



# The Court Legacy

The Historical Society for the United States District Court  
for the Eastern District of Michigan ©2011

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## Special Annual Meeting Issue

### A Wrong Without a Remedy: Milliken v. Bradley and the Controversy Over School Desegregation<sup>1</sup>

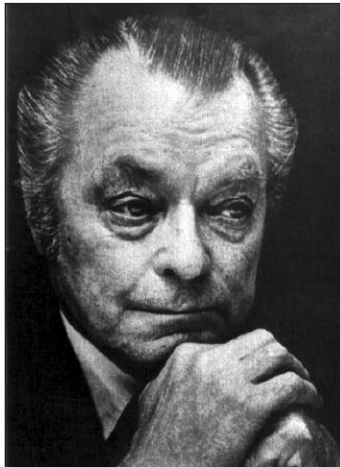
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In *Milliken v. Bradley* (1974), a five-member majority of the United States Supreme Court invalidated the multidistrict desegregation remedy ordered by U. S. District Judge Stephen Roth, following his finding of unconstitutional segregation of the Detroit public school system. Judge Roth chose the multidistrict remedy after concluding that, because the Detroit schools were 70 percent black, there could be no meaningful desegregation if the remedy were limited to the City schools. The Court rejected Judge Roth's decision and remanded the case for what it termed a "prompt formulation of a decree directed to eliminating the segregation found to exist in Detroit City schools."<sup>2</sup>

When the case returned to the Sixth Circuit Court of Appeals for additional proceedings in 1976, the Court criticized the remedial plans proposed by the Detroit Board of Education (the Board) and the District Court because they excluded the schools in the City's three central regions where most of the majority-black schools were located. The Court, however, did not provide any guidance to assist the District Court. Chief Judge Harry Phillips wrote, "[This] is not based on any failure to consider the problem in depth. It is based upon the conviction . . . that genuine constitutional desegregation can not be accomplished within the school district boundaries of the Detroit School District."<sup>3</sup>

How then, did the requirement to address unconstitutional segregation in Detroit's public schools result in the Court of Appeals conclusion of a legal wrong without a remedy?

The complexity of the issues in this case cannot be captured in a single speech or article, but an overview of *Milliken's* evolution can provide valuable insight. Indeed, *Milliken v. Bradley* was the subject of an excellent four-part series published in *The Court Legacy* during 2008 and 2009.<sup>4</sup>



U.S. District Judge Stephen J. Roth, who presided over *Bradley v. Milliken* from the date the complaint was filed on August 18, 1970 until his death in July 1974.

### Detroit: School Segregation and Economic Decline

*Milliken* officially began in August 1970, but the conditions that created it go back much further. While racial segregation in public education in the American South has been studied widely, there has been far less attention to school segregation in the North.<sup>5</sup> Although by the late nineteenth century most northern states had repealed their laws permitting or requiring segregated schools, nevertheless, school board policies and practices that created or maintained segregation continued long after that. Most importantly, rigid residential segregation ensured that school segregation would continue, even in the absence of official State laws or school policies.

This was precisely the case in the Detroit metropolitan area. Ironically, for the last three decades of the nineteenth century and into the early 1920s, the Detroit public schools were actually integrated, following years of struggle by the black community and its white allies.<sup>6</sup> But by the mid-1930s, the school system was becoming re-segregated – due to both housing segregation and to specific actions by the Board. Detroit's African American community had additional concerns about the school system, including the paucity of black teachers and curriculum issues.

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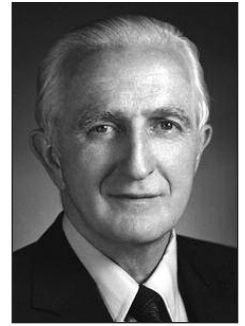
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From the 1930s to 1950s, the black community, in alliance with the Detroit Federation of Teachers (DFT) and the United Auto Workers (UAW), fought to reform the system. By 1960, although not unified on all issues, the coalition had made considerable progress on personnel and curriculum matters, but not on the matter of segregation.



Sixth Circuit U.S. Court of Appeals Chief Judge Harry Phillips, of Nashville, TN, who presided over the three-judge panel that heard the appeal from Judge Roth's decision denying a preliminary injunction against enforcement of Public Act 48.

