2007

Blackthink's™ Acting White Stigma in Education and How it Fosters Academic Paralysis in Black Youth

Kimberly Jade Norwood
Washington University in St. Louis School of Law, norwood@wustl.edu

Blackthink's™ Acting White Stigma in Education and How it Fosters Academic Paralysis in Black Youth

KIMBERLY JADE NORWOOD*

Apparently I am an Oreo. . . . [A]n Oreo is not a cookie made by Nabisco but a person who is [B]lack on the outside and [W]hite on the inside. Now, I admit that I could switch places with any member of NSync, a late-'90s boy band, and perform a concert, and the fans wouldn't notice. But that doesn't make me an Oreo. . . . The words [B]lack and [W]hite don't just mean color anymore. They describe actions, behavior and intelligence. Black symbolizes guns, violence, "ghetto fabulous" behavior, a job at McDonald's, overall failure in life. And [W]hite is a Harvard graduate, CEO of a Fortune 500 company, a house in the Hamptons, success. These stereotypes let all of the air out of a little [B]lack kid's balloon. And if the stereotypes don't do it, some other [B]lack people will, starting with your education. It is dangerous for a young [B]lack female like me to be surrounded by other young [B]lacks who don't value their education. 'Cause I'll tell you, the feeling can be contagious, especially in middle and high school, when fitting in is in and standing out is way out. At my middle school, I stuck out immediately. On my first day . . . I was ready to learn and very surprised to find the majority of my fellow

[B]lack students were not. . . . In my reading class their eyes slit my throat as I raised my hand to answer questions. . . . The difficulty of coping with the ridicule became a lot to bear at a time when having and making friends was the issue of the day. Being called an "Oreo" or "Miss Smarty-Pants" and "brainy" became normal, but I was never completely numb to the implications of these words . . . . This feeling has continued into high school and probably will continue throughout my entire life. . . .[1]

TABLE OF CONTENTS

I. INTRODUCTION

This article is part of a symposium hosted by Howard University School of Law in the fall of 2006, titled: *"What is Black: Perspectives on Coalition Building in the Modern Civil Rights Movement."* The civil rights movement has existed, in one form or another, since Africans were brought to this country in the seventeenth century. The movement was then concentrated on equality for America's Black[2] citizens. Today, and with good reason, that focus continues. Yet, this essay argues that the movement must broaden its focus to not only continue its efforts to eradicate the societal, *i.e.*, "external" forces that work to keep Black Americans oppressed, but it must also work to eradicate the forces *within* the Black community, *i.e.*, the internal forces, that similarly contribute to such oppression. This essay, then, does not focus on coalition building as such. Rather, it is a plea that the movement broaden its current focus to include behaviors and practices within the Black community that play a role in stifling Black

---

1. Kristina Broadie, *I Care About School, Does that Make Me an Oreo?*, ATL. J-CONST., Aug. 8, 2004, at 1E (emphasis added) (when this commentary was written, Kristina was a 16 year-old rising junior in high school in Silver Spring, Maryland).

2. The word "Black," is used herein as a conscious distinction from the term African-American, which in the author's view is broader than Black American. *See also* Angela Onwuachi-Willig, *The Admission of Legacy Blacks*, 60 VAND. L. REV. (forthcoming 2007).

growth. Once that focus is included, coalitions can then be built to help exorcise such behaviors.

The civil rights movement got its footing when newly freed African slaves found themselves in need of housing, food, education, and jobs. The movement later expanded to securing other civil rights for Black Americans: the right to live where one wanted to live,[3] the right for equal education,[4] the right to vote,[5] the right to marry who one wanted,[6] the right to fair housing,[7] equal employment opportunities,[8] the right to be judged by a jury of one's peers, and indeed, the right to be a juror.[9] All of these necessary and worthy goals focused on systemic, societal oppression of Black people. Civil rights advocates fought employers, retailers, homeowners, schools, people, and institutions outside of the Black community who controlled the access and the power.

That focus served, and continues to serve, the Black community[10] well. Because of those hard won battles, I, a Black female, can live where I want. I can vote. I can apply for any job for which I am qualified. I have been educated. Indeed, I am a lawyer. Although things are far from equal between the current White majority on the one hand and minority populations of color on the other, no one can dispute that Blacks in America have come a long way since the abolition of the American slavery system in the mid-nineteenth century.

Of course, much work remains to be done. Indeed, the recent killing of a young unarmed Black man on his way to his wedding by *peace* officers in the New York City Police Department[11] and the Supreme Court's decision in *Parents Involved in Community Schools v.*

---

3. *See, e.g.*, Shelley v. Kraemer, 334 U.S. 1 (1948).
4. Brown v. Bd. of Educ., 347 U.S. 483 (1954).
5. Voting Rights Act of 1964, 42 U.S.C § 1973 (2000).
6. Loving v. Virginia, 388 U.S. 1 (1967).
7. Fair Housing Act, 42 U.S.C. § 3601 (2000).
8. Title VII of the Civil Rights Act, 42 U.S.C. § 2000e (2000).
9. Batson v. Kentucky, 476 U.S. 79 (1986).
10. I do not believe that Blacks are a monolith. As I have tried to make clear elsewhere, this is far from the case. *See* Kimberly Jade Norwood, *The Virulence of Blackthink and How its Threat of Ostracism Shackles Those Deemed Not Black Enough*, 93 KY L.J. 143 (2004-2005). The fact remains, however, that challenges that negatively impact America often impact Blacks in America in more pronounced ways.
11. *See* Robert D. McFadden, *Police Kill Man After a Bachelor Party in Queens*, N.Y. TIMES, Nov. 26, 2006, at 29; Raymond A. Winbush, *Aren't You Tired of Black People Being Murdered by People Classified as White?*, REPARATIONS FOR ENSLAVEMENT & THE BLACKSIDE OF THINGS, Dec. 2, 2006, http://winbushreparations.blogspot.com/2006/12/arent-you-tired-of-black-people-being.html.

Seattle School District,[12] which, by finding it unconstitutional for public school districts to consider race when trying to integrate such schools, gutted the earlier landmark decision in *Brown v. Board of Education*[13] leave no doubt that a future civil rights agenda must continue to include calls for justice, fairness, and equality to purge the effects of past and current societal racial discrimination. As Justice Ginsburg observed not long ago:

> Unemployment, poverty, and access to health care vary disproportionately by race. Neighborhoods and schools remain racially divided. African-American and Hispanic children are all too often educated in poverty-stricken and underperforming institutions. Adult African-Americans and Hispanics generally earn less than [W]hites with equivalent levels of education. Equally credentialed job applicants receive different receptions depending on their race. Irrational prejudice is still encountered in real estate markets and consumer transactions.[14]

We also know that Blacks with Caucasian features (lighter skin tone, longer and straighter hair, thinner lips) generally fair better in job prospects, have higher incomes, have more success in dating and marriage, and are more educated.[15] Indeed, the Blacker one's features (the broader the nose and the larger the lips, for example,) the more likely a criminal conviction and death sentence will follow.[16] Black

---

12. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).

13. 347 U.S. 483 (1954).

14. Gratz v. Bollinger, 539 U.S. 244, 299 (2003) (Ginsburg, J., dissenting); *see also* JODY DAVID ARMOUR, NEGROPHOBIA AND REASONABLE RACISM, THE HIDDEN COSTS OF BEING BLACK IN AMERICA (1997); SHERYLL CASHIN, THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM (2004); THOMAS M. SHAPIRO, THE HIDDEN COST OF BEING AFRICAN AMERICAN: HOW WEALTH PERPETUATES INEQUALITY (2004). For psychological insights on how racism and negative stereotypes are planted in the mind at a very early age, *see generally* ROBERT L. WILLIAMS, RACISM: LEARNED AT AN EARLY AGE THROUGH RACIAL SCRIPTING (2007).

15. *See, e.g.,* Norwood, *supra* note 10, at 168-70. Lighter skin tone reaps benefits in America for non-Black immigrants to this country as well. A recent study found that, even after controlling for English proficiency, education, occupation, race, ethnicity, and country of origin, skin tone, even among applicants from the same country or of the same ethnicity, one shade lighter in skin tone was equivalent to one year's education and resulted in 8-15% higher wages than the otherwise identical (yet slightly darker) counterparts. *See* Travis Loller, *Study Says Skin Tone Affects Earnings*, ASSOCIATED PRESS, Jan. 26, 2007, *available at* http://sfgate.com/cgi-bin/article.cgi?file=/News/archive/2007/01/26/national/a135252S09.DTL.

16. *See, e.g.,* Philip Lee Williams, *Skin Tone More Important than Educational Background for African Americans Seeking Jobs, According to New Research from the University of Georgia*, BROWARD TIMES (CORAL SPRINGS, FLA.), Aug.18-24 2006, at 4, *available at* http://proquest.umi.com/pqdweb?did=1134125241&sid=1&Fmt=3&clientId=9108&RQT=309&VName=PQD.

Everyone knows about the insidious effects of racism in American society. But when it comes to the workplace, African Americans may face a more complex situation-the effects of their own skin tone. For the first time, a study indicates that dark-skinned

sounding names and voices continue to have negative social conse-quences.[17] And, even in 2007, driving while Black (or Hispanic) con-tinues to subject the driver to discriminatory treatment from police officers.[18]

These burdens are tremendous ones that all Black Americans un-fairly bear.[19] The movement to eradicate these burdens must con-tinue. But, as discussed more fully in this essay, the eradication of societal, external barriers to equality will have limited utility if we do not, at the same time, confront head on the internal forces within the Black community that also contribute to Black oppression.[20]

African Americans face a distinct disadvantage when applying for jobs, even if they have resumes superior to lighter-skinner [B]lack applicants.

Id.; Jennifer L. Eberhardt, Paul G. Davies, Valerie J. Purdie-Vaughns, & Sheri Lynn Johnson, *Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes*, 17 PSYCH. SCI. 383, 385 (2006) (study finds, even when controls are made for a variety of racial factors that influence sentencing, the more *stereotypically Black* features a criminal defendant has (*i.e.*, darker skin tone, broad nose, thick lips), not only is the sentence given by judges longer, but the chances of receiving a death sentence, particularly in cases involving White victims, more than doubles).

17. *See, e.g.*, STEVEN D. LEVITT & STEPHEN J. DUBNER, FREAKONOMICS: A ROGUE ECONOMIST EXPLORES THE HIDDEN SIDE OF EVERYTHING 186 (2005).

Over the years, a series of 'audit studies' have tried to measure how people perceive different names. In a typical audit study, a researcher would send two identical (and fake) resumes, one with a traditionally [W]hite name and the other with an immigrant or minority-sounding name, to potential employers. The '[W]hite' resumes have always gleaned more job interviews.

Id.; Eun Kyung Kim, *Voice Profiling*, ST. LOUIS POST-DISPATCH, Feb. 6, 2006, at A1 (Blacks who called various telephone numbers in response to House for Sale or Apartment for Rent adver-tisements told that no such housing was available based, not on truth, but on the sound of the inquirer's voice).

18. Michael J. Sniffen, *Black, Hispanic Drivers More Often Searched, Arrested, U.S. Study Finds*, ST. LOUIS POST-DISPATCH, Apr. 30, 2007, at A4.

19. Note the physical costs of external oppression:

Race, although a social construct, exposes Blacks in America to highly stressful exper-iences. According to the Department of Health and Human Services, "Black Ameri-cans have a greater chance than White Americans of dying of stress-related illnesses, including cancer and heart disease." Not only do personal experiences of racism dispa-rately impact Blacks in America, but specific knowledge of the experiences of friends and relatives, combined with collective memories of racism in America, can result in cumulative or multiplied racially related stress. Furthermore, there is a spiral effect whereby the psychic implications of racism feed into physical manifestations, which again cycle back upon the psyche. Indeed, a Harvard University and Kaiser Founda-tion study confirms the correlation between elevated blood pressure levels in Blacks and self-reported experiences of discrimination.

Camille A. Nelson, *Considering Tortious Racism*, 9 DEPAUL J. HEALTH CARE L. 905, 934-35 (2005) (footnotes omitted); *see also* Lionel D. Scott, *Cultural Orientation and Coping with Per-ceived Discrimination Among African American Youth*, 29 J. BLACK PSYCHOL. 235 (2003).

20. For example, while the civil rights movement, and indeed society at large, should decry injustices committed by White people against Black people, *see, e.g.*, Winbush, *supra* note 11, the movement should also decry injustices committed against Black people *by other Black people*. *See, e.g.*, STEVE PERRY, MAN UP! NOBODY IS COMING TO SAVE US 38 (2005) ("Let one White police officer kill one Black boy . . . and Black people will march, call for reforms, scream racism and spray murals of the slain child on others people's property. But when we kill our own every single day where's the outcry?"); JUAN WILLIAMS, ENOUGH: THE PHONY LEADERS, DEAD-END

These internal forces—and there are many—have turned cancerous.[21] In recent times, and to some extent, reinvigorated by comments Bill Cosby made during a celebration commemorating the

---

MOVEMENTS, AND CULTURE OF FAILURE THAT ARE UNDERMINING BLACK AMERICA—AND WHAT WE CAN DO ABOUT IT 111-15 (2006) (retelling the story of a mother of five who was slain after testifying against a drug dealer in her community with no demands for accountability from the civil rights community).

21. Consider, for example, the following document, published and circulated on the Internet shortly after the death of Mrs. Coretta Scott King:

> Thank you Ms. Coretta for the grace, strength, and dignity that you displayed./ Since your wonderful husband was assassinated by the bullets of fear and hate./ You know they killed him because of their ignorance./ Thank you for not allowing bitterness and anger to engulf your very existence. Now that you are reunited with Martin tell him that they are stripping our rights away, day by day, but his fight was not in vain. Tell him that although my generation glorifies drugs, debases [B]lack women in song, and calls us vulgar names - that his dream still remains. Our men no longer celebrate our natural [B]lack beauty - we have to have long weaves, small waists, and big ole booties. The videos are so degrading, they mirror soft porn./ Us Blacks own television stations now, but that's all that's shown. Tell Martin that my generation apologizes for its lack of respect for his legacy and the dormancy of our elders, we might as well call this the Civil Rights of Unmovement Era./ Tell him that although we as [B]lack people make more than we've ever seen, that we squander it on diamond clad teeth, 24 inch rims, and designer clothes due to our sagging self-esteem./ Tell Martin that our babies are growing up without fathers, while the mothers are catching buses just like he remembers./ Our children take to the streets in droves, not to march or proclaim the injustice of this nation, but to pledge their gang affiliation./ I can't rhyme to this next line./ On any night thugs hang out while bullets ring out - not freedom./ And yes we continue to be judged by the color of our skin by America but I wonder most about the lack of the content of our character./ Advise him that the grand-daughters of the Civil Rights era are making their money as strippers./ The Grand-sons of the marchers are ignoring their sons and daughters and hanging and slangin' on corners./ They're going to jail in mass numbers, not for protesting, marching, or defying racism, but because they commit illegal acts to gain materialism./ Our children are making babies, ignoring education, committing felonious capers, I'd wish they'd read his Birmingham Jail Papers./ Tell Martin that those in the ghetto are not the only ones forgetting his dream./ There are those who've forgotten where they came from because of a little cream./ Who refuse to give back to the community, because their motto is 'More for me'./ They've forgotten how to lend a helping hand, to help their fellow man - all the while thinking, 'If I can make it, they can'./ Looking down without offering a leg up, getting on elevators with their noses up./ Some of us are even republicans now, but that's a very exclusive [B]lack crowd./ Striving to get to the top of the ladder, to make their pockets fatter - instead of doing something that truly matters./ Leaving the 'hood' in droves and only moving back when Whites buy up all of the homes./ Tell Martin that we still like to dance and sing, but not Negro spirituals cuz we've got Beyonce grinding and shaking her thing./ Ms. Coretta, this may hurt poor Martin the most - it just may seal the deal, we as a people don't attend church anymore./ Cuz we've gotten a little education and found out that God wasn't real./ For those of us who still believe, it makes us want to holla, we've got a pimp named Bishop and a Bishop named Dollar./ I don't know Ms. Coretta, maybe you'd better not tell Martin that for all that he's done to make us free, equal, and just - that we still migrate to the back of the bus. I'll bet looking down - he doesn't recognize us./ We've forgotten how to march, protest, and vote - but be at the club, standing in line for hours - in the freezing cold./ Sporting the latest gear; stilettos, hoochie clothes, teeth that's froze, and Tims – driving cars with less tire more rim. Dying to get in so that we can 'shake it fast', drop it like it's hot' - forgetting the respect and dignity that we were taught./ I neva' thought I'd think this thought, but please don't eva' give Martin your report./ Ms. Coretta, maybe you should just avoid mentioning my generation all togetha'.

