

Choosing to Desegregate: The Role of School Choice in Seattle's Desegregation Efforts from  
Voluntary Desegregation to *Parents Involved in Community Schools*

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**Abstract**

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Seattle was the first U.S. city to authorize a mandatory desegregation plan without a court order. Yet, it was also the site almost two decades later of the U.S. Supreme Court case *Parents Involved in Community Schools*, which deemed Seattle's remaining race-conscious desegregation policy unconstitutional. This project uses historical content analysis to argue that through desegregation efforts, the use of race-neutral arguments to oppose desegregation and support increased individual choice expanded. *PICS* represents a decades-long tension between the concepts of freedom of choice and equality. While trying to attract whites to public schools, public officials moved desegregation policy further away from race-conscious, democratically oriented policies towards race-neutral, social mobility-oriented policies. Choice-based enrollment, such as magnet programs and tracking, further stratified schools, therefore weakening the potential power of desegregation policy.

## **Introduction**

During the Democratic debates on June 27, 2019, Vice President Joe Biden and Senator Kamala Harris faced off on one of America's most storied, contentious issues: busing. Harris asked Biden, "Do you agree today that you were wrong to oppose busing in America?" Biden answered, "I did not oppose busing in America. What I opposed was busing ordered by the Department of Education" ("Full transcript," 2019). Here, "busing" is a euphemism for mandatory school desegregation. Biden's comments point to another coded meaning: lack of choice, and consequently, lack of freedom. Today, busing, and desegregation in general, can seem like efforts from a bygone era. Schools nationwide have largely re-segregated, all while "school choice" has become a popular refrain (Lawrence, 2005; Mickelson, 2005; Orfield & Lee, 2007; Zimmerman, 2010). "Choice" is a general term that stakeholders and scholars have used to describe any policy that allows parents to exercise discretion in where to send their child to school. This paper looks at a case of desegregation and school choice in Seattle, a city that created a mandatory desegregation policy without a court order in 1977 but today relies on race-neutral, choice-based assignment.

The U.S. Supreme Court ruled in 2007 in *Parents Involved in Community Schools vs. Seattle School District No. 1* that Seattle's remaining race-conscious assignment plan was unconstitutional, effectively eliminating the final race-conscious element of Seattle's desegregation policy (*PICS v. SSD*, 2007). This essay explores how the "right to choose" a school, as referenced in the *PICS* decision, was created *through* desegregation efforts in Seattle. As organizations, like the School Board, civil rights activist groups, and parent organizations influenced policy and adapted to it, the persistence of choice-based policies weakened desegregation policy. White parents in particular, bolstered by a changing political environment

that favored individual choice and social mobility as a goal of public schooling, increasingly resisted race-conscious policies in favor of race-neutral ones. Choice-based assignment policies were a key driver of this shift from race-conscious to race-neutral desegregation policy.

The purpose of this paper is to understand how desegregation policy shifted and eventually disappeared throughout the 1980s and 90s in Seattle, taking into particular consideration the role of school choice in this deterioration. This study aims 1) to understand the social context from the 1970s to the early 2000s that undid mandatory desegregation policies and 2) by understanding this context, make claims about why desegregation reform included increasingly more choice-based options. The research questions are as follows:

### **Research Questions:**

1. How have the School Board, local policymakers, and community members discussed school choice historically in Seattle? How has this changed over time?
2. What forces contributed to the political, social, and educational changes in school desegregation in Seattle after the 1977 mandatory plan? Who were the main agents of change and how did they make sense of desegregation and school choice?
3. How did the deterioration of the mandatory plan happen, and what can be concluded as a result about integration efforts today in Seattle and across the U.S.?

“School choice” encompasses several programs and programs: open enrollment (both inter and intra district choice), vouchers, charter schools, magnet schools and programs (including gifted programs), and home-schooling (Minow, 2010). In addition to these school policies, residential mobility is also a common form of school choice (Ben-Porath & Johaneck, 2019). Seattle today engages with school choice primarily through residential mobility, tracking, and open enrollment schools, meaning parents choose schools via the real-estate market or through an open lottery that includes a few schools in the district. Historically, magnet programs have also been a significant form of choice-based enrollment which have figured significantly

into to present-day ability tracking. While magnet programs do not always take racial diversity into account, Seattle's programs were developed specifically for desegregation purposes. After two decades of increasing choice-based assignment, in 1996 Seattle Public Schools (SPS) ended busing and implemented open enrollment. SPS used a variety of tiebreakers to decide enrollment in the case of oversubscribed high schools. One of these was a racial tiebreaker, meaning students could be placed in a school further from their home to "balance" racially skewed enrollment (York, 2005).

The non-profit Parents Involved in Community Schools (PICS) sued the district after a white mother decided to pursue legal action when her daughter did not receive her first-choice school. In 2007, the U.S. Supreme Court declared the racial tiebreaker unconstitutional (*PICS v. SSD*, 2007). Without the racial tiebreaker, school segregation increased (Dev & Brazile, 2019). Even before the racial tiebreaker was implemented, however, Seattle had significantly limited its desegregation policy and its effectiveness. While the *PICS* decision further limited the possibilities of desegregation policy in Seattle, it also marked an appropriate bookend on two decades of reshaping and ultimately, chipping away at, desegregation policy. This rollback often took the form of expanded school choice options, such as magnet schools and tracking, and a return to geographically zoned neighborhood schools governed by residential choice in a residentially segregated city.

This project draws connections between school choice and desegregation by analyzing the changing goals of public schools and interest convergences and divergences (Labaree, 1997; Bell, 1980; Guinier, 2004). This contributes to a larger body of work on the role of school choice, and its implications for educational equity in the U.S. As a result, this essay highlights the local origins of school choice in desegregation policy and the consequences this had for race-

conscious desegregation policy. School choice is often discussed today divorced from its origins as a response to desegregation mandates. Understanding local cases of school choice and the balance sought between equality and freedom of choice can elucidate “what these programs accomplished, how they accomplished it, and whose interests they serve” (Wells & Crain, 2005, p. 60). This essay can inform policymakers in their crafting of current enrollment policy—what coalitions are formed in desegregation policy? What obstacles arise in crafting desegregation policy, and why is that significant? How can current school choice policies stand on more equitable ground?

This essay roughly follows chronological order, with two themes tying the sections together: 1) the use and eventual expansion of choice in school desegregation policy and 2) the use of race-neutral arguments to oppose desegregation and support increased individual choice. In the first section, I explain how geographical segregation was created by local, state, and federal policy in Seattle, building a case about the particular, regionalized way Seattle espoused segregation in a multiracial population. In the second section, I examine the initial efforts at desegregation and the organizations that promoted this and resisted it, with particular attention paid to the tension between voluntary (choice-based) and mandatory plans. In the third section, I explore the choice options in the mainly mandatory Seattle Plan and how choice-based assignment increasingly emerged after the Plan, largely brought on by white protest. Finally, in the fourth section, I examine the controlled choice and open enrollment plans that followed the Seattle Plan, highlighting that *PICS* represents a decades-long tension between the concepts of freedom of choice versus equality. While trying to keep schools “attractive” to whites, public officials moved desegregation policy further away from its origins as a race-conscious, collectively oriented policy towards a race-neutral, individually oriented policy. Changing forces

at the local and national level together emphasized individual choice over the socially democratic goals of schooling emphasized in the *Brown* decision.

## **Literature Review**

### **Moving Beyond Race-Neutral History**

Even in the North where *de jure* segregation had never reigned, resistance to civil rights advancements demonstrates that the North, Midwest, and West were not “exceptional” in their refusal to adopt meaningful civil rights legislation. Housing segregation and metropolitan development in post-WWII America created systemized, legally enforced spatial segregation that led to school segregation. Understanding the forces that shaped these segregated spaces in various cases lends itself to understanding the Seattle case. Historians have examined this phenomenon in particular places, drawing connections between the structural racism and local contexts (Highsmith, 2009; Dougherty, 2010; Erickson, 2016; Amsterdam, 2017; Garcia, 2018). These case studies illustrate the modes and shapes of resistance to desegregation efforts and the broader Civil Rights Movement from the border and deep South, the industrial North, the West, and the Connecticut suburbs. Case studies “taking a place-conscious approach...[which] has the effect of making everyday landscapes strange” and reinforces that segregation, though influenced by federal and state policy, is also a local issue (Beadie & Willaimson-Lott, 2016; Gottesman & Bowman, 2016, p. 176).

Case study analysis, when applied to manifestations of structural racism, can illuminate the ways individuals and organizations change institutions while maintaining a racial hierarchy. In a desire to protect white interests, Stanley (2002), writing about Chinese student protests in Victoria, B.C. argues that dominant actors (whites) in racial projects must constantly affirm racial categories and “re-assert these categories in the face of their apparent slippage” (p. 147).

These studies have found that, in response to the Civil Rights Movement, whites relied on rhetoric of individualism and racial liberalism to promote their interests in opposition to racial equity (Sugrue, 1996; Lassiter, 2006; HoSang, 2010). Racial liberalism, in this sense, is the avoidance of structural racism and focus on personal prejudice. Given the history of whites using property rights and individual choice to elide the Civil Rights Movement, “individual choice” is not a racially neutral term.

These works fit into a larger narrative of case studies examining the regional manifestations of racial hierarchy. Together, they add to the revision of the “Southernization of America” concept Sugrue (1996) put forth about reactions outside the South to the Civil Rights Movement. Instead of the “massive resistance” of the South (which still burst forth in some pockets, like the riots over busing in Boston), he explains via an analysis of Detroit that white homeowners embraced a “defensive localism” to resist civil rights gains. Colorblind resistance to civil rights steeped in the liberal idea of property rights occurred throughout the South, North, and West (Lassiter, 2006; HoSang, 2010; Lipsitz, 2011). This political context helps to explain how school choice, a policy associated with increased liberty, grew in popularity in the 1980s and 90s. In this sense, Seattle’s efforts at desegregation echo those around the U.S. The study of desegregation and school choice in this particular context builds off of this revisionist history of racially neutral language employed in the resistance to the Civil Rights Movement.

Several scholars have focused on Seattle’s neighborhoods, schooling, and desegregation in their dissertation work, uncovering patterns of resistance by whites, the political framing of desegregation, and the effects of the Seattle Plan on the youth that participated (Pieroth, 1979; Veninga, 2005; Hehnke, 2009; Pochop, 2014; Bowman, 2015). Pochop, looking at the period from 1960-1980, argues that Seattle desegregation efforts were put forth by “pragmatic liberals

[who] use community as coded neutral language to oppose busing” (p. 53). Hehnke discusses the political discourse in desegregation debates from the 1960s through 1991. Pochop discusses the racial politics of desegregation from 1960-1980, arguing that busing helped shape liberal and conservative attitudes. This essay takes an important deviation from previous scholarship. Drawing on the relevant school choice literature, this essay sees school choice as imbricated in all stages of debate around desegregation, including before and during the Seattle Plan. This project’s focus on desegregation on the undoing of the Seattle Plan and the ensuing desegregation plan also differentiates it from past projects. Additionally, by taking on interest convergence as a framework, this project further uncovers the points of convergence and divergence among racial groups in debates on desegregation.

Seattle is a place rife with contradictions: proudly multicultural with a long history of racial conflict; politically liberal, but espousing racist structures found in other major metropolitan areas (Taylor, 1994; Thrush, 2017). The structural racism showcased in the *PICS* decision—the distinct advantages of white Seattleites over those of color—is well-documented (Dumas, 2011; Donnor, 2012). Dumas’ study of *PICS* traces the history of desegregation policy in Seattle up until the *PICS* decision. He argues that *PICS* was borne from white parents’ anger over not just what they believed was racial discrimination against whites, but also a loss of property rights when their children could not attend schools near homes they bought (Dumas, 2011). Through a cultural political economy framework, he critiques local actors for avoiding redistribution of educational goods equitably for decades (Fraser & Honneth, 2003; Dumas). Dumas’ work is incisively critical of Seattle policymakers, and deservedly so, for their adherence to policies upholding structural racism. This essay also takes on this critical framework, while

paying attention specifically to the role of choice as it relates to changing ideas of the goal of public schooling.

The *PICS* decision itself has also elicited a growing body of scholarship. Studies of districts post-*PICS* have examined public opinion in school districts after the decision, the effect of desegregation on adults from both Seattle and Louisville, the racial and economic projects at work in *PICS*s, the implementation race-neutral enrollment policies after *PICS*, and the intricacies of the macro-level Supreme Court decision (Rousseau-Anderson, 2011; Wells, Duran, & White, 2008; Donnor, 2011; Dumas, 2012; Diem, 2015). There is space, however, for more research focused on the local level of desegregation debate in Seattle to better understand the “landscape of contemporary views in which the *PICS* decision is situated” (Rousseau-Anderson, 2011). A case study on a recent voluntarily-initiated desegregation plan in South Carolina found that the loose coupling of desegregation policy between the district and federal level means that local implementation efforts are increasingly important to understand (Smith et al, 2008). Examining the local context of *PICS* offers another view of the often muted and overlooked tensions around school choice and desegregation at the local level.

Seattle’s history of anti-affirmative action legislation makes it a particularly relevant case for understanding animosity towards race-conscious policy, and how this promotion of colorblind policy manifests in school desegregation efforts. This anti-affirmative legislation, I-200, ultimately made *PICS* a viable case. Minow (2012) locates the core ideological battle in the *PICS* case: “the rejection of these voluntary [non-court-mandated] plans mirrors a political and scholarly project to equate equal protection with colorblindness, to terminate affirmative action, and to attend to white anxieties in an increasingly multi-racial nation” (p. 588). Bell (2007) morosely labels *PICS* as the “demise” of desegregation—any efforts to achieve equity for

students of color must be found somewhere else. In considering options to resist this colorblind ideology, Minow (2012) points to organization and social action. While scholars agree that *PICS* represents a preference from the Court for choice (of notably white parents) over ideals of racial equity, there is a gap in the understanding of how these debates occur on the ground in Seattle, rather than at the level of the Supreme Court. This project, therefore, explores the debates and context around *PICS* as districts nationwide must consider how to best pursue racially diverse schools in a post-*PICS* environment. By better understanding this context and ideas of school choice leading up to *PICS*, districts (both Seattle and otherwise) can better understand how to shape policy moving forward.

