Desegregation in Education: A Legal Bibliography

Michael B. Wise

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School desegregation, more than any other process in the history of the civil rights movement, has centered on a close and continuing involvement of the federal courts in the gradual development of legal standards and the formulation of effective equitable remedies. Each stage of the process—striking down efforts at massive resistance, piercing subtle schemes of avoidance, requiring substantial actual integration, ordering student transportation as a necessary remedy, to the Supreme Court's recent turning away from effective metropolitan area-wide relief—has been highly controversial. At each of these stages legal scholars, practicing attorneys and student commentators have analyzed, criticized and made projections based upon the actions of the courts. This bibliography is an effort to bring together in one source references to this extensive body of legal writing. We hope that it will serve as a useful basic reference tool.

Those students of school desegregation and practitioners who seek to use the bibliography may benefit from a few words about its creation and format. It is drawn primarily from the listings of the Index to Legal Periodicals, and includes references contained in the index from August, 1952, until September, 1976. The index was searched under the following subject headings: civil rights, colleges and universities, constitutional law, discrimination, due process of law, education, equal protection, legal education, minorities, races, schools and school districts, segregation, and teachers and teaching. All references located under these headings which related in any way to desegregation in education have been included in the bibliography. Citations to articles are presented in the standard form of A Uniform System of Citation (12th ed. 1976).

We have defined desegregation in education broadly, in an effort to present all articles which may be of interest to researchers. For example, references have been included to articles concerning such subjects as equal educational opportunity in school finance, preferential admissions in higher education, and racial discrimination in teacher employment. The bibliography covers both public and private education. It presents references dealing with elementary and secondary education and with higher education.

A list of all law reviews cited in the bibliography and their abbreviations appear immediately following this introduction. The body of the bibliography consists of two parts. The first is a listing of all of the articles arranged alphabetically by author's name. In cases where an article has more than one author...
it has been listed only once, according to the first named author. Unattributed student works have been included in the general listing and are alphabetized according to their title. The second part of the bibliography presents a general subject index. The author, title, and citation of each entry in this bibliography appear only once in the alphabetical listing. The number before each entry in that listing represents each entry in the subject index. The subject index divides the articles only into broadly defined categories. While many researchers may desire a more detailed index, the present general categories, nevertheless, should provide a useful starting point for more specific research.

**PERIODICALS REFERRED TO AND THEIR ABBREVIATIONS**

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Human Rights Human Rights

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Indiana Law Journal IND. L.J.
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Iowa Law Journal IOWA L.J.
Iowa Law Review IOWA L. REV.

J
and Procedure
Journal of College and University Law J.C. & U.L.
Journal of Family Law J. FAMILY L.
Journal of Legal Education J. LEGAL EDUC.
Journal of Legal Studies J. LEGAL STUD.
Journal of Public Law J. PUB. L.
Journal of Urban Law J., URB. L.

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Kentucky Law Journal KY. L.J.
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L
Land and Water Law Review LAND & WATER L. REV.
Law and Contemporary Problems LAW & CONTEMP. PROB.
Law and Social Order LAW & SOC. ORDER
Law and Society Review LAW & SOC’Y REV.
Law Library Journal LAW LIB. J.
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| Wayne Law Review                         | WAYNE L. REV.           |
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See: “In School” Discrimination

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(including “freedom of choice” desegregation plans and Green v. School Board of New Kent County)

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Asian Americans

See: Mexican Americans and Minorities Other than Blacks

Bilingual/Bicultural Education

See: Mexican Americans and Minorities Other than Blacks

Black Americans and the Desegregation Process

(including disproportionate burden of desegregation on minorities and black opposition to desegregation)

17, 49, 52, 210, 251, 394, 409, 509, 527, 531, 532, 541, 549, 604, 607, 690, 732, 740, 821, 884, 885, 886, 897, 913

Brown v. Board of Education

21, 28, 45, 46, 53, 60, 68, 76, 77, 80, 83, 84, 86, 102, 109, 142, 212, 217, 252, 278, 294, 295, 299, 310, 311, 325, 358, 413, 418, 421, 425, 437, 444, 446, 472, 485, 488, 505, 578, 591, 603, 609, 614, 626, 636, 639, 682, 713, 728, 735, 739, 776, 798, 810, 852, 858, 859, 860, 864, 869, 871, 891, 893, 896, 899, 902, 906, 914