Please Don't Tell Martin, by Bitter B, Jan. 31, 2006, *available at* http://www.playahata.com/pages/bitter/donttellmartin.htm.

fiftieth anniversary of the *Brown v. Board of Education* decision,[22] dialogue has been taking place about how to reverse the current path of destruction.[23] This essay deals with one specific aspect of the problem: internal behaviors that contribute to the Black-White academic achievement gap.

These internal behaviors have manifested into the following truisms: Black students do not put as much effort into their education as their White counterparts, and some accuse others of *acting White* when the latter pursue academic excellence. It is not uncommon to hear stories by Black students that others have called them "Oreos," accused them of *acting White*, or accused them of "not *really* being Black" when they engaged in behaviors like doing homework, going to class, and performing well in school.[24]

Accusing a Black person of *acting White* is an attack on the person's racial identity and is really part of a larger problem I call Blackthink.[25] Blackthink is a form of discrimination. It is practiced by a group of individuals, originally Black people, but the group is no longer so limited, who judge Blackness, *i.e.*, who decide whether a given individual is really Black.[26] Blind allegiance to what these individuals deem the true measure of Blackness results in embrace and welcome; any deviation garners rejection, marginalization, or ostracism from the Black community. Specifically, despite the fact that a person's bloodline may confirm that he or she is Black, those judging authentic Blackness might conclude otherwise. If you are a Republican, are conservative, do not support affirmative action, do not cast all fault on White supremacy and oppression as the sole cause of Black

---

22. Bill Cosby, Remarks at the NAACP 50th Anniv. Commemoration of the *Brown v. Board of Education* Supreme Court Decision (May 17, 2004) [hereinafter Cosby Speech] (transcript available http://www.eightcitiesmap.com/transcript_bc.htm).

23. *See generally*, JOY DeGRUY LEARY, POST TRAUMATIC SLAVE SYNDROME: AMERICA'S LEGACY OF ENDURING INJURY AND HEALING 186-87 (2005); BARACK OBAMA, THE AUDACITY OF HOPE (2006); PERRY, *supra* note 20; WILLIAMS, *supra* note 20.

24. *See, e.g., supra* note 1 and *infra* notes 100-110 and accompanying text.

25. I have explored the concept of Blackthink elsewhere. *See generally* Norwood, *supra* note 10. As noted therein, the decision makers judging the Blackness of others were originally themselves Black. Today, however, it is not particularly uncommon to have non-Black people decide Black authenticity matters. For more stories and reflections on the ways in which one can be Black, or not, and the in-group dilemma many Blacks face in this area, *see also* Angela Onwuachi-Willig, *Undercover Other*, 94 CAL. L. REV 873 (2006) and Jacquelyn L. Bridgeman, *Defining Ourselves for Ourselves*, 35 SETON HALL L. REV 1261 (2004-2005).

26. I have identified these guardians of Blackness elsewhere as "the Soul Patrol." Norwood, *supra* note 10 at 147. Portland State University Professor Kimberly Springer calls these guardians "'BATS,' *i.e.*, the Black Authenticity Testing Squad." *See, e.g.*, Kimberly Springer, *Talking White, in* WHEN RACE BECOMES REAL: BLACK AND WHITE WRITERS CONFRONT THEIR PERSONAL HISTORIES 71, 73 (Bernestine Singley ed., 2002).

dysfunction, for example, one can (and often will) be vilified and labeled an Oreo, a sell-out, a race traitor.[27]

The form of Blackthink just described occurs primarily among adults. The form of Blackthink discussed herein occurs among Black youth. Black youth, not infrequently, accuse each other of *acting White*. Black teenagers asked to define *acting White* include things like how one talks, walks, dresses, the kind of music the person listens to, the friends the person associates with, and whether the person is smart or tries to do well in school.[28] These attacks, particularly those used to discourage academic achievement, have damaging effects on the effort and psyche of our Black youth and their pursuit of academic excellence with pride and open vigor.

The modern civil rights movement must confront this problem head on. We need to acknowledge that this problem is real; we must help reeducate our youth about the importance education played in the slave's history and struggle for freedom. We should help Black youth understand that their very existence is the proof of the value of education. It is a validation of their strength and their determination, their perseverance and their worth. We must become visible models of success in their lives so that they learn from our success and understand how academic pursuits can lead to their success. We must rededicate ourselves to the mission of imparting in our youth the critical importance of education as a means of self-determination, and as a path to self- respect, self-esteem, and survival. These suggestions are small parts of a solution that will begin to help our children value themselves and their past, embrace their legacy, and reconnect with the continued fight for equality, particularly in the academic arena.

II. THE CURRENT STATE OF BLACK YOUTH & ACADEMICS

Fifty years after the landmark Supreme Court decision in Brown v. Board of Education, *racial disparities in achievement are a robust empirical reality. Black children enter kindergarten lagging behind*

---

27. Rejection can occur in a few different ways. A person can be marginalized, ignored, belittled, ridiculed, devalued, or otherwise "excluded" from the community. *See generally* Norwood, *supra* note 10. I should note that other ethnic groups wrestle with similar challenges to racial and/or ethnic identity and affinity depending on, for example, politics and beliefs. *Id.* at 148 n.10-11.

28. *See, e.g.,* Norwood, *supra* note 10, at 173-74; David A. Bergin & Helene C. Cooks, *High School Students of Color Talk About Accusations of "Acting White,"* 34 URB. REV. 113, 118-19 (2002).

> *[W]hite children, and these differences grow throughout the school years. Even in affluent neighborhoods, achievement gaps are startling. Including myriad controls to proxy for environmental factors, socioeconomic status, and family composition, the test score gap remains essentially unchanged. The Brown decision provided unprecedented hope for a future of educational equality; a hope that has yet to be realized.[29]*

Black youth are undergoing a crisis of epidemic proportions in the area of education. America as a whole is undergoing such a crisis,[30] true, yet Black America is woefully more seriously impacted.[31] President Bush said in his State of the Union address on January 23, 2007, that gains have been made in the achievement gap between mi-

---

29. Federico Echenique, Roland G. Fryer, Jr., & Alex Kaufman, *Is School Segregation Good or Bad?*, 96 AMER. ECO. REV. 265, 265 (2006).

30. Our nation currently lags behind many others in education, particularly in math and science. *See, e.g.*, David M. Herszenhorn, *Expert Panel Proposes Far-Reaching Redesign of the American Education System*, N.Y. TIMES, Dec. 15, 2006, at A33 ("Warning that Americans face a grave risk of losing their prosperity and high quality of life to better educated workers overseas, a panel of education, labor and other public policy experts yesterday proposed a far-reaching redesign of the United States education system . . . ."); RAY UHALDE & JEFF STROHL, NAT'L CTR. ON EDUC. & ECON., AMERICA IN THE GLOBAL ECONOMY: A BACKGROUND PAPER FOR THE NEW COMMISSION ON THE SKILLS OF THE AMERICAN WORKFORCE (Dec. 2006), *available at* http://www.skillscommission.org/pdf/Staff%20Papers/America_Global_Economy.pdf; U.S. DEPT. OF EDUC., ANSWERING THE CHALLENGE OF A CHANGING WORLD: STRENGTHENING EDUCATION FOR THE 21ST CENTURY (2006), *available at* http://www.ed.gov/about/inits/ed/competitiveness/strengthening/strengthening.pdf; NAT'L CTR. FOR EDUC. STAT., DIGEST OF EDUCATION STATISTICS: 2005, *available at* http://nces.ed.gov/programs/digest/d05/. We also lag other nations in the amount of time we spend doing homework (which has some correlation to achievement). *See, e.g.*, Brian P. Gill & Steven L. Schlossman, *A Nation at Rest: The American Way of Homework*, 25 EDUC. EVALUATION & POL'Y. ANALYSIS 319, 325, 330-31 (2003).

31. *See, e.g.*, Nathan Thornburgh, *Dropout Nation*, TIME, Apr. 9, 2006, at 32.
   In today's data happy era of accountability, testing, and No Child Left Behind, here is the most astonishing statistic in the whole field of education: an increasing number of researchers are saying that nearly 1 out of 3 public high school students won't graduate . . . around the nation. For Latinos and African Americans, the rate approaches an alarming 50%. Virtually no community, small or large, rural or urban, has escaped the problem.

Id. Senator Barack Obama recently noted:
   [T]he problems with our educational system aren't restricted to the inner city. America now has one of the highest high school dropout rates in the industrialized world. By their senior year, American high school students score lower on math and science tests than most of their foreign peers. Half of all teenagers can't understand basic fractions, half of all nine-year olds can't perform basic multiplication or division, and although more American students than ever are taking college entrance exams, only 22 percent are prepared to take college-level classes in English, math, and science.

OBAMA, *supra* note 23, at 160; *see, e.g.*, ABIGAIL THERNSTROM & STEPHAN THERNSTROM, NO EXCUSES: CLOSING THE RACIAL GAP IN LEARNING 11-23 (2003). To the extent one might read this paper as one that sets White children and White performance at the top of any standard, it is not meant to do so. It is absolutely clear that Asian and Asian-American children perform better, academically, than White children. THERNSTROM, *supra* note 31, at 84-98. This paper is not directed at having Black children "catch up" to White children as its goal. It is much deeper than that. It is about helping Black youth regain their dignity and worth and helping them replace their current value systems with more meaningful and lasting ones.

norities and White students.[32] That is a matter of dispute.[33] But even if one accepts that the gap has narrowed, we are certainly far, far from being able to brag about such closure. The gaps in dropout differentials, grade proficiency levels, grade point averages, standardized test scores, and the like remain huge.[34] Take dropout rates as an example. Dropout rates for Black high school students in some cases exceed 50%.[35] The rates for Black boys are even worse. Nationally, for example, "[o]nly 43[%] of Black boys graduate from high school with a regular diploma."[36] In Baltimore, some public schools have dropout rates that exceed 70%.[37] In New York City and Chicago, where almost 10% of *all* Black boys educated in public schools in the *country*

---

32. *See, e.g.*, President George W. Bush, State of the Union Address (Jan. 23, 2007) (transcript available at http://www.whitehouse.gov/stateoftheunion/2007/index.html).

33. *See, e.g.*, JONATHAN KOZOL, THE SHAME OF THE NATION: THE RESTORATION OF APARTHEID SCHOOLING IN AMERICA 202-09 (2006).

34. This paper focuses primarily on Black public high school students. Yet, it is absolutely clear that the achievement gap problems discussed herein plague the Latino/a high school students as well. *See generally* HERMAN BADILLO, ONE NATION, ONE STANDARD: AN EX-LIBERAL ON HOW HISPANICS CAN SUCCEED JUST LIKE OTHER IMMIGRANT GROUPS (2006); William H. Jeynes, *The Effects of Black and Hispanic 12th Graders Living In Intact Families and Being Religious on Their Academic Achievement*, 38 URB. EDUC. 35 (2003). Note that Black graduation rates trail Hispanic graduation rates. *See, e.g.*, Olivia Pullman, *Just the Stats: Hispanics in Education, Are they Achieving?*, DIVERSE ISSUES IN HIGHER EDUC., Jan. 19, 2007, *available at* http://diverseeducation.com/artman/publish/article_6906.shtml (53.2% graduation rate for Hispanic students compared to 50.2 for Blacks and 74.9% for Whites). For an in-depth analysis of this crisis as it impacts Black boys, *see generally* SCHOTT FOUNDATION FOR PUBLIC EDUC. PUBLIC EDUCATION & BLACK MALE STUDENTS: THE 2006 STATE REPORT CARD, *available at* http://www.schottfoundation.org/publications/schott_06_report_final.pdf (2006) [hereinafter SCHOTT REPORT].

35. Journalist Juan Williams recently noted:

Only 50 percent of [B]lack students who enter the ninth grade later graduate with a regular high school diploma. The sad but real 50-percent graduation rate is far below the 75 percent of [W]hite students who get a regular diploma, according to a 2004 study by the Civil Rights Project at Harvard University and the Urban Institute. They found that the [B]lack high school graduation rate was even lower than the 53-percent rate of Hispanic students, many of then recent immigrants who face a language barrier as they go to U.S. schools. But what is more troubling is that hidden with the 50 percent graduation rate for [B]lack students is an even lower graduation rate for [B]lack males. Only 43 percent of [B]lack boys graduate from high school with a regular diploma.

WILLIAMS, supra note 20 at 92-93; *see generally*, DROPOUTS IN AMERICA: CONFRONTING THE GRADUATION RATE CRISIS (Gary Orfield ed., 2004).

36. WILLIAMS, *supra* note 20, at 93.

37. *See e.g.*, THE BOYS FROM BARAKA (Velocity & Thinkfilm 2005) (76% of African-American males in Baltimore public schools drop-out of high school); *see also* Erik Eckholm, *Plight Deepens for Black Men, Studies Warn*, N.Y. TIMES, Mar. 20, 2006, at A1. The situation does not improve, obviously, as one climbs the academic ladder. According to a first-of-its-kind study out of Chicago, recently published by the Consortium on Chicago School Research, "[o]f every 100 freshmen entering a Chicago public high school, only about six will earn a bachelor's degree by the time they're in their mid-20s. . . . The prospects are even worse for African-American and Latino male freshmen, who only have about a 3 percent chance of obtaining a bachelor's degree by the time they're 25." Judi S. Cohen & Darnell Little, *Of 100 Chicago Public School Freshmen, Six Will Get A College Degree*, CHICAGO TRIBUNE, Apr. 21, 2006, at C1.

are educated, 70% of those students do not graduate with their peers.[38] This one factor alone—the dropout rates for Black youth in general and Black boys in particular—is cause for acute alarm. Indeed,

> [d]ropping out of high school today is to your societal health what smoking is to your physical health, an indicator of a host of poor outcomes to follow, from low lifetime earnings to high incarceration rates to high likelihood that your children will drop out of high school and start the cycle anew.[39]

Not everyone agrees with the numbers or percentages.[40] Part of the problem lies in methods used to calculate, when to count, how to

---

38. SCHOTT REPORT, *supra* note 34, at 4.

39. Thornburgh, *supra* note 31, at 32. Students who drop out of school are, more often than not, unemployed, make lower wages than high school graduates, or end up in jail or prison. *See, e.g.*, Gary Orfield, *Losing Our Future: Minority Youth Leftout*, *in* DROPOUTS IN AMERICA, *supra* note 35, at 1-2; Robert M. Hauser, Solon J. Simmons & Devah Pager, *High School Dropout, Race/Ethnicity & Social Background from the 1970's to the 1990's*, *in* DROPOUTS IN AMERICA, *supra* note 35, at 85; NAT'L CENTER FOR EDUC. STAT., STATUS AND TRENDS IN THE EDUCATION OF BLACKS 40 (2003), *available at* http://nces.ed.gov/pubs2003/2003034.pdf [hereinafter STATUS AND TRENDS]; WILLIAMS, *supra* note 20, at 95 ("In 2000, 65% of Black boys who dropped out of high school were unemployed, had stopped looking for work, or were in jail; by 2004, the New York Times reported, 75% of Black men who dropped out of college were unemployed."). In a National Public Radio interview with Ed Gordon, law professor Paul Butler noted that increasing the number of high school graduates will not only lead to less crimes being committed but will also translate into less incarceration. *See* Interview by Ed Gordorn with Paul Butler, Law Professor, George Washington University (Sept. 30, 2005), *available at* http://www.npr.org/templates/storty/story.php?storyid=4930683. A recent article in *Diverse Issues in Higher Education* found that:

> The Justice Department's last study on inmate education was conducted in 1997. According to that study, 68 percent of state prisoners had not completed high school. More recently, in 2003, nearly 40 percent of the incarcerated population was found to be functionally illiterate, meaning that they were incapable of writing a letter, according to *The Prison Index*, an index of statistics about our nation's criminal justice system, written by Peter Wagner, assistant director of the Prison Policy Initiative. The Sentencing Project, a non-profit group opposed to over-reliance on incarceration to deal with crime, found that only 50 percent of prisoners on death row had a GED or a high school diploma compared to 85 of the U.S. adult population.

