

CHAPTER 1

What History Offers Progressive Choice Scholarship

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We must devise new structures, new institutions to replace those forms or to make them responsive. There is nothing sacred or inevitable about old institutions . . .

—Stokely Carmichael and Charles V. Hamilton,
Black Power: The Politics of Liberation

Introduction

Thurgood Marshall did not dream this school in May 1954 when he stood before the Supreme Court and heard the news that he had won. Martin Luther King, Jr., did not dream this school in October 1958, when he marched in Washington, D.C. for integrated schooling. Stokely Carmichael certainly did not dream this school in 1967, when he called for African Americans to control their own community institutions. Yet, here it stood, one of the few educational opportunities for African American adolescents in the birthplace of the Black Panther Party, West Oakland, California.

This district middle school served a neighborhood deemed the poorest in the city according to the 1990 census, with more than 75% of the neighborhood living below the poverty line (Noguera, 1996, p. 6; Oakland Citizens Committee for Urban Renewal, 1998; Urban Strategies Council, 1996, p.18). It serves a student body with almost 50% more African American students than the district as a whole. The school is failing these students, letting them graduate with reading and math skills well below the national average, with correspondingly low grades (Oakland Coalition of Congregations, 1999, pp. 2, 23). The school often fails quite publicly, but it languishes quietly. When students graduate, they go

on, for the most part, to the only high school in the neighborhood, where fewer than 20% of entering freshman eventually graduate and those who do are almost assured of receiving an education that will leave them unprepared to enter college (Oakland Coalition of Congregations, 1999, p. 25; Ruenzel, 1998, p. 34). To the civil rights and Black Power movements, which envisioned that successful and thriving schools for Black students could be tools for racial equality and justice, this school stands as an affront. Yet it is the school that serves many African American middle schoolers in West Oakland.

Housed in an old and active Lutheran church, the West Oakland Community School (WOCS) exists as an alternative to everything that its neighboring school is not: small, safe, academically rigorous, thriving, and embedded in the rich community that surrounds it. This charter school also works specifically to serve African American children in this segregated neighborhood. It reaches into history to find its inspiration in the Black Panthers and civil rights legends like Ella Baker, seeking to provide quality education that can equalize life chances for African Americans and revitalize African American communities.

Charter schools like WOCS have provided educational alternatives for just a little more than a decade. Born in Minnesota in 1991, these public schools of choice have proliferated quickly. From the two schools founded during the 1992–93 school year, the number of charter schools founded grew to 100 by 1994–95, to 432 by 1996–97 and to 1122 by 1998–99 (RPP International, 2000, p.11). There are now, as of the summer of 2003, charter laws on the books in forty states plus the District of Columbia. Partisan data, compiled by the procharter Center for Education Reform (2003), put the number of charter schools in operation in the fall of 2002 at approximately 2,700 and the number of students served by charters at 684,000.

Public and private school choice of the last decade has provoked prolific and vigorous public debate and policy attention, yet school choice is not a new reform. For years, school choice has produced improbable bedfellows of politically progressive and conservative academics, policymakers, educators, and communities. In the early days of school choice policy and politics, scholars from Milton Friedman on the Right to Christopher Jencks on the Left asked the fundamental questions of schooling. Albeit from widely different political perspectives, they examined the purpose of schooling, the viability of public education, and the ability of public schooling to adequately serve the educational and political needs of traditionally marginalized Americans. While school choice scholars and ex-

perts today draw on the legacy of the 1960s debates, their hindsight lacks depth and breadth. They narrow the scope of the debate on school choice, constricting the conversation about the pros and cons of charter schools, vouchers, and other public school choice plans. They fail to ask the broad and complicated questions about the ways in which public and private school choice fits into a vision of American schooling.

In contrast and in response to the current scholarship on school choice reforms, we must introduce and examine this rich, varied, and eminently relevant school choice history to ask the questions that are of the utmost importance for the new millennium. First, how viable are public schools in general today? How can public schools become fully viable? Second, and quite relatedly, can public schools adequately mitigate American race and class inequalities? These are the questions that can frame a truly progressive politics of school choice. History delivers these questions to us and provides us with complicated answers to them. Through a reading of history, we can come to see the ways in which a reform like charter schooling stands at a complex intersection of the politics of race and schooling. History, viewed broadly, also allows us to critically assess the current academic and public debates on school choice and it provides us with tools to measure the political and academic successes and failures of current school choice initiatives.

School Choice History and Its Scholarship

This relevant history could begin almost anywhere. It is tempting to start with the Founding Fathers and the ways in which they conceived of American public education as a nation-building endeavor designed to instill distinctly American values and loyalties.¹ This would not be an analytical stretch in the story of the school choice reform. But for modern school reform debates, the landmark 1954 Supreme Court school desegregation decision of *Brown v. Board of Education of Topeka* provides the most apt starting point.