In the midst of these reforms, however, in the 1950s and early 1960s, the Detroit school system was experiencing major fiscal problems. Defeats of school millages and bond proposals, along with a significant cut in the school allocation from the County Tax Allocation Board and decreases in revenue from property assessments, created ongoing financial crises. These difficulties faced by the public school system were part of larger social and economic changes in the metropolitan area that had begun years earlier. After the economic boom in Detroit during World War II, a long period of economic decline began. Detroit's population reached its peak in 1950 – 1,849,568 residents. But thousands and thousands of manufacturing jobs left the City, especially entry-level jobs that had provided both whites and blacks who had little education and few skills a means to move up the economic ladder.

According to Census figures, the number of manufacturing jobs dropped from 338,400 in 1947 to 204,400 in 1958 – a decline of nearly 40 percent. The elimination of these jobs, combined with persistent employment discrimination, was particularly devastating to blacks, many of whom had migrated from the Jim Crow South to seek a better life. Moreover, the flight of these jobs from Detroit had a ripple effect on the local economy. Local businesses closed, and the City was filled with abandoned storefronts and restaurants, burned-out homes, and vacant lots. Working-class and middle-class whites who had adequate resources and skills moved to the suburbs, taking those resources with them. These developments devastated the City's tax base.

## “Community Control” Versus Integration

The year 1965 was a major turning point for the Detroit public school system, as candidates favored by the liberal-labor-black coalition gained control of the Board. In two years, the Board increased the number of African American school administrators and teachers, adopted a more multicultural curriculum, and hired a new superintendent, Norman Drachler, who was committed to integration. At the same time that Drachler and the Board were pushing for integration,



Norman Drachler was superintendent of Detroit Public Schools.

however, one segment of the black community, led by Reverend Albert Cleage, called instead for “community control” of black schools. According to Cleage, the school system was deliberately miseducating black children and this would not be ended unless black teachers and administrators were in charge of black schools. The community control advocates found two allies in the Michigan House of

Representatives, who introduced bills on the subject in 1968. These bills did not attract much support, but others in the community appeared receptive to some level of decentralization of the school system, although not complete “community control.”

Subsequently, in 1969, Coleman Young, who later became Detroit’s first black mayor, introduced a decentralization bill in the State Senate. Young’s bill divided the City into several regions, each with its own governing board, and maintained the central city board with authority to adopt guidelines for the regional boards to follow. As Young’s bill was debated in the Legislature, Abraham Zwerdling, Board chair, looked for a way to promote integration, even while accepting that some level of decentralization was inevitable.

Young’s bill, which became Public Act 244, was passed by the State House and Senate and signed into law by Governor William Milliken in August 1969. As a result, the Board was forced to develop a decentralization plan, with the first task being to determine the regional boundaries. The Board held a series of public hearings on this issue. The community control advocates argued for establishing regional boundaries that would ensure black control of black schools. Many white Detroiters, however, advocated drawing the boundaries along existing administrative lines. This scenario, along with neighborhood schools, would preserve racial segregation in the school system. After the hearings, Zwerdling encouraged his Board colleagues to create integrated regions that could be the basis for future integration of the schools. The Board was split into three groups: four pro-integration liberals, two anti-integration conservatives, and one community control advocate.

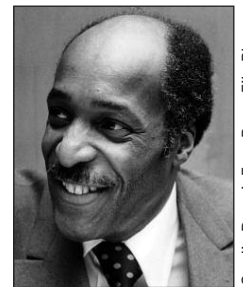
Superintendent Drachler, as directed by Zwerdling, drafted a modest two-way integration plan that would significantly change the racial composition of eleven of the City’s twenty-two high schools, and a substantial number of black students would be assigned to the three remaining schools that were predominantly white. This would be the first attempt at two-way integration in the District’s history. The Board meeting to approve the plan was scheduled for April 7, 1970, but the plan

was leaked to the local press the weekend before. After front-page stories announcing the Board’s “sweeping integration plan,” many Detroiters reacted angrily, especially residents of the white northwest and northeast areas of the City. Subsequently, a group of white parents established the Citizens’ Committee for Better Education (CCBE) to protest the plan. At the April 7 meeting, in a chaotic atmosphere, the Board heard statements about the plan from supporters and opponents before voting to approve it by a 4-2 vote. Several days later, the CCBE initiated a campaign to recall the four members who supported what became known as the April 7 Plan.

