

**PREPARED REMARKS FOR
ROD PAIGE
SECRETARY OF EDUCATION
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INTRODUCTION

Thank you. It was fifty years ago that the lie of segregation was exposed as untrue and unconstitutional. And it was lie – a belief that African Americans were different, inferior, and unworthy of a full measure of our nation’s promise. It was a lie...and as with all lies, truth eventually prevailed.

In my view, the *Brown v. Board of Education* case is one of the most important decisions in our history. I am not a lawyer or historian. But the best law is understandable and evident to everyone, not just to those with legal training. As someone who lived through segregation, and now as a policy-maker, I know that *Brown* made our country more equitable, more just, and more decent. It began a process to make our citizens and our institutions fully respect each American. The *Brown* decision ended the myth that there were two kinds of people. We are all one, together.

Today I want to assess the *Brown* decision and what it has meant over the past half-century. There are lessons to be learned. But I also will argue that we still have a long way to go, that the *de facto* legacy of segregation remains. Sadly, the vestiges of segregation are alive and well. That is why the *No Child Left Behind Act* is the next step after *Brown*. It addresses latent segregation, a *de facto* apartheid that is emerging in our schools. Like *Brown*, *No Child Left Behind* is facing resistance. But if we have the will, this law will have a profound and healing impact on our society. The President and the Congress deserve much credit for passing this courageous and necessary legislation. It will make our schools perform well for all students, not just some.

THE WORLD OF SEGREGATION

Benjamin Elijah Mays, the late president of Morehouse College, once said that racism has its “tentacles everywhere.” For him, and for millions of African Americans, racism is more than geography, more than unfair laws, and more than history. It is a mental and social disease, a manifestation of ignorance and hatred. It is a threat to our collective sanity, a damning critique on our culture, and subversive of our constitution. Because of slavery, it is deeply rooted in our national history. Because of its steadfast hold on our country, the elimination of racism requires more than reassuring Sunday school speeches, political proclamations of good will, or appeals to religious faith and charity. The road to a fair and just world demands a clear national commitment, unshakable will, and unmistakable legislative action. And all those years ago, Dr. Mays and many others demanded that law, judicial might, and moral reasoning be united in common cause to overthrow the most obvious and dangerous form of racism: segregation.

RURAL MISSISSIPPI

I know first-hand the powerful grasp of segregation on the minds of millions of Americans...millions of people who otherwise were often pious, law-abiding, sometimes well educated, and many well intentioned. Some of these people were my neighbors in rural Mississippi. For them, segregation was part of a natural order, a way of life, a mindset about race and ethnicity. They believed, as had generations of Americans before them, that segregation was acceptable, legal, and in the best interests of everyone.

I wonder if people who haven't lived through it can imagine segregation. It offered no hope, no opportunity for change. It wrapped up our world, with those "tentacles" reaching into every home and place of business in Mississippi. The schools bred racism – actually encouraged it. Children were taught that separate facilities were educationally necessary, and that unequal treatment was somehow manifestly good. Whites were told to fear blacks, that we were not fully human. Some churches often sustained this view, with many white churches excluding black parishioners. There was institutional re-enforcement in restaurants, transportation, and higher education. I know: I attended Jackson State. I couldn't go to Ole Miss or Southern Mississippi. And like many African Americans, I went north for graduate work.

And there was violence, false imprisonment, disappearances, and vigilante lynchings. It was legalized violence against a minority who had been brought to this country against its will, suffered in oppression for hundreds of years, were finally set free, and still, after all that, found itself without adequate legal or community protection in many parts of our nation.

The law was no help; it justified this hatred. In 1896, in *Plessy v. Ferguson*, the Supreme Court found that segregation could be justified because of "established usages, customs, and traditions of the people, with a view to the promotion of their comfort, and the preservation of the public peace and good order." In short, custom and tradition were more important than higher constitutional promises and human acts of decency.

The oppression of segregation was a constant eclipse that darkened the sun.

BROWN V. BOARD OF EDUCATION

But fifty years ago, the Supreme Court sent seismic shock waves through this country. In his oral arguments before the Court in *Brown v. Board of Education*, Thurgood Marshall said that, anyway you look at segregation, you "can't take race out of this case."

He was right. This wasn't about states' rights or the other ways of cloaking the debate. Segregation was about genetics, skin color, and perception. Period. Finally, the doctrine of "separate but equal" was exposed as unconstitutional.

Segregation didn't disappear right away. The pace of change was slow, and remains slow, measured in decades and generations. Many studies showed that *Brown* didn't trickle down into some states for more than twenty years, some even later. In other

words, well into the 1970s there were still some states that practiced a form of legally reasoned segregation, in defiance of the *Brown* decision.

But the unwillingness of courts to enforce the decision was only one manifestation of the unwillingness to change. Georgetown Law Professor Mark Tushnet has written about what he calls “the massive resistance” to *Brown*, where countless politicians, governors, state legislatures, citizens, schools, and social institutions passionately worked to undermine the decision. Court cases were filed, and then re-filed again and again, to delay implementation of the decision or to obfuscate the result. There was widespread violence. The sheer magnitude and force of the passive and violent resistance have no domestic equivalent today, but in Mississippi, Arkansas, Alabama, and in Illinois, Massachusetts, Michigan, and elsewhere, it was a second civil war.