First, the *Brown* decision is an important beginning for school choice scholarship because it is a substantial historical touchstone that weds race and school politics from 1954 onward. It reminds us that we cannot assess American educational achievement or school policies in the post-*Brown* age without taking racial inequality as a central problematic. Second, *Brown* assigns to schools a broad responsibility for mitigating American racial inequality. Schools thus take a central place in the American struggle for

racial equality and justice. Third, after *Brown*, the goal of racially desegregated schools became a way to measure school reform efforts and successes. As I will discuss below, this has certainly been the case in recent debates on school choice. Both supporters and opponents wield the legacy of *Brown* in their assessment of school choice reforms. In this, they assign meaning and intention to the National Association for the Advancement of Colored People's (NAACP) legal battle and the Court's charge in the *Brown* decision. *Brown* and school desegregation are still active symbols that play a discursive role in current school choice discussions. Thus it is important to turn to the decision itself and to understand the extent to which the NAACP and its supporters believed desegregated schooling to be part of a broad struggle for excellence and equality in education.

The *Brown* decision was a watershed of the twentieth century for a number of reasons. It was not the beginning of attention to or advocacy of school desegregation. But it was the culmination of two decades of legal challenges to unequal, segregated public higher education by the NAACP. It represented, as well, an extension of the way in which the federal government had come to see its charge in remedying racial inequality, representing another instance of the "entry of the federal government as the guarantor of black rights" (Katznelson and Weir, 1985, p. 205). Finally, it represented an expansion of the definition of educational equality, a ruling from the Court that equal opportunity must be predicated on desegregation.

Brown was also a significant new beginning. First, it heralded a new social movement (Kluger, 1975). This movement relied heavily on access and desegregation as a strategy for racial equality. Some of the most significant and most public confrontations of the civil rights movement were school desegregation struggles, from the desegregation of Central High School in Little Rock, Arkansas, in 1957 to James Meredith's integration of the University of Mississippi in 1962. Second, the *Brown* decision and the NAACP's arguments before the Court brought an unprecedented joining of racial concerns and politics with public schooling. Ira Katznelson and Margaret Weir (1985) argue that *Brown* touched off a "reopening of fundamental questions of race and schooling" (p. 182). Schools became a central focus when civil rights activists called into question African Americans' lack of access to American institutions and the American Dream (also see Henig, Hula, Orr, & Pedescleaux, 1999; Kirp, 1982). David L. Kirp (1982) contends that it was *Brown* that cemented the connection between racial justice and equal educational opportunity and that intertwined the previously distinct national concerns about race and pub-

lic education (see also Newby and Tyack, 1971; Tyack and Hansot, 1982). After *Brown*, and through the 1960s, debates about the nature of racial equality and the means to racial justice took place primarily in the reinvigorated and robust fight over schooling. For civil rights activists, educators, policymakers, and social scientists, public schools became a “staging ground in the quest for racial justice” (Tyack, 1974, p. 279). This has left its mark on all African American school activism—desegregation-related or not—for generations to come (Katznelson and Weir, 1985; Kirp, 1982; Newby and Tyack, 1971). In the decades following *Brown*, public schooling was also a site for racial justice struggles for Latino and Asian American parents and communities. Latino parents, for instance, challenged segregated schooling and school funding inequity in *Keyes v. Denver School District No. 1* (1973) and *San Antonio Independent School District v. Rodriguez* (1973) (see Kluger 1975; Orfield, Eaton, & Harvard Project on School Desegregation, 1996), and Chinese American parents in San Francisco successfully challenged the lack of bilingual public education in the *Lau v. Nichols* unanimous Supreme Court ruling of 1974 (Wang, 1995).

In the set of cases that were jointly ruled upon in the *Brown* decision of 1954, the NAACP’s lawyers and expert witnesses testified before the Supreme Court that the public schools could play a key part in alleviating racial inequality. The Court responded by handing public schools this new responsibility. This charge was founded on two new assumptions. The first was that equality could not be achieved as long as “unequal educational opportunities” in the form of legal segregation persisted. Second, the Court assumed that it had a role to play in both perpetuating racial discrimination and redressing it. This represented a radical departure from the standing precedent, the 1896 *Plessy v. Ferguson* decision, which retained the constitutionality of separate public facilities. In this early case, the Court had ruled that racial prejudices and “instincts” would not be abolished through law and should not be the charge of the courts (e.g., Kirp, 1982; Kluger, 1975).

When the NAACP turned to the issue of desegregated schooling, it did so as part of a broad strategy to gain civil rights for African Americans. The NAACP launched the first of its five initial direct challenges to *Plessy* with a case against the Clarendon County, South Carolina segregated public schools.² In December 1952, NAACP lawyers argued before the Supreme Court that school segregation itself was a violation of the equal protection clause of the Fourteenth Amendment. As Robert Carter argued for the NAACP in the Topeka *Brown* case, “the act of separation and the act of segregation in and of itself denies . . . equal educational opportunities

which the Fourteenth Amendment secures.” Buttressed by a significant amount of sociological and psychological research entered in the case and by a finding by the lower Kansas court in *Brown* that school segregation had harmful effects on African American children, NAACP lawyers asked the Court to remove the legal barriers to integrated schooling (Carter, quoted in Kluger, 1975, p. 564; also see p. 525).

