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Desegregation in Education: A Legal Bibliography

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BIBLIOGRAPHIES

DESEGREGATION IN EDUCATION: A LEGAL BIBLIOGRAPHY

compiled by
Michael B. Wise* and the Staff
of the Notre Dame Center for Civil Rights**

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

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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

A

Alabama Law Review	ALA. L. REV.
The Alabama Lawyer	ALA. LAW.
Albany Law Review	ALB. L. REV.
American Bar Association Journal	A.B.A.J.
American Business Law Journal	AM. BUS. L.J.
American Indian Law Review	AM. INDIAN L. REV.
American University Law Review	AM. U.L. REV.
Annual Survey of American Law	ANN. SURVEY AM. L.
Arizona Law Review	ARIZ. L. REV.
Arkansas Law Review	ARK. L. REV.

B

Baylor Law Review	BAYLOR L. REV.
Black Law Journal	BLACK L.J.
Boston University Law Review	B.U.L. REV.
Brooklyn Law Review	BROOKLYN L. REV.
Buffalo Law Review	BUFFALO L. REV.

C

California Law Review	CALIF. L. REV.
California Western International Law Journal	CAL. W. INT. L.J.
Canadian Bar Review	CAN. B. REV.
Capital University Law Review	CAP. U.L. REV.
Case Western Reserve Law Review	CASE W. RES. L. REV.
Catholic University Law Review	CATH. U.L. REV.
The Catholic Lawyer	CATH. LAW.
Chicago Bar Record	CHI. B. REC.
Chicago-Kent Law Review	CHI.-KENT L. REV.
Civil Liberties Review	CIV. LIB. REV.

Cleveland-Marshall Law Review	CLEV.-MAR. L. REV.
Cleveland State Law Review	CLEV. ST. L. REV.
Columbia Law Review	COLUM. L. REV.
Columbia Human Rights Law Review	COLUM. HUMAN RIGHTS L. REV.
Columbia Journal of Law and Social Problems	COLUM. J.L. & SOC. PROB.
Columbia Survey of Human Rights Law	COLUM. SURVEY HUMAN RIGHTS L.
Connecticut Law Review	CONN. L. REV.
Connecticut Bar Journal	CONN. B.J.
Cornell Law Quarterly	CORNELL L.Q.
Cornell Law Review	CORNELL L. REV.
Cumberland-Samford Law Review	CUM.-SAM. L. REV.

D

Denver Law Journal	DENVER L.J.
DePaul Law Review	DEPAUL L. REV.
Dickinson Law Review	DICK. L. REV.
Duke Bar Journal	DUKE B.J.
Duke Law Journal	DUKE L.J.
Duquesne Law Review	DUQ. L. REV.

E

Emory Law Journal	EMORY L.J.
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F

Federal Bar Journal	FED. B.J.
Fordham Law Review	FORDHAM L. REV.
Fordham Urban Law Journal	FORDHAM URBAN L.J.

G

George Washington Law Review	GEO. WASH. L. REV.
Georgetown Law Journal	GEO. L.J.
Georgia Bar Journal	GA. B.J.
Georgia Law Review	GA. L. REV.
Gonzaga Law Review	GONZ. L. REV.

H

Harvard Civil Rights-Civil Liberties Law Review	HARV. CIV. RIGHTS-CIV. LIB. L. REV.
Harvard Journal on Legislation	HARV. J. LEGIS.
Harvard Law Review	HARV. L. REV.
Harvard Law School Bulletin	HARV. L. SCH. BULL.

Hastings Constitutional Law Quarterly	HASTINGS CONST. L.Q.
Hastings Law Journal	HASTINGS L.J.
Hofstra Law Review	HOFSTRA L. REV.
Houston Law Review	HOUS. L. REV.
Howard Law Journal	HOW. L.J.
Human Rights	HUMAN RIGHTS

I

Illinois Bar Journal	ILL. B.J.
Indiana Law Journal	IND. L.J.
Indiana Law Review	IND. L. REV.
Indiana Legal Forum	IND. LEGAL F.
Iowa Law Journal	IOWA L.J.
Iowa Law Review	IOWA L. REV.

J

John Marshall Journal of Practice and Procedure	J. MAR. J. PRAC. & PROC.
Journal of College and University Law	J.C. & U.L.
Journal of Family Law	J. FAMILY L.
Journal of Law and Education	J.L. & EDUC.
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.

K

Kentucky Law Journal	KY. L.J.
Kentucky State Bar Journal	KY. ST. B.J.

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.
Lawyers Guild Review	LAW. GUILD REV.
Lawyers Journal	LAW. J.
Louisiana Bar Journal	LA. B.J.
Louisiana Law Review	LA. L. REV.
Loyola Law Review (New Orleans)	LOY. L. REV.
Loyola University of Chicago Law Journal	LOY. CHI. L.J.
Loyola University of Los Angeles Law Review	LOY. L.A.L. REV.