## Act 48

The CCBE was not alone in its opposition. The State House and Senate each rejected the Board’s “decentralization with integration” plan. Senator Young stepped in to find a compromise. He was concerned that some legislators wanted to pass an anti-integration law, but he also was upset with the Board for what he termed a “chicken-shit integration plan.” Young worked with legislative leaders in the House and Senate on a bill that preserved decentralization but that also repealed the April 7 Plan. The bill created a three-member boundary commission (appointed by the governor) to draw the regional boundaries. The new law, Act 48, also included an “open enrollment” provision permitting white students left in neighborhood schools that were changing from white to black to transfer out of the black schools. Act 48 was signed into law by Governor Milliken on July 7, 1970. William Grant, a Kentucky native and the education reporter for the *Detroit Free Press* at the time, was shocked. “It astonished me that at the moment the Legislature passed the law, and the Governor signed the law, Michigan had become a state with legalized segregation. Did nobody know what had happened in the South after Reconstruction? Did nobody know they were crossing a line that practically begged for the federal courts to come in?”<sup>7</sup> In addition, although the law contained provisions shortening the terms of the pro-integration Board members with the understanding that CCBE would stop the recall effort, the group went back on its word. On August 4, the CCBE prevailed, with the first successful recall effort in the Detroit school system’s 128-year history.

Because the legal precedents were unclear, local and national NAACP officials initially were uncertain how to proceed in responding to the passage of Act 48. According to Paul Dimond, a member of the NAACP legal team for this case, Nathaniel Jones, lead



Nathaniel R. (Nate) Jones, NAACP General Counsel, who put together the legal team to challenge Public Act 48 in *Bradley v. Milliken*.



Attorney George E. Bushnell, Jr., who represented the Detroit Board of Education in the trial on the constitutional violation phase of *Bradley v. Milliken*.

counsel for the national group believed “he had no choice” but to challenge the law because “the fate of segregation in urban America and the direction of the civil rights movement hung in the balance.”<sup>8</sup> Part of the initial strategy involved behind-the-scenes negotiations with Detroit school officials to coordinate a response. These talks included the Board’s attorney, George Bushnell, who at that time was a member of the NAACP board of directors.<sup>9</sup> Staff members representing

Superintendent Drachler suggested a willingness to push for further integration if the NAACP could get the courts to declare Act 48 unconstitutional, but Louis R. Lucas, Jones’s associate, was hesitant. He thought that a broader case of illegal segregation by the Board might be necessary to actually achieve desegregation. Local NAACP officials decided the appropriate action was to challenge the specific provision of Act 48 that repealed the April 7 Plan, Section 12. But even if Section 12 were held unconstitutional, the recall and subsequent election left the Board without any members who would promote integration. Consultations between local and national NAACP leaders, therefore, resulted in a comprehensive suit challenging school segregation citywide.

## Going to Court

On August 18, 1970, Jones and Lucas filed a suit in the U. S. District Court for the Eastern District of Michigan on behalf of students and parents in the Detroit public schools. The defendants were Governor Milliken, Attorney General Frank Kelley, State Superintendent of Public Instruction John Porter, the Michigan Board of Education, the Detroit Board of Education, and Superintendent Drachler. Ronald Bradley, one of the students, was the first name listed in the complaint; hence the name of the case at the trial stage was *Bradley v. Milliken*. The case was randomly assigned to Judge Stephen J. Roth, a Hungarian immigrant and former Michigan attorney general and circuit judge in Genesee County, who had been active in the conservative, blue-collar wing of the Democratic Party.