The Court, though slow to rule, delivered a decision on May 17, 1954. Designed to achieve a unanimous, and thus unequivocal, ruling, the order was balanced in its approach and tone. Chief Justice Warren wrote:

We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. (quoted in Kluger, 1975, pp. 781–82)

In the four state cases that made up the *Brown* ruling, the court found that segregation per se denied “equal educational opportunities” and therefore denied equal protection. Quoting the lower court in the Kansas case, Warren noted that the social and psychological “impact [of segregation] is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group” (quoted in Kluger, 1975, p. 782). As with the NAACP’s focus, then, the Court directed its decision to state actions that explicitly sorted students by race, which concentrated attention on the South and the border states (Kluger, 1975; Orfield, 1981). Despite this ruling, the Court took its time and allowed school districts to move slowly on the question of implementation. In *Brown II*, the Warren Court ruled in May 1955 that districts were simply to act “with all deliberate speed” in establishing desegregation plans (see Kluger, 1975).

Through the *Brown* ruling, the NAACP hoped to achieve a broad goal in African American schooling. The organization’s attorneys urged an end to segregated public schooling as a strategy for quality schooling for African American children. In the 1950s, desegregation was conceived of as an equalization tool, given the existing unequal distribution of public school resources by race, including disparities in district spending, teacher training, curriculum, facilities, and intangibles like school prestige.³ The NAACP of the 1950s argued that these inequities could no longer be corrected through segregated institutions. Furthermore,

the NAACP used social scientific evidence to demonstrate that racial segregation produced deleterious social and psychological effects for both Black and White children. School desegregation was not, then, only an end in itself. It was, rather, primarily a means to quality schooling and quality of life in the context of an unequal distribution of educational resources by race and class. As educational historian David Tyack (1974) writes of the movement as it progressed through the 1960s to the North, “The demand for desegregation in northern cities was for most blacks a quest for equality and quality in schooling more than some vague aspiration for mixing of ethnic groups; the white power structure could be trusted to teach Negro children adequately only if there were white children there as well” (p. 280; also see Dentler, 1991; Willie, 1989).

While the *Brown* decision is an important part of school choice history, the concept of school choice itself played a role in *Brown* only as it stood for a conservative response to the ruling. As some current school choice researchers argue, school choice became associated with southern evasion of the Court ruling through “freedom of choice” plans that rested school desegregation on simply giving individual students the ostensible choice of school attendance. Though the Court of the late 1960s and early 1970s struck down these plans, choice became a symbol of resistance to desegregation following the Court’s 1954 decision.

Some choice scholars, most notably Amy Stuart Wells and Jeffrey R. Henig, also argue that the meaning of school choice shifted with the introduction of a kind of public school of choice, magnet schools, in the early 1970s. Through magnet schooling, choice was redefined as a tool to facilitate (voluntary) school desegregation, deemed legitimate by the courts beginning in the early 1970s and supported by the Republican presidents who opposed a heavy state hand in desegregation.⁴ During the 1970s and early 1980s, many northern cities, backed by additional federal funding, established magnet schools as a “vehicle for managing integration” (Henig, 1994, p. 106), to curb White flight from cities and public schools, stave off court desegregation orders, or achieve desegregation under a court order (Blank, Levine, & Steel, 1996; Henig, 1994; Kozol, 1982; 1991; Raywid, 1994; Wells, 1991a; 1993; Young, 1990).⁵ In the 1980s, under Presidents Reagan and George H. W. Bush, these schools became increasingly decoupled from desegregation goals. Bush even proposed federal funding for magnets regardless of their impact on desegregation.⁶

The school choice researchers who focus on the historical roots of current choice initiatives, particularly Wells and Henig, also locate the development of school choice through magnet schooling in the proliferation

of public and private alternative schools in the 1960s and 1970s. These schools were generally created by small groups of parents or community activists who wanted the freedom to implement their own philosophies and pedagogical perspectives on childhood and schooling.

Independent alternative schools began not as market-driven solutions to the monopoly of public education, but as outgrowths of 1960s social movements. Founded mainly in the late 1960s and early 1970s, often by members of the White Left and counterculture, these were also known as “free” or “community” schools. The schools in this growing movement were ideologically diverse. But many took their ideological and pedagogical cues from some key writings of the time, from A.S. Neill’s *Summerhill*, to Ivan Illich’s *Deschooling Society*, to a number of author-educators criticizing public education from the Left, like John Holt, Jonathan Kozol, and Herbert Kohl. School founders focused on achieving freedom from the traditional authoritarian nature of public schooling. They embedded a philosophy of education in the understanding that children are naturally curious and driven to learn and the belief that schools should be a place to nurture children’s independence rather than stifle it. Most of these schools were small and predominantly White and charged tuition on a sliding scale, supplemented with some foundation support.⁷

These private schools inspired a wide range of public alternatives. As alternative schooling became an acceptable and possible response by many communities to their criticisms of traditional public schools, the number of public alternatives leapt from just 464 in 1973 to an estimated 5,000 by the fall of 1975. These generally small, often urban schools varied in academic focus and ideology.⁸ In the early 1970s these public schools were often initiated and supported by community groups and parents and backed by Left cultural movements. But the schools of the early to mid-1970s, as with much of the politics of the time, rather quickly yielded to increasing conservatism. Rather than boasting variety and grassroots initiation, the alternative schools of the 1980s tended toward quantifiable and standardized basic skill building (Cuban, 1993; Raywid, 1983; 1994; Wells, 1993; Young, 1990).

