, means that Congress can exercise its discretion in determining necessary legislation to secure the guarantees of the Fourteenth [*96] Amendment.

◆.....◆
Your Words.

Glossary: Congress: a national legislative body, especially that of the US. The US Congress, which meets at the Capitol in Washington DC, was established by the Constitution of 1787 and is composed of the Senate and the House of Representatives.



*CASE
EVIDENCE
FOR THE
AFFIRMATIVE*

Your Words. *



BROWN VS BOARD = NO FAILURE

BROWN WAS NOT A FAILURE --- BOOSTED SUPPORT FOR CIVIL RIGHTS MOVEMENTS AND CHANGED THE NATIONAL MINDSET

Strauss citing Rothstein 5/16/17 – Richard is a research associate of the Economic Policy Institute and a Fellow at the Thurgood Marshall Institute

(Valerie citing Richard, 5/16/17, “Brown v. Board is 63 years old. Was the Supreme Court’s school desegregation ruling a failure?” https://www.washingtonpost.com/news/answer-sheet/wp/2017/05/16/the-supreme-courts-historic-brown-v-board-ruling-is-63-years-old-was-it-a-failure/?utm_term=.003455b3ba6c, MW)

Sixty-three years ago on Wednesday, the Supreme Court prohibited school segregation. In the South, Brown v. Board of Education was enforced slowly and fitfully for two decades; then progress ground to a halt. Nationwide, black students are now less likely to attend schools with whites than they were half a century ago. Was Brown a failure? Not if we consider the boost it gave to a percolating civil rights movement. The progeny of Brown include desegregation of public accommodations and the mostly unhindered right of African Americans to compete for jobs, to vote, and to purchase or rent homes. Brown’s greatest accomplishment was its enduring imprint on the national ethos: the idea of second-class citizenship for African Americans, indeed for any minority group, is now universally condemned as a violation of the Constitution and of American values. None of these transformations came easily, and none are complete, but none would have happened were it not for Brown.

Your Words. *



AT: CONGRESS ALREADY ACTED

CONGRESS HAS NOT PASSED LEGISLATION TO REMEDY SEGREGATION IN PUBLIC EDUCATION

Epperson, 12 --- Associate Professor of Law, American University Washington College of Law (Winter 2012, Lia, Harvard Law & Policy Review, "SYMPOSIUM: EDUCATION: EQUALITY OF OPPORTUNITY: Legislating Inclusion," 6 Harv. L. & Pol'y Rev. 91, Lexis-Nexis Academic, JMP)

It should be noted that Congress has passed a number of statutes that address the provision of education, which civil rights practitioners have used to advocate for racial equality in education. For a discussion of the role of Title VI of the 1964 Civil Rights Act in furthering school integration, see Lia Epperson, Undercover Power: Examining the Role of the Executive Branch in Determining the Meaning and Scope of School Integration Jurisprudence, 10 BERKELEY J. AFR.-AM. L. & POL'Y 146 (2008). See also Epperson, Equality Dissonance, supra note 1 (discussing No Child Left Behind; General Education Provision Act; Magnet Schools Assistance Program; and Emergency School Aid Act of 1972, which offered funding to help "eliminate[] racial segregation and discrimination" in elementary and secondary schools, but ended with the passage of the 1981 Omnibus Budget Reconciliation Act under President Ronald Reagan). For a discussion of the Emergency School Aid Act of 1972, see GARY ORFIELD, Desegregation and the Politics of Polarization, in CONGRESSIONAL POWER: CONGRESS AND SOCIAL CHANGE 173 (1975). The fact remains, however, that Congress has not passed broad-based legislation to effectuate the constitutional ideal of remedying de facto racial isolation and segregation as outlined by Justice Kennedy in Parents Involved.

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Glossary: Inextricably: in a way that is impossible to disentangle or separate.



FRAMING – ONLY RESPONSIBLE FOR THE PLAN

WE ARE ONLY RESPONSIBLE FOR WHETHER THE PLAN ITSELF IS A MORAL ACTION – THE DECISIONS OF OTHER AGENTS ARE OUTSIDE YOUR POWER TO DETERMINE AND FOCUSING ON THEM PERPETUATES INACTION AND SANCTIONS ATROCITY

Harris, 8 (Alex, J.D. Stanford University, Harvard University Bachelors (magna cum laude), Practicing Appellate and Constitutional Law at Gibson, Dunn & Crutcher LLP, former Adjunct Analyst at The Competitive Enterprise Institute, "Philosopher's Corner: The Principle of Intervening Action", <https://cei.org/blog/philosophers-corner-principle-intervening-action>, August 15, 2008, ak.)

Gewirth takes the position that we are solely responsible for the morality of our own actions in two senses. First, only we are responsible for the acts we commit, even if someone else's action caused us to act as we did. (For example, if a woman's husband cheated on her and she, upon finding out, grew enraged and killed his lover, she - not he - would bear sole responsibility.) Second, we are only responsible for our own actions, even if they lead to other actions. Thus, we have a preeminent duty to never act immorally, even if doing so would preclude others from taking even more immoral actions. As long as one does not use coercion to compel another to commit a rights-violating action, one has not reduced that other person's agency. Possessing full agency, the person is morally responsible for the totality of her actions; thus no one else can assume any portion of that responsibility. You are not responsible for anyone else's free actions and no one else is responsible for yours. If the son were somehow partially responsible for the terrorists blowing up the city, that would necessarily diminish, by whatever fraction of responsibility the son assumed, the terrorists' responsibility for that action. They would not be wholly responsible, because the son had caused their action. But this must not be the case; the terrorists must be held totally responsible for the destruction of the city. Consequentialists ask, "Which set of rights-violations do you endorse: the torture of the mother, or the deaths of the millions?" Gewirth responds that PIA endorses neither. PIA gives the terrorists complete responsibility for their actions, and emphatically condemns them, in a way that no other position is capable of. Only PIA is capable of giving rights their supreme status by proclaiming that they may never be violated for any reason, including preventing future rights-violations.

◆.....◆
Your Words.

Glossary: Moral: concerned with the principles of right and wrong behavior and the goodness or badness of human character.