Olivia Pullman, *Just the Stats: Educate or Incarcerate?*, DIVERSE ISSUES IN HIGHER EDUCATION, ¶5, Sept. 8, 2006, *available at* http://www.diverseeducation.com/artman/publish/article_6349.shtml.

40. *See generally* Daria Hall, *Getting Honest About Grad Rates: How States Play The Numbers and Students Lose*, EDUC. TRUST, June 2005, *available at* http://www2.edtrust.org/NR/rdonlyres/C5A6974D-6C04-4FB1-A9FC-05938CB0744D/0/GettingHonest.pdf); *see also* Orfield, *supra* note 39, at 3 ("In June 2004, for example, the U.S. Census Bureau released a report claiming that 'high school graduation rates reach all-time high,' based on a national survey. Yet studies we present in this book report that these data are seriously inaccurate, particularly for minority students. . . ."). Another study found as follows:

> The Federal Government has been similarly deceptive, producing rosy graduation-rate estimates—usually between 85% and 90%—by relying on a couple of questions buried deep within the U.S. Census Bureau's Current Population Survey. The survey asks whether residents have a diploma or GED. Critics say the census count severely underreports dropout numbers, in part because it doesn't include transients or prisoners, populations with a high proportion of dropouts.

count, and incentives to count.[41] Indeed, as Professor Gary Orfield, Director of the Civil Rights Project at Harvard University, has noted elsewhere, not all reporting entities use the same information, report in the same format, or have the same incentive to report accurately:

> Most Americans think that if you add the number of dropouts to the number of graduates, you get 100[%] of the students in a school. If you didn't drop out, then you must have graduated. This is almost never true in official statistics. In some districts, it is just assumed that a missing student enrolled somewhere else, so many students aren't counted as either dropouts or graduates. As a result, the data that state and local officials release suggest a much higher completion rate. These statistics sound good and make the school officials look good, but are often off by several orders of magnitude. Texas and California, for example, are among the states that report very low dropout rates but have a great many of students who do not receive diplomas.[42]

Moreover, the difference between terms like dropout rates, graduation rates, and completion rates all serve to confuse, mislead, and prevent an accurate assessment of where Black youth actually stand.[43]

Thornburgh, *supra* note 31, at 33. Remember, though, that even if high school graduation rates have climbed, the rates remain problematic, particularly for Black males. *See, e.g.*, STATUS AND TRENDS, *supra* note 39, at 40-43; *see also infra*, Appendix, Table 1, for a state by state comparison of high school graduation rates for 2003-2004.

41. Orfield, *supra* note 39, at 3-5.

42. *Id.* at 3. Consider, for example:

[I]n many states students are removed from school rolls when they hit twenty-one regardless of whether they have received a diploma or not. Similarly, if they are incarcerated, they just cease to officially exist in school graduation data. In Texas, often hailed for its graduation rate success, students who for any reason cannot be accounted for, whether due to truancy or transfers, are removed from dropout calculations as if they never existed. Imagine the damage that would be done to Texas' stats if the true graduation status of these "missing persons" were figured in. In most states, students who say they left school for GED programs are not considered high school dropouts regardless of whether they actually receive their GED certificate or not.

Cora Daniels, GHETTONATION: A JOURNEY IN TO THE LAND OF THE BLING AND THE HOME OF THE SHAMELESS 156 (2007). The difference in how graduation rates verses dropout rates are calculated might help explain why in St, Louis, Missouri, the St. Louis city public schools had a graduation rate of 55.9% for the 2006 school year but a "low" drop-out rate of just 15.1%. *See, e.g.*, ST. LOUIS BLACK LEADERSHIP ROUNDTABLE, 2006 REGIONAL REPORT CARD: ELIMINATING THE AFRICAN AMERICAN ACADEMIC ACHIEVEMENT GAP 75, *available at* http://blackleadershiproundtable.org/edu/reportcardregionalindex.pdf [hereinafter BLP 2006 REPORT CARD]. For reasons not entirely clear but irrelevant herein, this recorded 15.1% drop-out rate is listed as 17.8% on the Missouri Department of Elementary and Secondary Education website. *See* Missouri Dept. of Elementary & Secondary Educ., Annual Dropout Rate 2002-2006, http://dese.mo.gov/schooldata/four/115115/dropnone.html.

43. Yet, as Journalist Juan Williams notes:

This scandal of modern education is hidden in official graduation rates that claim [B]lack students aged eighteen to twenty-four have a high school completion rate of 84 percent. That is lower than the 92 percent completion rate for [W]hites, but it is not alarming. Those rates, however, include GEDs (General Education Development de-

Despite the disagreement, however, even the most favorable figures are both depressing and alarming. More importantly, for those who do graduate or otherwise *complete* high school, the real question is just how competent are they?[44]

In St. Louis, Missouri, where I live, the grade proficiency statistics for Black public school children should be a cause for national alarm. The St. Louis city public school, for example, is the largest public school educator of Black children in the St. Louis region. A mere 14% of its Black high school students are performing grade level work, *i.e.*, proficient in reading; less than 10% are performing grade level work in math.[45] There are twenty-five school districts in the St. Louis region and most fair no better, some fair worst.[46] Indeed, multiple districts in the St. Louis region currently are in jeopardy of losing their accreditation.[47] Another school district in the region, performing at a 2.9% proficiency rate for math and 0% proficiency for reading, is under state control.[48] And sadly, the largest educator of Black

---

grees) and attendance certificates that obscure the sad reality of how few [B]lack children, especially boys, are getting a real high school education.
WILLIAMS, *supra* note 20, at 93; see also STATUS AND TRENDS, *supra* note 39, at 42.

44. Diana Jean Schemo, *At 2-Year Colleges, Students Eager but Unready*, N.Y. TIMES, Sept. 2, 2006, at A1 ("As the new school year begins, the nation's 1,200 community colleges are being deluged with hundreds of thousands of students unprepared for college level work. Though higher education is now a near-universal aspiration, researchers suggest that close to half the students who enter college need remedial courses."). *See also* WILLIAMS, *supra* note 20, at 96 ("The fact is that many of those high school degrees are worthless in a competitive global economy.").

45. *See infra* Appendix, Table 2: BLP 2006 St. Louis Regional District Report Card Statistics. In Missouri, there are four achievement markers: Below Basic, Basic, Proficient, and Advanced. The definitions are too lengthy to be reproduced here. *See* MISSOURI ASSESSMENT PROGRAM, 2006 GUIDE TO INTERPRETING RESULTS, *available at* http://dese.mo.gov/divimprove/assess/2006_gir.pdf. The figures cited in the text accompanying this note were reproduced in a "report card" issued by the group called the St. Louis Black Leadership. The report contains data from the 2006 academic year of the achievement levels for Black and White students in the twenty-five school districts comprising the St. Louis region. Those twenty-five districts educate 28% of all public school students in the state, 48% of whom are Black. BLP 2006 Report Card, *supra* note 42, at 14.

46. *See infra* Appendix, Table 2—BLP 2006 St. Louis Regional District Report Card Statistics.

47. David Hunn & Paul Hampel, *Area School Districts Teeter on Edge of Unaccreditation*, ST. LOUIS POST-DISPATCH, Dec. 2, 2006, at A22.

48. In 2001-2003, for example, *0%* of the tenth grade students testing in math in the Wellston district were considered proficient or above. Missouri Assessment Program (MAP), 1997-2005 Wellston Disaggregate Data, http://dese.mo.gov/schooldata/four/096115/mapdnone.html. In the wake of state takeover, proficiency and above levels jumped to 38% in 2004 and 54.2% in 2005. *Id.* Unfortunately and inexplicably, test results for the 2005-2006 academic school year record proficiency levels for tenth grade students in math at 2.9%. *See* Missouri Assessment Program (MAP) Math Data Wellston Results, *available at* http://dese.mo.gov/planning/profile/MAP096115.html. The percentage for eleventh grade students in reading is 0%, 4.6% above proficient. *Id.* Equally painful numbers plague the middle and elementary schools.

students in the state, the St. Louis city public school system, recently came under state intervention and control because, among other things, dropout statistics, truancy percentages, grade proficiency data, test score data, and the like.[49]

Missouri reflects a nationwide academic epidemic for Black youth.[50] D.C. test scores from 2005 identify 97.53% of Black students in the tenth grade performing under grade proficient levels in math, and 91.12% of those same students performing under grade proficient levels in reading.[51] In Illinois, 64.9% of Black students in the eleventh grade performed below proficient levels in reading, and 81.4% per-

---

Of course, I should note that there is tremendous hope here. The new Superintendent, Charles Brown, told me that several interventions have been designed and implemented to improve the academic performance of the district's students. One such intervention is a summer school program affiliated with Washington University, for which I have had the pleasure of being a part. Under this program, a cohort of college bound students, are being introduced to and exposed to activities related to college readiness (i.e., ACT preparation, admissions procedures, mentoring, and dual enrollment). The first year of the program was during the summer of 2006 and it was a resounding success. It will take place again during the summer of 2007. I have also initiated efforts to create a high school to law school pipeline project with this district.

49. *See, e.g.*, Steve Giegerich, Matthew Franck, David Hunn & Kavita Kumar, *Amid Anger, Tears, State Takes Control; New Leader: Developer Gets Job, Pledges to Listen; Protests as he Takes Over District Teeming With Outrage*, ST. LOUIS POST-DISPATCH, Mar. 23, 2007, at A1; Steve Giegerish, *Intervention Virtually a Done Deal*, ST. LOUIS POST-DISPATCH, Jan. 12, 2007, at A1.

50. *See, e.g.*, SCHOTT REPORT, *supra* note 34, at 15-85 (includes the percentages of eighth grade Black, non-Hispanic males students who scored at or above the "basic" between 1998 and 2005). Of course, standardized tests are not without challenges. Indeed, they infamously pose all sorts of race, ethnic, and culturally based challenges in their own right for students of color. Stanford Professor Claude Steele's work on the profound impact of negative stereotypes on the psychic, and ultimately on the exam performance of students, is legendary. *See, e.g.*, Claude Steele, *Thin Ice: "Stereotype Threat" and Black College Students*, ATLANTIC MONTHLY, Aug., 1999, at 44; Claude M. Steele, *A Threat in the Air: How Stereotypes Shape Intellectual Identity and Performance*, 52 AM. PSYCHOLOGIST 613 (1997) [hereinafter Steele, *A Threat in the Air*]; Claude Steele and Joshua Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans*, 69 J. PERSONALITY & SOC. PSYCHOL. 797 (1995).

51. District of Columbia Public Schools, Academic Performance Database System (APDS), Summary Reports - Disaggregated Report by Ethnicity: Reading and Math, http://silicon.k12.dc.us/apds/APDSSummaryReports.asp (follow "Citywide" tab hyperlink; then select "Disaggregated" under "Report"; then select "Reading" or "Math"; then select "Ethnicity" under "Sort Scores") (last visited Apr. 13, 2007); *see also* CASHIN, *supra* note 14, at 205 (reporting figures remarkably similar to the 2005 data four years later). Consider also:

    [D.C.] is a school system in which – according to its just-released Master Education Plan – most kindergartners have "no exposure to books at home." Average reading scores on a national standardized test . . . "were lower than every other participating city school district."

    The result of this abysmal record is that a third of the city's high school students drop out without graduating. An equal percentage of District adults read at or below the third-grade level.

David Nicholson, *Why D.C. Can't Read*, WASH. POST, May 15, 2006, at A17.

formed below proficiency in math for the 2005 reporting year.[52] In Pennsylvania, 66% of Black eleventh graders are below proficiency in reading and 78% below in math.[53] In Florida, at least 96% of Black students are performing below proficiency in reading and 86% below proficiency in math.[54] In Maryland, test scores show 54% below proficiency in math and 57.7% below proficiency in English.[55] In South Carolina, scores are 65.4% below proficiency in English and 74.3% below proficiency in math.[56] In California, 79% of Black eleventh grade students are below proficiency in English and language arts; higher percentages abound for math.[57] New York is near impossible to comprehend.[58] There is some evidence, though, that somewhere

---

52. 2005 Illinois State Report Card, *available at* http://webprod1.isbe.net/ereportcard/publicsite/getSearchCriteria.aspx. In Illinois, there are four achievement levels. They are defined as follows:

Level 1 – Academic Warning-Student work demonstrates limited knowledge and skills in the subject. Because of major gaps in learning, students apply knowledge and skills ineffectively.

Level 2 – Below Standards-Student work demonstrates basic knowledge and skills in the subject. However, because of gaps in learning, students apply knowledge and skills in limited ways.

Level 3 – Exceeds Standards-Students work demonstrates advanced knowledge and skills in the subject. Students effectively apply knowledge and skills to solve problems.

Level 4 – Exceeds Standards-Student work demonstrates advanced knowledge and skills in the subject. Students creatively apply knowledge and skills to solve problems and evaluate the results.

Id. Levels 1 and 2 combine to result in the total percentage of students considered below grade proficiency.

53. COMMONWEALTH OF PENN., STATE REPORT CARD 2005-2006, at 12,13, http://www.paayp.com/report_cards/PA/RC06M.PDF.

54. *See* FLORIDA COMPREHENSIVE ASSESSMENT TEST (FCAT), STUDENT PERFORMANCE RESULTS DEMOGRAPHIC REPORT 2000-2007, STATE LEVEL DEMOGRAPHIC RESULTS: READING 2005, http://www.fcatresults.com/demog (follow "FCAT Reading Sunshine State Standards Scores" hyperlink; then select "2005" under "Select Year"; then select "9" and "10" under "Select Grade"; then select "Ethnicity" under "Select Subgroups"; then follow the "Select All" hyperlink under "Select Statistics"); FLORIDA COMPREHENSIVE ASSESSMENT TEST (FCAT), STUDENT PERFORMANCE RESULTS DEMOGRAPHIC REPORT 2000-2007, STATE LEVEL DEMOGRAPHIC RESULTS: MATHEMATICS 2005, *supra* (follow "FCAT Mathematics Sunshine State Standards Scores" hyperlink; then select "2005" under "Select Year"; then select "9" and "10" under "Select Grade"; then select "Ethnicity" under "Select Subgroups"; then follow the "Select All" hyperlink under "Select Statistics").

55. For the 2006 math scores visit http://mdreportcard.org/ (follow "State of Maryland Assessments" hyperlink; then select "% Basic Algebra" and "Af-American"). The 2006 English scores can be found at http://mdreportcard.org (follow "State of Maryland Assessments" hyperlink; then select "English 2" and "Af-American").

56. South Caroline Dept. of Educ., 2005 High School Assessment Program Test Scores, *available at* http://ed.sc.gov/topics/assessment/scores/hsap/2005/default.cfm (last visited Apr. 13, 2007).

57. California Dept. of Educ., California Standardized Testing Results (2006), http://star.cde.ca.gov/star2006/viewreport.asp (select group "Ethnicity" and subgroup "African American").