In the lawsuit and in subsequent motions, the NAACP attorneys sought to have Act 48 declared unconstitutional and requested an

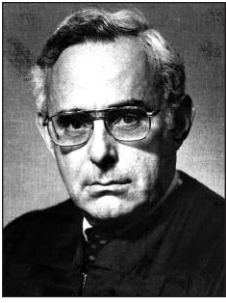


John W. Porter was Michigan Superintendent of Public Instruction.

injunction to require immediate implementation of the April 7 Plan. Judge Roth was not sympathetic to their arguments, and, on September 3, he also dismissed the governor and attorney general as defendants while noting that he was skeptical of the claims of systemwide discrimination. “The proofs are not convincing that there has been a course of action which can be characterized as directed toward the maintenance of a dual system of schools, either *de jure* or *de facto*.”<sup>10</sup> Lucas filed an emergency petition to the Sixth Circuit seeking again to get the April 7 Plan implemented. On October 13, the appellate panel ruled that Act 48 was unconstitutional and reinstated the governor and attorney general as defendants, but it refused to require implementation of the April 7 Plan. The case was remanded to the District Court, and Judge Roth accepted motions to intervene as defendants from two additional groups – the DFT and a group of white Detroit parents associated with CCBE. The DFT was represented by Theodore Sachs, a noted labor attorney, while Alexander Ritchie, CCBE’s legal advisor, represented the white parents. Judge Roth also ordered the Board to submit an integration plan for implementation at the beginning of the second semester. The Board suggested several alternatives, including a magnet school plan which Bushnell recommended and Judge Roth accepted. Judge Roth also postponed the trial indefinitely and publicly criticized the NAACP attorneys as “outsiders [who] should go away and let Detroit solve its own problems.”<sup>11</sup>

After additional proceedings at the Sixth Circuit in February 1971, the Court again refused Lucas’s request for implementation of the April 7 Plan and upheld Judge Roth’s acceptance of the magnet school plan. The panel, however, ordered the District Judge to hold a trial on the merits “fully and forthwith.” Consequently, Judge Roth set the trial date for April 6, a proceeding that eventually took forty-one days, spread over four months.

The plaintiffs mounted a two-pronged strategy in presenting their arguments: 1) the link between housing discrimination and school segregation, and 2) decisions of the Board and the State of Michigan that created and perpetuated the segregated school system. Their focus on the housing phase was made difficult because of the decision in *Deal v. Cincinnati Board of Education*, a Sixth Circuit precedent from 1966 concluding that neighborhood schools in Cincinnati were segregated solely because of individual housing decisions; that is, black parents had “free choice” to move to neighborhoods where their children could attend mixed schools. The Court refused, however, to permit the plaintiffs to test this “free choice” theory, to provide evidence of discrimination. An additional problem was the lack of Supreme Court precedents



U.S. District Judge Avern Cohn, who was one of the three-judge panel assigned to preside over *Bradley v. Milliken*, beginning in August 1980 through November 1985 when he became the sole judge assigned to the case until its termination in February 1989.

regarding a) this “free choice” theory and the connection between housing discrimination and school segregation and b) desegregation plans that included both city schools and their surrounding suburban districts.

For the housing case, the NAACP team called several witnesses to testify about the roles of policies and practices in the public and private sectors including restrictive covenants, federal housing loan programs (FHA), public housing decisions, federal urban renewal projects, and the real estate code of ethics.<sup>12</sup> An especially potent piece of evidence was a 10 x 20-foot map

of the City. This color-coded map illustrated the almost complete residential segregation of Detroit, and overlays showed that the high school boundaries had been drawn to coincide with the residential boundaries. Another aspect of the housing case focused on what is termed a “segregation index,” calculated with Census data to show the degree of segregation of racial and European ethnic groups in the City. This evidence demonstrated that the segregation index for the largest and most close-knit ethnic community in Detroit (Polish) was less than half that for blacks, thus challenging Judge Roth’s perspective that the experience of the black community with housing was no different than that of immigrant ethnic groups.

Alexander Ritchie raised the idea of a metropolitan remedy if unlawful segregation were to be found, and later, after conceding the segregation issue, he took every opportunity to recommend this.<sup>13</sup> The defendants did not present a separate case on the housing issue. After the housing case concluded, plaintiffs’ attorneys turned to the school phase, where they focused on Board policies and practices, including optional attendance zones, open enrollment and school transfer, feeder patterns, gerrymandering of attendance lines, and school construction decisions. Finally, they contended that the State defendants shared responsibility for the system of *de jure* segregation, and thus the State should provide a remedy.

The State attorneys did not present any defense. In presenting their case, counsel for the Detroit defendants admitted that earlier school boards had taken deliberately segregative actions, but they asserted that, in its more recent policies and practices, the Board had taken steps toward integration. Additionally, however, counsel tried to shift the blame, arguing that the State discriminated against Detroit schools in favor of those in the suburbs, especially with respect to school funding and construction decisions.