AT DISADVANTAGE/ KRITIK’S

FEDERAL GOVERNMENT HAS THE CONSTITUTIONAL AUTHORITY TO REGULATE PUBLIC SCHOOLS

Takhar, 15 --- J.D. Candidate, 2015, University of California Hastings College of the Law (Summer 2015, Neelam, Hastings Women's Law Journal, “No Freedom in a Ship of Fools: A Democratic Justification for the Common Core State Standards and Federal Involvement in K-12 Education,” 26 Hastings Women's L.J. 355, Lexis-Nexis Academic, JMP)

The Tenth Amendment reserves power not given explicitly to the federal government to the states. n122 Thus, the power to directly regulate public education is reserved to the states. n123 Despite this limitation Congress does possess the power to spend for the general welfare, and it is under this indirect authority that it regulates public education. n124 Congress uses its spending power in two ways: first, to incentivize states and local governments to adopt programs by offering funding and grants; and second, to require states and local districts that receive federal funding to comply with conditions that serve federal policy goals, such as public safety or civil rights protections. Critics of federal education legislation perceive it as federal interference in a matter that constitutionally has been reserved to the states. n138 However, the Supreme Court has held that although the federal government has limited enumerated powers under Article I, Congress may exercise its Spending Clause n139 power to attach conditions to federal funds, requiring state and local governments to comply with federal statutory and administrative directives. n140 This broad interpretation of the Spending Clause has been applied to federal education legislation as well.

◆.....◆
Your Words.

Glossary: Constitutional: relating to an established set of principles governing a state.



AT DISADVANTAGE/KRITIK'S

ENSURING EQUAL ACCESS AND LIMITING DISCRIMINATION ARE FEDERAL ROLES

Gregory & Kaufman, 10 (Spring 2010, Erin R. and Dean, Education Law & Policy, "EDUCATION AND FEDERALISM: THE ROLE FOR THE FEDERAL GOVERNMENT IN EDUCATION REFORM,"

<https://pdfs.semanticscholar.org/290b/cdfdb2cc2cdab7c352063eaaad7d9216d372e.pdf>, accessed on 6/6/17, JMP)

Perhaps the most significant and far reaching attempt was The No Child Left Behind Act (NCLB). The NCLB was an aggressive and ambitious attempt by the federal government to improve American education. However, it was not the first time the federal government inserted itself into the realm of education. These initial attempts by the federal government were largely a response to concerns about considerable racial disparities in education, precipitated by the Supreme Court's holding in *Brown v. Board of Education* in 1954.⁸ The role of the federal government in ensuring access to education for disadvantaged groups should not be underestimated, particularly when the remnants of discrimination still plague American schools, and the federal government should continue to promote accessible education for these groups. *But* while racial and gender-based discrimination are problems of national magnitude requiring a decisive national response, other problems facing the United States' educational system today are quite different.

THIS IS A LIMITED AREA WHERE FEDERAL ACTION IS JUSTIFIED

Gregory & Kaufman, 10 (Spring 2010, Erin R. and Dean, Education Law & Policy, "EDUCATION AND FEDERALISM: THE ROLE FOR THE FEDERAL GOVERNMENT IN EDUCATION REFORM,"

<https://pdfs.semanticscholar.org/290b/cdfdb2cc2cdab7c352063eaaad7d9216d372e.pdf>, accessed on 6/6/17, JMP)

The role of the federal government in education should be limited to setting national goals, incentivizing creative approaches to meeting those goals by individual states and local communities, and ensuring accessible education by investigating civil rights violations. Education is an area best left to state and local governments because those closest to the students are in the best position to determine their academic needs. States and local communities also provide most of the funding for local schools and thus, are more invested in the success of these schools. Moreover, schools should be able to respond to the wishes of parents regarding their children's education without undue federal regulation. Even as the federal role in education has increased in the last several decades, the federal government has been unable to successfully improve schools.

Glossary: Segregated: set apart from the rest or from each other; isolate or divide.



AT: ANTI-BLACK PESSIMISM

SIGNIFICANT BLACK PROGRESS HAS BEEN MADE --- MAINTAINING OPTIMISM IS VITAL TO FURTHER GAINS. PRIORITIZING THE LEARNING OF FACTUAL KNOWLEDGE IS NECESSARY TO GIVE STUDENTS CRITICAL INTELLECTUAL CAPITAL.

Thernstrom & Thernstrom, 98 --- *Senior Fellow, Manhattan Institute, AND **Winthrop Research Professor of History at Harvard University (3/1/1998, Abigail & Stephan, “Black Progress: How far we’ve come, and how far we have to go,” <https://www.brookings.edu/articles/black-progress-how-far-weve-come-and-how-far-we-have-to-go/>, accessed on 6/16/17, JMP)

In 1940, 60 percent of employed black women worked as domestic servants; today the number is down to 2.2 percent, while 60 percent hold white-collar jobs.

44 and 1. In 1958, 44 percent of whites said they would move if a black family became their next door neighbor; today the figure is 1 percent. 18 and 86. In 1964, the year the great Civil Rights Act was passed, only 18 percent of whites claimed to have a friend who was black; today 86 percent say they do, while 87 percent of blacks assert they have white friends. Progress is the largely suppressed story of race and race relations over the past half-century. And thus it’s news that more than 40 percent of African Americans now consider themselves members of the middle class. Forty-two percent own their own homes, a figure that rises to 75 percent if we look just at black married couples. Black two-parent families earn only 13 percent less than those who are white. Almost a third of the black population lives in suburbia. In addition, an educational culture that has increasingly turned teachers into guides who help children explore whatever interests they may have affected black academic performance as well. As educational critic E. D. Hirsch, Jr., has pointed out, the “deep aversion to and contempt for factual knowledge that pervade the thinking of American educators” means that students fail to build the “intellectual capital” that is the foundation of all further learning. That will be particularly true of those students who come to school most academically disadvantaged—those whose homes are not, in effect, an additional school. The deficiencies of American education hit hardest those most in need of education. And yet in the name of racial sensitivity, advocates for minority students too often dismiss both common academic standards and standardized tests as culturally biased and judgmental. Many blacks, particularly, are now discouraged. A 1997 Gallup poll found a sharp decline in optimism since 1980; only 33 percent of blacks (versus 58 percent of whites) thought both the quality of life for blacks and race relations had gotten better. Thus, progress—by many measures seemingly so clear—is viewed as an illusion, the sort of fantasy to which intellectuals are particularly prone. But the ahistorical sense of nothing gained is in itself bad news. Pessimism is a self-fulfilling prophecy. If all our efforts as a nation to resolve the “American dilemma” have been in vain—if we’ve been spinning our wheels in the rut of ubiquitous and permanent racism, as Derrick Bell, Andrew Hacker, and others argue—then racial equality is a hopeless task, an unattainable ideal. If both blacks and whites understand and celebrate the gains of the past, however, we will move forward with the optimism, insight, and energy that further progress surely demands.