Our country survived this massive resistance because of the strength of the constitution and the steadfast courage of many Americans, including many individuals who risked everything for change: Oliver Brown, Rosa Parks, Medgar Evers, the Freedom Riders, Ralph Abernathy, and Dr. Martin Luther King, Jr. The martyrdom of Medgar Evers and then Dr. King underlines the many sacrifices made by people of conscience to fully share the American Promise.

Because of the *Brown* decision, we are a stronger, more equitable, more just nation. But we have a long way to go before we become as equitable and just as our constitutional heritage demands and our country deserves.

I am aware of the role of educational institutions in civil rights cases – they are the frontlines of the battle for civil rights. We have seen this most recently in the *Bakke* and *University of Michigan* cases. But it makes sense that such issues would manifest themselves in educational settings. As Justice Warren wrote in *Brown*: “...education is perhaps the most important function of state and local governments.” I agree. The Supreme Court went to great lengths to note the role of education in daily life and its importance for our country. As Justice Warren wrote, “Today (education) is the principal instrument in awakening the child to cultural values, in preparing him (or her) for later professional training, and in helping him to adjust normally to his environment.... In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.” Most importantly, the Court ruled: “Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

THE ACHIEVEMENT GAP

Equality of opportunity must be more than just a statement of law; it must be a matter of fact. And factually speaking, this country does not yet promote equal opportunity for millions of children. After fifty years, we still have a lot of work to do.

Even before taking office, the President recognized this problem. He saw a well documented, if silent, problem, and a two-tiered educational system. For some fortunate students, they received a world-class education. There were islands of excellence.

Sometimes these islands were private schools, with high tuition and great reputations. Sometimes they were public schools, supported by taxpayers, many in urban areas. At these schools, there were many fine teachers and administrators. We had much for which to be thankful. But there were also millions mired in mediocrity, denied a quality education.

We have a right to expect better. After all, in the United States, we spend more per student than any other country in the world. Just to give you some perspective, in 2003, as a nation we spent \$488 billion on elementary and secondary education, more than the Defense Department.

In spite of these vast sums, millions of students did not receive a quality education. For various reasons, they were passed on and passed out. Students in poorly performing schools may have had good teachers, excellent administrators, or even plentiful resources – or not. We found that many students did not read at their grade level; some were years behind; some could not read at all. We found similar problems in mathematics. And every indication from every measurement told us that we confronted a deeply divided, disparate educational system. Something was wrong, and we needed to know the reasons for under-performance of students and their schools.

As Marshall reminded the Court in *Brown*, “There is no way you can repay lost school years.”

I agree...no way!!! There isn't a form of compensation that makes up for lost time and for the lost opportunities in the future. This is a cardinal, central principle in this discussion...we must have a system that leaves no child behind.

Millions of children are left behind. In my view, that is wrong. It is immoral. It is unjust. It is outrageous.

Some critics felt that the issue was money. But it isn't. The issue is how the money is spent, not the amount. There was little taxpayer accountability, few requirements that the money be spent efficiently or wisely. As a result, funds were sometimes spent where they were most needed, sometimes not.

And the issue wasn't just about money or government services...it was about personal things, like feeling part of our society, experiencing intellectual growth, or finding the joy of lifelong learning. It was about learning citizenship because you were equitably treated, or about belonging to the community because you were viewed as an important part of it.

Education is about knowledge and about finding oneself. The twin disaster is to be given no intellectual tools and to be set adrift, with no means to find your way back. This educational divide was cruel, vicious, demeaning, disrespectful, and degrading. I believe that when a child is left behind by an educational system that is *an injustice that affects us all*. **It is intolerable!!!**

NO CHILD LEFT BEHIND

I give the President much credit for seeing this problem and willingly making it an issue in the last national election. He said that, if elected, he would institute change, and he did. Within four days of assuming office, he initiated a blueprint that became *The No Child Left Behind Act of 2001*. This was an act that was passed with wide bi-partisan support. The President immediately signed it and it became the law of the land. It is two years old this week.

With this law – this tool -- we are beginning to redress this achievement gap. This law is radical surgery, massive reform. The “old ways” will no longer be tolerated. We demand equity, justice, and inclusion. The name is a constant reminder: no child left behind.

For the first time in the history of our nation, every state in our nation has an accountability plan that holds all schools and all students in their state to the same high standards.

For the first time, parents and teachers will be able to work together to make sure no child is left behind. Every child counts.

No Child Left Behind is a tough law. But it’s a good law. It focuses attention on the children who most need our help, but it benefits all children. Thanks to *No Child Left Behind*, I’m proud to report that all across the country, communities are empowered with the information they need to take action.

