

# The Civil Rights Project



## *Proyecto Derechos Civiles*

Senator Edward Brooke: A personal reflection by Gary Orfield

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[The death of Senator Edward Brooke this past Saturday](#) brings to mind the extremely important role of Republicans in the civil rights revolution of the 1960s. History celebrates the eloquence of Martin Luther King, Jr., and the courage and fearless determination of the very disciplined non-violent protests in the face of virulent racism and violence. Determined, disciplined protests and the brilliant framing of the issues were essential in making the nation aware of the truth of discrimination in the South. The truth is, though, that making real changes that transformed Southern institutions, and created national laws for civil rights, required not only the strong leadership of President Johnson and the Democratic party outside the South, but also very substantial support from Republicans to forge the tools that ended overt discrimination by state and local governments. A critically important group, including most Republicans in the U.S. Senate, voted for sweeping civil rights changes in the 1960s. Senator Brooke, the first black Senator since Reconstruction, was a leading voice in a party that still honored the memory and vision of its founder, Abraham Lincoln. The loss of Brooke, and the loss of that whole wing of the Republican party in the years following the adoption of the “Southern strategy” by Presidents Nixon and Reagan, led to the loss of a substantial wing of moderate civil rights supporters that was essential for the enactment and protection of major civil rights reforms.

I was sitting in my office at the Brookings Institution working on a book in early 1976, when I received a hand-delivered letter from two powerful U.S. Republican Senators, Edward Brooke of Massachusetts and Jacob Javits of New York. They asked me to take an immediate leave from my work and come to work as a consultant to a Senate committee to monitor the civil rights record of the Executive branch. Under Presidents Nixon and Ford, there had been major reversals in civil rights policies and Brooke was one of a number of strong civil rights advocates among Senate Republicans in the days when the spirit of Lincoln still lived in an important segment of the Senate GOP. Brooke had been a hero for his work with Senator Walter Mondale during the amazing process, which won passage of the federal fair housing bill under what had seemed impossible conditions. Brooke was also a prime mover in the development and enactment of the largest program ever passed for low income housing, much of which was to be in the form of home ownership for low-income families. Brooke and Javits basically gave me free rein to find the most important information I could locate in federal agencies about the status of civil rights. They immediately backed me up by signing the letters I drafted to agencies and departments demanding the rapid production of key data and materials.

It was a fascinating assignment. I would go around to the various agencies, meet with the data people as a Congressional staffer, find out what data they had, and then figure out what might be computed or learned from that data or research. When a federal agency receives such a request from very high ranking Senators of the President's party, sometimes on the stationary of the committee that controls their budget, data and relevant materials appear like magic. Something probably impossible for an independent researcher to obtain was on the desk of the Senators' staff within days. Part of my assignment was to draft short speeches for the Senators as they included a great deal of information for 19 insertions in the *Congressional Record* from May through June. Much of this effort was an attempt to lend reason and solid information to the usually distorted and highly emotional debate over integration of schools and neighborhoods. This followed the firing of the Office for Civil Rights leader and the Secretary of HUD during the Nixon years for trying to enforce the laws Brooke had helped write and also came after Nixon's unilateral shutdown of the central housing programs created in the 1968 housing act for poor families. As the White House was pushing the country backwards, and intentionally inflaming the "busing" debate, these Senators wanted to create a positive discussion and foster informed discourse.

The effort had no visible impact on policy, but it was a sign that important members of the President's party were watching. More important, it did launch what became a very long-term effort to track how the country was doing in realizing the integrated schools vision of *Brown v. Board of Education*. When I went to the Office for Civil Rights asking them why Presidents Nixon and Ford had stopped providing the statistics on segregation in U.S. schools after 1971, they told me that the data were still collected and could be analyzed, but the datasets were so complicated with flaws and statistical weights that the only practical way to get the basic numbers would be for the federal agency to commission its private contractor to run them. Backed by Brooke's and Javits' demand for this information, I outlined a set of measures and regional areas for analysis. The contractor was directed to quickly run the data tapes, and generate the tables covering the period from 1970, just before the Supreme Court authorized busing in 1971, to 1974, after there were changes in many of the large districts of the South. I then wrote Senator Brooke's statement and press release showing what the trends were, and this was the first real information documenting what was happening during the most intense period of anti-busing politics, which has been fostered by President Nixon.

This data and Brooke's interpretation of it, released in June 1976, received a great deal of national attention. In his speech Brooke pointed out that the statistics covered nine-tenths of the nation's black students and three-fourths of the Latinos, and provided the first national and regional tabulations of Latino segregation. Though Latinos would become by far the largest minority group in U.S. schools in the early 21<sup>st</sup> century, those large changes were just beginning then, and no one was paying attention. The report's headlines about the South were that the implementation of the urban desegregation orders in the region had substantially lowered segregation and made the South by far the least segregated part of the nation for black students. Much less attention was given then to the finding that already half of the Latinos, then little more than a twentieth of U.S. students, were already in schools where at least 70 percent of the students were nonwhite.<sup>1</sup> But, at least, the baseline data was created.

These data were so significant, and the major changes so apparent, that this project for Senator Brooke would become a continuing part of my work and the work of the Civil Rights Project. The Reagan

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<sup>1</sup> Congressional Record, daily ed., June 18, 1976,

Administration would have no interest in these data, since it was committed to changing the courts and ending court-ordered desegregation. With the help of Congressional Committees, the National School Boards Association, the Joint Center for Political Studies, researchers at the University of Wisconsin and Indiana, and, later, my projects at the University of Chicago and Harvard, and, for the last 17 years, the Civil Rights Project, we managed to regularly obtain the data, compute it and report the changes. We have informed the country about the progress created by civil rights law -- when it was enforced--and then documented the reversal of these transformations, as desegregation was undone by the courts and the executive branch, both changed over years of conservative administrations. This was, in other words, one of the many legacies of Sen. Brooke. For me it is important to recognize and appreciate what Senator Brooke accomplished, and to mourn the loss of the tradition he exemplified, a tradition of Republicans who were moderate or conservative on many economic issues, but who remembered and were proud that their party had led the movement that ended slavery, and created the first great civil rights laws after the Civil War. In my work on civil rights, I often think how important it would be if the spirit he represented again became a significant part of the GOP.