School choice scholarship recognizes another reform in its story of the roots of current school choice politics: school vouchers. Those who do draw on the past to understand the present moment in school choice reform look to the voucher debates of the 1960s and early 1970s. These scholars primarily cite conservative economist Milton Friedman and the school voucher plan that he introduced in a 1955 essay and developed in a chapter of his 1962 book, *Capitalism and Freedom*. Friedman’s plan was driven by free-

market assumptions that competition and choice would produce a higher quality educational product. Friedman recommended that parents be given a choice to spend in private schools the equivalent of the funds spent on their child in their local district. The state's role would be minimal. It would disburse funds and ensure simply "minimum standards."⁹

Friedman's plan drew unlikely attention from the Left. In a 1966 article titled "Is the Public School Obsolete?" sociologist Christopher Jencks condemned the organization of city schools, arguing that many urban public schools were dull, oppressive, and uninspired and were undeserving of additional financial support. The fact of centralized public governance itself, coupled with a shortage of resources, fostered stagnation in public schools (pp. 21–23, 27). In this early piece, Jencks began to articulate an argument for tuition vouchers for low-income urban students, asserting that failing public schools survived only because they had a monopoly on education for those who could not afford private schools. Given a choice, families would take their business elsewhere, joining or creating schools that would have to be responsive to their needs in order to retain a clientele. Jencks also contended that these private alternatives might be more racially and economically integrated than their public counterparts, since they would not be neighborhood based (pp. 23–25).

Motivated by a concern for educational equality rather than free-market deregulation of schooling, Jencks proposed, in 1970, a heavily regulated voucher plan aimed at low-income students and designed to equalize schooling by making it possible for students to opt out of public schools that were underserving them. Under the Nixon administration's Office of Economic Opportunity, Jencks devised a small, regulated voucher experiment designed primarily to equalize schooling for low-income students and students of color and render schools more responsive to their needs and their participation. When implemented in 1972 in Alum Rock, California, the OEO program was not much more than a public school choice plan that brought additional resources to participating schools. Teachers' unions, civil rights groups, and others who were worried about achieving school desegregation and retaining public school constituencies opposed the inclusion and support of private schools in Jencks's plan.¹⁰

A Broader Look at History

We do learn a substantial amount from the history of school choice as it has been told thus far. For instance, we learn that public and private school

choice is not a product of the 1980s and 1990s, as much of the ahistorical current public debate might have us believe.¹¹ We learn that public and private school choice has historically drawn support and opposition from both the Left and the Right, serving as the site for some very complicated coalitions. We learn, as well, that some of the same groups that now vocally defend or criticize school choice are the same groups that participated in school choice debates a generation ago. For example, unions and civil rights groups faced off against voucher supporters in the Alum Rock case thirty years ago, just as they do now in voucher battles in Milwaukee or Cleveland. We also learn that movements for school choice have sometimes sprung from non-school-based social movements. Progressive alternative schools, for instance, grew from the White Left in the late 1960s and early 1970s. Finally, we learn that the politics of school choice have always been bound to the politics of race, particularly as school choice reforms raised concerns about the future of racially desegregated schooling. School choice scholars who have been particularly useful in bringing this history to light include Wells (1993; 2000a; 2000b; 2000c), Henig (1994), and Bulman and Kirp (1999).

Yet there is also a lot we do not learn from this scholarship. First, the scholarship falls significantly short of fully examining the race politics of school choice history. In neglecting this history, the literature does not present us with adequate analytical tools to make sense of the current politics of race with respect to school choice debates and reforms. When scholars examine the history and sociology of race and schooling, they rightly focus on the *Brown v. Board of Education* ruling as a watershed. Yet they often interpret *Brown* and its legacy solely through a desegregation lens. They tend to assume that it is through desegregation struggles that the politics of race have driven school politics, and they mark the history of race and schooling of the past fifty years by the ebb and flow of desegregation politics and policies.¹² This is true, as well, for school choice scholarship. Those who address the politics of race at all do so primarily to locate the story of school choice reforms in the history and politics of desegregation. This focus on school choice and the politics of desegregation is important, but it is not enough. As I will discuss in more detail below, school choice movements have their ideological, political, and educational roots in a number of movements and initiatives for racial justice, equality, and identity that are *not* integration focused.

Apart from the historical story, the school choice debates on race primarily center on the extent to which charter schools and school vouchers exacerbate racial segregation in schooling. In large part, these discus-

sions draw on *Brown* as a symbolic reference point. Scholars situate their investigation of the politics of charter schooling in a debate about the extent to which charters schooling can be understood as a legacy of the *Brown* decision. Charter schools, for instance, receive praise from academics and practitioners, like Minnesota charter activist Joe Nathan, the recently resigned President and CEO of the National Urban League Hugh Price, and civil rights activist Rosa Parks (Nathan, 2002; Price, 1999). Many of these and other supporters hail charter schools as the current legacy of the *Brown* decision and the civil rights movement, providing equal educational opportunities where the 1954 decision left off.