## A Hostile Climate

As the trial ended in July, the political climate became even more tense. With a busing order in nearby Pontiac set to be implemented at the start of the 1971-72 school year, a local antibusing group held a rally attended by 5,000 and headlined by George Wallace, Alabama’s segregationist governor. Furthermore, some antibusing protesters turned to violence. In late August, ten buses in the Pontiac school district’s parking lot were blown up, and local members of the Ku Klux Klan were arrested for the crime.

On September 27, 1971, Judge Roth issued his finding that the Detroit public schools were illegally segregated because of both housing segregation and *de jure* school segregation by the local and State defendants. He concluded that government policies, combined with practices of “loaning institutions, real estate associations, and brokerage firms, to establish and to maintain the pattern of residential segregation in the Detroit metropolitan area.”<sup>14</sup> Most importantly, he emphasized that school and housing segregation were very much intertwined. Judge Roth then declared that both local and State officials made specific decisions that created and maintained the segregated school system, and, a week after this ruling, he ordered the parties to submit proposals for a remedy.

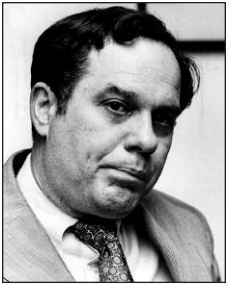
Judge Roth’s ruling and the mere possibility of a desegregation plan involving the suburbs provoked a hostile reaction, including death threats against him. In the U.S. Congress, Michigan Senator Robert Griffin introduced a constitutional amendment to prohibit busing as a remedy for school desegregation. His amendment was supported not only by his Republican colleagues, but by the State’s white Democratic House members who previously had supported civil rights in the South. For the next several months, the *Macomb Daily’s* continuous coverage of the possibility of cross-district busing contributed to the antibusing frenzy.

Shortly before holding a series of hearings in March and April on the parties’ desegregation plans – Detroit-only and metropolitan-wide proposals – Judge Roth agreed to permit suburban school districts to intervene in the case. They were represented primarily by William Saxton, an experienced trial lawyer at one of the City’s oldest, most prestigious firms.



On the right, Attorney William Saxton, who represented forty suburban school districts who intervened in the trial on the remedy for the constitutional violation, with one of his clients.

Credit: Detroit Free Press File Photo



Attorney George Roumell, who replaced George Bushnell as counsel for the Board in the trial on the remedy for the constitutional violation of *de jure* segregation that Judge Roth had found to exist.

Also, by this time, George Roumell had replaced George Bushnell as the Board's attorney. Following the hearings, the school busing issue attracted national attention, as George Wallace won the Michigan Democratic presidential primary in mid-May and President Nixon subsequently ordered his aides to publicize his administration's absolute opposition to busing for school desegregation.

## Judge Roth's Remedy and Reactions by the Sixth Circuit and Supreme Court

On June 14, 1972, Judge Roth's ruling called for the development of a metropolitan-wide plan as the only effective remedy for the finding of *de jure* segregation in the Detroit public schools. He appointed a special panel that would prepare an actual student assignment and transportation plan according to guidelines in his written opinion. The local and State defendants and suburban defendant-intervenors immediately appealed his ruling to the Sixth Circuit. In December, a three-judge panel affirmed Judge Roth's finding of *de jure* segregation and his conclusion that a Detroit-only remedy was inadequate. Six months later, in June 1973, an *en banc* ruling by the Sixth Circuit upheld the three-judge panel's decision on the segregation violation and the need for metropolitan relief. But the Court vacated Judge Roth's area wide remedy orders and directed that the suburbs be heard on this issue. In a critical portion of their opinions, the three-judge panel and *en banc* court did not utilize the findings on housing segregation, and that decision eventually led to the dilemma presented at the beginning of this article: a legal wrong without a remedy. By confining the violation to official actions by local and State authorities, even though housing segregation was inextricably linked with school segregation, the appellate court ultimately precluded an adequate remedy. But accepting the evidence of housing segregation as an important aspect of the violation would have required the Court to overturn or distinguish its own *Deal* precedent.