### **Connecting Desegregation & School Choice**

The 1954 *Brown v. Board of Education* decision determined that separate was unequal, ending the precedent that *Plessy v. Ferguson* had instated in 1896. *Brown* hinged upon a collective remaking of America's segregated schools—the decision promised to usher in desegregation nationwide, but this did not pan out in practice. However, the population of people of color in the U.S. since *Brown* has grown while school resegregation has increased and is rarely mentioned today by policymakers (Lawrence, 2005; Mickelson, 2005; Orfield & Lee, 2007; Zimmerman, 2010). Despite its complex legacy, *Brown* did not achieve lasting desegregation. This is due not in small part to the U.S. Supreme Court cases that slowly reneged on the mandatory desegregation plans promised in *Brown I* and *Brown II*. Schools today are more racially segregated than they were in the 1950s (Orfield & Lee, 2007; Wells & Frankenberg, 2007; Clotfelter, Ladd, & Vigdor, 2008). This trend of resegregation is also true for Seattle: while fewer schools are nearly all-white like in the 1950s, segregation in Seattle schools

has increased, due in large part to its lack of desegregation policy (Taylor, Anderson, & Frankenberg, 2019; Dev & Brazile, 2019).

Desegregation and school choice have been linked since the *Brown* decision. The phrase “school choice” as it is often used today (to refer mainly to charters and vouchers) has roots in Milton Friedman’s 1950s scholarship on private school tuition vouchers that he proposed (according to Friedman, coincidentally) right after the *Brown* decision (Carl, 1996; Minow, 2010). It was this original scholarship that eventually got taken up by the Cato Institute and other conservative think tanks in the 1990s to create the more recent school choice movement (Minow, 2010). School choice was a common tactic used during desegregation efforts after *Brown*, especially in the North and Midwest where segregation was labeled *de facto*, but also in the South in terms of increased private school enrollment or, in the case of Prince Edward County, Virginia, closing all of its public schools (Orfield, 1978; Fuquay, 2002; Minow, 2010). Examining choice-based desegregation policies provides alternative narratives to the “massive resistance” to civil rights reform of the South and cities like Boston, with infamously violent protests against desegregation. Often, like in Seattle, choice-based policies proved effective at limiting the potential of desegregation in a more subtle and nuanced way. Analyzing these policies helps to create a link between more recent forms of choice, like charters and tracking, and choice as a reaction to mandatory desegregation.

Several case studies have explored the ways whites used choice, overtly and inadvertently, to avoid mandatory desegregation, adding social context to the study of choice-based plans which is often lacking (Scott, 2005). For instance, controlled-choice plans and magnet schools or programs—policies that Seattle undertook—used the idea of “choice” to make plans more palatable, often to white parents (Hilbert, 2018; Wells, 1993). However, there is no

evidence that magnet plans lead to more desegregation (*PICS v. SSD*, ACLU Brief, 2007). This is a critical point—it is not that choice-based assignment is in itself necessarily malicious. However, the intent and motive behind invoking narratives of choice is whites' desire to avoid desegregation, thwarting efforts at achieving equality. Moss (2019), in exploring choice-based plans in Cambridge, MA in the 1980s, says future research needs to uncover how “experiments with choice have contributed to the ubiquity of choice in the current reform movement” (p. 319). Her study of choice-based assignment place in Cambridge argues that parents, once given the option of choice over a neighborhood school, were reticent to leave it behind and continued to push for more choice in enrollment. Kryczka (2019) also studies choice options—specifically, magnet schools in Chicago during the 1970s and 80s. He claims that whites pushed for choice and did so to preserve their own children's success. While he notes this was not a racist conspiracy, he argues that magnet schools, rather than disrupting segregation, actually worsened it. Chicago implemented their version of a mandatory plan in 1977, the same year as Seattle, but Kryczka argues this was too late, as the competition invoked through magnet school admission had already reframed the debate around desegregation. Rasmussen (2017) highlights a similar trend in New Jersey, where white parents from chose to preserve their majority-white school by using “local control” and creating a separate suburb rather than integrating their school (Rasmussen, 2017). In each of these cases, individual choice weakened the power of desegregation policy and created a more stratified public-school system.

In addition to case studies on school choice as a response to *Brown*, scholars have examined the growth of school choice from the 1980s onward. This scholarship focuses on resegregation and the marketization of public schools under choice-based enrollment. Access to school choice is rarely equally distributed, with families' access to the “marketplace” of schools

depending on their race or class advantage (Frankenberg, Siegel-Hawley & Wang, 2011). For instance, a study of an urban California school district found that white parents relied on their social networks to use school choice to their advantage inadvertently at the expense of students of color (Andrey-Bechely, 2005). Additionally, empirical studies have concluded that most school segregation today exists from whites choosing to live in majority-white neighborhoods rather than lack of effort to desegregate by schools (Rivkin, 1994; Clotfelter, 1999 as cited in Lankford & Wyckoff, 2005). White parents' preference to have their students go to school with majority white students has been found to be a dominant factor in school segregation in racially diverse metropolitan areas (Lankford & Wyckoff). Orfield's Civil Rights Project/Proyecto Derechos Civiles has produced numerous studies on how voucher programs, charters, and other choice-based policies have led to resegregation across the U.S. Choice-based assignment policies have been shown to lead to more segregation, especially when compared to traditional public-school counterparts in the case of charter schools (Hobday, Finn, & Orfield, 2009; Frankenberg, Siegel-Hawley, & Wang). The research largely agrees that school choice has negative impacts on educational equality.

This paper builds off arguments that choice-based assignment during desegregation and later trends of school choice are necessarily linked. Importantly, Scott and Holme (2016) point out through their history of market-based educational policies during the 20<sup>th</sup> century, the choice-based desegregation plans of the 1960s and 70s often accompanied growing disinvestment from urban areas and communities of color. They argue that these policies, which increased segregation and inequality in many cases, were a necessary precursor and logical antecedent to the market-based reforms of the 1990s. The increasing geographical isolation of urban students in metropolitan areas, avoidance of civil rights reform, and decreasing school funding in the

1980s and 90s created an environment where market-based reforms could thrive. Typically, these reforms called for less control from communities of color via turnaround models, educational intermediaries, and charter schools (Scott, 2013). Choice-based policies in response to earlier desegregation efforts fueled the idea that schools could be “fixed” with even more choice. This pattern of disinvestment and continued adherence to choice-based policies existed in Seattle.

This paper seeks to understand the historical origins of school choice policy in Seattle, which is relevant in light of critiques of proponents of more recent school choice policy for ignoring these origins. Chubb and Moe (1990) renewed Friedman’s 1950s voucher concept, broadening it to include other modes of individual choice, including charter schools. By injecting parental choice as an option for school attendance, they argued parents could root out the inefficient, poorly run bureaucracies in schools and allow for innovation that would act as a “panacea” to transform schools (Chubb & Moe). Choice, rather than a tool for integration policy, shifted in public discourse to a means of school improvement, typically in urban environments where racial and economic inequality had increased (Carl, 1996; Scott and Holme, 2016). However, one could not exist without the other—only because of the historical popularity of choice during desegregation did this option become increasingly popular in the 1980s and 90s. While later iterations of school choice are often race-neutral and have no intentional purposes to desegregate, they are borne from the choice-based desegregation policies of the 1960s and 70s.

In 2001, No Child Left Behind (NCLB) passed, codifying the popularity of school choice through strict accountability policies and tough consequences for “failing” schools. Parents could opt to leave “failing schools,” a policy that relied on a marketized idea of schools, where schools improve based on supply-and-demand forces (Ben-Porath & Johanek, 2019). These heightened accountability measures which invoke parental choice mean racially

segregated schools and those serving the most disenfranchised youth lose local control (Nelson, 2017). There is a body of scholarship that sees these marketized, technical solutions often proposed by some reformers and economists as overly simplistic and harmful, ignorant of the complex challenges of educating disenfranchised students (Ladd, 2012; Finnigan & Holme, 2015). This line of thinking sees school choice policies as ignoring the historical inequities that have created the “educational debt” of students of color Ladson-Billings (2006) outlines. This “debt,” or failure to provide an equitable education to disenfranchised youth, has accrued over decades, and technical solutions like inducing competition and meritocratic ideology—the “best school wins”—does not adequately account for the complexity of educational inequity. This project adopts this skeptical lens towards increased choice.

Examining political coalitions in support of school choice highlights “strange bedfellows.” An intersection of neoliberals, neoconservatives, progressives, white and Black parents, and teachers see choice as empowerment (Carl, 1996; Debray-Pelot, Lubienski & Scott, 2007; Minow, 2010). Carl (2011) explains these odd coalitions sprung up as other more collective notions of desegregation policy lost traction. He argues that school vouchers, used since the 1950s to avoid desegregation, provided an effective alternative to the “growing collectivism of public schools regulated by distant federal bureaucrats” (p. 3). Carl claims that “black and other minority advocacy of voucher programs, then, grew within a context of retreat in school desegregation” (p. 19). This provides a lens through which to understand the support of increased choice from different racial groups in Seattle. As white support for mandatory desegregation waned, minoritized families often latched onto choice as one of few remaining options in a constricted field.

### ***Framework for Analysis***

The analysis for this project draws from two frameworks: interest convergence, a tenet of critical race theory originally developed by legal scholar Derrick Bell (1980), and the purpose of public schools as imagined by David Labaree (1997). These concepts together help explain the politics of school desegregation and how these politics are raced and classed since they emerge from disparate goals that intersect with racial and class advantage and disadvantage.

Labaree (1997) conceptualizes that public schools in America are often criticized because of a lack of consensus on what these schools are meant to accomplish. He argues three distinct goals exist for public schools: democratic equality (focusing on preparing citizens), social efficiency (preparing workers), and social mobility (preparing individuals for social gain) (Labaree). These goals are fundamentally political, as they determine public schools' function in society. The tension he locates between democratic equality and social mobility is particularly relevant to this project as it frames the debate between school desegregation and school choice. In Seattle, as in other cities in the 1970s, policymakers used school choice as a mechanism to desegregate schools. Magnet programs, tracking, and enrollment zones coupled with choice-based assignments were all key parts of Seattle's desegregation, even in the "mandatory" plan Seattle enacted in 1977. Residential choice was also a powerful tool typically used by white parents to seek "better" schools which were often whiter in the Seattle suburbs. The concepts of social mobility and democratic equality play out in the debate over whether and how to desegregate Seattle public schools. Those who advocated for desegregation argued that the purpose of schools was to prepare citizens and focused on what schools did for the collective, public good. On the other hand, those who argued for school choice argued the purpose of schools was to prepare individuals for personal gain, thereby promoting the private, individual good of schools.

This frame highlights a tension in public schooling between freedom and equality, the individual and the collective (Labaree, 1997; Tyack, 2003; Carl, 2011; Kryczka, 2019). In this sense, Labaree explains that, at different times throughout history, democratic equality and social mobility have ascended in prominence. The 1960s and 1970s saw a strong movement toward democratic equality in Seattle and nationwide. This was quickly followed, however, by the rise of social mobility, typically in the form of white backlash, either in overt protest or whites seeking a “monocultural neighborhood” or gifted program to enhance their child’s social mobility. Social mobility has “emerged as the most influential factor in American education” and that education as a private good for one’s own gain has had negative effects on the public-school system, namely inequality (Labaree, p. 43). Even many Black activist groups and parents moved away from desegregation as a goal. Carl (2011) notes that this shift in the 1980s by many Black parents occurred once the reality of democratic equality had been constricted by the rise of choice-based assignment policies.

Hochschild and Scovronick (2003) posit that it is rational to assume individuals will pursue their self-interest, so fostering collective policy goals are the work of public officials. However, public officials moved increasingly towards policies fostering social mobility in Seattle, often in response to white interests. As social mobility gained prominence throughout the 1980s and 1990s, ideas of loss and gain in enrollment policy came to the forefront in Seattle—parents and students “choose” schools, in part, to gain something and sometimes imagine that if another student gains, it is at their child’s expense (Allen, 2004). This anxiety over loss and gain is at the center of *PICS* and the debates over desegregation in Seattle preceding *PICS*. This essay explores these tensions between the collective and the individual goals of desegregation and school choice that surface in Seattle.

Interest convergence adds a critical race dimension to the democratic equality vs. social mobility framework. Labaree (1997) notes that the pursuit of social mobility necessarily creates conflict because public-school resources are distributed unequally. Additionally, he argues this desire for competitive advantage comes more so from “elite parents that see the most to gain from the special distinctions offered by a stratified educational system” (p. 54). Interest convergence helps explain why the pursuit of collective goals is often stunted, and why the pursuit of individual goals is not a race-neutral concept. In examining the roots of *Brown v. Board of Education* to better understand its unfulfilled promise, Bell (1980) put forth the theory of interest convergence as part of critical race theory (CRT), explaining that *Brown* was only passed because its goals of desegregation converged with white interests at the time, namely improving America’s image as a democracy during the Cold War. In this sense, goals of democratic equality or social mobility are only achieved when whites see those goals in their own best interest. Within an inherently unequal system where whites benefit from racial advantage, individual choice necessarily maps out onto this power dynamic. While the goal of social mobility and individual choice is not inherently racist, it tends significantly towards inequality. Interest convergence explains how these pursuits for equality so often still prioritize white interests within an unequal racial hierarchy. Moreover, choice prioritizes white interests while making claims of racism more difficult to substantiate because of its race-neutral quality. In applying this racial literacy frame, this project undoes this race-neutrality, substantiating claims on how race operates.

The interest convergence lens can further apply to understanding why interests of different groups converge and diverge and their significance. Guinier (2004) furthers the interest convergence frame by focusing on Bell’s distinction between elite and poor whites’ experience

of *Brown*, naming it “interest divergence.” Wealthier whites often reacted to this anxiety by moving, while middle and lower-class whites, unable to tap into the resource of residential mobility, protested and advocated for increased choice. Elite whites could always “escape” the hold of *Brown* through choice: residential mobility and private schools. Therefore, *Brown* erased important class and geographical distinctions in order to privilege elite whites, pitting poor blacks and whites against each other in a fight for resources in public schools (Guinier, 2004). Understanding interest divergences illuminates tensions in desegregation debates often overlooked.

Guinier (2004) also draws a distinction between racial liberalism and racial literacy in order to examine interest convergences and divergences. Racial liberalism, according to Guinier, focuses on eradicating individual prejudice. This racial liberalism frame, utilized in *Brown*, focuses on eradicating personal stigma of racially segregated schools, rather than broader, systemic manifestations of white supremacy that fueled segregation in the first place. To move beyond the frame of racial liberalism, Guinier suggests more understanding around interest convergence and divergence to “make legible racism’s ever-shifting yet ever-present structure” (p. 100). To analyze this structure, Guinier suggests “racial literacy,” or “the capacity to decipher the durable racial grammar that structures racialized hierarchies and frames the narrative of our republic” (p. 100). Guinier’s concept of “racial literacy,” rather than racial liberalism, disentangles some of the reified boundaries that limit analysis of desegregation politics. This project follows this racial literacy frame in that does not confuse desegregation as a simple goal unto itself. Rather, the study of desegregation in Seattle is a way to understand the interest convergences and divergences that existed throughout the period of desegregation up through *PICS*. In doing so, this project explicates the many tensions in debates over desegregation in a

multi-racial, multi-class context to understand a case of conflict over educational goals and structural racism, and resistance to it, more deeply.