Nathan, for instance, often likens the charter movement to the civil rights movement, the movement for workers' rights led by Cesar Chávez, and women's suffrage movements. He writes, for instance, "For many advocates, the charter public school movement is an expansion of opportunity, similar to that proposed by people like Susan B. Anthony, Dr. Martin Luther King, Jr., and Cesar Chávez" (1996b, p. 18; also see 1996a, p. xiii). Other supporters argue that schools of choice provide a kind of quality education that desegregation advocates seek. They thus paint school choice as a more authentic, genuine response to educational inequality. For example, the conservative voucher and charter school proponent, the Center for Education Reform, frames vouchers as a modern and immediate response to racial inequality in schooling. Under a story marking the anniversary of *Brown* and noting its unfulfilled promise, the organization's May 1999 newsletter included a piece entitled "Nero Fiddles while Rome Burns." The story, oddly, mentioned only African American, Jewish, and labor leaders who oppose vouchers, accusing, "[T]hey'd rather fiddle, than help pull the children from the flames of mediocrity and failure" (p. 1).

By contrast, researchers like Wells, Bruce Fuller, and Gary Orfield are skeptical of school choice reforms. They argue that charter schools have the capacity to deflect attention from or further entrench racial and economic inequalities in schooling (see, for example, Elmore and Fuller, 1996; Fuller, Elmore, and Orfield, 1996; Orfield, 1998; UCLA Charter School Study, 1998; Wells, 2000a; 2000b; 2000c). These critics tend to see charter schools that focus on students of color as well meaning yet misguided in their attempt to equalize educational opportunities. Some see these schools as a kind of affront to the legacy of *Brown* in that they will likely preserve and even exacerbate racial segregation in schooling.

Orfield must be acknowledged and praised for his long history of commitment to racial justice and his research on desegregation and resegregation. This work has been invaluable to my own thinking and to that of

many scholars concerned with equal educational opportunity. Wells, too, has been one of the only school choice scholars who has taken seriously the questions that charter schools raise for race and class inequalities. She has taken a broad, creative, and useful approach to American public school history and applied it to a reflective critique of charter schooling. She also, unusually within the highly polarized academic and public charter school conversation, has been willing to recognize how complicated charter schooling is as a solution to the failings of American public education. Both Wells and Orfield, along with others, like Fuller (Elmore and Fuller, 1996; Fuller, 2000a and 2000b; Fuller et al., 1996), approach charter schools with a strong and abiding commitment to an educational equality that they believe is achievable largely through school integration. They study charter schooling within a broader research agenda that questions how school reform efforts impact school de- and resegregation by race and income (see, for instance, Wells and Crain, 1997).

But this analytical and political context does not allow for a broader reading of the *Brown* decision and its legacy in the current school choice movement or a broad assessment of the way in which charter schools are serving or failing to serve students and communities of color. More than this, perhaps, it focuses on the problem of charter schools—that they contribute to racial and economic segregation—without offering solutions to the problem of racial and economic inequality that might work in the new millennium.

Recent scholarship documents the extent to which school choice plans contribute to racial segregation in schooling and a stratification of school options that privileges White and middle-class families. Some studies allay the fear that charter schools will tend to serve White and middle-class students with their finding that charters generally match the racial and socioeconomic demographics of their districts (American Federation of Teachers, 1996; Little Hoover Commission, 1996; RPP International and the University of Minnesota, 1997; RPP International, 1998; 1999; 2000). The 1998 national charter school study found that 60% of charter schools tended to broadly reflect—within 20%—the demographics of their districts, while approximately 35% tended to serve a higher proportion (by more than 20%) of students of color than their host districts (RPP International, 1998, pp. 47–57). Two years later, the 2000 national report found that 69% of charter schools tended to mirror their district's racial/ethnic demographics, while approximately 17% served a higher proportion of students of color than their districts (RPP International, 2000, pp. 30–31). This varies significantly by state. In California, for instance, White stu-

dents are overrepresented in charter schools. African American students are also slightly overrepresented, making up 8.4% of total public school students and 10.8% of charter school students in the state in 1997–98 (RPP International, 2000, pp. 32–33; also see 1998, pp. 49–57). The 1998 study reported that just 32 charter schools in the country served a student body that was at least two-thirds African American (RPP International, 1998, p. 63).

Others studies, by contrast, find that charter schools tend to disproportionately serve one racial or ethnic group and have the capacity to exacerbate racial segregation. Wells has parsed the national data to argue that the broad finding that charter schools reflect district demographics masks significant race and class segregation. She notes in 2000 that “[c]areful analysis suggests that individual charter schools are serving more students at the extreme ends of the ethnicity and socio-economic continuums.” She concludes that “charter school reform may have simply added another layer to an already stratified system” (2000c, np). Wells’s high-profile 1998 UCLA Charter School Study of 17 charter schools in 10 California districts found of the majority of the schools in its study that “at least one racial or ethnic group was over- or under-represented by 15 percent or more in comparison to their districts’ racial make up” (UCLA Charter School Study, 1998, p. 47). Wells and her colleagues concluded:

Perhaps the most obvious issue is the lack of attention being paid to whether or not California charter schools reflect the racial make-up of their school districts. Despite the fact that this is a clearly stated requirement in the legislation, we found that most charter schools were not in compliance. (p. 62)

They acknowledged the extent to which all public schools exhibit racial segregation, and they also recognized the potential value in schools that do serve particular groups of color. But they urged the state to provide means through which charter schools could serve racial integration, rather than act as a barrier to it (UCLA Charter School Study, 1998; see also Wells in “Saving Public Education,” 1997; Wells, Lopez, Scott, & Holme, 1999).