◆.....◆
Your Words.

Glossary: Obscure: keep from being seen; conceal.



HARMS: MUST ACT NOW(AT-PESSIMISM)

WE MUST RESIST THE IMPACTS OF WHITE SUPREMACY TO REFUSE THE EURO-CENTRICITY INFUSED IN TO OUR EDUCATION SYSTEM.

Hooks, 95 [bell hooks is a former distinguished Professor of English at the City College of New York, currently on staff at Berea College in Kentucky, noted scholar and author; “Killing Rage: Ending Racism”; pp. 108-110; REJ]

When thinking about the kind of language commonly evoked to talk about black experience in white supremacist capitalist patriarchal North America, I was often struck by the pervasive use of euphemisms, words like “Jim Crow,” “Uncle Tom,” “Miss Ann,” etc. These colorful terms obscured the underlying structures of domination that kept white supremacy in place. By socializing white and black citizens in the United States to think of racism in personal terms, individuals could think of it as having more to do with inherent prejudicial feelings than with a consciously mapped-out strategy of domination that was systematically maintained. Even though African Americans in the United States had no country, whites took over and colonized; as a structure of domination that is defined as the conquest and ownership of a people by another, colonialism aptly describes the process by which blacks were and continue to be subordinated by white supremacy. This resistance to colonialism was so fierce, a new strategy was required to maintain and perpetuate white supremacy. Racial integration was that strategy. It was the setting for the emergence of neo-colonial white supremacy. Placed in positions of authority in educational structures and on the job, white people could oversee and eradicate organized resistance. The new neo-colonial environment gave white folks even greater access and control over the African American mind. Integrated educational structures were the locations where whites could best colonize the minds and imaginations of black folks. Television and mass media were the other great neo-colonial weapons. Contemporary African Americans often ponder how it is possible for the spirit of resistance to be so diminished today even though the structures of our lives continue to be shaped and informed by the dictates of white supremacy. The spirit of resistance that remained strong from slavery to the militant sixties was displaced when whites made it seem as though they were truly ready to grant black folks social equality, that there were indeed enough resources to go around, that the imperialist wealth of this country could be equitably shared. These assumptions were easy to believe given the success of sixties black militant struggle. By the time the bubble burst, collectively black folks had let our guard down and a more insidious colonization of our minds began to take place. While the Eurocentric biases taught to blacks in the educational system were meant to socialize us to believe in our inherent inferiority, it was ultimately the longing to have access to material rewards granted whites (luxury and comfort represented in advertising and television) that was the greatest seduction. Aping whites, assimilating their values (i.e., white supremacist attitudes and assumptions) was clearly the way to achieve material success.

◆.....◆
Your Words.

Glossary: Subordinate: a person under the authority or control of another within an organization. treat or regard as of lesser importance than something else.



SOLVENCY: AT ANTI-BLACK PESSIMISM

WE MUST COME TO CHALLENGE NEGATIVE REPRESENTATIONS OF ASIAN AND BLACK COMMUNITIES, WHICH BEGINS WITH THE BLACK WOMEN.

Hooks 95 [bell hooks is a former distinguished Professor of English at the City College of New York, currently on staff at Berea College in Kentucky, noted scholar and author; “Killing Rage: Ending Racism”; p. 85; REJ]

Until progressive women and men engaged in anti-racist, anti-sexist work fully recognize that continued devaluation of black womanhood undermines these struggles, neither movement can progress. We must vigilantly challenge negative representations of black women, understanding that they both shape public policy and determine attitudes towards us in everyday life. All too often progressive white women and men who are committed to a feminist vision fall prey to liberal sentimental overvaluing of black male pain in ways that lead them to accept sexist behavior from this group that they would rigorously challenge in interactions with white peers. These folks often stand idly by as sexist black men assault the dignity and integrity of black womanhood. Concurrently, those individual black males who have embraced feminist politics in ways that enable them to divest of both sexist thinking and action must play a primary role in challenging sexist representations of black womanhood, particularly those that are created by black male leaders and thinkers who have access to mass media. All black females gain when we challenge the continued devaluation of black womanhood. The struggle black women began in the nineteenth century to challenge and transform white supremacist capitalist patriarchal ways of seeing black womanhood must continue.

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Glossary: Representation: the description or portrayal of someone or something in a particular way or as being of a certain nature.



SOLVENCY: AT ANTI-BLACK PESSIMISM

THE RHETORIC OF RACISM CONDONES BLACK FEMALE OPPRESSION—WE MUST REJECT WHITE SUPREMACY AS A TACIT OF ACCEPTANCE OF SEXIST BRUTALITY THAT MUST BE CHANGED AND ALTERED BEFORE WE BECOME COMPLICIT.

Hooks 95 [bell hooks is a former distinguished Professor of English at the City College of New York, currently on staff at Berea College in Kentucky, noted scholar and author; “Killing Rage: Ending Racism”; pp. 86-89; REJ]