Through this framework, this case study contributes to analyses of the formation of race in the Pacific Northwest. As a result, it contributes to a growing body of scholarship on racial formation in the West which “historicizes the process of racialization” in the West as distinct from that in other regions of the United States (Beadie, Williamson-Lott et al., 2016; 2017). In particular, this essay helps destabilize the idea the Western U.S. is exceptional in its treatment of racial minorities when compared to the South (Beadie & Williamson-Lott, 2016). Additionally, it explores the struggles over equality in multiracial cities with a significant white population. Consequently, the project helps destabilize the meaning of often universalized phrases like equality and choice in the particular context of Seattle. The interest convergences and divergences around democratic equality and social mobility explain how white interests, framed in race-neutral terms, ultimately superseded the goal of equality sought through stilted attempts at desegregation.

### **Part I: The Deep Roots of School Segregation in Seattle**

While Seattle maintains a reputation for liberal tendencies and an embrace of equality, the pervasive discrimination in the job and housing market and in schools depicts a different story. Instead, Seattle must be understood as a place often hostile to the interests of its multiracial community compared to whites. This history contextualizes the difficulties in achieving school desegregation, including the question of who has opportunity and choice in schooling and who does not. This past makes Seattle a case ripe for complexity in desegregation: rather than a Black and white issue, desegregation focused on Blacks and whites, but included many racial groups. Taylor (1994) points out that, in contrast to other major American cities, the multiracial quality

of Seattle lent itself to competition between people of color for housing and jobs, coupled with racism. Therefore, while Asian-Americans, Blacks, Latinos, and indigenous people often faced similar challenges, they did not represent a consistently united, collective coalition.

While this section offers only an overview of a decades of Seattle history, it highlights events that characterize Seattle's racial politics. For instance, Seattle's development as a city coincided with increasing hostility towards indigenous people that led to laws around interracial mixing. Tensions over this interracial mixing were codified in the 1855 Color Act and the Marriage Act of 1866, which voided existing Indian-white marriages and outlawed future ones (Thrush, 2007). Furthermore, the 1866 Legitimacy Act made it illegal for mixed-race children to receive their father's inheritance if white children existed from a previous marriage (Thrush, 2007). This policing of racial interaction had implications for the city's development as an increasingly white-dominated space. Similar racist policies targeted Chinese immigrants in the interest of whites. Anti-Chinese sentiment bubbled over as more Chinese immigrants came to Seattle in search of work. In 1885, white workers in Seattle began to organize around anti-Chinese feelings and attempted to force the Chinese out of Seattle (Karlin, 1948). In 1886, members of the majority-white Knights of Labor union and unemployed whites entered Chinatown and forcibly removed Chinese people from their homes, marching them to board a ship to be deported to China (Karlin, 1948; Taylor, 1994; Lee, 2010).

The laws governing indigenous people and the labor clashes with Chinese immigrants demonstrate the salience and power of whiteness in Seattle. These events call into question Seattle's harmonious multiracial character that were referenced in desegregation battles. In later decades, while Black and Latino people migrated to Seattle, a racial order privileging whites was already in place. So, while Seattle is unique in comparison to other major metropolitan areas in

its large proportion of whites, it is not unique in its formation of a rigid racial order. Therefore, in examining the deterioration of desegregation policy, it is important to understand that the environment in which desegregation was considered was not racially neutral. Therefore, the race-neutral claims of increased choice and freedom must be interred to better understand the racial dynamics at play.

### ***Neighborhood Segregation in Seattle***

Much of the focus on school segregation is inherently tied to residential segregation; neighborhood schools, the predominant mode of schooling until *Brown*, tied schools to students' neighborhoods. This pattern of residential segregation Seattle's early development demonstrates that the school segregation that resulted from segregated neighborhoods was not neutral. That is to say, residential segregation was intentionally crafted by whites. The pattern of disinvestment in neighborhoods like the International District and the Central District (predominantly Asian-American and Black, respectively) demonstrate that Seattle's racial politics, while far from the South, followed a distinct racial hierarchy. Understanding this residential segregation characterizes the political environment in which desegregation efforts were undertaken—one in which laws and policies codified racial stratification.

The early history of Seattle demonstrates its white population's hostility towards indigenous people and Asian-American immigrants. As Black migration increased westward in the 1880s, the Black population grew substantially enough that public officials and real estate investors began to create laws and policies that policed the boundaries of Black settlement. Restrictive housing covenants, a common practice in the 1930s onward in Seattle, codified informal practices of sequestering Blacks in certain neighborhoods (Davis, 2005). These covenants, written into housing deeds, excluded anyone but a white person from buying homes

in most neighborhoods in Seattle, excluding the Central and International District. While these covenants became illegal in 1948, Seattle's open housing ordinance was not passed until 1968 and was unofficially enforced throughout the 1970s ("Seattle segregation maps," n.d.).

Redlining created racially segregated neighborhoods in Seattle that directly relate to school segregation. Between 1948 and 1968, Seattle had "voluntary agreements" between homeowners and realtors to exclude Black people from certain neighborhoods and remove those who had already purchased homes (Taylor, 1994). These settlement patterns, along with legally protected racially exclusive housing deeds, created residential segregation in Seattle. The same redlining—the intentional drawing of districts to exclude minoritized racial groups from white neighborhoods—applied to Asian Americans ("Interactive map of race," n.d.). Real estate agents, landlords, white property owners, and neighborhood associations enforced these covenants, often using the race-neutral language of individual rights to promote a racist policy. For instance, in response to pushes for open housing realtors published pamphlets with the words "Personal Freedom" and "Your Rights Are at Stake" featured prominently (Silva, 2009). Choice-based desegregation policies rely on a similar adherence to individual rights as opposition to civil rights legislation.

In the face of systematic segregation and limiting of opportunity, the power of Black activists also grew significantly as more Black residents settled in Seattle. From 1940 to 1950, the number of Black Seattle residents grew from just over 3,500 to more than 15,000 and grew by more than 10,000 by 1960, ultimately making them the largest racial group other than whites for the first time (Schmid & McVey, 1964). This rapid rise in the Black population helps explain the urgency of the desegregation movement in the 1960s. The NAACP and Urban League also expanded during WWII in their advocacy for justice for Blacks, particularly concerning access to

jobs, as the population boomed (Taylor, 1994). This growing coalition of Blacks was crucial to the push for school desegregation policy.

Segregated schools were the product of systematized housing and neighborhood segregation. Due to the codified nature of segregation and the smaller Black population, whites in Seattle could go about their daily lives without ever interacting with a Black person (Singler et al., 2011). Seattle did not have the apartheid-style laws and practices of the South, but the systematic segregation of Blacks and multi-ethnic Asians and ensuing school segregation was a product of purposeful policy. While Seattle had more of a liberal sheen than the South, the reliance on individual rights as a middle path through massive resistance and adopting civil rights legislation is similar. Additionally, this attachment to “individual rights” in the face of civil rights reform shows the roots of anti-desegregation protests. While those advocating for individual choice in enrollment policy often claimed racial innocence, this history helps substantiate that that is not the case. The following section explores the initial efforts Seattle policymakers took to desegregate and the ways individual choice played into these efforts.

## **Part II: The Tension Between Voluntary and Mandatory Desegregation, 1963-1976**

Seattle’s school desegregation efforts can be conceptualized as two connected but distinct efforts. First, in 1963, the district tried voluntary desegregation and a later mandatory desegregation policy among a few of its middle schools. The second push was in the mid-1970s, which culminated in the 1977 Seattle Plan which included mandatory assignment policies. The following two sections focus on this first phase of desegregation, highlighting the School Board’s initial adherence to choice-based, voluntary desegregation and the ensuing white protests over the mandatory Middle School Plan. Individual choice-based assignment was first created as a way to address desegregation without having a cohesive, mandatory districtwide

policy. The support for choice-based assignment among whites and their protest of mandatory plans highlights the way choice offered a race-neutral alternative to mandatory desegregation. While mandatory desegregation was an early, consistent desire for most Black activists, whites remained largely opposed to changing their enrollment patterns for the sake of equality. This section also explores the interest convergences and divergences that arose between different racial groups as they grappled with the best way to achieve educational quality for their children. Rather than falling along strict racial binaries between people of color and whites, or even among racial groups, significant conflict existed within racial groups. This tension between mandatory and voluntary policies can be understood as a tension between democratic equality and social mobility at the onset of desegregation policy. White families largely did not opt into the voluntary desegregation policy, as the collective goal of equality was less important and relevant to them.

### ***The Beginning of Desegregation and Choice: 1963-1968***

Like many districts across the U.S., Seattle did not consider integration in its school policy until the 1960s and introduced a voluntary plan only after the threat of legal action. Districts in the South, in response to court orders to desegregate, leaned on choice in desegregation policies to evade desegregation, whether by closing schools or opening private schools (Fuquay, 2002; Minow, 2010). Districts outside of the South ignored desegregation orders in many cases until sued and pursued other means to offer whites options to stay segregated, like creatively drawing district lines and investing heavily in suburban development (Dougherty, 2010; Erickson, 2016; Garcia, 2018). In Seattle, policymakers responded to pressure from civil rights organizations, church councils, and Black parents to address desegregation. The NAACP, ACLU, and other civil rights organizations such as Civic Unity Committee, the Seattle

Urban League, Christian Friends for Racial Equity, the Congress of Racial Equality (CORE), and the Central Area Civil Rights Committee (CACRC) ramped up civil rights advocacy efforts beginning in the 1950s and throughout the 1960s related to fair housing, employment, and school desegregation (See Appendix 1 for list of organization abbreviations). Efforts by these groups led the Seattle School Board to begin negotiations about desegregation in the 1960s, especially towards the end of the decade as more radical politics entered the arena and violence escalated, both in Seattle and nationally.

Seattle's first desegregation policy was choice-based, relying wholly on parents and students voluntarily choosing to attend schools outside of their district. This initial attempt at desegregation demonstrates the strong hold racial hierarchy had within the city. The voluntary nature of the policy made desegregation politically viable because it allowed white parents to opt out, while also ensuring that desegregation was never widespread, equitable, or successful. Choice-based assignment effectively meant that desegregation policy only applied to students of color. In 1963, the School Board enacted this initial program, called the Voluntary Racial Transfer (VRT) program, after the NAACP sued the Seattle school district in 1962 for its lack of school desegregation efforts (Siqueland, 1981). VRT was an open enrollment plan, meaning all schools in the city were open to all students. Ironically, this same type of plan would be enacted almost thirty years later in response to resistance to busing. The Board emphasized that voluntary desegregation allowed parents to choose different schools for their children, one of those options being access to a neighborhood school (School Board policies, 1965). The most important part of this plan, which was reiterated several times in the policy, is that no family would be required to transfer their child to a different school—that desegregation was optional, and parents could choose to participate if they desired.

Because it was voluntary, VRT affected only a small number of students, and exposed tensions in enacting desegregation policy that would long fester. The “voluntary” part of the plan meant the burden of desegregation was placed on Black students, while white parents remained hostile to the idea of mandatory or “imposed” desegregation. The initial year of VRT in 1963 included only 252 students total, with most of these students being Black (Statement by the Seattle School Board, 1963). Only small percentage of whites participated in the program. This imbalance in participation was further exacerbated by the School Board’s focus on ensuring the Central Area schools were not majority-Black, rather than addressing the majority-white schools on the North side of Seattle (Intergroup Relations Department, 1967). The Board noted that racial imbalance was a serious issue only in majority-Black schools, but made no mention of white, Asian-American, or Latino students.

The battle between voluntary and mandatory measures in desegregation continued as VRT proved unsuccessful at desegregating schools. What VRT did reveal, however, was that white Seattleites would not voluntarily desegregate. As a response to the failed policy, the Urban League proposed the Triad Plan to the School Board in 1964, which involved district-wide, mandatory assignments (Siqueland, 1981). The plan moved groups of both white and Black students, rather than individuals, in efforts to preserve Black community. Racially segregated schools would form triads and swap sections of their student bodies to achieve racial balance. The School Board ultimately rejected this plan because the Board “felt the city was not ready for mandatory desegregation efforts” (Siqueland, 1981, p. 12). In response to the School Board’s rejection of the Triad Plan, CORE and CACRC organized a school boycott (Singler et al., 2011). Community leaders, both Black and white, set up Freedom Schools for students to attend instead of their district school. The boycott proved successful in that the Board agreed to provide

funding for VRT busing (Singler et al.). However, VRT was not significantly expanded upon otherwise, nor where there any mention of widening it to include mandatory elements.

The Freedom Schools are an example of the variations on choice that existed within desegregation reform. While civil rights groups, parents, and students exercised freedom of choice in attending Freedom Schools over their traditional schools, this represents a collective choice in search of democratic equality. CORE and CACRC democratically organized against what they saw as a problem in current schooling. This importantly differs from the individual choice seen with a program like VRT, where white parents individually chose to keep their children at neighborhood schools. While Blacks (and whites, also members of CORE) The sought redistributed power to influence schools and equitable access to quality schools, whites sought individual advantage and maintenance of an inequitable school system.

By the late 1960s, the political environment in Seattle had shifted. With more visible civil rights resistance taking place, it became increasingly clear that the School Board would have to address its thus far unsuccessful VRT plan. While white Seattleites had largely seen themselves as separate from the racial strife exploding in other areas of the country, Black activists made it clear that Seattle was not all that different (Taylor, 1994). The School Board noted, while discussing VRT, a “growing call of self-determination in the Negro community. This is manifested in a resistance to being manipulated by the ‘establishment’ and in many Negro youth a rejection of the idea that ‘if it is white it is good’” (“Statement by the Seattle School Board”, 1963). While this recognition is not encapsulated in the plan itself as an official policy, it foretells divisions among the best way to approach desegregation. In 1967, Black Power advocate and Black Panther Stokely Carmichael spoke at UW and Garfield High School in the Central District to an audience of 4,000 people (Taylor, 1994). After this meeting, a Seattle

branch of the Student Non-Violent Coordinating Committee (SNCC) formed, as did a Seattle Black Panther Party chapter (Santos & Iwomoto, 2015). A year later, a student sit-in at Franklin High School drew attention after the principal suspended two Black students for wearing their hair in Afros (Santos & Iwomoto). Carmichael and other national and local Black leaders galvanized young Blacks to take up more radical measures and pursue community control rather than desegregation. Gradually, the Black Power movement gained traction with more Black Seattleites (Taylor, 1994). CORE, an interracial organization in strong support of desegregation, adopted a Black Power stance (Singler et al., 2011). The arrival of Black radical politics put in stark relief that, while Seattle claimed to be progressive, it still economically depressed and segregated its minoritized communities like other major American cities.