Proponents and critics of charter schools disagree on the meaning and legacy of *Brown*. When it addresses the race politics of the charter reform at all, the current debate centers on whether charters will mitigate or exacerbate racial segregation in schooling or whether this focus on desegregated schooling should give way to school choice as the most current and viable strategy of equal schooling. Those who support charter schools tend, at least rhetorically, to take a broader view of the *Brown* decision, arguing

that the goal of equal educational opportunity that was so central to the *Brown* case can be achieved through strategies in schooling that may not focus on racial and economic desegregation. Those who are skeptical of or oppose charter schools, like Wells and Orfield, tend to read *Brown* for the strategy of equal schooling that it and subsequent related court decisions provided (desegregated schooling), and they tend to hold onto this strategy as the primary means by which educational equality will be achieved. Most anticharter literature that focuses on racial inequality at all, like the literature on race and schooling in general, continues to assess *Brown*'s success by a narrow measure of the extent to which public schools have achieved racial (and sometimes, in the literature, economic) desegregation.

Yet neither proponents nor critics, as they stake their ground in this highly polarized area of study, adequately treat the race and school politics of school choice. In part, this is due to the fact that the current scholarship of race and school choice does not do justice to the legacy of *Brown*, despite the fact that the *Brown* decision and the strategy of desegregation provide symbolic and political touchstones for charter school advocates and opponents. Scholars and practitioners on both sides do not take the opportunity of the charter school reform that *Brown* affords us. The *Brown* ruling connected school and race politics in new and important ways. The landmark Supreme Court decision established desegregation as a national strategy to combat racial inequality in schooling. But beyond a fairly narrow legal ruling that was even more narrowly (and slowly) implemented, the *Brown* decision opened up the political, social scientific, and educational discussion about the meaning and purpose of schooling, the ability of schools to address and redress broad social inequalities, and the meaning of racial justice.¹³

This first shortcoming in the literature is related to the second way in which the current scholarship of school choice fails to provide an adequate account of history. Current school choice scholarship and debate miss the large questions of the purpose and purview of schooling, as raised by some early school choice supporters. The school choice scholarship draws on the voucher debates on the 1960s and early 1970s as ideological, political, and policy predecessors to the current voucher and public school choice politics. Yet this literature generally does not address the extent to which some of the first and most active supporters of vouchers, from the Left and the Right, asked and answered broad questions about the meaning and potential of public schooling. As an example, I focus here on Christopher Jencks, who, beginning in the mid-1960s, became a central theorist and practitioner of school choice policies. In the school choice his-

tory as it has been told, Jencks primarily plays the role of a liberal academic who bridged a political gap as he devised a Nixon-administration-sponsored small voucher initiative in California, a voucher supporter on the opposite end of the political spectrum from Friedman. But Jencks is also a sociologist who participated in a critical sociological and political conversation, spurred by the *Brown* ruling, on the connection between schooling and social equality and the viability of public schooling in general.

As race and school politics and reform came together in new ways through *Brown* and subsequent court rulings on school desegregation, many of the country's most prominent social scientists took on the sociological and policy questions of race and schooling. These scholars—prominent among them Kenneth Clark, Daniel Patrick Moynihan, James S. Coleman, and Jencks—made careers of documenting, understanding, and shaping the relationship between racial inequality and schooling.¹⁴ Social scientists debated three key issues. First, in the years following *Brown*, they considered the definition of educational equality and the relationship between quality schooling, equal educational opportunity, and racial integration in schooling. Second, they grappled with the relationship between school politics and race politics and whether and how unequal or separate schooling contributed to a broader racial inequality. Third, they debated whether public schools were more capable than private schools of providing school excellence and equality to all students. Through these debates, social scientists wrestled with the fundamental relationship between public schooling and social inequality.

For his part, Jencks went against some of the prevailing wisdom of the time on the question of the efficacy of school desegregation. His landmark 1972 study, *Inequality*, was published after the civil rights movement had given way to Black nationalist movements and after school desegregation had made its way north in the form of busing plans. In this massive statistical report, a team of researchers based their findings, in part, on a reanalysis of the rich data of the 1966 Coleman Report. Jencks recognized the extent of American educational inequality and racial segregation, but he denied that remedying either would significantly narrow academic achievement gaps or equalize life chances (On the significance of the Jencks study, also see Karabel and Halsey, 1977). Instead, for schooling, Jencks and his coauthors advocated expanding school choice, finding, “The effects of segregation on test scores are certainly not large enough to justify overriding the preferences of parents and students” (p. 106; also see pp. 40–41). Jencks reached a similar conclusion about the impact of segregation more than twenty-five years later (Jencks and Phillips, 1998).