The U.S. Supreme Court also refused to deal with the interrelationship between housing segregation and school segregation. On July 25, 1974, by a 5-4 vote, the high court held that before a metropolitan-wide remedy could be imposed for the segregation in Detroit schools, there must be evidence that the other districts engaged in unconstitutionally racially discriminatory acts. Chief Justice Burger wrote:

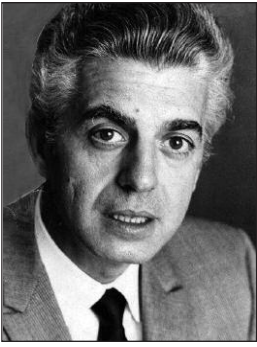
The record before us, voluminous as it is, contains evidence of *de jure* segregated conditions only in the Detroit schools; indeed, that was the theory on which the litigation was initially based and on which the District Court took evidence. With no showing of significant violation by the 53 outlying school districts and no evidence of any interdistrict violation or effect, the Court went beyond the original theory of the case as framed by the pleadings and mandated a metropolitan remedy.<sup>15</sup>

The dissenters disagreed vehemently with the majority's view of the evidence and relevant precedents. Justice Marshall's dissent, joined by the three others, "criticized the majority for ensuring that, despite the State's control over education and its responsibility for segregation in Detroit schools, the District Court became powerless to require the State to remedy its constitutional violation in any meaningful fashion."<sup>16</sup> He also accused the Court of bowing to public pressure against desegregating schools.

## Back to the Drawing Board

When the case was remanded to the District Court for development of a Detroit-only remedy, the task fell to Judge Robert E. DeMascio in January 1975. Judge Roth had died two weeks before the Supreme Court's decision, after suffering three heart attacks in eighteen months. Judge DeMascio ordered the Board and plaintiffs to submit their own desegregation proposals by April 1. After unsuccessful efforts to get the two sides to agree on a single plan, he issued his ruling in August 1975. Judge DeMascio rejected the plaintiffs' proposal outright and ordered the Board to revise its plan according to guidelines he provided in his opinion. Essentially, he ordered a very limited busing plan, one that excluded 80 percent of the City's black students, and he called for "ancillary relief" as suggested by the Board, consisting of educational components for all schools, whether segregated or not. Subsequent proceedings involved negotiations between Judge DeMascio and the Board over these components.<sup>17</sup>

Even as the busing plan was implemented peacefully in January 1976, the plaintiffs, the Board, and State defendants continued to challenge aspects of Judge DeMascio's orders. The case returned to the Sixth Circuit in June, and a three-judge panel affirmed the order requiring the educational components and the State responsibility for paying half of the costs. In addition, the panel affirmed the limited busing plan, with the exception of the exclusion of schools in the three central City regions, as noted at the outset of this article. When the State appealed the panel's findings regarding the educational components and its related financial obligations, the Supreme Court affirmed the panel on both counts in June 1977. From 1977-1980,



U.S. District Judge Robert E. DeMascio, who presided over *Bradley v. Milliken*, beginning after the death of Judge Stephen J. Roth on July 11, 1974, until he recused himself at the suggestion of the Court of Appeals and the case was reassigned by the District Court on August 15, 1980 to Judges John Feikens, Avern Cohn and Patricia J. Boyle.

ancillary relief was implemented. The case was transferred from Judge DeMascio to a three-judge panel in 1980, and finally it was transferred again to a single judge – Judge Avern Cohn – in 1985. Judge Cohn supervised the case until closing it in February 1989.

## Conclusion

To understand the problems existing in the Detroit public school system today, one must honestly examine the impact of the 1974 *Milliken* case. While this decision by itself did not create these conditions (or those in other urban school

districts), *Milliken* made it almost impossible to address the problems. By focusing on whether specific decisions by suburban school officials had established or promoted segregation, the courts missed a crucial point. Because of rigid housing segregation in the suburbs, few black students, if any, were in a position to attend these schools, so there was no need for segregative school policies. And this housing segregation was in large part the result of government policies, not simply private decisions. In effect, as the Sixth Circuit concluded in 1976, despite findings of a clear constitutional wrong, the courts provided no real remedy to those wronged. Instead of meaningful desegregation, they opted for a temporary educational compensation plan which was insufficient for improving education in a system that was already in dire straits.