Desegregation in Seattle was addressed only after activists and community leaders advocated for change through increasingly public measures. The threatened NAACP lawsuit, Triad Plan proposal, Freedom Schools, and Black Power politics all made it clear that voluntary policies did lead to adequate and equitable desegregation. In the balance between democratic equality and social mobility, civil rights activists and Black parents drew attention to the unequal status of Seattle public schools, encouraging public officials to take their claims seriously and take up goals furthering democratic equality and the collective good. However, despite this changing political environment, white parents' attachment to individual choice still prevailed as an influential factor in determinations on desegregation policy. The following section will address the first attempt at mandatory desegregation undertaken by the Board and the intense backlash the plan faced because of the lack of choice.

### ***The Mandatory Middle School Plan and Backlash, 1968-1972***

The 1970s marked a shift in the embrace of civil rights reforms, including school desegregation, even as many of these efforts had begun in earnest only in the previous decade. Northern and western members of the House of Representatives increasingly began to resist desegregation like their Southern counterparts, bolstered by Nixon's rhetoric that criticized mandatory desegregation and supported so-called "freedom of choice" plans (Saatcioglu & Carl). The federal government created the Magnet Schools Assistance Program (MSAP) in 1972 to support the development of "freedom of choice" and magnet programs, demonstrating a federal commitment to options other than mandatory desegregation (Saatcioglu & Carl, 2011). A review of this program found that schools "experienced mixed results in reducing racial segregation and isolation" and districts overall had even more limited results (*PICS v. SSD*, 2007). This lack of success points to the difficulty of desegregating with individual choice-based policies. However, despite this increasingly hostile attitude towards civil rights reforms, much of the "spirit of reform" carried over from the 1960s, as did many programs from the War on Poverty era (Saatcioglu & Carl, 2011).

As for the judicial branch, three court cases embraced the "spirit of reform" of the 1960s. In 1968, *Green v. County School Board of Kent County* maintained that voluntary desegregation—school choice alone—was not sufficient in reversing segregation and when necessary, districts could alter attendance zones (*Green v. County School Board*, 1968; Wells, 1993). In 1971, *Swann* established that busing could be used to remedy segregation, even in districts with *de facto* rather than *de jure* segregation (*Swann v. Charlotte-Mecklenburg Board of Education*, 1971). Finally, *Keyes* in 1973 decided that segregated schools are housing segregation are linked, and therefore desegregation efforts should encompass the entire district as a result (*Keyes v. School District No. 1*, Denver, Colorado, 1972). However, *Milliken v. Bradley*

decided a year later said that suburbs could not be included in efforts to desegregate in urban districts (*Milliken v. Bradley*, 1974). So, local districts received mixed and often contradictory messages about what was the best path forward in terms of desegregation. In one vein, *Swann*, *Green*, and *Keyes* all reiterated that school districts had a responsibility to desegregate regardless of how difficult it seemed to do so and even if mandatory measures were required. In another, *Milliken* put a limit on how far these measures could go in terms of integrating urban and suburban areas.

Within this somewhat convoluted national context, the Seattle School Board attempted to strike a balance between choice and mandatory measures in its desegregation policy. Inherent in this balance was appeasing civil rights activists while also maintaining what was often referred to as “order” or “stability” by avoiding white protests that had occurred in other cities. The School Board hoped to forge a middle path between its previous voluntary plans and a federal court order that would wrest local control from the district and potentially invoke anger and unrest from whites. This sought-after balance came in the form of the Middle School Plan, which surfaced tensions within the Black community and across minoritized groups. The Plan involved mandatory busing between middle schools in the Central District and a few in the North side (Siqueland, 1981). This plan was meant to be a limited, first phase of a broader effort to desegregate the whole city.

The growing activism of the late 1960s prompted more direct involvement of civil rights activists in school policy, which also brought conflict. The School Board formed the Central Area School Council (CASC) in 1969 to report to the School Board on ways to improve Central District (or Area) schools (Siqueland, 1981; Taylor, 1994). This Council proved to be crucial in pushing for mandatory desegregation policy, but also faced opposition—both for being too

radical and not radical enough. Taylor describes the tensions between Black activist groups, particularly more centrist groups like CASC and more leftist groups like the Black Power movement. The Black Power movement got 2000 signatures to oppose CASC for not supporting a more radical desegregation plan (Pochop, 2014; Williams, 1972). On the other hand, the NAACP and CACRC also attacked CASC for their stance that Central District schools should be controlled by those living in the Central District, also known as community control, arguing that it was *too* radical (Pochop). In this sense, civil rights groups did not represent a unified front. This lack of unification, while allowing for an important debate over the motivating factors to desegregate, made it difficult for Blacks to push a cohesive request to the School Board.

Civil rights reform was active in other ways in Seattle that were not directly tied to desegregation but contributed to the overall “spirit of reform” in the city. El Centro de La Raza, a Latinx community center and hub of activism, was created in 1972, after a group of activists led by Roberto Maestas, a Franklin High School teacher, occupied the Beacon Hill School (“Roberto Maestas,” n.d). Maestas also created the South Seattle Community Center for Adult Basic Education (“Roberto Maestas”). Latinx activism at UW also increased during the 1960s and 1970s (“Roberto Maestas;” Gordon, 2015). While these efforts were more focused on organizing farm workers in eastern Washington than on local desegregation efforts, they contributed to an overall mood of reform in the city. These efforts also highlight the central role schools and education played in activism. The lack of information on Latinx involvement in desegregation potentially indicates a lack of involvement, likely because Latinx populations were higher in the Yakima valley in comparison to Seattle. At the very least, the lack of information highlights a potential missed opportunity concerning coalition-building across races, and the diverse, multiracial character of the Civil Rights Movement at the time.

In response to CASC's power, whites and Asians of different ethnicities sought their own councils. These councils demonstrate the fragmented nature of multiracial Seattle, as desegregation remained largely a Black concern. Like the disagreements within the Black community, the disparate views of these councils ultimately made it more difficult to garner widespread support for desegregation. The Franklin School Council (mostly Black and Asian), Cleveland School Council (mostly Asian), and the Lincoln School Council (mostly white) all disagreed with CASC's push for mandatory desegregation, while the Franklin and Cleveland School Councils were more open to desegregation in general (Pochop, 2014). However, they also focused more so on the needs of their student body of mainly new immigrants—English language instruction and culturally-relevant curriculum (Pochop). Additionally, the Cleveland School Council objected to Black migration into schools, and worried about the middle-class Asians leaving the neighborhood (“Elections set for school advisory councils”, as cited in Pochop). Meanwhile, Roosevelt, Magnolia, and West Seattle used the councils to oppose busing and support protests to the Middle School Plan (Trepanier & West Seattle Council, 1971 as cited in Pochop). With most of the councils being majority-white and aligned on opposition to desegregation, they represented a powerful force against the diverging interests of the other multiracial councils.

In addition to increased grassroots activism, albeit divided, the Middle School Plan was motivated by informal intervention by the Office of the Superintendent of Public Instruction (OSPI) at the state level, which was closely monitoring the violence and massive resistance in other cities in response to school desegregation. Warren Burton of OSPI wrote directly to Ed Palmason, then head of the School Board, in February of 1970 to highlight that *de facto* segregated schools could still be ordered federally to desegregate, but that “every effort should

be made to retain the white population and promote stabilization in desegregated-integrated school situations” (Burton, 1970, Feb. 13). Burton’s urging of Seattle to act highlights the state’s fear of federal censure and potential lawsuits regarding segregation. The letter also demonstrates that white approval and maintaining order were primary interests of the state and the School Board. The prescription for achieving both of these was increasing choice, despite the failure of VRT to desegregate Seattle schools. Therefore, the state recognized that wide-scale desegregation was necessary, and that promoting such a plan would need to involve elements of choice if whites were to stay in the school district and order was to be maintained.

In 1970, in response to concerted efforts by civil rights groups and pressure from OSPI, the School Board enacted the Middle School Desegregation Plan, the first mandatory plan, albeit limited to only a few schools. Technically, the plan was voluntary with a mandatory back-up option, meaning parents could choose to desegregate, but if this did not occur, the district could institute a mandatory enrollment policy. This plan paired students at segregated middle schools in the Central District with those in North Seattle, therefore only affecting a small number of students and focused mainly on making majority-Black schools less Black. The School Board noted that this plan was gradual, but that the long-term plan was to integrate all grade levels, although there was no plan in how to transition from the Middle School Plan to full desegregation.

The Middle School Plan was met with intense backlash from the community from both Blacks and whites, either for going too far or not going far enough. The Black Panthers, diverging from more moderate groups like the CACRC, opposed the plan because of fear of the burden it would put on Black families to bus their children at disproportionate rates out of the Central District (Taylor, 1994). Meanwhile, whites mobilized in intense opposition to the

mandatory component of the plan. Citizens Against Mandatory Busing (CAMB) filed a lawsuit which led to a 1971 resolution for a one-year delay in implementation. CAMB used discourse like “freedom of choice” to remain race-neutral, but also voiced complaints about “black influence” on their children, indicating that their resistance was indeed raced (Dunphy, 1970, F3 as cited in Pochop, 2014).

In the face of CAMB’s opposition, the Board voted to delay further discussion of desegregation (Siqueland, 1981, p. 15). Alfred Cowles, the first and only Black Board member at the time, voted to delay, stating that the Middle School Plan’s inclusion of Eckstein Middle School in the Roosevelt neighborhood would further anger CAMB, who drew many members from this neighborhood (Siqueland, 1981). Instead, the Board returned to VRT as a politically neutral way to continue to pursue desegregation in theory. In an interview with *The Seattle Times*, Cowles explained that pursuing the Middle School Plan “would only serve to jeopardize desegregation by inflaming the public” (Siqueland, 1981). The “public” that Cowles refers to here is whites. Their resistance effectively halted desegregation efforts.

CAMB’s resistance also caused major changes in the political landscape, despite the failure of the lawsuit. The State Supreme Court reversed the one-year delay and ultimately allowed the plan to go forward at the beginning of the 1972 school year. However, after the lawsuit failed to gain traction, CAMB filed a petition to recall the Board members who had voted for the Middle School Plan (Pochop, 2014). Cowles and Superintendent Bottomly both resigned after the failed recall vote, pushed out by CAMB’s resistance (Siqueland, 1981; Angelos, 1973a; Angelos, 1973b; “Cowles Quit School Board,” 1973, as cited in Pochop). The Board also eradicated the neighborhood school councils because they had become markedly political and anti-busing (Angelos, 1972; Pochop). While CAMB’s resistance represented only a fraction of

Seattle's white population, it garnered the requisite attention and fear that whites would abandon the public schools to encourage dramatic changes by the School Board. CAMB refused to support a race-conscious, mandatory plan that undermined their interests, even though the battle was described as one regarding individual rights and choice. Seattle's first experiment with mandatory desegregation had failed, due much in part to the intense opposition posed by whites

The political environment continued to shift, demonstrating the difficulty the Board faced in pursuing desegregation without choice. During the Middle School Plan's rise and fall, the School Board also faced significant financial woes. The school levies failed to pass in both 1973 and 1975 (Siqueland, 1981). While it is difficult to determine the precise connection between the end of the failed levies and the School Board's approach to desegregation policy, the timing of the failure followed very closely on the heels to enact the Middle School Plan. This put pressure on the School Board members, who were dependent on school levies as a sign of support for their agenda and as funding for the schools. As whites represented much of the tax base in Seattle, appealing to their desires for choice-based assignment was crucial the Board's viability. While the Middle School Plan affected a very limited number of schools, the white backlash from the plan ensured that from 1972 until 1977, no further mandatory effort to desegregate Seattle schools was enacted by the Board.

This debate over community control in the early 1970s demonstrates the several interest divergences at play within Seattle's multiracial population. While CASC struggled to unite various factions of civil rights activists, they represented a powerful coalition that ultimately demanded to be taken seriously by the School Board. The often-divided resistance to segregated schooling within and across minoritized groups exemplifies the difficulty in uniting a diverse population of people of color. However, in terms of democratic equality and social mobility,

CASC, CARC, and Black Power activists were all concerned with equality and the collective fate of Black children in Seattle. They differed in their strategies for confronting an at best indifferent and at worst hostile white population. Ultimately, these divisions contributed to CAMB's ability to halt efforts towards desegregation.

Grassroots activism by whites used choice as way to preserve their social mobility, rather than be "forced" to desegregate. This resistance helped the anti-desegregation movement gather momentum and led the School Board to eradicate the school councils and pause their efforts altogether. The School Board's dissolved the councils to stop them from publicly disavowing desegregation. However, the fact that the Board needed to take such action demonstrates the power of white influence; white parents were able to shift the debate in their favor, effectively removing Moberly, Cowles, and the very mode of resistance that had been effective for Black parents. This white coalition-building around choice illuminates its roles in the tension between democratic equality and social mobility. Similar to Southern metropolitan areas in the South and in California, some of the most effective protests against civil rights legislation did not come from the halls of power but from grassroots activism by white parents (Lassiter, 2006; HoSang, 2010). And one effective tool in this protest was utilizing race-neutral claims of individual choice. This initial brush with desegregation policy gave traction to the idea of school choice—that choosing a neighborhood came with a certain school, and policies that disrupted this were unfair. Moreover, CAMB's resistance aligns with the goal of social mobility—wanting white students to stay at "their" schools in neighborhoods where they had chosen to live, rather than be forced to move their children to create more equal, desegregated schools.

### **Part III: Establishing and Undoing the Collective Goal of Equality, 1976-1987**

A decade of desegregation efforts demonstrated the political liabilities that came from choice-based policies like VRT and mandatory ones like the Middle School Plan. The Board's willingness to adopt a mandatory policy represents a considerable shift from these policies, which were limited in their reach and never truly implemented district-wide. How did the Seattle Plan pass just a few years later? This section answers this question by highlighting the backlash to a brief effort for yet another voluntary plan, the Magnet Plan, and the ensuing combination of the threat of legal pressure, pressure from the state and federal government, and a more unified contingent of civil rights activists that led to the Seattle Plan. Additionally, this section claims that a unique coalition existed to bring the 1977 plan forth, including converging interests with elite whites. To this end, this section outlines the interest convergences and divergences present between and within racial groups, highlighting some of the difficulties that arose when building coalitions for and against desegregation. Finally, this section claims that the inclusion of choice-based assignment in the mostly mandatory Seattle Plan demonstrates that whites could use choice and work-arounds to avoid desegregation. Again, choice-based assignment acted as means for whites to retain social mobility rather than pursue equal, desegregated schools.