More black men than ever before acknowledge that sexism is a problem in black life. Yet rarely is that acknowledgement linked with progressive political struggle to end sexism, to critique and challenge patriarchy. While these black men can acknowledge that sexism is an issue, they tend to see it as a “natural” response, one that need not be altered. In more recent years some black males link sexist thinking and action to their sense of victimization by racist exploitation and oppression. Extreme expressions of sexism, misogyny, made visible by overt exploitation of women by men, become in their minds a dysfunctional response to racism rather than a perspective that exists both apart from and in conjunction with racism. Such thinking enables black males to assume no direct accountability for a politics of sexism that in reality does not have its origin in racist aggression. To see sexism as an outcome of racist victimization is to construct a worldview wherein black males can easily deflect attention away from the power and privileges accorded them by maleness within white supremacist capitalist patriarchy, however relative, even as they simultaneously undermine the seriousness of sexist exploitation by insisting that the problem is ultimately, and always, only racism. This overlapping of the two systems of domination, in ways that deflect attention away from black male accountability for sexist exploitation of black female, was evoked in a recent interview with black male journalist Nathan McCall, highlighting the publication of his autobiographical work *Makes Me Wanna Holler*, McCall comments: “If you hate what’s black it doesn’t matter if it’s a man or a woman. And if it’s a woman it’s even more convenient because women are subjugated. It’s understood that the only folks in this world who are at the mercy of black men are black women.” While there are culprits in racist aggression against black males, there are no culprits who subjugate black women in McCall’s rhetoric. Female subjugation is presented as “natural,” already in place, not something black men create, only something they exploit. McCall shares his understanding of black male sexist aggression towards black females: “A common response to oppression, or abuse, is to become an abuser. Black men don’t have the traditional avenues that other men in this society have for expressing what we consider manhood.”

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Glossary: Rhetoric: the art of effective or persuasive speaking or writing, especially the use of figures of speech and other compositional techniques.



SOLVENCY: AT ANTI-BLACK PESSIMISM

The Affirmative creates a way to solve for multiple impacts all stemming from White Supremacy

Hooks 95 [bell hooks is a former distinguished Professor of English at the City College of New York, currently on staff at Berea College in Kentucky, noted scholar and author; “Killing Rage: Ending Racism”; pp. 86-89; REJ]

These assumptions, presented as fact, are dangerous. They belie the reality that white men, and individual men from diverse groups who have access to all the traditional avenues of power and privilege, willingly perpetuate sexism and sexist exploitation and oppression. Concurrently, as long as access to patriarchal power and privilege in all avenues of life is presented as the balm that will heal the wounds inflicted on black men by racist victimization then maintaining sexism will be seen as essential not only to black male freedom but to the well-being of all black people. When black men like Nathan McCall acknowledge a structure of sexist exploitation and/or oppression in black life that promotes the systematic abuse of black females, without in any way offering a critique or challenge to that structure, they reinscribe the assumption that sexist brutality cannot change or be eradicated. This tacit acceptance of a system they acknowledge to be wrong is a form of complicity. That complicity for seeing sexism in black life yet viewing it unproblematically is often shared by white individuals, even some liberal and progressive white feminists, who ignore and in some cases condone black male sexism when it is articulated as a response to racist aggression. Linking sexism and racism in ways that condone one as a response to the other in contemporary society pits black males and females against one another. As long as individual black males (and some females) feel that their freedom cannot be attained without the establishment of patriarchal power and privilege, they will see black female struggles for self-determination, our engagement with feminist movement, as threatening. Convinced that the struggle to “save” the black race is really first and foremost about saving the lives of black males, they will not only continually insist that their “sufferings” are greater than those of black females, they will believe that the proud assertion of sexist politics register a meaningful opposition to racism. Mainstream white culture has shown that it is far more willing to listen and respond to the dilemmas of black men when those dilemmas are articulated not as the harsh aftermath of white supremacist aggression and assault that affects all black folks but instead when these issues are mediated by a discourse of tragic, “failed,” emasculated manhood. Within contemporary white supremacist capitalist patriarchy, the discourse of an unrealized wounded black manhood, which is constantly in jeopardy or under assault that responds to victimization with brutal threatening aggression, is played out in public rhetoric that defines black males as an “endangered” species.

◆.....◆
Your Words.

Glossary: Feminism: the advocacy of women's rights on the basis of the equality of the sexes.



AFFIRMATIVE: ANSWERS TO NEGATIVE OFF CASE



AT- ACHIEVEMENT GAP

CONVERSATIONS ABOUT RACE ARE PUSHED TO THE PERIPHERY AND THEIR ANALYSIS BECOMES DIRECTLY OPPRESSIVE AND LEGITIMIZES OPPRESSION.

Tuhkanen 09 [Mikko Tuhkanen is Associate Professor of English and Africana Studies @ Texas A&M University; “The American Optic: Psychoanalysis, Critical Race Theory and Richard Wright” State University of New York Press Pg. xii – xiv]

Yet, proposing a dialogue between Wright and psychoanalysis invokes inevitable methodological problems. Given that psychoanalysis often comes to us as yet another one of the master’s tools, is it possible to approach questions of race from a psychoanalytic perspective? In terms of psychoanalysis’s relation to Wright’s work, nothing may be more decisive than the fact that his writings have been seen as a precursor to the militant black movements of the 1960s and was adopted by numerous Black Panthers and Black Muslims as the emblem of black male rage.⁶ That psychoanalysis was among the “white” solutions to be rejected in favor of more authentic African American approaches is mediated by Eldridge Cleaver, who recalls his encounters with a prison psychiatrist in Soul on Ice (1968): I had several sessions with a psychiatrist. His conclusion was that I hated my mother. How he arrived at this conclusion I’ll never know, because he knew nothing about my mother; and when he’d ask me questions I would answer him with absurd lies. What revolted me about him was that he had heard me denouncing the whites, yet each time he interviewed me he deliberately guided the conversation back to my family life, to my childhood. That in itself was all right, but he deliberately blocked all my attempts to bring out the racial question, and he made it clear that he was not interested in my attitude toward whites. This was a Pandora’s box he did not care to open. (11) Suggesting the bad faith that informs psychoanalysis’s encounter with politics, Cleaver articulates African American writers’ and thinkers’ distrust of such white disciplines. In the prison psychiatrist, he offers us the stereotypical image of a (psycho)analyst who imposes family romances on everything and hears repressed Oedipal secrets in every word communicated by the analysand, while remaining stubbornly blind to the life-and-death concerns of the latter’s everyday existence. As Gilles Deleuze and Flix Guattari write, (Torgovnick 198).¹⁰ Wright himself offers similar reservations, writing that any discussion of psychology of the colonized is usually rejected by enlightened commentators because it carries “an air of the derogatory”.

Glossary: Psychoanalysis: a system of psychological theory and therapy that aims to treat mental disorders by investigating the interaction of conscious and unconscious elements in the mind and bringing repressed fears and conflicts into the conscious mind by techniques such as dream interpretation and free association.