On the question of the extent of the relationship between public schooling and American social inequalities, for much of his career Jencks did not believe that public schools could significantly impact life chances or mitigate racial and economic inequalities.¹⁵ Jencks's position was founded on a broader critique of American capitalism and his belief that inequality of economic opportunity and income, and its accompanying inequities in schooling, were deeply ingrained in and sustained by American values and institutions. He asserted pessimistically in a 1966 piece that Americans would not be willing to accomplish the radical changes in schooling (or other social institutions) that would be necessary to begin to seriously combat social inequalities. Despite abundant claims to the contrary, he wrote, "[a]lmost nobody really wants to make America an egalitarian society." (p. 20; also see Jencks et al. 1972).

Jencks's 1972 study, initially begun as a book project entitled *The Limits of Schooling*, intended to argue that the Johnson administration's social policies that relied on schooling as a means to broad social equality were misguided (Jencks et al., 1972; Karabel and Halsey, 1977). In *Inequality*, Jencks and his colleagues argued that school reform could not meaningfully diminish academic disparities, let alone economic, social and political inequalities. They wrote:

None of the evidence we reviewed suggests that school reform can be expected to bring about significant social changes outside the schools. More specifically, the evidence suggests that equalizing educational opportunity would do very little to make adults more equal. (p. 255)

While they advocated a focus on equalizing public school resources and spending for its immediate benefits for children, Jencks and his coauthors rejected the analytic leap that translated these benefits to adults. Schools, they argued, were an important public good, but no more so necessarily than parks and sanitation (pp. 16–17). Schools were "marginal institutions" with respect to income redistribution and political equality. Only a "direct approach" aimed at gaining "political control over the economic institutions that shape our society" could achieve this sea change (pp. 263, 265).

As social scientists grappled with the relationship between public schooling and social inequalities, they also debated the power and potential of public schooling itself. Driven by a limited belief in the power of public schooling, Jencks wrote an article in 1968 for the *New York Times Magazine* in which he endorsed an African American private school system in New York City. He did so not because he felt that private schools

could do a better job of educating Black children, or because he believed that academic achievement within these schools would help African Americans to achieve economic, social, and political parity. Rather, Jencks supported these private initiatives as a political solution, as a way to meet the demands of African American leaders. Here, he condemned the way in which the current public school system underserved urban students of color and acknowledged the limits of both public and private schooling in mitigating racial and economic inequality. But he recognized that schools represented a significant political site and played an important part in African American social movements of the day. He also argued that the development of an alternative school system controlled by African Americans might take schooling off the African American political agenda and focus attention to “more critical arenas” (pp. 137–138). As Jencks acknowledged the limits of all schooling to affect significant social change, he endorsed private alternatives as those that would be more academically and politically responsive to Black communities.

Jencks, along with his colleagues during the time following the *Brown* decision, dedicated his career to asking and answering some of the most fundamental questions in the sociology and politics of race and schooling. These broad questions provide important tools with which to examine charter schools and measure their educational and political success. Yet most of the school choice scholarship does not raise these broad questions, even in reference to Jencks’s work. While some literature details the central role of early school choice scholars and practitioners like Jencks, it does not recognize that Jencks and others devised school choice plans within very broad concerns for American schooling and its ability to impact social inequalities. Furthermore, the literature does not adequately acknowledge the extent to which Jencks centered race and class in his early advocacy of public and private school choice. Grounding some of his earliest plans for publicly funded private schools in his support for African American independent schooling, Jencks recognized school choice particularly as a political solution. Finally, Jencks offered both a critique of current schooling as an educational and political solution and a solution first in the form of independent Black schools and, then, in the form of vouchers geared toward low-income families and families of color. In removing Jencks’s support of school choice from most of his broader questions and concerns about American public schooling, current school choice scholarship again fails to fully acknowledge, understand, and make use of school choice history.

Third and finally, current school choice scholarship does not do justice to history in the narrow way in which it identifies predecessors to current

school choice movements and initiatives. When it looks at all, the literature looks to desegregation struggles and to social movements like the White Left of the late 1960s and early 1970s to find the roots of current school choice in magnet schooling, free or alternative schools, and early voucher plans. Yet from the 1960s on, a much broader historical trajectory has brought us to the current school choice politics and policies. Particularly, here, the literature does not adequately treat the historical connections between current school choice reforms and alternative schools built and controlled by communities of color. There were a number of such progressive, community-centered alternative school-building movements from the 1960s through the 1980s that organizationally, politically, and ideologically informed the charter school movement.