### ***The Magnet Plan, 1976***

The voluntary nature of Seattle's desegregation plan remained the central issue of desegregation debates reignited by increased activism, with civil rights groups being staunchly opposed to the choice-based assignment plan. Before the Magnet Plan was proposed, pressure had been mounting for the School Board to reopen discussions on desegregation. In the mid-1970s, CASC began discouraging Black students from participating in the VRT, drawing attention to the disproportionate number of Black students taking part in the program in comparison to white students (Siqueland, 1981). The Church Council of Greater Seattle also

wrote a letter to the Board in 1976, urging them to adopt a mandatory plan to get equal participation in desegregation from white families (Siqueland).

Reignited efforts toward desegregation after the disastrous Middle School Plan were largely driven by the steady activism of a cross-racial coalition. While VRT and the Middle School Plan relied on some input from other organizations, the effort to push the School Board to reconsider the Magnet Plan and eventually adopt the Seattle Plan included several community groups. In comparison to the more divided efforts behind the Middle School Plan, this later push represented a collective effort that was unified in its push for race-conscious, mandatory policy, acknowledging the severe limitations of choice-based assignment plans (Siqueland, 1981; Pochop, 2014). The Urban League, the NAACP, the ACLU, CASC, the Church Council of Greater Seattle, the People Power Coalition, Coalition for Quality Integrated Education (CQIE), the Seattle Teachers Association, the American Friends Service Committee, the League of Women Voters, the Japanese-American Citizens League, and the Asian American Education Association (AAEA) (Siqueland; Pochop). The District-wide Advisory Committee on Desegregation (DWAC), a multiracial citizens' group with representatives from most of these groups, also worked directly with the Superintendent and School Board. Unlike CASC, DWAC drew members from a variety of community organizations representing multiple racial groups.

This broad coalition of actors represented by DWAC highlights a difference in comparison to past plans. Arlene Oki, the co-chair of DWAC and a Japanese member of the Committee for Southeast Seattle Schools and CQIE, helped recruit Asian community members to the cause of desegregation (Siqueland, 1981). AAEA, a pan-Asian, group signed on to the letter the NAACP and ACLU would eventually file with the Office of Civil Rights, providing a key lever of multi-racial support (Siqueland). While many Asians remained reticent to join in

desegregation discussions, their involvement in the push for the Seattle Plan was much more pro-mandatory desegregation when compared to the Franklin School Council during the Middle School Plan. DWAC was able to present a united front of civil rights groups that had not existed during other plans. Additionally, their close connection to the Board ensured that their demands were taken seriously. DWAC represented a convergence of interests around the goal of mandatory desegregation. Their success points to the importance of multiracial coalitions in Seattle, a city with a large majority of white people in its population.

Despite the inputs from civil rights groups, David Moberly, the superintendent hired after Bottomly's resignation, wanted Seattle to keep a choice-based plan. To address the economic concerns the Board faced after the failed levies, Moberly brought in the Municipal League of Seattle and the Seattle Chamber of Commerce into desegregation discussions, both of which had not been previously involved in planning (Siqueland, 1981; Pochop, 2014). Under the guidance of the business and civic groups he brought into the fold, Moberly proposed the Magnet Plan in 1976, a voluntary plan which included several within-school magnet programs across the district to incentivize parents to desegregate. Magnet programs, tracking, and other alternative schools began as pilots in the 1960s in Seattle, but this plan represented the first time magnet programs had been proposed on a wide scale (Dumas, 2011; Bazzazz, 2019). The plan was essentially VRT but with more options.

Moberly supported the plan because it would require busing fewer students, and also potentially because a levy was due on the ballot at the time of debate, and he and other Board officials worried discussion of a mandatory plan would put the levy at risk (Veninga, 2005). DWAC analyzed the proposed Magnet Plan, concluding that it did not meet the requirements they had established for desegregation, which included equal burden on white students and

student of color (Siqueland). The plan for the distribution of magnets also had racist undertones. Vocational programs were placed in the North side to attract students of color and college-preparatory programs were placed in the South side to attract white students (Nalder, 1977b, as qtd. in Veninga). In addition to the chair of DWAC, Dan Levant, who called the plan “outrageously racist,” Garfield students, the Urban League, and CASC also opposed the plan because of the distribution of type of magnets and the in-school segregation they would create (Nalder, 1977a, 1977b as qtd. in Veninga).

Predictably, civil rights groups vehemently opposed the proposed plan, arguing that a strictly voluntary plan, even with added choice, would not lead to increased white participation in desegregation. After Moberly officially proposed the Magnet Plan, Levant immediately resigned from the committee in protest to draw media attention to Moberly’s proposed plan (Siqueland, 1981). He hoped his resignation would force Moberly to take DWAC’s suggestions for a mandatory plan into consideration (Siqueland). The NAACP reacted to the proposal with a threat of a lawsuit, citing the long history of ineffective voluntary desegregation programs in Seattle (Siqueland). Disregarding the protests and legal threat, the School Board adopted the Magnet Plan in 1977. Within a month, the NAACP had filed a complaint with the Office of Civil Rights (Siqueland). The very public resignation of Levant, a prominent white businessman, coupled with the threat of a federal lawsuit made it clear to Moberly and the Board that continuing voluntary desegregation would not suffice.

The Magnet Plan, while swiftly opposed, demonstrates the seduction of choice-based assignments. Moberly, concerned about economic stability in the district, understood that the Magnet Plan would appease whites whose main concern was avoiding mandatory desegregation. The various protests to the plan from DWAC and the NAACP demonstrate the level of

organization and solidarity required to motivate the School Board to pursue a mandatory plan. The following section explores the coalition built in creating and passing the Seattle Plan, as well as the choice-based options included as part of the plan.

### ***The Seattle Plan, 1977***

The ensuing debates over instituting a mandatory plan involved a coalition of actors with diverging goals. DWAC represented a broad, multiracial coalition of individuals committed to democratic equality in Seattle schools. While nuances existed among group members, they unified behind the goal of mandatory desegregation.<sup>1</sup> The extensive effort required by so many civil rights groups represented by DWAC demonstrates how significant a response was necessary to motivate the Board to act. In addition to this unified front, a key difference in this plan compared to past efforts was the support from local (mostly white) political leaders. In hoping to avoid the political and economic instability other cities faced over desegregation turmoil, Mayor Wes Uhlman, together with the Municipal League and the Chamber of Commerce (the same groups that supported the Magnet Plan) and the Urban League wrote a joint letter of support for the yet to be adopted Seattle Plan (Siqueland, 1981). With the support of key political and economic leaders, the Seattle Plan was viable. Of course, broad political support is crucial for passing any policy. But it is particularly significant that a mandatory plan passed muster only after white leaders voiced their support.

Despite the backlash to the Magnet Plan, the Seattle Plan, while involving more mandatory measures than ever before, still contained choice-based assignments. The Plan, which was passed in December of 1977, included a mandatory student assignment plan, with several specialized programs across the district to incentivize parents to enroll their children at other

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<sup>1</sup> For more information on the passage of the 1977 plan, see Siqueland. (1981). *Without a court order*.

schools that would improve racial balance (Siqueland, 1981). The Plan used the phrase “fixed assignment” instead of “mandatory” to avoid the politically charged term “mandatory” that had angered whites in the past (“Policies and procedures,” 1979). Within attendance zones drawn to maximize integration, students were assigned to certain schools with a feeder pattern determining their elementary, middle, and high school assignments. So, a majority-Black or multiracial school would be paired or triaded with a majority-white school, with one of the schools housing all 1-3 grade students, and the other hosting grades 4-6. Once the plan was implemented, students of color were bused disproportionately, and the plan left some schools under-enrolled and others over-enrolled (Angelos, 1988 & Roe, 1990 as cited in Kohn, 1996).

The “voluntary” part of the plan demonstrated that a compromise on choice-based assignment was likely necessary if the plan was going to pass, even it proved to hamper desegregation and create within-school segregation. The choice-based component allowed students to apply to transfer to different schools if that transfer positively affected the racial balance of that school. 27 “option programs” (magnet programs) were included in the plan to attract parents to different schools outside of their neighborhood (“Option book for desegregation transfer opportunities,” 1984). The placement of these magnets largely mirrored that in the Magnet Plan, with different types of programs aimed at attracting different racial groups (Veninga, 2005). Veninga, using ethnographic interviews with Garfield and Franklin students, demonstrated that students understood that magnet programs under the Seattle Plan sorted students and were “for” certain students (for whites in the South, and students of color in the North). The students also agreed that without these programs, the white parents likely would not have stayed in the school district (Veninga). Gifted programs were also created across several schools called Horizon and the Independent Progress Program (I.P.P., which would later become

the Accelerated Progress Program) (Veninga; Bazzaz, 2019). Horizon existed in several schools, while I.P.P. tracked a group of identified students in elementary school from Lowell Elementary to Washington Middle School, and then to Garfield (Veninga).

These option programs weakened the potential of the Seattle Plan to achieve desegregation. Magnet programs under the plan guaranteed entry to a fixed number of students from each racial group, but the applicants to the program were mostly white or Asian so this guarantee was not effective in terms of desegregation (“DRAC report,” 1979; Bazzaz). The programs also created within-school segregation, with programs segregating enrolled students from those not in the program. The Southeast Seattle Education Coalition (SESEC) opposed magnets for creating this within-school inequality, and the Board considered moving programs but ultimately did not (Seattle School Board desegregation/integration committee minutes, 1980). The addition of choice-based assignment to the Seattle Plan helped the Plan gain political support and was also likely a product of the broad nature of the support the Plan had. However, the nature of these choice-based programs, and their eventual expansion were not inevitable. Understanding the development of magnet programs, gifted programs, and other loopholes for white families to avoid attending their mandatorily assigned school increased after the Seattle Plan was implemented.

The political context of the late 1970s, both nationally and locally, allowed a broad coalition to form in support of the Seattle Plan. DWAC played a key role in motivating the Board to adopt a mandatory plan and seek equitable involvement in desegregation from whites. In addition, political and civic leaders’ desire to maintain order and stability pushed the citywide mandatory policy. The Plan, in this sense, demonstrates interest convergence at work. The mandatory plan achieved what civil rights groups had worked towards for over a decade—a

mandatory component. A key reason the Plan passed is because key white leaders vocally supported it, and the chair of DWAC was also white. The unique moment of interest convergence that made the Seattle Plan possible dissipated soon after the implementation of the plan as choice-based assignments played a more and more prominent role over time. With the Magnet Plan failing right before the Seattle Plan passed, it seemed initially like the Plan was a rebuke of choice-based assignment overall in favor of a plan focused on collective goals. However, the inclusion of magnet programs in the Seattle Plan indicated that choice-based assignment remained crucial to any successful desegregation plan. The inclusion of choice-based assignment in the Seattle Plan provided fuel for future resistance to the mandatory elements of the plan, which the next section explores.

### ***The End of the Seattle Plan: Individual Choice and Social Mobility, 1978-1987***

The Seattle Plan passed with widespread support, but this broad coalition proved tenuous. The commitment to mandatory policies that embraced the collective goal of improving schools for *all* students—emphasizing the democratic purpose of schooling—were slowly replaced with increased choice-based assignment policies, and a championing of the social mobility goal of schools. On a national scale, the 1980s witnessed a general backing away from the commitment to desegregation of the 1960s and 70s. In 1981, Congress narrowed the scope of the ESSA which controlled funding for desegregation, making it more difficult for districts to receive funds for these purposes (Saatcioglu & Carl, 2011). Popularity of magnet schools spread, supported in large part due to increased federal funds provided under the Emergency School Aid Act (ESAA) and the Magnet Schools Assistance Program (MSAP) (Saatcioglu & Carl; Wells, 1993). By 1981, 1,020 magnet schools existed in 138 districts across the U.S. (Wells, 1993). While Seattle had within-school magnet programs rather than magnet schools, this federal push for choice-

based assignment demonstrates the national commitment to increased choice. Congress additionally passed the Neighborhood Schools Act in 1982, which described desegregation as ineffective and inefficient (Saatcioglu & Carl).

The Seattle Plan was successful in that it numerically desegregated schools and created many cross-racial connections among students that would not have otherwise been made (Veninga, 2005). However, as this section explores, subsequent edits and additions to the plan, motivated in part by organized white resistance to the mandatory component of the plan, brought in more choice-based assignment, weakening the impact of the plan both by excusing parents from their assignments and by creating inequality within “desegregated” schools. Voluntary transfers often allowed even if they did not create more racial balance, and magnet programs, which were not subject to the racial balancing rules of the Plan, diluted the purpose of the policy. While the Seattle Plan gave Seattle the distinction of being the first American city to pass a mandatory desegregation plan without a court order, its rapid unraveling under public scrutiny highlights the powerful ethos of public schools as vehicles for individual choice and achievement.

The continued presence of choice-based assignment in the Plan shows that individual choice remained a key factor in Seattle desegregation, and was actually strengthened through the Plan. Only after the Seattle Plan did widespread anxieties over access to magnet programs arise, demonstrating the increased presence of social mobility as a goal of public schools in Seattle. Individual choice-based plans gradually gained traction as magnet options, loosely-enforced individual student transfers, and tracking were introduced mainly to attract white students to schools. Any policy, especially a controversial one, is subject to scrutiny and change. In this case, however, the debate around the policy largely favored one option—increased individual

choice—even when this was shown to weaken desegregation. Choice had been a part of desegregation in Seattle for almost two decades, and it continued to be a powerful option even when with the mandatory components of the Seattle Plan because of its perceived ability to attract white parents to the district.

Much like the Middle School Plan, the adoption of the Seattle Plan led to immediate and intense backlash among some whites. Like other cities in the U.S., white parents in Seattle proved reticent to submit to mandatory desegregation policy (Kryzcka, 2019; Moss, 2019). After the Plan passed in 1977, a group of mainly white parents, Citizens for Voluntary Integration Committee (CiViC), protested the mandatory component of the Plan. CiViC advocated for open enrollment, voluntary desegregation, and “freedom of choice,” but also said they supported “multi-ethnic” education, as long as it was a choice to participate (Citizens for Voluntary Integration Committee, Pochop). The group emphasized that they did not object to racial equity and were not “racist,” but wanted more freedom in choosing public schools. When someone at a CiViC meeting used a racial epithet, Bob Dorse, the leader of CiViC said the organization “didn’t tolerate that...He was asked to leave immediately” (Interview with Dorse by Pochop). The claim of race neutrality was central to CiViC’s argument. Rather than criticizing desegregation itself, they criticized the fact that they had to take part in it, allowing them to claim racial innocence.