AT: AFFIRMATIVE DOES NOTHING

CALLING FOR ACKNOWLEDGEMENT ARE MEANINGLESS AND ENTRENCH THE POWER OF VIOLENT INSTITUTIONS—SPECIFIC, CONCRETE POLICIES ARE THE ONLY WAY TO MEANINGFULLY IMPROVE CONDITIONS

Robinson 15, (Editor of Current Affairs, Social Policy PhD student at Harvard University, as well as an attorney, <https://www.currentaffairs.org/2015/12/the-limitations-of-black-lives-matter-as-slogan-and-movement>)

The Black Lives Matter slogan attempts to imply both the dignity meaning (Black people have dignity no matter what) and the significance meaning (Black people ought to be treated as having significance), one being descriptive and one being aspirational. Yet in both these respects, the Black Lives Matter slogan itself becomes a demand for recognition from white people. Dignity should be measured personally and not by the opinions of others. And significance should not be asked for, but built, since asking for an increase in significance reaffirms and legitimizes the power of those who claim the right to determine social significance. But a Black Lives Matter protest requests these things. “I matter, and I demand you acknowledge that I matter, which you currently do not do.” That kind of demand requires the demander to have strong interest in the opinion of the demandee. The Black Lives Matter slogan isn’t being directed at black people, who already know that fact. It’s a demand that someone else affirm the dignity and worth of black people. It seems to be begging the state/white people/the police. A protest demanding recognition of dignity is somewhat odd. If I am, say, abused and demeaned by someone, who treats me as if I have no worth, is the best way to assert my worth to stand outside of his house with a sign saying “I have worth”? Most would probably admit that this implies the abuser is the one with the power to determine my worth, when my worth exists independent of what my abuser thinks. Of course, it will be replied that “Black Lives Matter” intends precisely to insist that worth exists independent of the opinions of power; it is saying that “black lives matter whether you like it or not.” But if that is the case, who are the signs and hashtags directed at convincing? (By the way, I feel the same about the wearing of Sunday clothing and the holding of “I Am A Man” signs during the first civil rights movement. The natty suits were supposed to persuade white people that black people were clean, dignified Americans. I don’t want to say the tactic shouldn’t have been used, since the struggle was an urgent one and effectiveness was important. But there was something to Malcolm X’s critique of the civil rights struggle, that it was asking instead of taking.) Instead of a humble request for white people to admit black dignity, then, it might be better to orient a movement around exactly what its real demands are. In the case of Black Lives Matter, I take that to be more along the lines of “End Racist Police Violence.” That doesn’t demand any kind of recognition, because recognition is (1) merely symbolic and (2) not even a desirable symbolic concession. Ending racist police violence is very specific. Success cannot be faked. With Black Lives Matter, those in power can say “I hereby declare that black lives now matter.”

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Glossary: Disenfranchise: deprive (someone) of a right or privilege.



ANSWER TO: NEG’S FATALISM (POLITICAL IMMATURITY)

THE NEG DEFINES THE WORLD AS ANTI-BLACK. THIS FAIT ACCOMPLI AND FATALISM IS POLITICALLY IMMATURE AND SACRIFICES OTHERS FOR THE SAKE OF PURITY. THE ORIGINATOR OF THE TERM ARGUES WE MUST TREAT OUR WORLD AS AN ANTI-BLACK WORLD CAPABLE OF REVISION.

Lewis **GORDON**, 2015 Philosophy & African American Studies @ UConn (the leading scholar of Fanon in the US, PhD from Yale, Professor of Philosophy and African American Studies at UConn)

A man, a woman, a color, so forth. So, if we enrich our philosophical anthropology, we will begin to notice certain other things and one of the other things we begin to realize is that we commit a serious problem when we do political work. And the problem is this. The question about Wilderson, for instance. There is this discussion going on, and a lot of people build it on my early books. I have a category that I call, as a metaphor, an ‘anti-Black world’ – you notice the indefinite article: AN anti-Black world. The reason I say that is because THE world is different from an anti-Black world. The project of racism is to create a world that would be anti-Black, anti-woman. Although that’s a project, it’s not a fait accompli. People don’t seem to understand how recent, how recent this phenomenon we’re talking about is. The enslaved ancestors who were burning down the plantations, who were finding clever ways to poison the masters, who were organizing meetings for rebellions – none of them had any clue about what the future would be 100 years later, in fact, some had good reason to believe it may have even taken 1,000 years. But you know why they fought? Because they knew it wasn’t for them. One of the problems we have in the way we think about political issues is we commit what Fanon and others who were taught in the existential condition would call a form of political immaturity. Political immaturity is, it’s not worth it unless I, me, individually get the pay off. When you’re thinking about what it is to relate to other generations, remember Fanon said the problem with the people in the transition – the pseudo post-colonial bourgeoisie – is that they miss the point to fight for liberation for other generations. And that’s why Fanon said other generations, they must have their mission. But you see, some people fought, and they said now I want my piece of the pie. And that means the biggest enemy becomes the other generations. And that is why the postcolonial pseudo bourgeoisie – there not a bourgeoisie proper because they do not link to the infrastructural development of the future. very example of mortgaging the future of all of you is there, what happens to people when they have no future? It now collapses the concept of maturation and places people into perpetual childhood. So one of the political things, and this is where a psychiatrist-philosopher is crucial, is to ask ourselves what does it mean to take on adult responsibility. And that means to understand in all political action, it’s not about you. It’s what you are doing for a world you may not be able to even understand. Now that becomes tricky because, how do we know this? People have done it before.

Your Words.

Glossary: Immaturity: behavior that is appropriate to someone younger.