58. For a start, visit U. ST. NEW YORK, ST. EDUC. DEPT., NEW YORK STATE TOTAL PUBLIC REPORT CARD COMPREHENSIVE INFORMATION REPORT (2005), http://www.emsc.nysed.gov/repcrd2005/statewide/2005statewidecir.doc.

between 56.8 and 61.9% of Black students have the test scores neces-
sary to receive a diploma.[59] The value of the diploma, as explored
infra, is another matter.

There are similar gaps between Black performance and White
performance in individual course performance as well as in school and
grade point averages for example. Black American students are fac-
ing a crisis.[60] The challenges are not merely between Black students
and White students, but also between Black students and African and
African Caribbean students and foreign speaking immigrants of
color.[61] Of course this latter divide often plays out in harmful ways,
serving to divide, rather than unite, people of color in America's
schools.[62]

---

59. *See* U. St. New York, St. Educ. Dept., New York: The State of Learning 169-172
(2006), *available at* http://www.emsc.nysed.gov/irts/655report/2006/volume1.pdf. Note also that
while 80 percent of White students in New York go on to graduate and get a "Regents" diploma,
only 41 percent of Blacks and 42 percent of Hispanics do. *Id.* at 173.

60. *See generally* Schott Report, *supra* note 34; *see also* John U. Ogbu, Black Ameri-
can Students in an Affluent Suburb: A Study of Academic Disengagement 3-4 (2003)
[hereinafter Ogbu, Affluent Suburb]; Garvey F. Lundy & Glenn Firebaugh, *Peer Relations
and School Resistance: Does Oppositional Culture Apply to Race or to Gender,* 74 J. Negro
Educ., 233, 233 (2005).

61. *See, e.g.,* Perry, *supra* note 20, at 88 ("Immigrants from all over the globe who don't
even speak English are beating . . . out . . . the entire African-American community, especially
the so-called Black middle and upper classes."); *African Immigrants in the United States are the
Nation's Most Highly Educated Group,* 26 J. Blacks in Higher Educ. 60, 60 (1999-2000); Kris-
tin F. Butcher, *Black Immigrants in the United States: A Comparison With Native Blacks and
Other Immigrants,* 47 Indus. & Lab. Rel. Rev. 265, 271-72 (1994); Aisha Cecilia Haynie, *Not
'Just Black' Policy Considerations: The Influence of Ethnicity on Pathways to Academic Success
Amongst Black Undergraduates at Harvard University,* 13 Pub. Int'l Aff. 40 (2002); Onwuachi-
Willig, *supra* note 2; Clarence Page, *Black Americans Could Use Some Immigrant Optimism,*
Kansas City Star, July 8, 2004, at B7; Rachel L. Swarns, *Bridging a Racial Rift That Isn't Black
and White,* N.Y. Times, Oct. 3, 2006, at A1 (documenting some of the disparities in income,
education and other indicia of success as between Spanish speaking immigrants and Black
Americans in Atkinson County, Ga.). As Bill Cosby recently remarked:

> I'm going to tell you that the Ethiopian knows the value of an American education.
> The Nigerian knows the value of an American education. Drive a cab, all of them.
> Working at night, all of them. Living in the house, fourteen or fifteen people, but all of
> them are working, and got their books with them. They're at the community college,
> they are over at junior college working their way [to the university]. And they are
> going to become doctors, lawyers, and engineers and our people, born here are stand-
> ing around watching people go by.

Williams, *supra* note 20, at 169.

62. *See, e.g.,* Cara Anna, *Among Black Students, Many Immigrants,* Associated Press,
Apr. 30, 2007, *available at* http://news.yahoo.com/s/ap/20070430/ap_on_re_us/colleges_black_
students_4.

III. INTERNAL CONTRIBUTORS TO THE CURRENT DEMISE

Go into any inner city neighborhood, and folks will tell you that government alone can't teach kids to learn. They know that parents have to parent, that children can't achieve unless we raise their expectations and turn off the television set and eradicate the slander that says a [B]lack youth with a book is acting [W]hite.[63]

There are two large contributors to the academic achievement challenges facing Black youth: societal and/or institutional discrimination on the one hand and unhealthy behaviors within the Black community on the other. The societal and/or institutional contributions to this problem continue to multiply. Despite the gains of *Brown v. Board of Education*,[64] "the idea and vision animating *Brown* could not be farther from the reality of American public education today. Indeed, we are not even living up to the repugnant principle established in *Plessy v. Ferguson*. Our schools are separate, but hardly equal."[65] Moreover, not only have schools retreated from active implementation of the goals of *Brown*, but even districts wanting to continue the legacy face attack.[66] Governments are not spending the dollars needed to rebuild schools and educate children in non-functioning or poor functioning school districts.[67] Schools are grossly underfunded; per pupil spending on students varies wildly between districts in the same state; teacher qualification and certification levels and salaries vary significantly between public school districts within the same state.[68] Teacher expectations of students, based on race and class, vary significantly.[69] Facilities and resources vary significantly

---

63. Senator Barack Obama, Keynote Address at the Democratic National Convention (July 27, 2004) (transcript available at http://www.pbs.org/newshour/vote2004/demconvention/speeches/obama.html).

64. 347 U.S. 483 (1954).

65. CASHIN, *supra* note 14, at 208. Public schools are more *de facto* segregated now than they were at the time Brown was decided. *See, e.g.,* KOZOL, *supra* note 33, at 18-20; THE UNFINISHED AGENDA OF *Brown vs. Board of Education* (James Anderson & Dara N. Byrne eds., 2004); CHARLES J. OGLETREE, JR., ALL DELIBERATE SPEED: REFLECTIONS ON THE FIRST HALF CENTURY OF *BROWN V. BOARD OF EDUCATION* (2004), STATUS AND TRENDS, *supra* note 39, at 28.

66. *See, e.g., supra* note 12, and accompanying text.

67. Campaign for Fiscal Equity, Inc. v. State, 8 N.E.2d 50 (N.Y. 2006); *see also* David M. Herszenhorn, *New York Court Cuts Aid Sought For City Schools*, N.Y. TIMES, Nov. 21, 2006, at A1.

68. *See, e.g.,* KOZOL, *supra* note 33.

69. According to Senator Barack Obama, "[r]ecent studies show that the single most important factor in determining a student's achievement isn't the color of his skin or where he comes from, but who the child's teacher is." OBAMA, *supra* note 23, at 161. Imagine then, the effects on a child if the teacher does not believe in, or otherwise support, the child:

too, in race and class based ways.[70] These external oppressors continue to demand top priority on the civil rights agenda.[71]

I believe, however, that even if we remedy every single external force of oppression, there will still be internally challenging behaviors that need to be confronted.[72] Societal and/or institutional discrimination does not thoroughly explain how some Black students do not want to be placed in advanced placement courses or do not want to perform well in school and/or on school exams because of a belief that such behaviors are *acting White*.[73] Many of these behaviors were

---

> [T]he lack of understanding between students and teachers often leads to stereotyping. A study used to randomly survey teachers and their feelings about Black students going on to college received negative replies from 60% of its respondents. According to this report "teachers are susceptible to internalizing and projecting negative stereotypes and myths unfairly used to describe African American males." Teachers often allow their perception of a student to interfere with their ability to effectively teach them. When teachers have a misunderstanding of a student's potential, they tend to "underteach" the student despite the pedagogical practice.

Sabra R. Smith, *The Plight of the African American Student: A Result of a Changing School Environment, in* AFRICAN-AMERICAN ADOLESCENTS IN THE URBAN COMMUNITY: SOCIAL SERVICES POLICY AND PRACTICE INTERVENTIONS, 31 (Judith L. Roziz-Battle ed., 2002) (also published as 15 J. HEALTH & SOC. POL. 25, 31 (2002)) (citations omitted). Teacher expectations are important. *See, e.g.,* OGBU, AFFLUENT SUBURB, *supra* note 60, at 36-37; TEACHER EXPECTANCIES, (Jerome B. Dusek ed., 1985); Ronald F. Ferguson, *Teachers' Perceptions and Expectations and the Black-White Test Score Gap, in* THE BLACK-WHITE TEST SCORE GAP 273-317 (Christopher Jencks & Meredith Phillips eds., 1998); Barbara Glesner-Fines, *The Impact of Expectations on Teaching and Learning,* 38 GONZ. L. REV. 89 (2003); Linda Gorman, *Good Teachers Raise Student Achievement,* NBER Digest, Aug. 2005 at 4, *available at* http://www.nber.org/digest/aug05/w11154.html (last visited Apr. 13, 2007).

70. *See generally,* KOZOL, *supra* note 33.

71. Detailed analysis of external forces of oppression negatively affecting the Black-White achievement gap can be found, among other places, in the following sources: BEYOND ACTING WHITE: REFRAMING THE DEBATE ON BLACK STUDENT ACHIEVEMENT (Erin McNamara Horvat & Carla O'Connor eds., 2006) [hereinafter BEYOND ACTING WHITE]; CASHIN, *supra* note 14; KOZOL, *supra* note 33; MANO SINGHAM, THE ACHIEVEMENT GAP IN U.S. EDUCATION: CANARIES IN THE MINE (2005); OGLETREE, *supra* note 65; OGBU, AFFLUENT SUBURB, *supra* note 60; THE BLACK-WHITE TEST SCORE GAP, *supra* note 69; and John U. Ogbu, *Collective Identity and the Burden of Acting White in Black History, Community, and Education,* 36 URB. REV., 1, 17 (2004) [hereinafter Ogbu, *Collective Identity*].

72. *See also,* OBAMA, *supra* note 23, at 244-45, 250-52; Cosby Speech, *supra* note 22.

73. *See, e.g., infra* notes 96-106 and accompanying text; E-mail from Donna Rogers-Beard, Teacher, Clayton High School, Clayton, Mo. to author (Sept. 13, 2006, 17:59 CST) (on file with author).

> Our school counselor suggested to a Black senior girl at our school that she take my World History AP class. The girl said no way, "there are no African American kids in that class." The counselor got the girl to come and talk to me. I first of all said to the girl, "I am the Black teacher in this classroom, so there are Black people in here." She said, "you don't count." I then gave her the name of two girls who had taken the class last year. One she dismissed as "bi-racial" and therefore did not count, the other she dismissed as "not really Black."

Compare id. with Ronald F. Ferguson, *A Diagnostic Analysis of Black-White GPA Disparities in Shaker Heights, Ohio, in* BROOKINGS PAPERS ON EDUCATION POLICY: 2001, at 347, 381-85 (Diane Ravich ed., 2001) (noting the socially isolating effects Black students, particularly Black males, report when (and if) they take honors and advanced placement courses) [hereinafter *Diagnostic Analysis*].

---

caused by societal and institutional oppression, but they are being sustained by the student.[74] We have to be able to admit this and discuss this—without accusing the messenger of blaming the victim, or labeling the messenger as an Oreo, being seduced by oppression, or being branded an elitist out of touch with reality—if we are going to help Black youth get off the path of self-destruction and back on the path of self-worth.[75] Such redirection is required to help Black youth take advantage of the academic opportunities bestowed upon them by countless freedom fighters in the struggle for educational equality.

Moreover, we have no time, given the current dire state of affairs, to worry about what "they" will say. That is a concern, a real one, but time is running out. Black youth are dying while we yell at each other and point fingers at schools and society and ignore or detrimentally downplay the impact of internal behaviors that need counsel. We must turn our focus to the children. They "must be encouraged to excel and believe that they can succeed in school and life in legitimate

---

74. *See e.g.*, LEARY, *supra* note 23, at 152 ("People who believe themselves to have little worth, little power, little self-efficacy, will often do whatever they can do to don the trappings of power, even if it means acting out the demeaning roles society considers appropriate for them.").

75. *See, e.g.*, MICHAEL ERIC DYSON, IS BILL COSBY RIGHT? (OR HAS THE BLACK MIDDLE CLASS LOST ITS MIND?) (2005) (lodging bitter personal attacks on Bill Cosby and providing a series of society-based explanations for dysfunction in the Black community); *see also* Jerome H. Schiele, *Mutations of Eurocentric Domination and their Implications for African American Resistance*, 32 J. BLACK STUD. 439 (2002). Compare, for example, what happened with John Ogbu, the Nigerian anthropologist who, along with psychologist Signithia Fordham, coined the term *acting White* over twenty years ago, to describe the reasons behind Black student underperformance in school. *See infra* note 107.
Ogbu was hired by a group of upper middle class Black parents in the early 1980s to study why their children were underperforming in school. While Ogbu's research pointed to some of the usual suspects, like low teacher expectations, one result was surprising: these educated upper middle income Black parents did not stress education or spend the time with their children helping them with school as compared to their White counterparts. *See, e.g.*, *supra* note 60 and accompanying text. The result? ATTACK! As Cora Daniels recently observed:

> Before Ogbu's books even hit the stores, the criticisms started. The parents who had begged him for answers turned their backs when they did not like the answers he offered. One Black parent from Shaker Heights told CNN that the professor was an "academic Clarence Thomas." Others merely argued that his conclusions were outrageous, wrong, and misguided; they even suggested that the Nigerian immigrant did not fully understand the Black experience in America. Academics blasted his research methods. And, finally, the National Urban League sent out an official press release to condemn him and his work, stating: "The League holds that is useless to waste time and energy with those who blame the victims of racism."
> Indeed, anything that even hints at blaming the victim is dangerous. It lets any other contributing factor (in this case of the Shaker Heights schools, racism) off the hook, The easiest thing to do once the victim is in any way blamed is to sit back and point the finger and refuse to listen to anything else, thereby allowing any other legitimate contributing factors to be ignored. This is what happened with Ogbu. Folks were too busy defending themselves and the great jobs we all were supposedly doing as parents that they couldn't pay attention to the more important problem still at hand—our underachieving children.

Daniels, *supra* note 42, at 154-55.

occupations. They must understand that life is more than the momentary bling or diamond grilles."[76] This is not about blame. Indeed, there are great arguments that the current mindset and culture is *not* the fault of our children. They were trained to forget.[77] But yet, we now have to work to reeducate them, despite outside forces working against us, because their very survival is at stake.

Internal barriers to academic progress for Black youth include the following: Black youth do not put forth as much energy into academics as their White, Asian or Black immigrant counterparts.[78] Black youth watch more television than White or Asian students and they are not spending as much time on homework and studying as White or Asian students.[79] Black parents are not as involved in parent teacher conferences and other school-related activities as White parents.[80] Some Black youth verbally attack others with the acting White racial slur when they try to achieve.

---

76. E-mail from Taunya Banks, Jacob A. France Professor of Equality Jurisprudence, University of Maryland School of Law, to author (Sept. 1, 2006 16:15 PM CST) (on file with author).

77. As the noted Carter Woodson once famously remarked:
> When you control a man's thinking you do not have to worry about his actions. You do not have to tell him not to stand here or go yonder. He will find his "proper place" and will stay in it. You do not need to send him to the back door. He will go without being told. In fact, if there is no back door, he will cut one for his special benefit. His education makes it necessary.

CARTER G. WOODSON, THE MIS-EDUCATION OF THE NEGRO, xiii (6th ed. 1993).

78. THERNSTROM, *supra* note 31, at 120-47; *see also* Toneille K. Raglan, *Why Do Immigrant Blacks and Their Descendants Generally Do Better Academically and Financially than Native-born Blacks in the United States?*, 1-3 (Oct. 11, 2006) (unpublished student manuscript) (on file with the author) (studying native born Black Americans lagging performance as compared to African and African Caribbean immigrants).

79. *See* THERNSTROM, *supra* note 31, at 142-46. Not all agree, however, that increased television watching has negative impacts on a student's academic performance. Harvard Professor Ronald Ferguson states that although Black students in a Shaker Heights, Ohio study watched almost twice as much television as White students in the same school,
> when a test is conducted to determine whether the lower homework completion rate [between Black and White students] might be caused by watching television, the result is that the estimated effect of television watching is so small as to be completely inconsequential. Apparently the lower homework completion rate is not because of television. Neither do differences among individuals in time watching television predict differences in grade point averages. Watching television contributes nothing as a predictor of achievement gaps.