Busing

(including Swann v. Charlotte-Mecklenburg Board of Education)

Community Control and Equal Educational Opportunity
See also: Neighborhood Schools
17, 156, 157, 342, 549, 680, 762

Consolidation of School Districts
See: Metropolitan Area-Wide Desegregation

De Facto and De Jure Segregation

Department of Health, Education, and Welfare
See: Federal Role in School Desegregation

Educational Finance
See: School Finance

Exhaustion of Administrative Remedies
See: Opposition to School Desegregation

Federal Role in School Desegregation
(including Title VI of the Civil Rights Act of 1964, and Department of Health, Education, and Welfare Guidelines)
See also: Private Schools for articles concerning tax status of private segregated academies

Freedom of Choice
See: Affirmative Duty to Desegregate

Higher Education
See also: Preferential Admissions
History of School Desegregation
(including histories of specific cases, and discussions of specific judges or attorneys)


Indians
See: Native Americans

"In School" Discrimination
(including tracking, ability grouping, discrimination in counseling, placement, or curricula)

1, 199, 236, 384, 497, 550, 576, 664, 708, 813, 839, 897

Interdistrict Remedies
See: Metropolitan Area-Wide Desegregation

Language Minorities
See: Mexican Americans and Minorities Other than Blacks

Legislation and School Desegregation
(including state racial balance laws and state and federal antibusing legislation)
See also: Federal Role in School Desegregation for articles concerning enforcement of Title VI of the Civil Rights Act of 1964


Metropolitan Area-Wide Desegregation
(including Milliken v. Bradley, interdistrict remedies, and consolidation of school districts)

**Mexican Americans and Minorities Other Than Blacks**
(including bilingual and bicultural education, Puerto Ricans, and Asian Americans)
See also: Native Americans


**Native Americans**
See also: Mexican Americans and Minorities Other Than Blacks

58, 113, 399, 433, 482, 762, 850

**Neighborhood Schools**
See also: Community Control

157, 232, 240, 317, 328, 386, 400

**Northern and Western School Desegregation**
(including *Keyes v. School Dist.*)
See also: *De Jure/De Facto* Segregation, and Metropolitan Area-Wide Desegregation

2, 11, 12, 64, 89, 94, 97, 99, 146, 152, 159, 218, 232, 261, 301, 302, 308, 312, 318, 332, 343, 351, 401, 409, 412, 419, 422, 487, 536, 537, 538, 539, 544, 545, 546, 560, 595, 704, 715, 721, 722, 742, 766, 767, 796, 803, 832

**Opposition to School Desegregation**
(including pupil assignment or placement laws and requirements for the exhaustion of administrative remedies)


**Preferential Admissions**
(including reverse discrimination and *De Funis v. Odegaard*)

Private Schools
(including tuition grants and the disposition of public property to private segregated academies, denial of tax benefits)


Puerto Ricans
See: Mexican Americans and Minorities Other Than Blacks

Pupil Assignment Laws or Pupil Placement Statutes
See: Opposition to School Desegregation

Quality Education
See: School Desegregation, General Discussions and Surveys

Racial Balance


Reverse Discrimination
See: Preferential Admissions

Role of the Courts


School Desegregation, General Discussions and Surveys
(including general discussions of equal educational opportunity and the right to an education)

School Finance and the Allocation of Resources

Separate But Equal
(including pre-Brown higher education decisions)

Social Science and School Desegregation
(including the use of sociological and demographic evidence)
See also: Testing
76, 77, 142, 151, 156, 354, 373, 421, 456, 460, 478, 525, 547, 583, 584, 585, 591, 593, 620, 664, 675, 676, 737, 744, 759, 866, 870, 894, 896, 899, 901, 907, 918

Teachers
(including desegregation of faculty and staff, demotion or dismissal of black personnel in the desegregation process, and racial discrimination in teacher employment)

Testing
See also: "In School" Discrimination, and Social Science and School Desegregation
119, 162, 236, 364, 384, 459, 550, 569, 570, 589, 708, 717, 754, 813, 839

Title VI
See: Federal Role in School Desegregation

Tracking
See: "In School" Discrimination
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