ANSWER TO: DELIBERATION ARGS/PERM CARD

**IT'S AN ATTEMPT TO DENY THAT WE DO NOT HAVE RACIAL EQUALITY IN CONTEXT OF THE LAW.
WITHOUT MAKING DEMANDS AND OUR VOICE THERE WILL NEVER BE TRUE DELIBERATION.**

Cook 2k [Anthony E. Cook is the Professor of Law at Georgetown University Law Center; “Race and Religion: Revising ‘America’s Most Segregated Hour’: King and the Beloved Community: A Communitarian Defense of Black Reparations”, The George Washington Law Review; REJ]

If private confession is good for the individual's soul, societal confession is equally important to the redemption of the polity's soul and equally vital to achieving any semblance of a Beloved Community. Confession is the acknowledgment that legal and moral wrongs have been done and social sins committed. These sins have alienated us from each other through social constructions of race that encourage and condone a legion of subordinating and dehumanizing practices of domination. In this fall from grace, the path back to wholeness is not always easy. It requires courage to admit shortcomings, a collective humility that has not often been a celebrated quality of the American identity. We have, more so than not, chosen the path of denial and silence, a path made inviting by the rhetoric of inalienable rights, equality under the law, and freedom and justice for all. Even when afforded the opportunity to end the charade, acknowledge the dreadful truth, and make restitution for past mistakes, we have chosen three-fifths compromises, short-lived reconstructions, and anti-affirmative action referenda. At defining moments in our nation's history, we have succumbed to the lower angels of our collective nature and sacrificed black equality upon the altars of political expediency - saving the Union, saving the Party, protecting states' rights, and constructing a trans-ethnic solidarity based on whiteness. n53 America needs its own Truth and Reconciliation Commission, similar to the South African model in which the stories of victims of oppression and the beneficiaries of oppression can be heard. n54 Abstract history must be made personal in order for genuine healing and reconciliation to occur. This mechanism has the potential of personalizing a history that for most Americans seems unrelated to their lives. At the social level, we must acknowledge the ways in which certain social fears like the fears of disunion, competition, retaliation and humiliation have led to the historic atrocities committed against black people in America.

◆.....◆
Your Words.

Glossary: Expediency: the quality of being convenient and practical despite possibly being improper or immoral; convenience.



ANSWER TO: BLACK SUFFERING ALREADY HAPPENING

In order for us to be able to Solve the Impacts we have to Focus on the ways the Identity of Blackness has been Represented as a Weapon of Mass destruction.

Sexton '06

[Jared Sexton, Assistant Professor African American Studies & Film and Media Studies, UC-Irvine, “(Re)Views: Race, Nation, and Empire in a Blackened World.” *Radical History Review*, Issue 95 (Spring 2006): 250–61.]

In the United States, homegrown white supremacists, and the lion’s share of their more moderate neighbors, have long considered black people to be weapons of mass destruction. Racial profiling, the hallmark of Homeland Security’s dreadful encroachments, cut its fearsome teeth several years prior to the passage of the USA PATRIOT Act. Prior, as well, to the American Civil Liberties Union’s (ACLU) “Driving while Black” campaign in the late 1990s; prior to the launch of President Ronald Reagan’s infamous war on drugs in the early 1980s, and even to President Richard Nixon’s earlier consolidation of the first truly nationwide police apparatus in the late 1960s. In fact, the genealogy of this nefarious police practice is properly charted beyond the twentieth century, reaching back, with stunningly little modification, to the ethos of the colonial slave patrols of the seventeenth, eighteenth, and nineteenth centuries. Given this line of descent, it is not unreasonable to say that racial profiling is the sine qua non of modern policing. In the consternated deliberations of national security, official and unofficial, from the founding of the republic to the trumpeting of the new world order, the social control and crisis management of the black population has always figured centrally, even or perhaps especially when matters of emancipation or racial equality have by no means enjoyed the focus of debate. Across the sweep of U.S. history, policing the color line has required no credible threat of invasion, no evidence of insurrectionary design, no proven stockpile of illicit chemical agents or radioactive material, no particular breach of domestic or international law, no sensational moral or ethical transgression (though all of these items, real or imagined, have factored in the relevant discourses, public and private). It has only required the presence — within the polity, economy, culture, and society — of a so-called problem people, dwelling as the absence of human presence.

Your Words.

Glossary: Identity: the fact of being who or what a person or thing is.



ANSWER TO: BACKLASH/POLICY FAILS

Without a Demand to End the Violence towards people of color you force Non-Whites into being Sacrificial Lambs

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With regard to the Jena case, this combined ethic of parasitism, fraud, and white solidarity--fundamental to white supremacy and deeply engrained in U.S. culture--continues to inform the intrinsic political and psychological structures of this society. In Jena, the hanging of the nooses was widely dismissed by whites as a youthful prank, akin to putting toilet paper on a person's front yard or shaving cream on a car. n142 Although the high school principal wanted to expel the three youth, the school's superintendent reduced their charges on the basis that their prank was nothing more than a tasteless joke. Their reward for such parasitic violence was simple: after three days suspension, they were back at school. Barbara Murphy, a white resident of Jena, expressed the viewpoint of much of the white community that saw no connection between the nooses and racial hatred, nor between racism and the criminal charges against the six black students: We don't have a race problem. It's not black against white. It's crime. The nooses? I don't even know why they were there, what they were supposed to mean. There's pranks all the time, of one type or another, going on. And it just didn't seem to be racist to me. n143 Racial violence, of course, is rarely recognized as such by the persecuting society. In the contemporary period, the parasitic relation between white [*265] and black, "with black folk the indispensable sacrificial lamb" n144 vital for the sustenance of white civil society, is strictly impermissible knowledge. n145 This denial on the part of whites is not merely psychological or cultural--it is structural. In the post-civil rights era of formal legal equality, the State's official policy of colorblindness n146 would evaporate as so much hot air were it not for white people, en masse, disavowing the continued centrality of racism.

Glossary: Racial Violence: also called race riots, can include such disparate events as: conflict between Americans and recent European immigrants in the 19th and 20th centuries.