Diagnostic Analysis, supra note 73, at 368.

80. STATUS AND TRENDS, *supra* note 39, at 72. Some attribute this lack of parental involvement to parent comfort with or trust in the school. *See, e.g.*, OGBU, AFFLUENT SUBURB, *supra* note 60, at 218-249 (middle income Black parents in Shaker Heights, Ohio did not, overall, attend meetings/conferences at their child's school or help with the child's homework to nearly the same extent as their White counterparts). This study advanced several possible explanations for its finding. Those explanations included: some instances of limited parental education and comfort with the school system, distrust of the school system and greater employment constraints on parent time and the like. *Id.* at 243-47. Of course, parental involvement is not necessarily a panacea either. Studies have found, for example, that Asian and Asian-American parents are not as actively involved in their children's school activities as White parents. Yet,

These behaviors are documented, whether we are talking about poor children, children from single parent households, children who attend poorly funded and dilapidated public schools, children from two parent households, children from educated and/or economically successful parents, or children who attend state-of-the-art public schools in their state.[81] Are there any behaviors within the Black community that might be contributing to this phenomenon? I think the answer is yes. I think two areas, in particular, so contribute: parent inactivity and negative peer pressure.

Parental involvement, motivation, drive, or lack thereof, has important effects on Black student academic achievement.[82] Active participation in the child's learning process, whether that means school participation, attending parent/teacher conferences and meetings, and helping students with their homework, produces results.[83] Such positive results include getting more homework done, improving language

---

their children study more, do more homework, and their parents have higher expectations of them and they outperform White children in most academic categories as well. *See, e.g.*, W. Mau, *Parental Influences on the High School Students' Academic Achievement: A Comparison of Asian Immigrants, Asian Americans, and White Americans*, 34 PSYCH. IN THE SCHOOLS 267 (1997).

81. *See, e.g.*, OGBU, AFFLUENT SUBURB, *supra* note 60; Steele, *A Threat in the Air, supra* note 50, at 615. Consider also *Diagnostic Analysis, supra* note 73, at 347 ("even in the suburbs, students of color are underrepresented among high achievers and overrepresented among students who get low grades and score poorly on standardized exams."). The Clayton school district in Missouri is one of the best school districts in the state. Its facilities are nearly unparalleled by any other public school in the nation, its per pupil spending is one of the highest in the state, their teachers have impeccable credentials. They also have several wonderfully intelligent, competent, phenomenal Black teachers and counselors. Yet, it had one of the largest achievement gaps between its Black students and its White students in the entire state of Missouri:

> Other data were less positive and left many of the education administrators, elected officials, and superintendents in the room shaking their heads. Schools with the best records for [B]lack student achievement often had the widest gaps. *The Clayton School District, for instance had the highest percentage of graduates entering a four-year college (89 percent), and the fourth-highest percentage of [B]lack student graduation rate (93 percent). Yet the math gap between [B]lack and [W]hite 10th graders at Clayton High School was greater than at any other school. Clayton High also had the third widest gap in reading.*

Tim Townsend, *Academic Gap Persists Between Black, White Students, Study Says*, ST. LOUIS POST-DISPATCH, Dec. 11, 2006, at B5 (emphasis supplied).

82. *See generally* Steven R. Hara & Daniel J. Burke, *Parent Involvement: The Key to Improved Student Achievement*, 8 SCH. COMMUNITY J. 9 (1998); William H. Jeynes, *The Effects of Parental Involvement on the Academic Achievement of African American Youth*, 74 J. NEGRO EDUC., 260 (2005) [hereinafter Jeynes II]; BLP 2006 REPORT CARD, *supra* note 42, at 7, 9.

83. John U. Ogbu, *Black-American Students and the Academic Achievement Gap: What Else You Need To Know*, J. THOUGHT, 9, 26-29 (2002) [hereinafter Ogbu, *What Else You Need To Know*]. *But see* Philip J. Cook & Jens Ludwig, *Weighing the "Burden of 'Acting White'": Are There Race Differences in Attitudes Toward Education?*, 16 J. POL'Y ANALYSIS & MGMT. 256, 267-68 (1997).

skills, lowering absentee rates,[84] and obtaining higher test scores.[85] Indeed, some studies suggest that Black parental involvement has a *higher beneficial rate* than even the parental involvement of Asian and Asian-American parents in their children's academic pursuits.[86]

Yet there is data to suggest that Black parents are not as involved in their children's education as they should be. This is true whether we are talking about single parents, poor parents, educated parents, or well-to-do parents.[87] Indeed, some research has specifically found "generally" that "most Black parents in the inner-city *and in the suburbs* are uninvolved, even when schools make a serious effort to involve them in programs designed to assist their children."[88]

---

84. An article recently reported in the St. Louis Post Dispatch reported nearly unprecedented truancy levels in elementary and middle school students in the St. Louis city public school system. Steve Giegerich & Jaimi Dowdell, *District Battles Chronic Truancy*, St. Louis Post-Dispatch, Oct. 9, 2006, at B1 (public school attendance records from the academic year 2005 "show that nearly 15[%] – or 381 – of the school systems' fifth graders and 27[%] – or 788 – of the district's eighth-graders missed 20 or more days of school [that] year."). Again, this may not have anything, necessarily, to do with parent fault or inattention. Indeed, we know that poor children, the primary constituencies in many inner city public schools, suffer more illnesses, for example, than other children. *See, e.g., id.*

85. Jeynes II, *supra* note 82, at 260, 264.

86. Consider:

> In attempting to [determine why parental involvement of Black parents is more beneficial to Black children than the parental involvement of Asian and Asian-American parents to Asian and Asian-American children], it must be remembered that the effect sizes for parental involvement do not measure the likelihood of parental involvement but the effect of parental involvement when it takes place. In other words, what the results indicate is that when there is parental involvement from the parents of African American students, on the average, these children benefit more than their average Asian American counterparts. . . .
>
> [O]ther researchers have noted that there is a great deal of educational emphasis in the Asian and Asian American culture. It may be that there are enough educational incentives present in other aspects of Asian American culture so that even without a large degree of parental involvement, students still do relatively well. It may well be that parental involvement has the greatest impact where there are not other cultural factors that are working to raise academic achievement.

William H. Jeynes, *A Meta-Analysis: The Effects of Parental Involvement on Minority Children's Academic Achievement*, 35 Educ. & Urb. Soc. 202, 214-15 (2003) [hereinafter Jeynes III] (internal citations omitted).

87. It is a common misconception that the Black–White achievement gap is one that exists among poor or "inner-city" Black youth. Yet, there is evidence to suggest that the children of middle income parents and educated parents have achievement gap problems as well. *See, e.g., supra* note 81. Professor Singham recently noted as follows:

> It is easy to think one understands the causes of the educational achievement gap when one has the mental image of [B]lack students as coming from urban and poor dysfunctional families, and of [W]hite students as being suburban and middle- or upper-class. But not all students fit this stereotype, and the achievement gap transcends all these categories. For example, [B]lack students from families with incomes of more than $100,000 had a mean SAT score that was 142 points below the mean score for [W]hites from families at the same income level.

Singham, *supra* note 71, at 43 (footnote omitted).

88. Ogbu, *What Else You Need To Know, supra* note 83, at 29 (emphasis supplied).

True, many factors often inhibit or contribute to a parent's ability to get involved. Single and/or poor parents, for example, simply have more burdens to bear. These parents often work more jobs and/or longer hours, and accordingly, are not as present in the home and able to participate in the child's education.[89] Finding the time and/or energy to attend school meetings or help children with homework is difficult.[90] Finding the energy to get involved is a much harder burden on these parents than on others. Yet, the burden is one which must still be borne. The children are screaming for it. As journalist Joseph H. Brown, has noted elsewhere:

> The basis of the achievement gap is that in too many [B]lack communities, academic excellence is nowhere near as valued as rap albums or a basketball dunk shot. And such attitudes are beyond the reach of any civil rights legislation or litigation.
>
> . . .
>
> [I]f we want - check that, expect - our youth to excel academically, then *parents must* limit television watching, Internet surfing and video game-playing and motivate their children to spend more time reading and exploring academic topics. If we expect our children to learn, we have to convince them that school is a place to focus their attention on gaining knowledge . . . .[91]

Parental involvement will have a positive effect in the child's academic success. Parents must, then, find the energy to help them.[92]

---

89. Jeynes II, *supra* note 82, at 270.

90. *See, e.g.,* William H. Jeynes, *Effects of Parental Involvement and Family Structure on the Academic Achievement of Adolescents,* 37 MARRIAGE & FAMILY REV. 99, 108, 114 (2005) [hereinafter Jeynes IV] (Children from "intact" families perform better in school than children from single parent households and that is due, in part, to the fact that it is difficult for one parent "to give the child the level of educational benefits that are normally associated with children having two parents."). White and Hispanic children live in two parent households at almost (and in the case of White families, at least) twice the rate as Black children. Specifically, the percentage of Black children living in two parent households in 2000 was 37%, the percentage for Hispanic children was 65%, and the percentage for White children was 78%. STATUS AND TRENDS, *supra* note 39, at 10; Jeynes III, *supra* note 86, at 215.

91. Joseph H. Brown, *Fulfilling the Dream Takes Effort,* TAMPA TRIB., Sept. 7, 2003, at 6 (emphasis added).

92. COVENANT WITH BLACK AMERICA (Tavis Smiley ed., 2006); PERRY, *supra* note 20, at 27. Compare, for example, memories shared by Bill Cosby on the contributions of other parents and people in the neighborhood in the not very distant past:

> In the neighborhood that most of us grew up in, parenting is not going on. (clapping) In the old days, you couldn't hook school because every drawn shade was an eye (laughing). And before your mother got off the bus and to the house, she knew exactly where you had gone, who had gone into the house, and where you got on whatever you had on and where you got it from. Parents don't know that today.

Cosby Speech, *supra* note 22.

And for single parents and low-income parents, networks must be established to help those parents help their children.[93]

The neighborhood that a child lives in also is important.[94] Indeed, there is some evidence that the child's neighborhood is *more determinative of the child's "success" than having "good parents."*[95] A study in Boston revealed similarly:

> Residence in a neighborhood in which a large proportion of other youths are involved in crime is associated with a substantial increase in an individual's probability of being involved in crime. Significant neighborhood peer effects are also apparent for drug and alcohol use, church attendance, and the propensity of youths to be out of school and out of work. [The] results indicate[ ] that family and peer influences both operated in manner such that 'like begets like.'[96]

The "village" is important in the child's motivation and academic performance. Drop-out rates are lower, school attendance is higher, math and reading test scores are higher, more homework is performed, and higher achievement scores are obtained for "students who live in neighborhoods with a high prevalence of high-status re-

---

93. As explored *infra*, I argue for a massive, comprehensive mentor program. Such a network could and should include a network of support to make it easier for struggling parents to become more involved with their children's education.

94. *See, e.g.*, OGBU, AFFLUENT SUBURB, *supra* note 60, at 188-217; David Austen-Smith & Roland G. Fryer, Jr., *An Economic Analysis of "Acting White,"* Q. J. ECONOMICS 551, 570-71 (2005) [hereinafter *An Economic Analysis*]; William Julius Wilson, *The Role of the Environment in the Black-White Test Score Gap*, in THE BLACK-WHITE TEST SCORE GAP 501-11 (Christopher Jencks & Meredith Phillips ed., 1998).

95. I do not believe neighborhood is more important than parental or familiar input. That was not and is not my experience. The fact remains, however, that evidence exists to support the stated proposition. *See, e.g.*, MALCOLM GLADWELL, THE TIPPING POINT: HOW LITTLE THINGS CAN MAKE A DIFFERENCE, 167-68 (2002). Specifically, Gladwell notes as follows:

> Peer influence and community influence are more important than family influence in determining how children turn out. Studies of juvenile delinquency and high school drop-out rates, for example, demonstrate that a child is better off in a good neighborhood and a troubled family than he or she is in a troubled neighborhood and a good family. We spend so much time celebrating the importance and power of family influence that it may seem, at first blush, that this can't be true. But in reality it is no more than an obvious and commonsensical extension of the Power of Context, because it says simply that children are powerfully shaped by their external environments, that the features of our immediate social and physical world—the streets we walk down, the people we encounter—play a huge role in shaping who we are and how we act.

Id.; see also James W. Ainsworth & Greg Wiggan, *Reconsidering "Material Conditions": How Neighborhood Context Can Shape Educational Outcomes across Racial Groups*, in BEYOND ACTING WHITE, *supra* note 71, at 159-175.

96. Anne C. Case & Lawrence F. Katz, *The Company You Keep: The Effects of Family and Neighborhood on Disadvantaged Youths*, (Nat'l Bureau of Econ. Research Working Paper Series, Working Paper No. 3705, 1991).

sidents."[97] This is not good news for children who live in economically depressed communities. Yet, many people, particularly poor people or people with similarly limited access and means, cannot just pick up and move; nor will the neighborhood change overnight. This is all the more reason, then, for the home environment to be a strong, supportive, and involved one for structure does not or is not able to provide the reinforcement necessary to help the child.

Peer pressure, like other environmental factors, is an important equation in this mix. In fact, peer pressure may be the most important part of the equation.[98] Most people want to be accepted, to be liked, and to thrive in an environment where they are so encouraged. Indeed, most people surround themselves with people who are like them.[99] Human beings generally crave community and acceptance. Youth place an exceptionally high value on acceptance. Acceptance for them often means being labeled as cool or popular.[100]

True, lack of peer group support or support from one's neighborhood/community does not mean that the student will fail. But youth value being accepted by their peers, like most children (and adults)— and that is particularly true if the home structure does not or is not able to provide the reinforcement necessary to help the child fight such pressures. Many will do whatever it takes to be accepted by the group. So, if one is pressured to *be Black*, and if being Black for the student means engaging in behaviors that dissuade academic achievement, then not only might the child be tempted to engage in the behaviors in order to get the acceptance, but of course, once engaged, the child might not know how to, when to, or be strong enough to navigate out of the morass of failing behaviors and patterns absorbed.[101]

---

97. James W. Ainsworth, *Why Does It Take a Village? The Mediation of Neighborhood Effects on Educational Achievement*, 81 Soc. F. 117, 118-20, 130-31, 135, 138 (2002-2003).

98. *See, e.g.*, Roslyn Arlin Mickelson, *The Attitude-Achievement Paradox Among Black Adolescents*, 63 Soc. Edu. 44, 55 (1990) ("Next to race, the proportion of a student's close friends who plan to attend a four-year college is the most powerful predictor of achievement.").

99. *An Economic Analysis, supra* note 94, at 553.

100. Erin McNamara Horvat & Kristine S. Lewis, *Reassessing the "Burden of 'Acting White'": The Importance of Peer Groups in Managing Academic Success*, 76 Soc. Educ. 265, 270-273 (2003); *see also, e.g.*, Amanda Datnow & Robert Cooper, *Peer Networks of African American Students in Independent Schools: Affirming Academic Success and Racial Identity*, 66 J. Negro Educ. 55, 64-65 (1997); Roland G. Fryer, Jr. & Paul Torelli, *An Empirical Analysis of "Acting White,"* (Nat'l Bureau of Econ. Research Working Paper Series, Working Paper No. 11334, 2005).