CiViC used claims of “freedom of choice” to facilitate this colorblind rhetoric. The group often used “voluntary” and “choice” interchangeably and used race-neutral language like CAMB before them (Pochop, 2014). Ellen Roe, a white School Board member and the only vote against the Seattle Plan, was also a member of CiViC (Pochop). In a Board meeting, she said the Plan had “alienated hundreds of parents and other residents by robbing children and families of time

for music lessons, scouts, church, family activities but mostly the freedom to send their children to the school near the family home they have chosen. The freedom of choice is obviously important to me and many other people, Black, White, Yellow, and Red” (“School Board minutes,” 1978, as cited in Pochop). Here, she relies on the rhetoric of freedom of choice to both oppose desegregation, while remaining racially neutral and implying that such a value is important to all races. The collective goal of desegregation had little relevance to CiViC, although they were careful to rely on a lack of choice as the central problem with the plan to avoid seeming racist.

Resistance to the Plan continued to grow in its initial year of implementation, demonstrating that its broad support was short-lived, and perhaps not so deeply rooted. CiViC developed State Initiative 350 in protest, which banned mandatory busing. In 1978, I-350 was passed by a 2-1 margin in almost every neighborhood in Seattle, prohibiting student busing to schools other than their neighborhood school, or “next-nearest school” (“WA voters and candidates pamphlet,” 1978; Pochop, 2014). However, the Seattle Plan continued regardless. The district challenged its constitutionality, and a U.S. District Court sided with the district, which the U.S. Supreme Court eventually affirmed (*Washington v. Seattle School Dist. No. 1*, 1982). The School Board’s Desegregation and Integration Committee noted that it generally seemed that parents in 1979, were “not as apprehensive about busing as they were last year,” but that parent anger still existed about mandatory busing (“School Board minutes,” 1979). However, it’s unclear why the Board felt this way, given that the mostly white PTSA faced internal divided over supporting the plan, and ultimately decided to refrain from further comment on it, neither publicly disavowing it nor voicing their support (Pochop). Given the tepid support from the

mostly-white PTSA and I-350's popularity, white parents opposed "mandatory busing" in significant numbers, whether the Board recognized it or not.

In addition to CiViC's very public response, white families also protested by leaving the public-school system and advocating for increased choice options at schools in white neighborhoods. While white enrollment in the public schools had been dropping since 1960, it dropped by 12 percent in the first year of the plan alone, and has continued to drop since then (Morrill, 1989; Bach, 2005). Additionally, the review committee of the Plan found that private school enrollment between 1970 and 1980 increased at almost twice the rate of private school enrollment in general in King County ("Memo from demographic subcommittee to DRAC," 1983). While a coalition including whites had come together to pass the plan, the exodus of many white families made it clear that the plan did not attract white families to the district as dramatically as some of the architects had hoped. As future changes to the plan would lay bare, the School Board was primarily concerned with incentivizing white families to stay in Seattle by limiting the mandatory sections of the plan. Other white parents expressed discontent with participating in the Plan. For instance, parents in Laurelhurst, a neighborhood near the University of Washington, rallied for a magnet program at their school, claiming that the limited racial diversity comprised mainly of visiting UW professor's children meant that they did not need to desegregate. With a magnet program, their children would likely not be bused since magnet programs were not required to meet the same racial balancing rules ("School Board meeting notes," 1978, as cited in Pochop, 2014). By advocating for a magnet program, they could express support for the Seattle Plan without actually having to participate in it. White families exiting the public schools and trying to bend the Plan to their particular needs exhibits their attachment to social mobility as a goal of public schools. When mandatory desegregation questioned that,

white parents, in addition to overt protest, reacted by choosing what they saw as superior alternatives in suburban schools or magnet programs.

In response to the Seattle Plan, many leaders and community members of color also mounted protest, but theirs was for different reasons. While whites protested the mandatory parts of the plan, many Black, Asian, and Latino families protested the voluntary components. In 1979, Southeast Seattle families formally complained to the School Board that, in the wake of the Seattle Plan's implementation, schools in the southeast of Seattle had become under-enrolled as students living in Southeast Seattle requested to transfer out as part of the voluntary transfer component under the Plan and few white students requested to transfer to these schools ("School Board minutes," 1980). In allowing students to still choose to leave certain schools, the plan created a vacuum in Southeast Seattle where students left in pursuit of "better" schools. This sense of competition was augmented by the continuance of voluntary transfers and choice-based programs. Under these stipulations, schools existed in a "marketplace," where certain schools were more attractive than others. The voluntary components of the plan—magnet and gifted programs—exacerbated the inequities across schools that the desegregation policy intended to fix.

Amidst this lukewarm reception, the School Board also determined in reviewing the enrollment at each school that schools in the second year of implementation, 1980, would be racially imbalanced if the Board did not take large-scale changes into effect. However, rather than expanding upon the Seattle Plan, the Board decided to delay, citing the interests of "community stability" (Hoge, 1980). Instead of adjusting the paired and triaded schools or changing assignment patterns, the Board favored introducing more choice measures, like new magnet programs, investment into existing ones, and "selective program recruitment" into these

programs to achieve racial balance (Hoge, 1980). Given that the parents that had voiced protest about the lack of choice were white, this expansion of choice measures demonstrates the Board's prioritization of their interests.

The School Board created a committee, the Desegregation Review Advisory Committee (DRAC), in 1982 to continue to evaluate the Seattle Plan. It included several community representatives from the business community and organizations like the NAACP, the ACLU, Asians for Political Action, the Urban League, Municipal League, and CiViC (Desegregation and integration committee meeting notes, 1982). Gradually, despite DRAC's advising often towards the opposite, the Board removed more and more of the mandatory aspects of the desegregation plan, while inserting choice measures in their place, until ultimately, by the mid-90s, any "fixed" or mandatory part of the program was erased.

DRAC immediately identified problems with the choice components of the plan. One problem identified was inequity with the plan's "individual opportunity transfers," the same component that SESEC had taken issue with for its role in under-enrollment in Southeast Seattle. This component of the plan vaguely outlined the ability of students to transfer schools if it best suited their "interests (DRAC, "Final report," 1983). While these transfers were only supposed to be granted if they worked towards achieving racial balance, later analysis by DRAC discovered that was not the case. In further reports, the committee noted that transfers were being granted even if they didn't have a positive effect on racial balance, and were instead due to a "perception of higher quality education" in certain schools compared to others (DRAC, "Final report). Although the Board did not explicitly mention this, the enrollment office, which granted transfers, was allowing student transfers even if it meant that schools would become more segregated. In this instance, voluntary transfers fed a sense of scarcity about "good schools" and

hampered desegregation. However, despite mounting evidence about transfers' negative effect on racial balance, the Board decided to keep voluntary transfer options in place.

In addition to the voluntary transfers, DRAC found that the inclusion of choice-based programs negatively affected desegregation. Gifted magnet programs included in the Seattle Plan exacerbated school segregation and classroom segregation. Magnet program attendance was always exempt from the rules of the Seattle Plan, meaning students could transfer and enroll in magnet schools even if it created a segregated school ("DRAC report," 1982). They found that segregation exists between classrooms within schools, with gifted classrooms being mostly majority-white ("DRAC report," 1982). Importantly, they concluded that choice-based programs were detracting from the success of the plan, and their solution was to introduce options in every attendance zone so parents would not transfer students out of their designated attendance zones ("DRAC report," 1982). The review board recognized the issues with choice-based plans, but also recognized that their popularity, especially among white parents, and therefore did not neglect to eradicate them but rather to "amend" them ("DRAC report," 1982). Here, DRAC highlighted one of the key issues in this plan's implementation—in offering incentives, like option programs, and attempting desegregation across schools with inequitable access to resources, choice-based assignment impeded desegregation.

The School Board passed Resolution 1983-27 to amend the Seattle Plan, supposedly in accordance with DRAC's findings. However, instead of limiting choice options and voluntary transfers, the Board kept them in place and expanded them. This included adding "strong option programs," including additional gifted programs. Through this resolution, the district nearly doubled the amount of option programs available. The resolution stated that these programs would be racially balanced but did not include a plan to ensure this ("13 recommendations from

Resolution, 1983-27,” 1983). The School Board published a menu-type document to advertise these expanded options to families for the 1984-85 school year (“Option book for desegregation transfer opportunities,” 1984). Magnet programs had increased to almost 60 programs, up from the original 27 included in the Seattle Plan. The additional programs were included purportedly to “reduce the number of students who choose to transfer from their assigned school thereby reducing both the time and cost involved in transportation of students” (“Option book,” 1984). The messaging concerning these programs also take on more casual language towards student transfers, stating that “generally, transfers cannot be granted if they will have a negative effect upon the racial balance of sending or receiving school,” differing from the original plan which forbade them unless they improved racial balance. By increasing magnet programs and failing to amend the voluntary transfer part of the plan, the Board effectively went against DRAC’s findings. In this sense, the Board remained concerned about the popularity of the plan with white parents, rather than making the Plan as effective as possible at achieving desegregation.

These choice programs roused the anxieties of white parents as they worried about their children getting access to them. In 1984, in response to reviews of the Seattle Plan, the Board proposed moving Horizon programs to different schools to achieve racial balance. Ellen Roe, the same Board member who voted against the Plan, encouraged parents to work together to ““Let the Board know you’ll send your kids to private schools if Horizon is dropped”” (Brown, 1984). She also explained that she favored “continuing Horizon because it’s the only way of keeping a certain group of children within the system. But to some board members the racial guidelines are more important than how many Horizon classes there are in the district” (Brown). While the “certain group” she is referring to remains ambiguous, it is reasonable to assume she means white students given that the majority of the students in the program were white. Roe outrightly

states what the Board had been tacitly believing for years—they must appease white parents, or they will leave the system. And, appeasing whites often meant including opportunities for choice and stratification within public schools, and with it, greater opportunities for social mobility.

Another debate over the program arose when the Board decided to create different testing parameters for different racial groups to make the testing more equitable (Angelos, 1985b; Angelos, 1987). However, parents replied that this was “padding scores” and that it was unfair and not competitive (Angelos, 1985a). With this claim, white parents construed a program created by a race-conscious desegregation plan was construed as unfair for attempting to desegregation through race-conscious means. An editorial in the *Seattle Times* also claimed that white parents would leave without Horizon: “If the Seattle School District fails to offer what parents want and feel is best, many may vote with their feet...This is “quality flight” not “white flight..” (Schwartz, 1987). The resistance to the term “white flight” follows the claims of racial innocence by other white parents. Remaining race-neutral allowed parents to stage protest only to the purported unfairness of the plan, rather than the increased attendance of minoritized students. The racial quotas for Horizon were eventually dropped, both because of a local lawsuit and because the state threatened to rescind funding if Seattle kept the quotas in place (Angelos, 1987b). This resistance to the differing testing parameters also demonstrates white parents’ attachment to social mobility—when Horizon became more accessible to other groups, and therefore less stratified, it posed less of a benefit to white parents.

The Seattle Plan represented a moment of converging interests. White leaders understood that in order to maintain stability, they had to support a mandatory plan. Moreover, the united front of civil rights groups provided a coherent, consistent narrative towards a mandatory plan. However, the resistance by white parents immediately after the Seattle Plan was passed proved

to impact the Plan's effectiveness. Once magnet and gifted programs were established, white parents demanded that they remain even though they negatively impacted racial balance. While originally conceived as ways to keep white families in the system, magnets and gifted programs developed into incubators of social mobility. Despite the obstacle Horizon posed to effective desegregation, the gifted program ultimately stayed and even expanded (Varner, 1993). While the Plan represented a shift from voluntary desegregation and limited plans like the Middle School Plan, its attempt to balance the mandatory component with individual choice proved detrimental to the Plan's original goal of district-wide racial balance. With these option programs in place, the goal of collective equality weakened in the face of calls for increased stratification.

#### **Part IV: The Rise of Social Mobility, 1988-2007**

##### ***Implementing Controlled Choice 1988-1996***

After expanding upon choice options for several years, the final DRAC review of the Seattle Plan in 1987 included a proposal for "controlled choice." This new plan would effectively make choice-based assignment the central feature of desegregation policy. At this point, national conversations on desegregation had shifted to general malaise with busing and support for less "invasive" policies (Saatcioglu & Carl, 2011). Several cities across the U.S. began experimenting with "controlled choice" plans (Moss, 2019). These plans allowed parents to choose from several schools within a select zone, creating a choice-based system with some limits to ensure racial balance. Charles Willie of Harvard and Michael Alves of the Massachusetts Department of Education developed the plan for Seattle, as they had for other cities (Moss). Controlled choice promised to balance desegregation with freedom of choice through eradicating the neighborhood school model in favor of increased choice that was "controlled" through government oversight to promote desegregation (Alves & Willie, 1987;

Wells & Crain, 2005). Orfield and Frankenberg (2013) note that magnet programs had great potential for balancing the needs of desegregation and choice while also leading to innovation and improved educational opportunities. However, they also note that the popularity of magnets became problematic as the courts backed away from desegregation and feelings toward race-conscious policies soured. Across the country, this dual rise in popularity of choice-based assignment and federal deregulation of desegregation ultimately led to resegregation in many magnet programs and stratification that often favored by white parents.

Controlled choice was an engineered attempt to use choice as an attractant to the school district. The plan was adopted because of “concern about the declining enrollments of white students and the overall costs and complexity of the [Seattle] plan” (1995-96 Student assignment strategies and plan,” 1995a, as cited in Kohn, 1996). Unlike the Seattle Plan, controlled choice was created almost entirely by outside experts and district officials, rather than community members. By 1988, enrollment had significantly declined in Seattle from 100,000 students to under 50,000 (*PICS v. SSD*, Breyer, dissenting, 2007). The Board hoped controlled choice, with its increased options, would attract students, particularly whites who had left in the highest numbers, back to the district. Under the plan, students chose their neighborhood school or applied to other schools in the zone and the district adjusted enrollment to keep schools racially balanced (“How the new busing plan would work,” 1988). Six high schools—Ballard, Cleveland, Franklin, Garfield, Hale, and Roosevelt—also had new magnet programs available to the whole city (How the new busing plan would work,” 1988). Additionally, students could qualify for the gifted Horizon and I.P.P programs, which tracked them into certain schools, sometimes outside of their zone. In 1988, the plan was officially adopted.