Would a metropolitan desegregation remedy have made a positive difference? While one cannot answer this question with any certainty, it seems reasonable to assume that urban schools would not have deteriorated so badly if white and black children had been required to attend the same schools. Deprived of the opportunity to escape desegregation by further flight to the suburbs, perhaps white residents would have worked to ensure high quality in all the schools. Even today, many of those same hostilities to integrated education that existed during the *Milliken* case remain. The big difference today, however, is that there are few voices decrying the continuing presence of racial segregation in Michigan's public schools. The "wrong without a remedy" has simply become accepted as a fact of life. ■

## About the Author

Dr. Joyce A. Baugh, Professor of Political Science, joined the faculty at Central Michigan University in 1988. She served as chair of the department from 1995 to 2001. Baugh teaches courses in American government, constitutional law, civil rights and liberties, judicial process, and the civil rights movement.

## End Notes

1. Most of the information contained in this article is taken from the author's book, *The Detroit School Busing Case: Milliken v. Bradley and the Controversy Over Desegregation*, Joyce Baugh (University Press of Kansas, Lawrence, 2011).
2. *Milliken v. Bradley*, 418 U.S. 717, 753.
3. *Milliken v. Bradley*, 540 F.2d 229, 240.
4. The series, published in 2008 and 2009, was spearheaded by U. S. District Judge Avern Cohn and edited by John P. Mayer. Jennifer A. Huff, "The Only Feasible Desegregation Plan: *Milliken v. Bradley* and Judge Roth's Order for Cross-District Busing" 15 (May 2008): 1-11; John R. Runyan, "*Milliken v. Bradley I: The Struggle to Apply Brown v. Board of Education* in the North" 15 (September 2008): 1-16; Samuel C. Damren, "*Milliken v. Bradley I* On Remand: The Impossible Assignment" 16 (February 2009): 1-11; and U.S. District Judge Avern Cohn and John P. Mayer, "Winding Up *Bradley v. Milliken*" 16 (June 2009): 1-9.
5. For a comprehensive treatment of segregation in public schools in the North prior to *Brown v. Board of Education*, see Davison M. Douglas's excellent work, *Jim Crow Moves North: The Battle over Northern School Segregation, 1865-1954* (New York: Cambridge University Press, 2005).
6. See Jeffrey Mirel's *The Rise and Fall of an Urban School System: Detroit, 1907-1981* (Ann Arbor: University of Michigan Press, 1993).
7. Grant shared these thoughts with the author in a June 25, 2008 interview.
8. Paul R. Dimond, *Beyond Busing: Reflections on Urban Segregation, the Courts, & Equal Opportunity* (Ann Arbor: University of Michigan Press, 2005), 29.
9. This conflict led to Bushnell's resignation from the NAACP Board of Directors.
10. Baugh, *The Detroit School Busing Case*, 88.
11. Baugh, id. 90.
12. For an extensive discussion of these and other factors that created and maintained rigid segregation in the Detroit metropolitan area, see Chapters Two and Five of Baugh, *The Detroit School Busing Case*.
13. Ritchie apparently suggested to his clients that the specter of a metropolitan remedy would bring in suburban antibusing interests and therefore improve their ability to oppose the desegregation efforts.
14. *Bradley v. Milliken*, 338 F. Supp. 582, 587.
15. *Milliken v. Bradley*, 418 U.S. 717, 745.
16. Baugh, *The Detroit School Busing Case*, 171.
17. Conflict over the exclusion of NAACP counsel eventually led to Judge DeMascio's recusal from the case.

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\_\_\_\_\_  
\_\_\_\_\_

Yes, I would like to assist and/or actively participate in the following of the Society's activities *(Check as many as may apply)*:

- Writing articles for the Society newsletter  
 Conference planning  
 Oral history  
 Research in special topics in legal history  
 Fund development for the Society  
 Membership recruitment  
 Archival preservation  
 Exhibit preparation  
 Educational programs  
 Other *(please describe)*: \_\_\_\_\_

Suggestions for programs or projects:  
\_\_\_\_\_

*THIS FORM MAY BE DUPLICATED AND SUBMITTED WITH YOUR MEMBERSHIP FEE*

*The Historical Society  
U. S. District Court  
Theodore Levin U.S. Courthouse  
Detroit, Michigan 48226*

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