101. Consider:
   [T]he [student] respondents associated "acting Black" with certain types of inputs, among them, "skipping class," "not doing school assignments," and emphasizing non-

Peer pressure is important, and the peer pressure I focus upon is the pressure that results when a child is charged with *acting White* when he or she tries to achieve scholastically.[102] *Real* Black kids skip class, do not do school assignments, and value street smarts over school smarts. *Real* Black kids do not read, do homework, go to school, attend class, perform well on tests, raise their hands in or otherwise participate in class, accept placement in honor classes or sign up for advanced placement courses. And those who do these things, are not *really* Black. Rather, they are Oreos.[103]

> [W]hen someone calls a person an 'Oreo,' what that person is literally saying is that the person to whom he or she is referring is Black on the outside, but White on the inside. In other words, while the person may physically appear to be Black, that person embodies what is considered to be White. The derogatory meaning of this term derives from the presumed 'Whiteness' within."[104]

They are *acting White*.

---

academic priorities by being "street smart instead of school smart" and "trying to impress friends rather than doing what is necessary to achieve." All the academic inputs youths named tend to be highly correlated with academic failure. Thus, the respondents did not conceptualize "acting Black" as guaranteeing failure; instead, they imbued "acting Black" with qualities that tend to lead to failure.

Sonja Peterson-Lewis & Lisa M. Bratton, *Perceptions of "Acting Black" Among African American Teens: Implications of Racial Dramaturgy for Academic and Social Achievement*, 36 URB. REV. 81, 87 (2004). This *acting White* verses *acting Black* dichotomy literally turns out to be the flip side of the same coin:

> [A] large part of what is considered authentic [B]lackness is a negation of, or at least a strong resistance to, what is perceived to be [W]hite. It is worth examining, however, just what types of traits are often considered to be [W]hite, such that a person earns the dubious distinction of one of these labels. Among these "[W]hite accoutrements" are success in school, speaking Standard English, attending predominantly [W]hite institutions, working in predominantly [W]hite workplaces, and working in higher level jobs that [B]lacks and people of color have traditionally not engaged in. It also sometimes includes subscribing to positions or views not deemed to be held by a majority of the [B]lack community.
> If such things are considered to be [W]hite, and what is [W]hite and what is [B]lack are in opposition, then it follows that the opposite of the aforementioned things are at least part of the definition of [B]lackness that informs the use of such terms. Thus, poor performance in school, working at low-level jobs, poor grammar, and poverty, among other negative traits, have become part of what it means to be [B]lack. In other words, part of the definition of [B]lackness that such terms are used to police involves the embodiment and acceptance of some of the most negative stereotypes that have been directed at [B]lack people over time.

Bridgeman, *supra* note 25, at 1271-72 (footnotes omitted).

102. There are myriad ways to be charged with *acting White*. *See, e.g.*, *supra* notes 24-28 and accompanying text. This paper deals only with the charge as it relates to academic achievement.

103. *See* Broadie, *supra* note 1 and accompanying text.

104. Bridgeman, *supra* note 25, at 1270.

This acting White label is a racial slur, *i.e.*, a disparagingly or insulting utterance based on one's race. Just like any other racial slur or stigma,[105] it can be psychologically damaging to the receiver:

> The fact that youths linked *acting Black* to failure-predictive qualities suggests that high achieving Black students who accept or are subjected to these qualifications for "acting Black" *will likely experience . . . achievement dissonance—the sense that their achievements are racially inappropriate.* Although [many] argue that both Black and White high achievers experience peer ostracism—with Whites being labeled "nerds" and Blacks labeled as acting [W]hite—it is important to note that these two types of ostracism are substantively different. *The label "nerd" is a social rather than racial label, and thus does not burden the White achiever with the impression that his or her academic achievement is racially inappropriate. On the other hand, the label "acting White," when applied to a Black achiever, problematizes academic achievement by racializing it, thereby converting achievement into a racial affront, and the Black achiever into a race offender.*[106]

The existence of this acting White phenomenon is not without debate.[107] Some simply do not believe that Black students engage in this kind of behavior. One Black professor even went so far as to remark that despite his many years of teaching, his classroom experience, his experience as a youth program specialist, and indeed, his be-

---

105. *See generally* RANDALL KENNEDY, NIGGER: THE STRANGE CAREER OF A TROUBLESOME WORD (2002); MARI J. MATSUDA, CHARLES LAWRENCE III, RICHARD DELGADO & KIMBERELE WILLIAMS CRENSHAW, WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH, AND THE FIRST AMENDMENT (1993).

106. Peterson-Lewis & Bratton, *supra* note 101, at 87-88 (emphasis added).

107. Compare, for example, Signithia Fordham & John U. Ogbu, *Black Students' School Success: Coping with the "Burden of "Acting White,"* 18 URB. REV. 176 (1986) [hereinafter *Fordham and Ogbu Study*] with some who completely disagree with the study's major finding that an oppositional culture contributed to an acting White burden with which some high achieving Black students must deal, such as, James W. Ainsworth-Darnell & Douglas B. Downey, *Assessing the Oppositional Culture Explanation for Racial /Ethnic Differences in School Performance*, 63 AM. SOC. REV. 536 (1998). There are other social scientists who, while acknowledging that allegations of acting White are occasionally hurled against high achieving Black students, disagree that the behaviors are prevalent, negatively affect academic achievement, or are cultural. *See, e.g.,* Karolyn Tyson, William Darity, Jr., & Domini R. Castellino, *It's Not "a Black Thing": Understanding the Burden of Acting White and Other Dilemmas of High Achievement*, 70 AMER. SOC. REV. 582 (2005) [hereinafter *Not "a Black Thing"*]; *see also* Karolyn Tyson, *The Making of a "Burden": Tracing the Development of a "Burden of Acting White,"* in BEYOND ACTING WHITE, *supra* note 71, at 57, 81. Some debate whether acting White is limited to manner of talk, walk, dress, and the like, see, for example, Tyson, *supra*, at 82, or academics, Roslyn Arlin Mickelson & Ann E. Velasco, *Bring It On! Diverse Responses to Acting White among Academically Able Black Adolescents*, in BEYOND ACTING WHITE, *supra* note 71, at 27, 37; Philip J. Cook & Jens Ludwig, *The Burden of Acting White:" Do Black Adolescents Disparage Academic Achievement?*, in BLACK-WHITE TEST SCORE GAP, *supra* note 94, at 375.

ing Black in America, he never heard a Black student equate scholastic achievement with *acting White*.[108]

While it is hard to believe that there is a Black person in America who has never heard another Black child equate academic success with *acting White*, this is the professor's reality. But we should be careful to separate one's reality from another's truth. The fact that this professor has never experienced this phenomenon does not mean that this practice is not a reality in the experience of others. While it may be true that many Black people have not had to deal with the acting White stigma, there are many more that have. Count me as one. And I can tell the stories of scores and scores of other Blacks who have similarly been accused of acting White for engaging in academically successful behaviors.[109] Indeed, after sharing this professor's experience with the audience as part of my lecture in this Symposium, a Black male law student in his early twenties came up to me perplexed. How could it be, he asked incredulously, that a Black person in America today, even if he had not experienced this phenomenon himself, could actually say that he had never *heard* of it? This student later shared an acting White experience with me:

> [A]fter spending some of my high school years in a private school, receiving my first C, and feeling like I was losing touch with my "[B]lack roots," I convinced my mother to transfer me back to public school. But when I transferred [back] I was accused of acting White by my classmates because I was worried about finding my classes so I could be on time and also because when called upon I responded with "yes" or "yes ma'am." In addition, because when called upon I would actually think and try to formulate a common sense answer when I didn't know, my classmates would say that I thought I was smart.
>
> Like the average teenager who succumbs to peer pressure, I began to try to blend in more by skipping classes, cursing and acting like the class clown. This had the effect of taking away from some of the "hate" that I was receiving for no reason from many of the males and females in my class who didn't understand the value of a good education. After making the basketball team, it became easier for

---

108. Edward Rhymes, *"Acting White?" African-American Students and Education*, BLACK COMMENTATOR, July 22, 2004, http://www.blackcommentator.com/100/100_cover_acting_white.html

109. *See, e.g.*, Norwood, *supra* note 10, at 172-74; *see also* JOHN McWHORTER, LOSING THE RACE: SELF-SABOTAGE IN BLACK AMERICA 122-23 (2000); Rogers-Beard, *supra* note 73 (public school teacher for thirty-seven years recalls personal stories of being accused of acting White and hearing and seeing students teased, taunted, and physically attacked for allegedly acting White).

me to show my intelligence without being ridiculed because in the eyes of my peers. I was no longer trying to "act White" because to them I was simply a basketball player who was trying to go to college. Once I started participating in the delinquent behavior like the guys from my neighborhood which was strictly viewed as the "hood," the acting White stigma was quickly removed because although I was smart I was not trying to be something that I was not . . . White.

For quite some time, being labeled as the guy who was trying to act White simply because I was mannerable and curious about learning had detrimental effects on me. It caused me to go out of my way to "earn stripes" with my peers by doing senseless acts and taking "penitentiary chances." Nonetheless, I eventually began to make the right choices.[110]

A Black female high school student in St. Louis, who lives in the district currently under State control because of its multiple years of near zero proficiency test scores,[111] recently told of being called a "White girl" by other children in her neighborhood because she does her homework. And, she added, "that hurts."[112]

I cannot prove that having an acting White slur hurled at you will make you perform badly in school or otherwise affect your academic performance.[113] Indeed, some social scientists believe there is *no* evidence that such slurs, *even if* they occur, have adverse affects on performance.[114] Many of these findings are problematic because they rely on self-reporting by the students, and there is a well-documented tendency of Black students to give more optimistic answers to social science surveys than their actual performance suggests.[115] That fact

---

110. E-mail from Charlie Bingham, Class of 2008, Howard University School of Law, Howard Law Journal Member to author (Jan. 9, 2007, 09:48 CST) (on file with author).

111. *See supra* note 48.

112. E-mail from Donna Rogers-Beard, Teacher, Clayton High School, Clayton, Mo. to author (Sept. 25, 2006 16:13 CST) (on file with author).

113. Of course, a few social scientists have so found. *See, e.g., Fordham and Ogbu Study, supra* note 107. The findings and more notably, the conclusions reflected herein have been the subject of tremendous debate and challenge. *See, e.g., supra* note 107.

114. *See, e.g., The Acting White Myth, in* NAT'L URBAN LEAGUE, THE STATE OF BLACK AMERICA 2005 at 115, 117 (2005); Karolyn Tyson, William Darity, Jr. & Domini Castiellino, *Breeding Animosity: The Burden of "Acting White" And Other Problems of Status Group Hierarchies In Schools, available at* http://blacksuccessfoundation.org/Acting%20White,%20Burden%20of.htm; *It's Not "a Black Thing", supra* note 107, at 593-95.

115. In virtually every social scientific survey given to Black students to determine whether there is such a thing as *acting White*, what it means, and how it has affected that student's performance, the students are asked questions and their answers supply the results. Yet, students, not uncommonly, give answers in lights most favorable to them and those answers don't always correlate with actual performance. *See, e.g.,* George Farkas, Christy Lleras, & Steve Maczuga,

aside, however, I believe that when trying to determine if an acting White *slur* will have some negative impact on the accused, we should put the question in the context of what we do know.

We know that the acting White slur is hurled at Black male children more than Black female children.[116] We know that Black boys suffer the greatest in the academic achievement area.[117] We know that being accepted by one's peers is a high priority for most children.[118] We know that having one's racial identity challenged hurts. We know that unlike "nerd," "geek," and "brainiac," words like Oreo and acting White "cut to the bone."[119] We also know the stories of many Black students who speak of all kinds of coping mechanisms to

---

Does Oppositional Culture Exist in Minority and Poverty Peer Groups?, 67 AM. SOC. REV. 148, 149 (2002)

> [T]he positive response of [Black] students to the 'popularity' question may be enhanced by the documented tendency of low-income and African American students to give optimistic answers to survey questions on self-esteem and achievement. Their answers are typically inconsistent with their objective circumstances, including the feedback they receive from teachers and the level of effort they apply toward school success. . . .

Id.; *Diagnostic Analysis, supra* note 73, at 348 (data self reported by students not as reliable as data from official records or observations by trained investigators); Ogbu, *What Else You Need To Know, supra* note 83, at 26 ("They usually express high aspirations and strong verbal commitment to education, including making good grades in their course; however, their verbalization is not matched with behavior conducive to school success.").

116. *See, e.g.*, Farkas, Lleras, & Maczuga, *supra* note 115, at 150-51; Lundy & Firebaugh, *supra* note 60, at 234; Peterson-Lewis and Bratton, *supra* note 101, at 89; News and Views, *Acting White: Is it the silent killer of the educational aspirations of inner-city Blacks?*, 17 J. BLACKS IN HIGHER EDUC., 93, 93 (1997).

117. *See* SCHOTT REPORT, *supra* note 34.

118. Consider the following:

> The socialization of the African American male into the peer group occurs at a very early age. Instead of a motivation towards academics, the African American male is motivated to be accepted by his peers and to demonstrate a "cool" demeanor. For many years, acting cool has served to enhance the [B]lack male's ability to withstand the harsh effects of racism and social oppression. Taking on a "cool" personality helps the Black male to achieve balance by allowing him to portray a sense of pride and dignity about himself. To him, the peer group serves as a sense of security and social support while society fosters a world of isolationism, racism, anxiety, and distress. Influenced by the older boys of the group, the young Black male becomes an ex-officio member when he learns to walk distinctively (pimping); becomes athletically inclined; begins sexual explorations or can talk about his sexual prowess; becomes street-wise; earns an income for special needs or to assist his family; and learns to play the dozens, a cultural game of verbal insults requiring participants to suppress their emotions while at the same time developing rhythmic insults to revile back to their opponent. The young, African American male is "cool" when he is able to demonstrate these characteristics at any given time.

Smith, *supra* note 69, at 29-30 (internal citations omitted); *see also* Prudence Carter, *Intersecting Identities: "Acting White," Gender, and Academic Achievement* 111-13, 121, *in* BEYOND ACTING WHITE, *supra* note 71.

119. Melanie Lewis, *School Jeers: Studious Black Youths Cope with Taunts, Criticism, from Peers Who Accuse Them of Trying to Be White*, DALLAS MORNING NEWS, Feb. 21, 1993, at A1; *see also* Matsuda, et. al., *supra* note 105.

hide their smarts in order to avoid challenges to their racial affinity.[120] Unknown numbers of Black youth have been at the receiving end of such charges.[121] In schools where Black youth are in the minority *and* in school districts where Black youth are the majority, the students have to deal with this. Through both denial and inattention on our part, we risk these youth "falling prey to an oppositional culture that often denigrates learning—one where pursuit of academic excellence is perceived as 'acting [W]hite.'"[122]

Words have power. The old saying "sticks and stones may break my bones but words will never hurt me" is not true for some of us; indeed, it is not true for many of us.[123] Being at the receiving end of a statement that challenges your ethnicity or your racial identity or allegiance is painful. It is dehumanizing and it is offensive. It is insulting, and yet still, it is deeper than that. Not everyone has a coat of armor strong enough to withstand this pressure. Such armor and protection is built from self-determination, self-worth, and family and parent support. What happens if someone does not have a strong armor? What risks are we taking by denying that this conduct occurs, that this conduct has negative effects of student input, or by assuming that all students simply survive the taunts and come out unscathed? I believe there is a huge risk that the student will do what it takes to be ac-

---

120. *See* Bingham, *supra* note 110 and accompanying text; *see also* Farkas, Lleras, & Maczuga, *supra* note 115, at 149; *Fordham and Ogbu Study, supra* note 107, at 186-97. For coping strategies generally, see also Ogbu, *Collective Identity, supra* note 71, at 15-16.