Controlled choice, like other desegregation plans before it, was met with white resistance. Save Our Schools (SOS), a group of mostly white North side Seattle parents led by Doug Jewett, a Republican running for mayor, protested controlled choice in favor of open enrollment (Anderson, 1989). The group created Initiative 34, which guaranteed increased funding for the School Board if they ended mandatory busing. Jewett did not get elected—Norm Rice, Seattle’s first Black mayor, did. Rice was an advocate for desegregation, but also promoted school choice and magnet school programs because he saw these as politically viable, as opposed to the increasingly politically toxic policy of busing (Hocshchild & Scovronick, 2003). Despite Jewett’s failure to get elected, I-34 passed, albeit narrowly (Haberstroh, 1989). The School Board rejected the funding and kept its controlled choice plan, rendering I-34 moot. However, the success of I-34 demonstrates that discontent with mandatory desegregation, even when coupled with increased choice, was significant. With the election of Rice, it was also clear that a movement away from race-conscious, mandatory policies had political traction among a wide swath of voters.

Seattle’s controlled choice plan continued the stratification created among schools under the Seattle Plan. A key part of Alves & Willie’s (1987) vision for controlled choice was increased resources for the least-selected schools in each zone. However, Seattle’s version of this plan did not have a systematic way to address school improvement for these schools. This left room for increased stratification among schools. Going against the findings of the Seattle Plan review process, which pointed to the fact that choice exacerbated segregation both between and within schools, the Board repeatedly increased choice and magnet options in order to attract white families to the district. To do so, they appealed to the idea that increased options and the ability to choose individually among them would improve all schools. However, this had the

effect of creating a marketplace of options that white parents, with their increased social and economic capital, were uniquely able to take part in. Choosing schools increasingly became an individual choice concerned with competition—what was the “best” school, the “best” program? Even the expanded options under controlled choice were not acceptable to many white parents, as they still involved mandatory measures and race-conscious aspects. The Seattle Plan could not shift Seattle to a collective conception of school desegregation, and instead ended up keeping in place many of the voluntary, choice-based options that had always been in place since VRT.

### ***Undoing Controlled Choice towards Open Enrollment, 1990-1996***

The 1990s marked a continued shift away from mandatory desegregation at the judicial level. The Supreme Court decided three major cases in the 1990s that struck blows to the desegregation efforts. In 1991, *Oklahoma City v. Dowell* decided that desegregation was only ever meant to be a temporary solution, which effectively allowed districts to get rid of desegregation policy and re-segregate (Saatcioglu & Carl, 2011). *Freeman v. Pitts* in 1992 decided that segregation in Dekalb County outside Atlanta was *de facto*, and therefore the county was free from mandatory desegregation (Amsterdam, 2017). Then, in 1995, *Missouri v. Jenkins* put forth that local control was important to restore, even if the lack of federal oversight meant resegregation occurred (Saatcioglu & Carl). The *Green* decision around 20 years earlier determined that “freedom of choice” was not sufficient to desegregate districts; these decisions in the 1990s effectively renege on that determination. Given this legal context, in 1995, the NAACP also backed away from pursuing desegregation litigation (Saatcioglu & Carl). So, despite that in places where mandatory desegregation had been implemented it was successful at achieving racial balance, the resolve at the judicial level to mandate desegregation waned. Seattle’s appetite for busing of any kind, even if more rooted in choice, proved to be limited.

Controlled choice had the potential to create lasting desegregation while also balancing desires for individual choice. However, the effect of disproportionate busing had compounded over several years, making it difficult for the controlled choice plan to ameliorate inequality on its own. Because of the disproportionate number of students leaving Southeast Seattle for the North side under the Seattle Plan, less school construction occurred in the South end (Kohn, 1996). As a result, under controlled choice, more Black and Asian-American students had to leave their neighborhoods because there were not *enough* seats for them in their own neighborhoods, reversing the problem of under-enrolled Southeast schools in the 1970s but still leaving students of color without the same options as white students (Kohn, 1996). Years of focus on offering options within desegregation plans had left significant imbalances in the resources between zones, making controlled choice difficult to implement equitably without significant changes.

Other parts of the plan's "controlled" elements came under scrutiny from Blacks. Michael Preston, one of three Black Board members in the 1980s, voiced opposition to controlled choice because of its focus on racial balance in schools with a majority of students of color, and not those with majority white students (Hehnke, 2009). As a result, in 1990, after controlled choice had been in effect for only two years, Preston laid out a plan to phase out busing entirely by 1994 (Haberstroh, 1990a; Haberstroh, 1990b; Hehnke). John Stanford, the first Black superintendent of SPS beginning in 1995, also opposed busing. He repeatedly and publicly stated that busing was detrimental to students of color, and that quality education did not hinge upon desegregated schools (Dumas, 2011). One of his key pieces of evidence was methodologically questionable district-authored report on the impacts of busing, which concluded that bused students did worse on standardized tests (Student Assignment Process,

1995 as cited in Kohn, 1996). In light of Stanford's position against busing, the ACLU and the Church Council wrote a letter to the Board urging them to keep controlled choice (Kohn). This letter, however, was one of the only concerted efforts to convince the Board to keep the plan. Dorothy Hollingsworth, the only Black member on the Board that passed the Seattle Plan, said of the lack of support from civil rights groups for controlled choice: "many of the social organizations became less forward in making demands. Because I think the community, some of them, began to think it was not accomplishing as much" (Hollingsworth interview with Hehnke, 2007). After years of desegregation efforts constrained by whites' pushing for individual choice, busing no longer had the promise of equality it did in the 1960s.

In addition to Stanford, no School Board member would support integration, nor would the mayor or Superintendent (Kohn, 1996). Without the unified pressure of civil rights groups and the "spirit of reform," the converging interests that passed the Seattle Plan no longer existed. Without the fear of a lawsuit and the backing of Black families and civil rights groups, the request did not carry as much urgency. The repeated years of disproportionate access to the choices used in the desegregation plans to attract whites, coupled with the increasingly hostile national mood towards busing, meant that many civil rights groups and Black leaders no longer felt mandatory desegregation was effective. Those that still supported controlled choice did not have the coalition necessary to wage a successful campaign against the Board like in the 1970s.

With political support for mandatory desegregation having mostly evaporated, the Board rid SPS of mandatory desegregation. In 1991, just three years after controlled choice was implemented, the School Board voted to dismantle mandatory busing over the following five years and voted on an "open enrollment" plan in 1996 (Kohn, 1996). This plan effectively opened every school to enrollment from students across the entire district. Several factors were

considered in enrollment, called “tiebreakers” because they were only applied when schools were overenrolled. One of the tiebreakers allowed the district to use race as a factor in deciding enrollment. For instance, if two students were applying to an overenrolled school that was majority-Black, the district could use the racial tiebreaker to accept any non-Black student who would positively affect the racial balance of the school. Under the plan, 80 to 90 percent of students received their first choice, meaning the tiebreaker only applied to a small group of students (*PICS v. SSD*, Breyer, dissenting, 2007). The plan was further limited when, in 1997, Stanford and the Board instituted “zones” and “regions” for elementary and middle schools, moving schools back to a neighborhood model and using open enrollment only for high schools (Seattle Times Staff, 2007). The racial tiebreaker, only applicable to high schools by 1997, was the only race-conscious policy remaining in Seattle’s desegregation efforts after years of protest and debate over the role and necessity of race-conscious policies.

Under open enrollment, the gifted program also expanded. In 1993, the piecemeal options under the Seattle Plan were codified in a district-wide system. Building off of the Horizon and I.P.P. plans instituted under the Seattle Plan, in the Board created a new gifted program called Spectrum, which included a system-wide self-contained program similar to the Horizon programs (Jung, 1993; Shaw, 1993). In other words, students in the program, now available across the district, segregated selected students into different classrooms. However, the increased availability of the program did not lead to increased access. Just as DRAC noted in their evaluation of the Seattle Plan in the early 1980s, these expanded, tracked gifted programs in Seattle increased within-school segregation that fell along racial lines (Bock, 1993). In many ways, the Seattle Plan introduced the concept of tracking to Seattle schools by normalizing the

separation of students within the same building. Even though these programs were initially created to aid desegregation, they ended up increasing stratification among and within schools.

The article announcing controlled choice's demise in *The Seattle Post-Intelligencer* entitled "School Board Abolishes Controversial Forced Busing Plan" explains well how sentiments around the plan had developed since 1977. By the time it was eradicated, busing was viewed as a failed policy that infringed upon parents' rights to choose a quality school. The Seattle Plan's political coalition of the mayor, the Chamber of Commerce, the Board, DWAC, and the Superintendent seemed improbable. One way to view busing in Seattle is as a failure. Another way to understand the demise of busing is to see the through-line of school choice. With busing eradicated, and open enrollment put in its place, choice-based assignment, which had continually favored white parents, prevailed despite its ineffectiveness at desegregating schools. This further increased individual choice, which consequently exacerbated the inequities that controlled choice and the Seattle Plan before it had sought to rectify.

Research has shown that uncontrolled school choice leads to resegregation, which was also the case in Seattle (Scott, ed., 2005; *PICS v. SSD*, 2007). Under open enrollment, many students returned to their neighborhood school within residentially segregated neighborhoods. Seattle's resegregation can be traced in part to parents with a higher socioeconomic status using the open choice form more so than parents of other class backgrounds (Taylor, Anderson, & Frankenberg, 2019). Like other moves to increased choice in the past, access to choice was not equitable. Open enrollment did not differ significantly from the Voluntary Racial Transfer plan of 1963, except by the 1990s an increased desire for stratification had manifested. Decades of increasingly choice-based enrollment had created magnet and gifted programs, which further exacerbated inequality across schools. With the racial tiebreaker being the only limited force

balancing against individual choice, the social mobility goal superseded goals towards desegregation.

***Parents Involved in Community Schools and The End of the Racial Tiebreaker, 1997-2007***

Across the U.S., the 1980s and 90s saw an increase in legislation and court cases questioning the value of race-conscious civil rights laws (Lassiter, 2006; HoSang, 2010). As the country grew wearier of civil rights reforms, including desegregation policy, overt challenges to race-conscious policy arose. In Washington, voters passed an anti-affirmative action initiative, I-200, into law in 1998. This law provided the legal basis for *PICS*, which had not existed for other white protestors, like CAMB, CiViC, and SOS. After decades of increased individual choice in assignment and increased averseness to race-conscious policy by whites, the *PICS* case removed the final vestige of desegregation policy. Years of investment in individual choice in Seattle schools had severely constricted the possibilities of desegregation, creating the environment where *PICS* could gain traction.

The formation of I-200 demonstrates its intent to eradicate race-conscious laws, which later expanded to those governing schools. I-200 began at the Center for Equal Opportunity, a conservative think tank in Washington D.C. (Taylor, 2009). This same think tank had also helped eliminate affirmative action in California and Texas in 1996, demonstrating the broad effort to oppose civil rights legislation (Taylor). Ward Connerly, the Black businessman-turned-organizer behind California's anti-affirmative action ballot initiative, Proposition 209, sponsored I-200 in Washington (Eason, 1998). John Carlson, UW alum, conservative Seattle radio talk show host, and President of the Washington Policy Center, a think tank focused on "free-market solutions" joined Connerly in I-200 efforts as chairman of the campaign (Eason). He formed the I-200 Civil Rights Compliance Committee, which eventually investigated the school district's racial

tiebreaker policy (Eason). The district did not change its assignment policies despite the passing of I-200, despite the advice of Superintendent Joseph Olchefske and General Counsel Mark Green (Ervin, 1999).

The racial tiebreaker affected a relatively small group of students, considering that is only applied to the district's ten high schools. At the time, Ballard, Hale, Roosevelt (on the North side), Garfield, and Franklin (on the South side) were all oversubscribed, with over 82% of students putting one of these schools as their first choice (*PICS v. SSD*, 9th Cir., 2001). Assignments to oversubscribed high schools using the racial tiebreaker consisted of 10 percent of admissions (*PICS v. SSD*, 9<sup>th</sup> Cir., 2001). In comparison to controlled choice and the Seattle Plan, the racial tiebreaker, while allowing high schools to remain relatively racially balanced, did not impact a significant proportion of students.

Despite the tiebreaker's narrow reach, like all other desegregation policies before it, a group of white parents rallied against the racial tiebreaker. In 1999, a year after I-200 passed, Seattle 8<sup>th</sup> grader Elizabeth Brose ranked Ballard High School, followed by Roosevelt and Nathan Hale, all North Seattle schools (Sandberg, 200; Dumas, 2011). Instead of these options, she was placed at the majority-Black Franklin High School located in South Seattle (Sandberg, n.d.). Kathleen Brose, Elizabeth's mother, expressed anger that Kathleen had not been placed at Ballard and that her daughter was a victim of discrimination (Dumas, 2011). This claim became the basis for the nonprofit, Parents Involved in Community Schools (PICS) and the ensuing Supreme Court case (*PICS v. SSD*, 2007). Kathleen's logic for indignation followed the same logic put forth in I-200, and that of the several contingents of white protestors before her: considering race in any way in public life constituted unfair discrimination.

Other aggrieved white parents joined with Brose to create the non-profit PICS, focused on the unfairness of being denied enrollment at their first-choice high school. Former Republican Congressman John Miller joined the group and connected the parents with pro bono legal services (Sandberg, 2011). The conservative Pacific Legal Foundation then joined the lawsuit on behalf of PICS (Sandberg). The firm advocates against affirmative action, or as they call this work, “equality before the law,” and property rights, among other conservative ideas (Pacific Legal Foundation, n.d.). Carlson, the I-200 campaign leader, also joined Parents Involved’s efforts and helped file the initial lawsuit against the district and finding potential plaintiffs who had been denied admission to top-choice schools due to the racial tiebreaker (Ervin, 1999; Sandberg). Jill Kurfist and Winnie Bachwitz joined as petitioners, whose children both applied to a selective science program at Ballard and were accepted but denied enrollment due to the racial tiebreaker (*PICS v. SSD*, 2007). Both parents ultimately decided to enroll their children in private school citing the long bus rides as their motivation (*PICS v. SSC*, 9<sup>th</sup> Cir., 2005). Two other parents joined the case, Rick Hack and John Miller, with students in middle school, citing the potential to be affected by the racial tiebreaker in the future as a concern (*PICS v. SSC*, 9<sup>th</sup> Cir.). Infringement on individual choice—or the future threat of this—and the race-conscious nature of the law together were the basis for the parents’ complaints. The social mobility for their children, provided by attendance at a prestigious high school like Ballard or enrollment in a selective program, was a central focus for these parents.