AT: INTEGRATION DOES NOT MEAN EQUALITY

The Neg's logic attempt's to separate the law from racial violence is an attempt at white solidarity which only advances an ideology of white supremacy

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The historical narrative of lynching as "extra-legal," however, is most significant for what it tells us about lynching's crucial role in producing white solidarity. White society is rallied today through the amnesiac belief that lynching happened despite the law, not because of it. In this way, the law continues to work to bring white people together at the expense of blacks--in this case, by discursively isolating racism from the domain of law. This move is key to the contemporary culture of white supremacy and is most visible in terms of "color-blindness" ideology, an issue to which we will turn our attention momentarily. Today's public denial of lynching as [*263] state terrorism recalls the ritualism that drove the practice historically. The lynch mob was an extension of the slave patrols central to the slavocracy prior to Emancipation. n131 In writing about the slave patrols, renowned author and progressive activist Steve Martinot provides us with a critical lens through which to discern the meaning of lynching to white people. [T]he patrols were more than merely a mode of policing. On the one hand, their potential violence as a control mechanism engendered an ethos of impunity that expressed itself as terror in the face of their operations. On the other, they appeared to the white population as the institution of peace and social tranquility. Terror and impunity toward black people constituted the materialization of white solidarity and tranquility, and white consensus in solidarity constituted the product of terror and impunity. n132 Lynching, too, produced social cohesion out of terrorism. The violence generated allegiance to white supremacy by conjuring the specter of social disorder; in so doing it indulged the parasitic fantasies of white society. In this way, lynching was instrumental in reproducing the culture of slavery after its official demise. Lynchings were public rituals that literally created white communal spaces: torture and killing of black people provided one of the few occasions when the class divisions of white society were overcome. Between 1882 and 1946, there were at least five thousand recorded lynchings in the United States, almost one every three days (in February 1893, there was practically one lynching per day). n133 Nonetheless, this figure only just begins to embody the violence directed against black communities. White mobs attacked blacks throughout the country during this period, leading to numerous race riots and thousands of deaths. n134 In all cases, this violence against black people has been gratuitous: although the pretexts for this violence varied--fictional black rapists, n135 revenge for perceived affronts to white superiority, n136 competition over jobs, n137 and suppression of black voting rights, n138 to name a few--it was all in response to nothing but black existence. n139 In the realm of white mob violence, the [*264] law as legal discourse and disciplinary practice subtends the symbolic arena; in this regard, lynching teaches us that policing is profoundly psychological, reinforcing the authority of white power. n140 In lynching, then, we see the constituent elements of modern policing: impunity, solidarity, terror, and public bodies fungible for white civic pleasure. Since a basic indicator of social parasitism is when one group's pain is another group's pleasure, we should recall the words of Richard Wright and Cornel West, cited earlier: black death provides the very conditions of possibility for white life.

Glossary: White Supremacy: the belief that white people are superior to those of all other races, especially the black race, and should therefore dominate society.



ANSWER TO FRAMEWORK:

The impact of Re-segregation is a Real Impact that is effected Black Children. A Demand of Desegregation Must happen Now!

Dumas 16 [Michael J. Dumas, Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the Department of African American Studies, “Against the Dark: Antiblackness in Education Policy and Discourse,” Theory Into Practice 55:11–19, 2016, published by The College of Education and Human Ecology, The Ohio State University] NN

A similar narrative emerged as whites organized in opposition to school integration; anti-Black racism was at least one primary cause of white flight from school districts that were ordered to desegregate (Kohn, 1996). In many cities, whites went to great lengths to create districts or school-assignment plans that concentrated whites in the most heavily resourced schools, and relegated Black children to underfunded schools with less experienced teachers and crumbling physical infrastructures (Dumas, 2011, 2014; Horsford, Sampson & Forletta, 2013). In short, school desegregation policy was precipitated by antiblackness. However, school desegregation researchers are more likely to frame their analyses through the lenses of access and diversity, emphasizing the educational benefits of cross-cultural interaction and the importance of providing more equitable allocation of educational resources (Orfield & Eaton, 1996; Orfield & Lee, 2004; Wells, 1995; Wells, Duran, & White, 2008). In contrast, theorizing antiblackness in school desegregation policy shifts the focus to interrogation of policies that led to the displacement of Black educators and the destruction of school communities that affirmed Black humanity (Tillman, 2004). Antiblackness allows one to capture the depths of suffering of Black children and educators in predominantly white schools, and connect this contemporary trauma to the longue dure’e of slavery from bondage to its afterlife in desegregating (and now resegregating) schools. And taking Sexton’s (2008) analysis of multiracialism into account leads to a more nuanced and careful critique of how schools pit the academic success of (some) Asian American students against and above the academic difficulties of Black students. Here, schools can be celebrated as diverse despite the absence of Black students in the building and/ or in the higher academic tracks. Ultimately, the slave has no place in the most privileged and highly-regarded school spaces; the Black becomes a kind of educational anachronism, not quite suited for our idealized multicultural learning community.



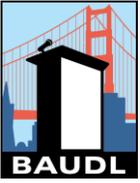
ANSWER TO TOPICALITY:

THE AFFIRMATIVES PLAN WORKS ALONG WITH THE COUNTER-PLAN TO SEEK EQUALITY IN SCHOOLS

Lawson, 13 --- J.D. 2013, University of Michigan Law School (Aaron, Brigham Young University Education and Law Journal, "EDUCATIONAL FEDERALISM: A NEW CASE FOR REDUCED FEDERAL INVOLVEMENT IN K-12 EDUCATION," 2013 BYU Educ. & L. J. 281, Lexis-Nexis Academic, JMP)

When we, as a nation, consider how best to provide adequate educational opportunity to as many students as possible, one critical question that must be answered is at what level these decisions are best made. This means developing an awareness of both where students may most effectively vindicate their own interests and where these decisions may be made most efficiently. NCLB and RTTT represent a belief that education policy may be usefully directed, if not dictated, at the federal level. As this Comment argues, these decisions [*317] are best made on the state level. Substantive constitutional guarantees of education can be found in every state, entitling students to an adequate level of educational opportunity. These guarantees provide a role for both state courts and state legislatures in vindicating the national educational interest in ensuring educational opportunity for all. The very nature of the educational right - positive in character - requires active government involvement. As Feldman recognizes, legislative inertia and not judicial overreach is the primary barrier to adequate vindication of positive rights. n172 Part of this active government involvement must come from the judicial branches, which are in a position to prod the legislature to act where educational quality falls below some minimally adequate level. The judiciary is the ultimate defense against the legislative inertia that threatens the ability of poor and minority students to obtain an adequate education. Educational adequacy litigation began to open new doors and expand beyond funding precisely at the moment that federal involvement, through NCLB and RTTT, began to grow to such a level as to threaten to interfere with judicial intervention in education. n173 This potential pitfall is precisely the reason why the federal government should not take such an active role in education. Courts are important players in education reform not by articulating the content of educational policy but by setting the rules governing how education reform can proceed. Educational reform involves an important give and take as interested parties advance their own solutions, but there are constitutional limits on this give and take that should be defined by state courts. The experience of educational adequacy lawsuits indicates that there is an important political dynamic at play here, which involves courts and ultimately inures to the benefit of students, as all education reform should. To the extent that the federal government is involved, through programs like NCLB and RTTT, that involvement has the potential to diminish the effectiveness of state legislative. [*318] response to state courts by binding the legislature to the requirements of federal funding programs Thus, through NCLB and RTTT, the federal government threatens this valuable political dynamic in which courts play an important role in vindicating the substantive educational entitlements enjoyed by students. Although state legislatures may be able to respond to both the federal government and to state courts simultaneously, the very real possibility that state legislatures may, in some instances, be placed in an untenable position between federal requirements and state court dictates should counsel against extensive federal involvement in education.