121. Of course, another issue is why students accuse others of *"acting White."* The answer here is complicated and is beyond the scope of this Essay. A quick answer, though, includes the following: 1) there are still trauma-related baggage that Black youth are carrying from their slave past; 2) some report that the students who garner the *acting White* label do not associate with other Black students and otherwise deny their Blackness. *See, e.g.,* Rogers-Beard, *supra* note 73. There also is a fear at stake, a fear that as one advances, one will leave the group. Protections are put in place, then, to keep the group together. Consider, for example, the following:

> In an achievement-based society where two groups, for historical reasons, achieve at noticeably different levels, the group with lower achievement levels is at risk of losing its most successful members, especially in situations where successful individuals have opportunities to establish contacts with outsiders. Over the long run, the group faces the danger that its most successful members will no longer identify with its interests, and a group identity will itself erode. To forestall such erosions, groups may try to reinforce their identity by penalizing members for differentiating themselves from the group. The penalties are likely to increase whenever the threats to group cohesion intensify.

Roland G. Fryer, *Acting White: The Social Price Paid by the Best and Brightest Minority Students,* EDUC. NEXT 53, 58 (2006), *available at* http://media.hoover.org/documents/ednext20061_52.pdf.

122. CASHIN, *supra* note 14, at 224 (footnote omitted); LEARY, *supra* note 23, at 161 ("It was disturbing to me when I first heard that [B]lack youth experience peer pressure from one another to not achieve, and that getting good grades was equated with acting White. Now, unfortunately, such peer pressure has become commonplace.").

123. *See supra* note 105.

cepted which often means skipping class, not participating in class, and similar conduct. I have experienced this in my own life and continue to hear stories of the mental struggles Black youth currently experience in this area.[124] Youth are succumbing to these pressures. The real unknown is how many.

IV. A STEP TOWARDS REDIRECTION

"Say what you will about the American education system—it does work," [Oprah] says. "If you are a child in the United States, you can get an education." And [Oprah] doesn't think that American students—who, unlike Africans, go to school free of charge—appreciate what they have. "I became so frustrated with visiting inner-city schools that I just stopped going. The sense that you need to learn just isn't there," [Oprah] says. "If you ask the kids what they want or need, they will say an iPod or some sneakers. In South Africa, they don't ask for money or toys. They ask for uniforms so they can go to school."[125]

The quote above appeared not too long ago in a Newsweek article featuring Oprah Winfrey and the 40 million dollar school she recently opened in Henly-on-Klip, in South Africa. While I do not agree with her conclusion that frustration should make one throw their hands in the air and walk away from a problem that is contributing to the demise of Black youth, I do believe one of her observations is true: many Black youth value money and sneakers and iPods and "things" over education. True, these desires are no different from other American children. We are, after all, the most materialistic na-

---

124. Dr. DuBois famously remarked
[T]he Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world, —a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his twoness, an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.
W.E.B. DuBois, *The Souls of Black Folk, in* THREE NEGRO CLASSICS 213, 214-15 (1965). These words, written over one hundred years ago continue to be the hard reality for Black existence in the United States. Indeed, when the layer of the *acting White* stigma is added to the already existing two, we, in effect, end up with a triple lens. Not only must the student struggle with his or her own Black identity and find his or her comfort in the world, but the student also bears the societal burden of discrimination and oppression. And finally, the student must also hide in shame or pretend to reject intelligence in front of his or her peers in order to retain his or her Blackness. What a horrific conundrum; what a stressful existence.
125. Allison Samuels, *Oprah Winfrey's Lavish South African School: True, the World's Most Successful Woman Has Always Shared Her Wealth, But Her Latest Project Is Really One for the Books*, NEWSWEEK, Jan. 8, 2007, at 49.

tion in the world.[126] However, one major distinction is that many Black youth want iPods and sneakers *instead of* an education. The material things provide the value and worth, not the education.[127]

I had observations similar to Ms. Winfrey during my travels through Ghana during the summer of 2006. I brought paper and pencils with me to give as gifts to children there as I visited village after village and various schools. It was heart wrenching to see the children, including teenagers, running to stand in long lines to receive pencils and paper from me. I have never had such an experience in St. Louis where I live or in Harlem where I grew up. In fact, my experience there was completely opposite. Tears fell from my eyes as I watched the children of Accra, with pieces of pencils and no other school supplies, walk treacherous roads for miles in tattered uniforms, to enter small one level concrete structures with dirt floors and no bathrooms, no indoor plumbing, no electricity, open doors entrances and windows for air (and pigs, and goats, and chickens, and flies, and God only knows what else) to enter. Yet, the children showed up, every day, on time, and eager to learn. I have never experienced anything near these conditions or student drive and determination in the face of such conditions, anywhere in the U.S. Why is it that Black American children want iPods and sneakers, and African children want an education? More importantly, how do we get Black children refocused so that despite whatever unequal facilities or resources they have to deal with here, they will continue to show up and fight for the education they deserve?[128] Certainly, "[e]ven old, dilapidated - and, dare I say, segregated - schools can be places where boys and girls can learn if they are encouraged to do so. After all, our grandparents learned to read and write with a fraction of the resources available in even the worst schools today."[129] Black children want an education. We know that. At least survey after survey tells us as much.[130] So how do we get Black youth recommitted? How do we get them to match, in action, what they say, when asked in surveys, what they value?

---

126. Martha Irvine, *It's All about the Bling: Teenagers Want to be Rich, Polls Find*, St. Louis Post-Dispatch, Jan. 23, 2007, at A3.
127. Leary, *supra* note 23, at 152.
128. *See* Obama, *supra* note 23, at 241-42.
129. Brown *supra* note 91.
130. *See generally, e.g., supra* notes 107, 114-15 (results of interviews with students).

Many have offered solutions to eliminating the Black-White achievement gap.[131] I suspect no one has *the* definitive answer although many suggestions of value have been proffered. As we all know, any solution is complex and involves more than one input or magic bullet. We are talking about zero and near zero reading levels for our children. We are sometimes—not always—talking about severely underfunded and unequally funded school systems, lack of resources, poor facilities, no teacher, poorly trained teachers, underpaid teachers, and teachers who have no expectations of the youth they teach. We are talking about children who do not want to go to school, and if they do attend, are not putting forth the effort to achieve. A complex and comprehensive attack and communal effort, by society, institutions, parents, neighborhoods, and by churches must be had. We also cannot discount or ignore the need for individual self-determination.

So what can a modern civil rights movement do to help save Black youth from themselves? This is a battle that needs to be fought in conjunction with the battle to fight the tremendous external forces of oppression that beat down many Black youth today. Tearing down the forces of internal oppression is a crucial component to advancement.

My small step towards the redirection of our youth is not terribly complicated or complex. There is no panacea here. But I am offering views on the kinds of things that helped to save me from peer pressure to fail and that I believe are currently helping to armor Black youth with the strength they need to fight both their peers and the "system." We focus on the work necessary to repair and heal the damage to the psyche of a Black student who accuses another of *acting White* when the latter gets an A on an exam or, in response to questions, identifies characteristics associated with failure as *acting Black*. We should focus on the student who is not going to class or who does not want to be in an honor's class because of a stated belief that engaging in such behaviors are *not Black*. We should focus on the middle class Black student with two educated parents in the home who attends a state-of-

---

131. *See, e.g., supra* notes 105, 113; *see also* CASHIN, *supra* note 14; COVENANT WITH BLACK AMERICA, *supra* note 92; LEARY, *supra* note 23; JOHN MCWHORTER, WINNING THE RACE: BEYOND THE CRISIS IN BLACK AMERICA (2005); OBAMA, *supra* note 23; RICHARD ROTHSTEIN, CLASS AND SCHOOLS: USING SOCIAL, ECONOMIC, AND EDUCATIONAL REFORM TO CLOSE THE BLACK-WHITE ACHIEVEMENT GAP (2004); WILLIAMS, *supra* note 20; Cosby Speech, *supra* note 22; Ogbu, *What Else You Need to Know, supra* note 83; Peterson-Lewis and Bratton, *supra* note 101, at 97-98; Smith, *supra* note 69, at 31-32.

the-art public school, but who also shares these beliefs. Something has been implanted in the mind of these youth, and no amount of equal facilities or resources or spending per pupil is going to take that away.[132] We have to get inside the minds of these youth. We have got to help them heal from the psychological effects of slavery that they still, unknowingly, carry with them, inherited from generations past.[133]

My plea is for a mentor program. This would not be any mentor program although any mentor program is better than no mentor program. The mentor program I envision would be broad; it would be comprehensive; it would have one very specific national focus: implanting the vital importance of education to achievement and success into the minds of Black youth. And the idea would be to replace that, the value of knowledge with the current value system: glamorization of thug life and "bling."

Mentor programs exist, here and there, throughout the country. I am a big advocate of mentor programs in whatever form they exist. Individuals can mentor or otherwise enlist the help of their institutions to mentor. An individual might volunteer with Big Brother Big Sister or a similar program in his or her city. Working with just one person might seem small or inconsequential. But even a one-on-one connection can have dream changing impacts. Alternatively, as an individual one could adopt a class or a school, start a program at a school or elsewhere, or speak to students periodically about what lawyers do or the importance of education in the global economy in which we now live.[134] Law student associations can become involved

---

132. *See* Pedro A. Noguera, *Racial Politics and the Elusive Quest for Excellence and Equity in Education*, 34 EDUC. & URB. SOC. 18, 41 (2001) ("If students regard Blackness as being equated with playing basketball and listening to rap music but not with studying Geometry and Chemistry, then it is unlikely that changing the school alone will do much to change achievement outcomes for students.")

133. Black youth, indeed, Black people, are still suffering a psychological trauma from slavery. *See, e.g.*, NA'IM AKBAR, BREAKING THE CHAINS OF PSYCHOLOGICAL SLAVERY (1996); SULTAN A. LATIF & NAIMAH LATIF, SLAVERY: THE AFRICAN AMERICAN PSYCHIC TRAUMA (1994). A healing process must begin if the mental chains are to be broken. *See, e.g.*, LEARY, *supra* note 23.

134. Many of us are already engaging in these efforts. True, it is not always easy or convenient to add these responsibilities onto already overloaded plates. I experience this too as I try to make sure my four children get what they need from me and find some time to connect with Black youth. It is tough and hard and sometimes impossible, but conscious efforts to connect with Black youth must become a priority. As Dr. Martin Luther King, Jr. once wrote "we are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." Martin Luther King, Jr., *Letter from a Birmingham Jail, April 16, 1963, in* A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS & SPEECHES OF MARTIN LUTHER KING, JR., 289, 290 (James M. Washington ed., 1991). Same is true here. Black youth are dying. Their survival is connected to the survival of us all.

with mentoring.[135] Law schools can have professional mentorship programs for both their students of color as well as create high school to law school pipeline projects.[136] Other institutions within the University can get involved in mentoring programs or could partner with public school teachers to explore ways to motivate youth and re-instill their sense of esteem and pride by teaching—and teaching in exciting ways—the parts of American history directly impacting their ancestors.[137] Law firms[138] and judges[139] and law school alum[140] can do likewise.

---

135. The Black Law Student Association (BLSA) at Washington University, for example, has one such program. BLSA sponsors a program with a local St. Louis city public high school where the law students assist all interested seniors with two and four year college applications and scholarship proposals. Those seniors also are matched with a mentor from the BLSA executive board and that mentor serves as the senior's own personal advisor on college matters. Sophomores and juniors are assisted with SAT and ACT preparations and early discussions about college. Their brief explanation of the project states:

> Beaumont High School College Preparatory Program – BLSA has teamed up with Beaumont High School in an effort to get more students at this school into post secondary programs. BLSA members meet at Beaumont bimonthly to advise students on the steps necessary to get to college and answer the many questions students may have about college. Each session differs (studying for and taking college entrance exams, finding the perfect college for you, getting fee waivers, financial aide, etc.) and Beaumont students are walked through the college application process. BLSA members are also paired up with high school seniors and keep in contact with them throughout the December break to ensure that students are completing their college entrance checklist.

Washington University in St. Louis Black Law Student Association (BSLA), Committees – Mentorship Committee, http://law.wustl.edu/students/blsa/committees/mentorship.html (last visited Apr. 13, 2007).

136. Some schools have professional mentor programs. Some schools are involved with street law and/or high school pipeline projects. The most recent pipeline conference, *Embracing the Opportunities for Increasing Diversity Into the Legal Profession: Collaborating To Expand The Pipeline (Let's Get Real)*, sponsored by the Law School Admission Council and hosted by the American Bar Association was held to address the increasingly declining numbers of Black and Latino/a students entering law school. A report was published and that document, as well as the Law School Admissions Council website, contains invaluable information for schools interested in reaching back to elementary and secondary education levels to help interest Black and Latino/a youth in the legal profession. AMERICAN BAR ASSOCIATION, EMBRACING THE OPPORTUNITIES FOR INCREASING DIVERSITY INTO THE LEGAL PROFESSION: COLLABORATING TO EXPAND THE PIPELINE (LET'S GET REAL) (2006), http://www.lsacnet.org/publications/PipelinePost Report.pdf.

137. A partnership can be formed with public school teachers. Washington University participates in one such program. The program to which I refer is one funded by a grant provided by the United States Department of Education. Under the terms of the grant, various professors within the University, including myself, run workshops with teachers from St. Louis city public schools. During these workshops teachers explore various primary sources available to help interest and excite their students, primarily Black students, about learning, about American history, and about their ancestral contribution to American history.

138. *See, e.g., infra* note 143.

139. Consider, for example, Just the Beginning Foundation, http://www.jtbf.org.

140. A few years ago I, with the help of another member of my faculty, David Becker, and one of our alumni, John Kozyak, started a mentor program involving minority students and Washington University alumn. We get mentors for every Black or Latino student who wants

Most importantly, though, whether we mentor individually, through our institutions, or through some type of national campaign, we need mentoring to occur nationwide. We need massive professional participation. We must establish a presence in the lives of Black youth. I am always astonished, for example, to meet Black youth who have never met Black lawyers before.[141] We can commit to becoming visible, at least in the cities and surrounding communities where we live. We already know the beneficial effects of having people who value education and who believe in hard work living in the same community and attending the same schools.[142] Yet we also know that many who have become successful either do not live in poorer neighborhoods, inner cities, or when we do, we, not uncommonly, avoid sending our children to the public schools in those communities. Personal responsibility starts with those who left as well as with those who remained.[143] They need to see us.

---

one. The program has been successful and the contributions of alum with their time, money, and counsel have been amazing. I should mention, too, that Mr. Kozyak has the largest mentor program in the state of Florida. In 1999, he officially took on the task of assigning finding mentors for every Black student at the University of Miami School of Law who wanted a mentor. Over the years, his efforts have expanded to include all four of the law schools in southern Florida and he has recently partnered with the Cuban-American Bar Association, the Florida Association of Women Lawyers, various gay and lesbians associations, and other "minority" groups to encourage mentor programs for all minority law school students in the state. His third annual minority mentoring picnic, held in October of 2006, witnessed an attendance of over fifteen hundred judges, lawyers, law students, high school students, and their families. A lengthy video of the second annual minority mentoring picnic (also boasting an attendance of over one thousand participants) can be found at Kozyak Tropin Trockmorton, Attorneys at Law, Minority Mentoring, http://www.kttlaw.com/basic/news.htm#minority.

141. Indeed, I still remember the first Black lawyer I met and her impact on me. So, while it is important for Black youth to see educated professionals and excellence, no matter what color it comes in, there is a unique value to a Black child who sees, talks to, and connects with someone who looks just like him or her. It gives them a sense that yes, for people who look like me "success" can be achieved; indeed, maybe I can do that too.

142. *See, e.g., supra* notes 94-100 and accompanying text.

143. As law professor Sherrilyn Ifill recently remarked:

Why aren't we talking about our personal responsibility — we who've moved to the suburbs to avoid urban school districts for our kids? We, who even when we stay in those school districts pay thousands to send our kids to private school, or fight to get our kids to get into the magnet programs that perpetuate segregation and unequal education in our schools. We who've decided not to stand and fight and lend our skills, passion and commitment to the neighborhoods where they're most needed. I know it's not all of us . . . but it's enough of us that we've drained tremendous resources from our communities.