For example, the movement for public school community control, which drew national attention in the late 1960s in New York's Harlem and Ocean Hill-Brownsville, serves as an important predecessor to the charter school movement.¹⁶ The New York community control effort was one of the earliest and most high profile post-*Brown* challenges to the goal of desegregated schooling by northern African American activists and parents. Beginning in 1966 African American and Latino parents' frustration with the city's inaction on desegregation prompted the shift in demand for access to a demand for control of public schooling. Groups of parents, local activists, and community and church leaders in Harlem and Brooklyn demanded control over school personnel, budget, and curriculum in small clusters of five schools in Harlem and eight schools in Ocean Hill-Brownsville, Brooklyn. The communities served by these projects were both predominantly African American and low income.¹⁷ Both communities, too, were severely underserved by their district schools.¹⁸ The New York movement drew the most attention because it involved a highly public struggle between the community groups and the New York City teachers' union, which resulted in three city-wide school strikes during the 1968-69 school year. But, the New York movement was not an isolated case. A number of public school community control struggles, particularly in large urban districts, followed the New York example (Fantini, Gittell, & Magat, 1970; Parsons, 1969).¹⁹

The New York movement also has another important historical connection to the charter school concept. The head of the New York City teachers' union during this time and one of the most vocal and visible opponents to community control in Brooklyn and Harlem, Albert Shanker, was an important player in the birth of charter schools in Minnesota in the early 1990s. In a speech at the National Press Club in March of 1988,

Shanker sketched a proposal that would make him one of the founding visionaries of the charter school movement. As then-president of the American Federation of Teachers, Shanker proposed a plan for a “movement” that the AFT would champion: new teacher-built “schools of choice,” approved by and created in partnership with school districts. He presented the proposal to a conference of Minnesota educators, acknowledging a debt to a recent book by Ray Budde, *Education by Charter: Restructuring School Districts*.²⁰ Later, Shanker and the union he headed distanced themselves from the charter reform and became quite critical of charter laws as they were implemented in the years following Shanker’s proposal (American Federation of Teachers, 1996; Nathan, 1996a). But Shanker, a central figure in opposition to community control in New York City in the 1960s, was instrumental in the early conception of charter schooling.

The New York community control movement also set the stage for public schools of choice in the city and the nation. In this model, community control provided a broad vision of community schooling on which many alternative school movements since have drawn. For instance, District 4, which was created in East Harlem as a result of New York State’s 1969 decentralization law, became a model of public school choice and alternative schooling in the decades that followed (see Carnegie Foundation, 1992; Cookson, 1994; Henig, 1994; Kirp, 1992; Meier, 1995; Wells, 1993). Also, the New York movement for control of public schooling contributed directly to the development of movements for community-controlled African American, Chicano/Latino, and Native American independent schools (Fantini et al., 1970; Gittell, 1970). These independent schools were often connected to political movements, as was the case with the Black Panther schools, like the Oakland Community School, and with free schools that served urban communities of color that were affiliated with the White political Left, like the Children’s Community School in Ann Arbor, Michigan, where both Bill Ayers and Diana Oughton of the Weather Underground taught (Ayers, 2001; Van Deburg, 1992).

These independent schools are another important predecessor of charter schooling that are rarely recognized as such in the existing literature. Urban community-controlled independent schools often grew directly from public school community control efforts (Parsons, 1970). This progression can be seen in the example of the career of Leslie Campbell. Once a leader of the public school community control movement in New York and a teacher at one of the community schools in Ocean Hill-Brownsville, Campbell opted out of the public system after the end of community control. In early 1970, Campbell, who was then known as

Jitu Weusi, founded the independent school Uhuru Sasa Shule in Ocean Hill (Shujaa and Afrik, 1996). Campbell (1970) wrote that his experience with Ocean Hill-Brownsville's experiment in public community control convinced him that financial and institutional independence—from both public and White-run private sources—was necessary to build and sustain quality schooling that served African American liberation. The number of urban independent schools, supported with various public and private funds, grew in the late 1960s and early 1970s (Gittell, 1970; Hechinger, 1968; Parsons, 1970; Van Deburg, 1992). Many were tuition free and served primarily preschool and elementary school students in urban areas from West Philadelphia to Milwaukee. Independent school initiatives included the Urban League's Street Academies, Harlem Prep, New York's West Side Community School, and Boston's Roxbury Community School (Berube, 1969; Fantini et al., 1970; Gittell, 1970; "Pennsylvania Aids Non-Public Schools," 1969).

Significant among the independent school initiatives of this period was the Council of Independent Black Institutions (CIBI), an organization that grew directly out of Black nationalist activism and the New York movement for control of public schooling and that became a core organization of the 1970s movement for African American independent schooling.²¹ According to its website, CIBI "is an umbrella organization for independent Afrikan-centered schools and individuals who are advocates for Afrikan-centered education." The organization defines "Afrikan-centered education" as "the means by which Afrikan culture—including the knowledge, attitudes, values and skills needed to maintain and perpetuate it throughout the nation building process—is developed and advanced through practice. . . ." (Council of Independent Black Institutions, "CIBI's Definition of . . ."). Still in existence, CIBI provides technical assistance, teacher training, newsletters, and curricular support to its member schools. Most of its schools are small elementary schools, serving fewer than 200 students each. By 1992, the Council of Independent Black Institutions had 38 schools, in cities including Trenton, Buffalo, Washington, Columbus, Detroit, and East Palo Alto (Lomotey, 1992). A recent check of the organization's "CIBI Institutional Members" list on its website, however, indicates that currently 12 schools are included as "institutional members").

Urban independent schooling, including the African American independent school movement, was an important, and often overlooked, precursor to the current school choice movements. These independent schools have also been, in some cases, direct precursors to and participants