M

Maine Law Review	ME. L. REV.
Marquette Law Review	MARQ. L. REV.
Maryland Law Review	MD. L. REV.
Mercer Law Review	MERCER L. REV.
Miami Law Quarterly	MIAMI L.Q.
Michigan Law Review	MICH. L. REV.
Minnesota Law Review	MINN. L. REV.
Mississippi Law Journal	MISS. L.J.
Missouri Law Review	MO. L. REV.
Modern Law Review	MOD. L. REV.
Montana Law Review	MONT. L. REV.

N

National Tax Journal	NAT'L TAX J.
Nebraska Law Review	NEB. L. REV.
New England Law Review	NEW ENGLAND L. REV.
New Mexico Law Review	N.M.L. REV.
New York Law Forum	N.Y.L.F.
New York State Bar Journal	N.Y.S.B.J.
New York University Intramural Law Review	N.Y.U. INTRA. L. REV.
New York University Law Review	N.Y.U.L. REV.
New York University Review of Law and Social Change	N.Y.U. REV. L. & SOC. CHANGE
North Carolina Central Law Journal	N.C. CENT. L.J.
North Carolina Law Review	N.C.L. REV.
North Dakota Law Review	N.D.L. REV.
Northern Kentucky State Law Forum	N. KY. ST. L.F.
Northwestern University Law Review	NW. U.L. REV.
Notre Dame Lawyer	NOTRE DAME LAW.

O

The Ohio Bar	OHIO B.
Ohio Northern Law Review	OHIO N.L. REV.
Ohio State Law Journal	OHIO ST. L.J.

P

Portia Law Journal	PORTIA L.J.
Public Administration Review	PUB. AD. REV.

Q

R

Race Relations Law Reporter	RACE REL. L. REP.
Rutgers (Camden) Law Journal	RUT.-CAM. L.J.
Rutgers Law Review	RUTGERS L. REV.

S

Saint John's Law Review	ST. JOHN'S L. REV.
Saint Louis University Law Journal	ST. LOUIS U.L.J.
Saint Mary's Law Journal	ST. MARY'S L.J.
San Diego Law Review	SAN DIEGO L. REV.
Saskatchewan Bar Review	SASK. B. REV.
Seton Hall Law Review	SETON HALL L. REV.
South Carolina Law Quarterly	S.C.L.Q.
South Carolina Law Review	S.C.L. REV.
South Dakota Law Review	S.D.L. REV.
Southern California Law Review	S. CAL. L. REV.
Southwestern Law Journal	SW. L.J.
Stanford Law Review	STAN. L. REV.
Suffolk University Law Review	SUFFOLK U.L. REV.
Supreme Court Review	SUP. CT. REV.
Syracuse Law Review	SYRACUSE L. REV.

T

Tax Law Review	TAX L. REV.
The Tax Lawyer	TAX LAW.
Temple Law Quarterly	TEMP. L.Q.
Tennessee Law Review	TENN. L. REV.
Texas Bar Journal	TEX. B.J.
Texas Law Review	TEX. L. REV.
Texas Southern University Law Review	TEX. S.U.L. REV.
Texas Tech Law Review	TEX. TECH L. REV.
Tulane Law Review	TUL. L. REV.
Tulsa Law Journal	TULSA L.J.

U

University of California at Los Angeles Law Review	U.C.L.A. L. REV.
University of Chicago Law Review	U. CHI. L. REV.
University of Cincinnati Law Review	U. CIN. L. REV.
University of Colorado Law Review	U. COLO. L. REV.
University of Detroit Law Journal	U. DET. L.J.
University of Florida Law Review	U. FLA. L. REV.
University of Illinois Law Forum	U. ILL. L.F.

University of Kansas Law Review	U. KAN. L. REV.
University of Missouri at Kansas City Law Review	U. MO. K.C.L. REV.
University of Pennsylvania Law Review	U. PA. L. REV.
University of Pittsburgh Law Review	U. PITT. L. REV.
University of Richmond Law Review	U. RICH. L. REV.
University of San Francisco Law Review	U.S.F.L. REV.
University of Toledo Law Review	U. TOL. L. REV.
Urban Law Annual	URB. L. ANN.
Utah Law Review	UTAH L. REV.

V

Valparaiso University Law Review	VAL. U.L. REV.
Vanderbilt Law Review	VAND. L. REV.
Villanova Law Review	VILL. L. REV.
Virginia Law Review	VA. L. REV.
Virginia State Bar Annual	VA. ST. B. ANN.

W

Wake Forest Law Review	WAKE FOREST L. REV.
Washburn Law Journal	WASHBURN L.J.
Washington and Lee Law Review	WASH. & LEE L. REV.
Washington Law Review	WASH. L. REV.
Washington University Law Quarterly	WASH. U.L.Q.
Wayne Law Review	WAYNE L. REV.
Western Ontario Law Review	W. ONT. L. REV.
Western Reserve Law Review	W. RES. L. REV.
West Virginia Law Review	W. VA. L. REV.
Willamette Law Journal	WILLAMETTE L.J.
William & Mary Law Review	WM. & MARY L. REV.
Wisconsin Law Review	WIS. L. REV.
Wyoming Law Journal	WYO. L.J.