E-mail from Sherrilyn Ifill, Professor, University of Maryland School of Law to author (Jan. 21, 2007, 07:53 CST) (on file with author); Carter Woodson said something similar almost one hundred years ago:

In our time too many Negros go to school to memorize certain facts to pass examinations for jobs. After they obtain these positions they pay little attention to humanity. This attitude of the "educated Negro" toward the masses results partly from the general trend of all persons toward selfishness, but it works more disastrously among the Ne-

Our physical presence will provide wonderful modeling for Black youth. Children learn from watching the people in their lives. We can mentor from anywhere, whether we live in the community or not. It simply requires dedication, commitment, and our presence. Through that presence, we can model excellence, professionalism, determination, intelligence, the labors, values and fruits of hard work; we can discuss with them the intolerance of America and share with them some of the tools we have learned to navigate through discrimination and oppression. All of this gives them the mental armor needed to battle oppression and discrimination no matter the origin, location, or color of the source.

We must be present, though, with a certain focus. Remember, there are *two* audiences within Black youth who we are trying to reach: we are trying to reach the student who wants to do well but is ashamed to do so or must hide her or his success. We also are trying to reach the youth who does not value education, prefers the "bling" and "grill", and teases others who climb for success as *acting White*. Sociologist Orlando Patterson agrees. While he, wrongly in my opinion for the reasons shared earlier, disagrees that *acting White* is a factor at play, he espouses the challenges in trying to connect with the person who currently values "cool" and bling over education. Specifically, in response to questions posed to a group of young Black men concerning the why behind their staggering drop our rates, Professor Patterson shares the following:

> Their candid answer was that what sociologists call the "cool-pose culture" of young [B]lack men was simply too gratifying to give up. For these young men, it was almost like a drug, hanging out on the street after school, shopping and dressing sharply, sexual conquests, party drugs, hip-hop music and culture, the fact that almost all the superstar athletes and a great many of the nation's best entertainers were [B]lack.

> Not only was living this subculture immensely fulfilling, the boys said, it also brought them a great deal of respect from [W]hite youths. This also explains the otherwise puzzling finding by social psychologists that young [B]lack men and women tend to have the highest levels of self-esteem of all ethnic groups, and that their self-image is independent of how badly they were doing in school.

---

gros than among the [W]hites because the lower classes of the latter have had so much more opportunity.
WOODSON, *supra* note 77, at 56.

I call this the Dionysian trap for young [B]lack men. The important thing to note about the subculture that ensnares them is that it is not disconnected from the mainstream culture. To the contrary, it has powerful support from some of America's largest corporations. Hip-hop, professional basketball and homeboy fashions are as American as cherry pie. Young [W]hite Americans are very much into these things, but selectively; they know when it is time to turn off Fifty Cent and get out the SAT prep book.

For young [B]lack men, however, that culture is all there is — or so they think. Sadly, their complete engagement in this part of the American cultural mainstream, which they created and which feeds their pride and self-respect, is a major factor in their disconnection from the socioeconomic mainstream.[144]

The mentoring, then, must be targeted and focused with a reeducation goal in mind.[145] When one reads documents, whether "urban myth" or not, like the infamous "Willie Lynch letter,"[146] and then look at some of the behaviors challenging Black American today,[147] one cannot help but know that Black America is experiencing generational psychological trauma from slavery.[148] Maybe Black youth do not know this. Schools often do not teach Black children the true

---

144. Orlando Patterson, Op-Ed, *A Poverty of the Mind*, N.Y. TIMES, March 26, 2006, §4, at 13.

145. A mentoring network should also include the support of people like Russell Simmons, the Hip Hop Mogul who has launched several major initiatives to register youth to vote and has recently, recommended that the words 'bitch, 'ho' and 'nigger' be voluntarily removed/bleeped/or deleted from hip hop lyrics. *See, e.g.*, Daniel Trotta, *Hip-hop's Simmons Wants to Remove Offensive Words*, REUTERS, Apr. 23, 2007, a*vailable at* http://www.reuters.com/article/entertainmentNews/idUSN2330017120070423.

146. *See* William Lynch Speech, Wikipedia, http://en.wikipedia.org/wiki/William_Lynch_Speech.

147. *See supra* note 21.

148. *See, e.g.*, LEARY, *supra* note 23, at 139-151. Some examples include the continued use of the words "boy" and "nigger," that many Blacks still do not trust each other and believe that anything "White" is better; that Black men were taught to abandon their families and the state of the fatherless Black family remains a huge problem today. Blacks were taught to value light skin, straight ("good") hair, and other Caucasian features. In the twenty-first century Black children *still* have such values. In a powerful documentary, a seventeen year old high school student in New York interviewed Black female teenagers in 2005 about American standards of beauty. In every case, the standards these teenagers valued involved either White or like White features. More alarming, the artist recreated the infamous Black doll/White doll experiment Kenneth B. Clark used in *Brown*. In this 2005 reenactment, twenty-one 4 and 5 year old Black children in Harlem, New York were told to enter a room with two dolls on a table: one White, one Black. They were asked to choose the good doll or the best doll, or the nice doll, or the doll you like the best, the White doll is chosen. In every case, with one exception, the White doll was chosen. The documentary ends when immediately after admitting to the interviewer that Black doll is the bad doll, one little girl is then asked to choose the doll that looks most like her. The little girl looks at the White doll for ten long seconds. She then begrudgingly and painfully pushes the Black doll towards the interviewer. See GIRL LIKE ME (Reel Works Teen Filmmaking 2005) (on file with Washington University School of Law Library).

history of Blacks in this country—that their ancestors built this country and what their ancestors did so that they could be here today.[149] They do not know that education traditionally has had a long and cherished place in the hearts, minds, and the goals of Black America;[150] that they come from a people who were maimed, tortured and often killed for trying to learn how to read and write; and that they come from a legacy of strength, perseverance, and an undying resolve to live, to survive, and to be successful. In today's global society, no greater guarantee to betterment and success exists than that of a good education. My theory here is that if both audiences were taught their history and came to understand it, and, likewise, were made to understand their obligation as a generation—to fully accept the education that is the fruit of years of struggle by their ancestors— slowly, they will come to appreciate the value of an education and understand its critical importance to their continued growth, survival, and success. They would be proud to study and to learn, would have no need to hide their intelligence, and would never equate *acting White* with academic success (or acting Black with academic failure) again.

V. CONCLUSION

> *[T]here is still so much more we have to do, yet today we are rapidly approaching an impasse. The world is changing and we are lagging behind in our preparation to take advantage of the new order. In many ways we are becoming less educated, not more. In many ways we are becoming less conscious, not more. In many ways we are becoming less spiritual, not more. . . .*
>
> *In the future, if we are to move ahead and thrive we need to truly understand and accept who we are as a people. It is through knowing who and what we are that we can identify our strengths and build upon them. Then, using our strengths, we need to heal from the injuries of our history. We need to heal ourselves. We need to heal our*

---

149. As Dr. Leary has said elsewhere:
   Our children are not aware of how, and who, endured what, in order for them to exist today. They have little knowledge of the struggles and suffering experienced by their forebears. Far too many [B]lack youth do not feel compelled to serve or give back in any way, even to the parents that have cared for them. The are *historyless* and ungrateful because they have been spared the details of their [history.]
LEARY, *supra* note 23, at 208 (emphasis supplied).

150. *See generally* JAMES D. ANDERSON, THE EDUCATION OF BLACKS IN THE SOUTH, 1860-1935 (1988); W. E. B. Du Bois, BLACK RECONSTRUCTION: AN ESSAY TOWARD A HISTORY OF THE PART WHICH BLACK FOLK PLAYED IN THE ATTEMPT TO RECONSTRUCT DEMOCRACY IN AMERICA, 1860-1880 (1956).

*families. We need to heal our communities. Once we know ourselves
and are solidly on the path to health, we can move at the pace neces-
sary to more than catch up: we can excel.*[151]

There is no doubt that systemic, external discrimination looms
large on the collective shoulders of our Black youth. Some of that
weight, though, is from an internal source. Yet *all* of the weight must
be taken off in order for the student to stand tall and erect. Indeed,
no matter how many laws are put into place, no matter how many
doors are opened, no matter how many battles are won, if we ignore
the internal forces of oppression, there will be no one ready to hand
the baton to.[152] No matter how many times educational opportunities
come knocking, it will not matter if one not only fails to answer the
door but also discourages those that try to answer. Our youth are
spiraling into extinction. We have got to help pull them up. After all,
they are "the dream and the hope of the slave."[153]

Helping Black youth will involve a rededication on our part. At a
minimum, it should involve becoming more visible and more accessi-
ble to them. It should also involve motivating them to strive for edu-
cational success as a stepping stone to happiness, social achievement,
and monetary success. By exposing them to concrete examples of ed-
ucated and successful professionals—many of whom will look like
them and therefore, whose successes were predicated on taking ad-
vantage of educational opportunities—it is my hope that over time,
our youth will understand that education is a critical component of
success and forms a more realistic prospect of real achievement than
the "bling-bling" promises illustrated by music and sports celebrities.
Those youth need to understand that educational success and achieve-
ment are not traits that are reserved for White America. Instead,
"acting Black" can and does include such achievements and success
that, when coupled with perseverance, determination, pride, dignity,

---

151. LEARY, *supra* note 23, at 186-87.
152. So, while it is clear that the doors of opportunity in this country are not wide open for
all, we
> must concede that they have been cracked. Thus, it is imperative that those who have
> been afforded the opportunity must take full advantage of it. To that end, we must
> eliminate excuses, regain control, vision and passion and strive daily to offer our very
> best. The success of [the Black] race hinges on it.

E-mail from Pam Meanes, Partner, Thompson Coburn LLP to author (Jan. 5, 2007, 14:48 CST)
(on file with author). Mrs. Meanes is the 2006-2007 President of the Mound City Bar Associa-
tion, the oldest Black Bar Association west of the Mississippi and first Black female law partner
at the Thompson Coburn law firm in St. Louis, Missouri.
153. Maya Angelou, *Still I Rise*, (1978), *available at* http://www.poemhunter.com/poem/still-i-
rise.

respect, and self-worth, become the very foundation of what being Black and proud is all about. They should also be forewarned that without taking full advantage of the extensive educational opportunities currently afforded to them, they (and Black people as a "race") are doomed to failure in this competitive global economy. Such traits brought these youth, through their ancestors, through unspeakable torture and death, through a horrific middle passage across the Atlantic, and through slavery and Jim Crow. Through the struggles and sacrifices of those that came before them, they are the beneficiaries of those educational opportunities. They need to understand that we, as a people, have come too far to squander those opportunities by dropping the baton that is now being passed to them.

A few years ago Bill Cosby called on the civil right movement to march against some of the internal contributors to Black dysfunction.[154] Yet, "[n]ot one mainstream civil rights group picked up on his class for marches and protests against bad parenting, drug-dealers, hate-filled rap music, and failing schools."[155] Yet, we simply have to have a civil rights groundswell here, particularly in this sacred area called education. In addition to the fight to better our schools and preserve and make true the legacy of *Brown*, we must all consciously work together to bring forth the desire for academic excellence in our youth. We need multiple, targeted, powerful, sustained, and concentrated efforts to implant self-worth and self-confidence and self-dignity in Black youth. The family structures are often broken.[156] We cannot rely on or wait for families alone. We can get involved. We can help. A targeted, sustained, focused replacement of the value system Black youth currently have in place—through mentoring—will help pull them back on the road to success. Our youth have taken their eyes off the prize. But we can help get their focus back. It just takes conscious, concerted effort on our part, and time.

---

154. WILLIAMS, *supra* note 20, at 19.
155. Juan Williams, *Banish the Bling: A Culture of Failure Taints Black America*, WASH. POST, Aug, 21, 2006, at A15.
156. Note:

> With 50[%] of Hispanic children and nearly 70[%] of [B]lack children born to single women today these young people too often come from fractured families where there is little time for parenting. Their search for identity and a sense of direction is undermined by a twisted popular culture that focuses on the "bling-bling" of fast money associated with famous basketball players, rap artists, drug dealers and the idea that women are at their best when flaunting their sexuality and having babies.

Id.

APPENDIX

TABLE 1: 2003-04 U.S. HIGH SCHOOL GRADUATION RATES FOR BLACK MALES[157]

STATE	BLACK MALE %	WHITE MALE %[158]	STATE	BLACK MALE %	WHITE MALE %
Alabama	45	63	Montana	‡	‡
Alaska	54	61	Nebraska	49	85
Arizona	85	93	Nevada	32	53
Arkansas	62	74	New Hampshire	‡	‡
California	55	75	New Jersey	70	92
Colorado	52	76	New Mexico	53	64
Connecticut	59	82	New York	38	76
Delaware	44	67	North Carolina	47	65
District of Columbia	49	95	North Dakota	‡	‡
Florida	31	54	Ohio	45	75
Georgia	39	54	Oklahoma	56	74
Hawaii	159	‡	Oregon	47	72
Idaho	‡	‡	Pennsylvania	50	84
Illinois	44	84	Rhode Island	66	71
Indiana	38	71	South Carolina	40	56
Iowa	54	83	South Dakota	‡	‡
Kansas	55	79	Tennessee	‡	‡
Kentucky	53	69	Texas	52	71
Louisiana	51	68	Utah	73	85
Maine	‡	‡	Vermont	‡	‡
Maryland	54	78	Virginia	53	73
Massachusetts	61	79	Washington	‡	‡
Michigan	39	73	West Virginia	61	71
Minnesota	54	85	Wisconsin	38	84
Mississippi	47	69	Wyoming	‡	‡
Missouri	56	78			

157. The numbers reflected in this chart are taken from the SCHOTT REPORT, *supra* note 34. "Graduation rates are calculated as the percentage of the students enrolled in ninth grade receiving diplomas with their cohort at the end of twelfth grade." *Id.* at 1.

158. White males are reflected herein so that the reader can get a sense of the disparities between the two.

159. Reflects missing state data. Data is only included for those states that a) report data to the National Center for Education Statistics (the primary entity from which the Schott Report draws its data from) and b) graduate at least 100 male non-Hispanic African-American students from its public schools.

TABLE 2: 2006 ST. LOUIS REGION DISTRICT PERCENTAGES OF HIGH SCHOOL STUDENTS BELOW STATE PROFICIENCY LEVELS[160]

SCHOOL DISTRICT	BLACK-COMM ARTS	WHITE-COMM ARTS	BLACK-MATH	WHITE-MATH
Affton	71.4	63.6	80.8	49.7
Bayless	66.7	66.2	90.9	63.9
Brentwood	82.4	10.8	65	28.9
Clayton	76.5	20.4	82.4	22.2
Ferguson-Florissant	78.8	45.8	89	53.6
Hancock Place	***	70.1	***	66.7
Hazelwood	77.4	52.5	88.3	57.3
Jennings	75.2	***	77.3	***
Kirkwood	81.8	30.4	83.4	27.4
Ladue	72.7	30.2	82.4	29.4
Lindbergh	64.5	35.2	88.1	34.2
Maplewood-Richmond	80	53.9	92	46.4
Mehlville	85.7	45.3	85.7	49.3
Normandy	89.8	***	91.3	***
Parkway	79.1	35.6	82.4	32.4
Pattonville	68.6	38.4	70	37.1
Ritenour	79.2	62.2	82.1	66.1
Riverview Gardens	84.7	***	88	***
Rockwood	81.1	36.4	83.1	30.6
St. Louis City	85.8	63.3	90.8	64.6
Spec Sch	90.8	77	86.9	77.7
Uni City	81.6	16.7	84.6	32.1
Valley Park	70	51.4	89	42.1
Webster Groves	84.7	30	77	16.8
Wellston***[161]	100	***	97.2	***

*** Data not available.

160. Most of the data reflected in the above is taken from the BLP 2006 REPORT CARD, *supra* note 42.

161. The Wellston school district currently is under state control, due, in large part, to years of academic performance falling in the below proficiency range. *See supra* note 48 and accompanying text.