The U.S. Supreme Court ultimately sided with PICS in 2007, ruling Seattle’s remaining race-conscious policy, the racial tiebreaker, unconstitutional. Before this ruling, the U.S. 9<sup>th</sup> District Circuit Court had decided that the racial tiebreaker violated I-200, but a later decision by the same court determined the racial tiebreaker was constitutional. As a result, the case went to

the U.S. Supreme Court, who agreed to hear the case in conjunction with a similar case originating in Louisville, Kentucky (*Meredith v. Jefferson County Board of Education*, 2006). The Supreme Court Justices decided that the voluntary-desegregation plans in Seattle and Louisville were unconstitutional because they constituted discrimination against white families (*PICS v. SSD*, 2007; Minow, 2012). They did not, however, determine that pursuing diversity is unconstitutional, just that the race-conscious means that Seattle and Louisville took to do this were illegitimate and did not pass a test of strict scrutiny (Minow). However, as the amici briefs submitted to the Court on behalf of the ACLU and American Educational Research Association (AERA) demonstrated, race-neutral choice plans lead to resegregation (*PICS v. SSD*, 2007; Orfield & Frankenberg, 2013). Wells, Duran, and White (2008) explained the *PICS* decision as a “story of evolving conservative jurisprudence in American law” that does not reflect the social science evidence on the benefits of school desegregation (p. 2537). So, in deciding that schools could no longer use race-conscious means to achieve racial diversity, they eliminated a key tool for school districts to do so.

*PICS* ruling that using race-conscious means to desegregate schools goes against *Brown*, and several cases following it, which prescribed race-conscious means to ameliorate desegregation. Additionally, race-conscious, mandatory policies were the bedrock of demands from civil rights groups across the country, including Seattle. To this end, Justices Breyer and Stevens both authored dissenting arguments, stating that the decision threatened *Brown*. Specifically, Justice Breyer outlined the history of race-conscious policies to remedy segregation, arguing that *PICS* “parts company from this Court’s prior cases, and it takes from local government the longstanding legal right to use race-conscious criteria for inclusive purposes in limited ways” (*PICS v. SSD*, 2007, Breyer, dissenting, p. 33). In short, the difference

between using race-conscious laws to exclude rather than include are significant, and the Court should not broadly deem race-conscious laws in general unconstitutional.

After the *PICS* decision, open enrollment, devoid of its racial tiebreaker feature since 2001, became less and less effective at desegregating schools. Schools in Seattle have largely resegregated since then, which is particularly evident when looking at the high schools that were governed by the racial tiebreaker (See Figures 1 and 2). White enrollment has notably increased, but white Seattleites still make up 70% of the district as a whole and only about 45% of public-school enrollment. Seattle has one of the highest private school enrollments of any city in the country, with about 23-30% of students enrolled in private schools (Judge, 2007). While there are likely several reasons behind this private school enrollment, it demonstrates the way in which whites have continued to find options outside of the public-school system when no significant desegregation policy exists.

**Figure 1: Seattle Public Schools Enrollment Percentage by Race from 1998-2010**

<b>Year</b>	<b>Asian</b>	<b>Black</b>	<b>Latino</b>	<b>Indian</b>	<b>White</b>
<b>1998</b>	24.3	22.8	9.3	3.0	40.6
<b>1999</b>	24.2	23.1	9.7	2.9	40.2
<b>2000</b>	23.8	23.1	10.3	2.8	40.1
<b>2001</b>	23.5	22.9	10.7	2.6	40.2
<b>2002</b>	23.4	22.8	10.9	2.6	40.3
<b>2003</b>	23.1	22.5	11.1	2.4	40.9
<b>2004</b>	22.9	22.3	11.2	2.4	41.2
<b>2005</b>	22.8	22.4	11.5	2.3	41.1
<b>2006</b>	22.3	22.0	11.3	2.2	42.1
<b>2007</b>	22.2	21.6	11.7	2.1	42.4
<b>2008</b>	22.1	21.3	11.7	2.0	43.0
<b>2009</b>	21.8	20.9	11.5	1.8	43.9
<b>2010</b>	21.5	20.9	11.2	1.7	44.7

Source: Office of Civil Rights Data Collection

**Figure 2: Percentage of white student enrollment in high schools, 2000-2017**

<b>High School</b>	<b>% White Students in 2000</b>	<b>% white Students in 2010</b>	<b>% White Students in 2017</b>
Ballard	58.2	67.3	75
Cleveland	10.5	4.6	8
Franklin	22.9	4.1	8
Ingraham	30.2	32.6	54
Nathan Hale	60.3	57.0	52
Roosevelt	52.7	63.0	69
Garfield	46.6	37.5	43
Center School	Established in 2001	71.2	72
Nova	N/A	74.1	73

Sources: Data for 2000 and 2010 from (Sandberg, 2011) & for 2017 from SPS Annual Enrollment Report

In the 1980s and 90s, support for desegregation had dissipated dramatically both on a national and local scale. Seattle’s solution to this—controlled choice—proved to further stratify schools as options increased. This expanded choice still proved unpalatable to whites, who wanted more options, and Blacks, who began to see busing as detrimental to Black children. Gary Ikeda, SPS’ general counsel, described busing as having “crippled us and diverted us from pursuing quality education” (Shaw, 2008). Open enrollment intended to eradicate busing in order to pursue quality education. Instead, under open enrollment, the controls aimed at managing unequal access to choice quickly evaporated. The remaining high school racial tiebreaker policy, with its limited scope, still was too limiting to whites’ desire for social mobility. The *PICS* decision demonstrates the success of the persistent push towards race-neutrality and individual choice on behalf of white parents. With no regulations or additional policies in place to redistribute resources across the district, open enrollment exacerbated inequality and led to resegregation.

**Conclusion**

By the time *PICS* was filed, the political landscape of desegregation had significantly changed since its origins in the 1960s. This project uncovers the connections between choice and

desegregation over this time, arguing that through desegregation policy, individual choice was strengthened. In the face of mandatory desegregation, choice offered white parents a way to resist the collective goal of desegregation while remaining race-neutral. Public officials repeatedly prioritized these desires for increased choice and less collective oversight, meaning that desegregation slowly unraveled. The increase of individual choice options was not a foregone conclusion. The choice options that had been used to make desegregation more palatable to white parents during the undoing of the Seattle Plan expanded to create an increasingly “marketized” district in the sense that each school was open to any student and students chose based on which schools had the best programs or offerings. With only a certain number of seats open at “good” schools, this open enrollment increased a sense of competition. Increased choice is not in itself racist. However, increased choice furthered racial imbalance in Seattle while also providing white parents with a way to avoid participation in mandatory desegregation, leaving the burden of doing so on families of color.

This particular case study highlights the tensions that surface when policies with conflicting goals, like the Seattle Plan, are passed with the support of converging interests. It also explains the ways national, state, and local politics influence grassroots activism, and vice versa. Only with the threat of federal oversight, urging from the state, and a broad coalition of multiple racial groups did Seattle finally pass a mandatory plan. And, much of this success can be attributed to the inclusion of white leaders who also saw the plan as a benefit for political and economic stability. The desegregation plans outlined in this case likely would not have passed without white support. At the same time, this support this support undermined the plans as they were implemented and more calls for choice and stratification were introduced into the system. While the resistance by people of color to busing is often used as evidence for its certain failure,

it also can be interpreted as a reaction to whites' continuous narrowing of what was possible in terms of desegregation policy. Families of color in Seattle never had the same access to choice as white parents did (and still do not). As the political viability of mandatory policies continued to wane, it left communities of color with few other options other than fighting for increased access to choice, rather than a mandatory policy.

Since the 1960s, white parents' push for individual choice, masked in race-neutral protests eventually was validated by the ruling in *PICS*. Justice Breyer, in his *PICS* dissent, concluded "it is a cruel distortion of history to compare Topeka, Kansas, in the 1950's to...Seattle in the modern day—to equate the plight" of the *Brown* petitioners to those in the *PICS* case (p. 67, Breyer dissent, 2007). However, Seattle's history demonstrates that white parents had been equating these two for decades, interpreting mandatory desegregation as an affront to their personal freedom and social mobility. Protests waged by CAMB, CiViC, and *PICS* all hinged on the loss of choice as an infringement on their rights. Choice-based assignment programs designed to desegregate eventually became another vehicle for inequality. The ACLU Amicus Brief on Magnet Schools put it argued, "There is no less restrictive race-neutral alternative that is as effective as race-conscious measure for this goal" (p. 26). The evidence on school enrollment proves this to be true: Rainier Beach, Cleveland, and Franklin high schools now have white populations under 10% (Shaw, 2008). The elimination of any race-conscious means to desegregate, and a voluntary, limited choice-based assignment policy has led to the resegregation of Seattle schools.

Choice today in Seattle public schools relies more so on gifted tracks and residential mobility, as the magnet-style programs have largely dissipated. One potential conclusion for this shift is that parents' calls for choice were rooted in wanting access to monoracial, white schools,

rather than a desire for more educational options (Lankford & Wyckoff, 2005). Today, the district's enrollment policy resembles the voluntary desegregation plan of 1963, with a small percentage of students choosing to attend schools outside their neighborhood. Presently in Seattle, 10% of the district opt in for choice schools—2 optional high schools, 5 elementary schools, 8 K-8 schools (Schmidt, 2019). This does not necessarily take into account students using the Highly Capable Cohort (similar to Spectrum, I.P.P., and Horizon) track or those that “choose” schools through residential choice. The percentage of students attending schools outside of their attendance zone has dropped from 50% in 2010-2011 to 30% by 2017-2018 (Schmidt, 2019). With residential segregation still in place in Seattle and significant inequities between schools serving different racial groups, the pursuit of equity is still very much a priority.

Further work could continue to explore the connections between desegregation plans and funding mechanisms. For instance, Seattle's Weighted Student Funding (WSF) model, now defunct, intended to work in tandem with open enrollment to increase equity in funding, but was eradicated in 2008 (Hehnke, 2009; Kohn, 1996; Levin, et al., 2019). Research could also compare this case to Berkeley, which pursues integration on a neighborhood basis rather than an individual student basis using race, redrawing district lines to desegregate (Orfield & Frankenberg, 2013). Ability tracking and gifted programs are also under scrutiny in several cities in the U.S. Understanding that these programs gained traction during desegregation in Seattle, further research could explore how these programs can be made more equitable with the history of this project in mind.

Research could also this case using different methodologies. By exploring this phenomenon using organizational theory, research could offer more suggestions as to how future policies could approach desegregation policy in a case like Seattle. Similarly, research could

focus on a different unit of analysis. For instance, more information about the multiracial politics of Seattle certainly exists and focusing more so on community members could uncover new information about Asian, Latinx, and indigenous narratives that are often lacking in this project. Additionally, further research could use a participatory framework to take more thoroughly take into consideration what students and their families want from their schools in terms of desegregation.

As debates over tracking continue in Seattle and the work of achieving educational equity is far from complete, it seems that the possibility of desegregation has been rendered obsolete. The perceived failure of desegregation is just as much a result of the protest of white parents and the rise of social mobility as a goal of schooling as it about the complexities and problems with busing itself. Rather than wondering when we will finally leave desegregation behind as a goal, this project asks: when will it actually begin? At every turn, desegregation policy was thwarted, muted, and watered-down as the political tides shifted against mandatory desegregation's favor. The history of desegregation and school choice in Seattle can help educational policymakers better understand how to forge a path towards desegregated, equitable schools in the future.

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## **Appendix 1**

### **Acronyms of Organizations**

**AAEA** – Asian American Education Association

**ACLU** – American Civil Liberties Union  
**CACRC** – Central Area Civil Rights Committee  
**CAMB** – Citizens Against Mandatory Busing  
**CASC** – Central Area School Council  
**CiViC** – Citizens for Voluntary Integration  
**CQIE** – Coalition for Quality Integrated Education  
**DWAC** – District-wide Advisory Committee on Desegregation  
**NAACP** – National Association for the Advancement of Colored People  
**PICS** – Parents Involved in Community Schools  
**PTSA** – Parent-Teacher-Student Association  
**SOS** – Save Our Schools

## **Appendix 2**

### **A Timeline of Seattle Desegregation and School Choice Efforts**

**1962:** Phil Burton of the NAACP threatens to sue SPS for its segregated schools.

**1963:** Voluntary Racial Transfer (VRT) program begins.

**1966:** CASC and CORE organize Freedom Schools boycott.

**1967:** Stokely Carmichael speaks at Garfield High School.

**1970:** The first plan with mandatory elements, the Middle School Desegregation Plan, goes into effect.

**1971:** Citizens Against Mandatory Busing (CAMB) file lawsuit against the Middle School Plan and a recall vote for the members of the School Board who voted for the plan.

**1972:** Superintendent Forbes Bottomly and Alfred Cowles resign after CAMB's failed recall vote to protest the Middle School Plan. The School Board votes to delay further conversation on desegregation.

**1976:** Superintendent David Moberly and the School Board adopt the Magnet Plan. Dan Levant, head of DWAC, resigns in protest. The NAACP files a complaint with the U.S. Office of Civil Rights, citing its illegally segregated schools.

**1977:** The School Board adopts the Seattle Plan, the first district-wide busing program in Seattle and the first in any city in the U.S. adopted without a court order.

**1978:** Citizens for Voluntary Integration Committee (CiViC) protests the Seattle Plan and files I-350 in response. This initiative is approved and bans mandatory busing but is ruled unconstitutional.

**1988:** The Seattle Plan is replaced with controlled choice, which allows parents to choose schools in a specified region and the district controls enrollment to ensure racial balance.

**1989:** Save our Schools protests controlled choice and files I-34 in response, which allows SPS additional city revenue if busing is banned. It is narrowly approved, but the School Board does not accept the funds.

**1991:** The School Board votes to end mandatory busing within 5 years.

**1996:** Superintendent John Stanford and the School Board end busing and replace it with open enrollment and a racial tiebreaker.

**1998:** I-200 is passed in Washington, which outlaws affirmative action.

**1998:** Parents Involved in Community Schools sues SPS over the racial tiebreaker caveat of open enrollment.

**2001:** SPS removes the racial tiebreaker from its attendance policy amidst the *PICS* lawsuit.

**2005:** The 9<sup>th</sup> Circuit U.S. Court of appeals determines the racial tiebreaker violates I-200. A later ruling by the same court upholds the consideration of race, reversing the decision.

**2007:** The U.S. Supreme Court hears *PICS* and decides that the racial tiebreaker is unconstitutional.