PERMUTATION - DO BOTH --- NET BETTER STRATEGY BY UNITING THE FEDERAL AND STATE GOVERNMENTS IN OPPOSITION TO RACIST SEGREGATION POLICIES. IF WE WIN OUR FRAMING ARGUMENTS THE PERMUTATION IS AN INDEPENDENT REASON TO VOTE AFFIRMATIVE.



ANSWER TO TOPICALITY:

PERMUTATION DOESN'T RESTRICT STATE FLEXIBILITY --- THE PLAN ESSENTIALLY CREATES A FLOOR, NOT A CEILING FOR STATE LEADS DESEGREGATION EFFORTS --- IT ENSURES A CRITICAL ENFORCEMENT BACKBONE IN CASE STATES PROVIDE SUFFICIENT PROTECTIONS.

FEDERAL STANCE ALONE PLAYS A CRITICAL ROLE IN ADVANCING DESEGREGATION

Le, 10 --- Practitioner in Residence at Seton Hall University School of Law's Center for Social Justice (March 2010, Chinh Q. Le, North Carolina Law Review, "LOOKING TO THE FUTURE: LEGAL AND POLICY OPTIONS FOR RACIALLY INTEGRATED EDUCATION IN THE SOUTH AND THE NATION: ARTICLE: RACIALLY INTEGRATED EDUCATION AND THE ROLE OF THE FEDERAL GOVERNMENT," 88 N.C.L. Rev. 725, Lexis-Nexis Academic, JMP)

As with most issues implicating public policy on a grand scale, when it comes to racial and ethnic integration in our nation's public schools, it matters significantly whether the federal government is friend or foe. This has always been the case, but it is particularly so now. More than three decades have passed since the last major federal initiative to promote school integration. n1 Meanwhile, courts in recent years have applied increasingly narrow interpretations to laws that once allowed private litigants and other entities to supplement federal government enforcement of civil rights. n2 Indeed, in light of Alexander v. Sandoval, n3 private litigants may no longer bring disparate impact actions under the implementing regulations of Title VI of the Civil Rights Act of 1964, n4 a substantial shift in the law that has thrown into question long presumed private rights of action for such claims under various other federal statutes, too. Specifically with regard to the provision of equal, integrated, quality public education, here, in a nutshell, is where the nation stands: the Federal Constitution does not guarantee a fundamental right to education, n6 let alone an equal or desegregated education. School districts or states once subject to court-ordered desegregation may emerge from their long history of de jure acts after just a few years of reasonable compliance with formal orders, even if the compliance resulted in only nominal desegregation. And even voluntary efforts to provide some modicum of racial and ethnic integration, once encouraged by the courts, are now constitutionally suspect. n9 In other words, at least for the time being, the courts are at best only loosely enforcing (and hardly expanding) education rights, so executive and congressional leadership is sorely needed if we as a nation are going to realize the ideals articulated in Brown v. Board of Education n10 more than a half century ago. And these times demand leadership. In the most recent of a series of reports by the Civil Rights Project/Proyecto Derechos Civiles on the subject, the organization's co-director, Gary Orfield, tells us American public schools have witnessed two consecutive decades of resegregation and are more segregated today than they have been in over forty years.



ANSWER TO TOPICALITY:

FEDERAL ACTION PROVIDES NECESSARY VISIBILITY AND ESSENTIAL OVERSIGHT TO ENSURE ENFORCEMENT OF CIVIL RIGHTS LAWS

King & Lhamon, 3/16/17 --- *served as Education Secretary in the Obama Administration and is president and CEO of Education Trust, **AND served as Assistant Secretary for Civil Rights in the U.S. Department of Education and chairs the U.S. Commission on Civil Rights (John B. King Jr. and Catherine E. Lhamon, “Opinion: Kids’ civil rights need federal protection, not just local,” <http://www.mercurynews.com/2017/03/16/opinion-kids-civil-rights-need-federal-protection-not-just-local/>, accessed on 4/30/17, JMP)

In his first joint address to Congress last month, President Trump declared education to be “the civil rights issue of our time.”

We strongly agree that ensuring every American child has equal access to quality education is essential to our nation’s future. Sadly, today, far too many children do not have that equal access. That’s why Congress has repeatedly passed education and civil rights laws that require the U.S. Department of Education to protect vulnerable students and monitor the progress of states and districts in providing a quality education to every child. We wish such oversight were no longer necessary. But too many states and districts either continue outright discriminatory practices or remain passive while hostile environments flourish on their campuses. A few examples from this 2016 report show why the job of protecting young people in this country is by no means done. In 2013, the Department of Education’s Office for Civil Rights (OCR) investigated a gang rape at a high school in Richmond, California. That review found pervasive sexual harassment of girls, beginning in elementary schools and increasing in middle and high schools, with adults in the district paying far too little attention. Meanwhile, in Oakland, a 9-year-old student with autism was restrained on 92 separate occasions by staff in the private school to which the district had assigned him. The investigation showed that the child had been held face down on the floor for a total of 2,200 minutes over the course of 10 months. The agreement required the district to cease contracting with schools that condone prone restraint. These are not isolated cases. These are real issues affecting real students across the country. And it’s not just about investigations; it’s about shining a spotlight on ongoing problems. For example, thanks to data from the Department of Education’s Civil Rights Data Collection, Americans learned that high schools enrolling concentrations of black and Latino students are less likely to offer courses in calculus, physics and chemistry than those whose students are predominantly white. We also learned that black students are almost four times as likely as white students to receive one or more out-of-school suspensions.