- This fall, parents received information about how well their school is performing, and about their teacher's qualifications.
- Schools and teachers now have detailed information about their students' achievement so that they can adapt their lessons and better serve ALL their students.
- And parents of students attending high-need schools received letters telling them they have options if their child’s school hasn't made sufficient progress over the last couple years.
- And there is more federal funding for education at all levels to get the law implemented. The highest federal support in history.

For example, **Earl Hansen Elementary School** in Rock Island, Illinois shows what can be done. More than 70 percent of the students come from low-income families. In fact, the number of students from low-income families rose from 58 percent in 2001 to 71 percent in 2003. Students from low-income families face significant barriers to achievement. But during the same time, test scores rose. The school was chosen as a “Spotlight School” in Illinois, which reflects the fact that test scores were high and that the provisions of *No Child Left Behind* were met. One commentator has said that the success of this school is because “they expect every child to excel and they find ways to

make that happen.” This is *No Child Left Behind* in action. And this example is being duplicated around the country.

RESPONSE TO CRITICS

No Child Left Behind is a powerful, sweeping law. It is the logical step after *Brown v. Board of Education* ended segregation, and the *1964 Civil Rights Act* promised an equitable society. The Ancient Greeks used to say, “Education is freedom.” Yes, it is. And *No Child Left Behind* is about freedom and equality and justice. It is about the way we learn about life; it is about life itself.

Because of the powerful sweep of this change, this revolution, there are some who resist. That is to be expected. The resistance to *Brown* was “massive” and sustained over generations. Those who fought against *Brown* were on the wrong side of history, just as those who fight *No Child Left Behind* will one day also be labeled. We have come to expect strident resistance to any major changes in education, particularly if they change the status quo and challenge the educational establishment that seeks to protect itself.

Thankfully, some school districts and principals have been willing partners. I am thankful for their patience and their persistence as we fully implement the law. There are going to be some snags, but they understand the process and the need for reform. For those school districts, we are in pretty good shape.

There are some who think that African American children can’t learn as well as white children, or that Hispanic American children are slow learners, or that special needs children should be held back, or that children from other countries can’t adapt quickly, or that poor children are poor students. Such attitudes become self-fulfilling. These children can learn. All children can learn, if we give them the opportunity, the attention, the time, and the resources to learn. That’s what this is all about: helping all children to learn. That is something that teachers, parents, clergy, education advocates, civil rights leaders, government officials, business people, and everyone should want and should demand.

I find it staggering that the very critics and organizations that fought so hard for civil rights could leave our African American, Hispanic American, and special needs children behind. Some of the very people and organizations that applauded *Brown* and worked to implement it are now opposing *No Child Left Behind*: unions, teachers, civil libertarians, liberal politicians, and education advocates. Why? Because it exposes their special interests. Their opposition is about power, politics, and pride, not the best interests of our children.

If those who fear change defeat national reform, then division, exclusion, racism, and callousness wins. This is a debate with profound and lasting consequences. If we lose this debate, millions of children will be harmed by being excluded, ignored, disrespected, and under-educated, and then sent out into a world for which they are educationally unprepared and uncompetitive. Who among us would wish that on any child? On your own child?

CONCLUSION

Today we have looked at the past. We also need to look to the future. We cannot just shrug our shoulders and act as if racism is a part of life. I was very interested in William Raspberry's column in the *Washington Post* on Monday. He asked his black students at Duke how long they thought affirmative action should last. Some of them felt affirmative action should go on "forever." Raspberry worried that "our young people may be internalizing a sense of inferiority....The implication is that we are permanently damaged goods, in permanent need of special concessions."

This sense of nihilism is one of the most destructive aspects of racism. It leads many African Americans to believe that racism is inherently part of American culture.

Well, those students may be right, but I hope not. I believe that we can constructively and thoroughly eradicate racism. The best way to do that is to eliminate the achievement gap, which is why *No Child Left Behind* is so important.

No Child Left Behind is an aggressive, rapid action to eliminate latent segregation and close the achievement gap. There are some who believe that enforcement of current civil rights laws is enough. I would disagree. If this country firmly is committed to a future where racism is eradicated, then we must recognize that *Brown* itself was just a start, and that affirmative action is only transitional. At some point we must eliminate disparities directly. The *No Child Left Behind* effort does that. It demands that each child is respected, educated, and honored. It does not allow entire classes of children to be under-educated or ignored. We are committed to all children, not averages, classes, groups, types, or categories. We are pledged to educate all children...all children.

At a speech last fall in Washington, two children came forward and thanked me for helping them. It seems that they were special needs children, and their school programs became even more inclusive thanks to *No Child Left Behind*. So they were receiving a fine education, and just wanted me to know.

In the end, it's that simple. Those children are the reason we must forge ahead and make education inclusive of all children. We must be mindful that educational opportunity must exist for all children, and that racism cannot end as long as there is an achievement gap.

Two score and ten years have passed since *Brown*. It may take generations to finally achieve equality of opportunity. We must make our schools equitable in order to make our society and culture equitable. Our schools are the leading indicator for later problems. So unless we begin to eliminate racism in our schools, other later attempts to will probably be unsuccessful. Our work for the future begins now, and it begins in our educational institutions.

Thank you.

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