

Katrina and the Supreme Court: Failing the Real Tests

IN JANUARY 2007, seventeen months after Hurricane Katrina, AAC&U convened its annual meeting in New Orleans. What we found there was at once inspiring and disturbing. We were inspired because the meeting provided an opportunity to learn firsthand from Americans who are setting a heroic standard for courage, commitment, and compassion. But many of us left the city profoundly shaken by the unavoidable evidence that our society had failed—and is continuing to fail—some of the most fundamental responsibilities of an equitable democracy.

The higher education leaders who serve in New Orleans have given us all reason to be proud. Scott Cowan of Tulane and Norman Francis of Xavier are playing indispensable roles in the recovery, working tirelessly and creatively not just to bring back their institutions but also to provide essential services that are desperately needed across the city. They have been joined in this unending work of reconstruction by other New Orleans campus presi-

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dents, by an extraordinary cadre of committed faculty members, students, and ad-

ministrators, and by Americans lending a hand on many levels from all around the United States. These heroes of New Orleans have responded to the letter as well as the spirit of John F. Kennedy's generational summons: "Ask not what your country can do for you, but what you can do for your country."

And yet, the New Orleans tragedy forces us to think hard about the other side of this oft-repeated exhortation. The Americans living in the aftermath of Katrina have every reason to ask, "What *should* our country be doing for us?" And beyond the storm and its aftermath, "What were our country's obligations to the citizens of New Orleans *before* the winds came?" The worst part about Katrina is that the dangers New Orleans faced were well known and fully anticipated by those who looked carefully at the city's vulnerability. The warnings were set forth in detailed reports. The calls to action had been issued, but they were not heeded.

Katrina should have been the long-overdue wake-up call for American democracy to face directly the underlying stratifications that are built into many American cities and communities, not just New Orleans. But the evidence mounts that this society continues to ignore rather than confront the racially framed inequalities that distort and deplete our democracy.

This summer, the Supreme Court invalidated voluntary public school desegregation plans in two major cities: Seattle, Washington and Louisville, Kentucky.* The policy objective in both cities has been to reduce the amount of racial isolation in the public schools and to prevent the resegregation of school populations. Higher education leaders breathed a sigh of relief because the Court made it clear that its decision did not negate the 2003 decision in *Grutter v. Bollinger* that allowed some consideration of race in higher education admissions. Nonetheless, four of the justices, including Chief Justice John Roberts, declared that it is unconstitutional to use race-conscious strategies in order to end racial segregation in the public schools. And Justice Anthony Kennedy, who did not go quite that

far, nonetheless joined in forming a majority decision against plans that, in some instances, use race as a factor in creating greater racial balance.

The Court's decision came in the context of repeated warnings and abundant evidence that segregation has been on the rise for almost two decades in our public schools. Americans often assume that *Brown v. Board of Education* was a turning point in the effort to integrate our schools. But in fact, across most of our major cities, much of the integration gained through decades of hard struggle is now being lost.

And in this context, as with Katrina, the expert warnings about the consequences of inaction are clear and stark. In a recent essay in *Inside Higher Ed*, UCLA's Gary Orfield, a former member of AAC&U's board of directors, noted that "a half century of research... confirms the central premise of *Brown v. Board of Education* that racially isolated minority schools offer students an inferior education, which is likely to harm their future life opportunities, such as graduation from high school and success in college." Racial isolation is harmful to individuals, to communities, and to democracy itself. It is a driver of inequality in both opportunity and outcomes. And the Supreme Court has just ruled out of bounds the kinds of practices most likely to end such isolation in the schools.

The central truth about American society is that we have been diverse, divided, and stratified almost from the founding, with the result that many of our most intractable social problems are racially framed. In that context, New Orleans is just another chapter in a very long story.

Yet it is in the schools that young Americans do—or do not—build both the competence and the confidence to advance positive changes in their own lives and in their society. It is in the schools as well that Americans do—or do not—build a sense of responsibility for the future of our democracy.

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What all of this suggests is that the Seattle/Louisville decision was a serious setback in our quest to overcome the forms of systemic inequality that Katrina both illuminated and exacerbated. Democracy depends for its sustainability on citizens' active sense of responsibility to and community with one another. And, in this highly diverse democracy, sustainability further depends on citizens' sense of responsibility to and community with people from backgrounds—racial, ethnic, and economic—different from their own.

The increase of segregation in the public schools is unraveling rather than strengthening the social fabric. And as this happens, the warning bells are sounding on the vulnerability of our democracy just as they were sounding earlier on the vulnerability of the New Orleans levees.

We already possess the knowledge. The question before us is whether we are ready to translate that knowledge into choices and action.

How ready are we to pass that real test?—CAROL GEARY SCHNEIDER

*The statement on the Supreme Court's decision released by the AAC&U Board of Directors Executive Committee can be found at www.aacu.org/About/statements/SupremeCourtonIntegration.cfm.