X

Y

Yale Law Journal	YALE L.J.
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Z

A

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58, 61, 62, 112, 180, 219, 266, 289, 363, 423, 463, 554, 588, 618, 629, 665, 700, 745, 757, 849, 854, 897

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)

6, 174, 201, 213, 228, 233, 237, 243, 247, 274, 275, 283, 285, 297, 298, 330, 365, 366, 367, 402, 403, 404, 418, 451, 481, 511, 513, 517, 534, 561, 571, 608, 611, 615, 631, 638, 647, 649, 653, 657, 669, 670, 684, 692, 697, 765, 779, 791, 843, 871, 881, 891, 911, 916, 917

Preferential Admissions

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

20, 29, 39, 40, 41, 47, 48, 57, 71, 81, 88, 95, 113, 148, 162, 164, 185, 186, 211, 231, 242, 249, 257, 320, 321, 322, 323, 324, 326, 340, 368, 369, 411, 416, 432, 433, 441, 450, 453, 457, 461, 469, 473, 480, 484, 498, 500, 501, 503, 508, 525, 541, 543, 562, 567, 575, 576, 602, 634, 635, 641, 648, 658, 659, 660, 661, 668, 671, 678, 679, 681, 686, 717, 718, 736, 743, 745, 760, 774, 850, 857, 865, 915, 933

Private Schools

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

100, 111, 115, 126, 127, 132, 133, 134, 135, 138, 139, 141, 165, 166, 167, 169, 171, 188, 234, 244, 259, 281, 283, 293, 300, 331, 334, 335, 336, 348, 352, 405, 408, 455, 507, 522, 529, 611, 624, 625, 638, 643, 650, 687, 694, 695, 696, 697, 701, 801, 804, 806, 841, 843, 872, 873, 874, 875, 890, 903

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

14, 31, 65, 73, 74, 91, 122, 130, 157, 179, 209, 225, 255, 290, 354, 380, 415, 599, 602, 662, 721, 722, 723, 724, 725, 794, 829, 830, 844

Reverse Discrimination

See: Preferential Admissions

Role of the Courts

5, 7, 8, 18, 26, 38, 42, 70, 117, 118, 121, 128, 129, 130, 144, 178, 205, 228, 270, 307, 309, 327, 359, 360, 403, 406, 407, 429, 431, 449, 489, 490, 504, 514, 524, 557, 561, 564, 571, 597, 605, 612, 653, 669, 670, 716, 753, 774, 778, 780, 790, 795, 797, 820, 823, 847, 856, 858, 861, 893

School Desegregation, General Discussions and Surveys

(including general discussions of equal educational opportunity and the right to an education)

26, 45, 49, 59, 67, 69, 70, 85, 96, 101, 103, 107, 109, 110, 116, 145, 149, 153, 158, 163, 181, 192, 200, 216, 226, 265, 303, 306, 339, 344, 345, 350, 376, 377, 383, 388, 396, 397, 413, 417, 430, 438, 451, 467, 470, 471, 474, 475, 479, 486, 496, 499, 502, 506, 515, 527, 532, 533, 547, 553, 557, 568, 582, 596, 604, 606, 610, 612, 628, 632, 637, 640, 654, 667, 693, 698, 710, 711, 714, 716, 733, 739, 747, 750, 752, 755, 756, 782, 783, 785, 797, 805, 823, 832, 833, 836, 837, 846, 851, 855, 868, 877, 880, 904, 905, 906, 912, 920, 921, 930

School Finance and the Allocation of Resources

(including *San Antonio Independent School District v. Rodriguez*, and *Serrano v. Priest*)

22, 23, 27, 30, 54, 55, 56, 63, 75, 104, 105, 147, 184, 187, 191, 196, 197, 202, 203, 214, 220, 221, 222, 223, 224, 230, 239, 245, 248, 250, 282, 284, 286, 287, 304, 305, 349, 357, 379, 381, 385, 387, 389, 390, 393, 410, 436, 439, 443, 447, 464, 465, 466, 493, 495, 497, 512, 535, 540, 551, 552, 572, 579, 580, 581, 587, 592, 619, 633, 637, 652, 654, 673, 685, 702, 706, 731, 738, 741, 749, 750, 751, 752, 758, 768, 769, 770, 771, 772, 773, 775, 776, 824, 825, 826, 827, 831, 833, 853, 879, 888, 889, 900, 924, 925, 932

Separate But Equal

(including pre-*Brown* higher education decisions)

21, 25, 36, 168, 170, 172, 182, 183, 190, 194, 206, 207, 215, 227, 238, 253, 256, 258, 272, 273, 276, 277, 278, 279, 280, 288, 329, 355, 362, 370, 374, 375, 378, 395, 398, 424, 434, 437, 462, 468, 530, 531, 542, 559, 561, 566, 573, 591, 594, 630, 651, 655, 656, 677, 689, 713, 720, 727, 730, 746, 753, 808, 814, 815, 816, 817, 818, 819, 822, 860, 902

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)

137, 255, 259, 300, 338, 346, 371, 372, 523, 586, 642, 650, 699, 707, 709, 712, 726, 790, 795, 800, 838, 908, 931

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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