

Title: *Green v. County School Board of New Kent County* 391 U.S. 430 (1968)

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In states where racial segregation of school children had been commanded or authorized by law, the process of DESEGREGATION following *BROWN V. BOARD OF EDUCATION* (1954–1955) was impeded by officials' tactics of delay and evasion. One such tactic was the "freedom of choice" plan, which allowed pupils to select their schools. This "freedom" was often restricted by the fear of black parents that sending their children to formerly white schools would be followed by the loss of a job, or by violence and harassment directed at them or their children. In *Green*, the Supreme Court held that a rural Virginia county's "freedom of choice" plan was an insufficient remedy for segregation.

The Court took note of the practical restrictions on the freedom of black parents but did not rest decision on that ground. Instead the Court adopted a doctrinal position that reshaped the course of school desegregation. Justice WILLIAM J. BRENNAN, writing for a unanimous Court, reinterpreted *Brown II* (1955) to require "the dismantling of well-entrenched dual [segregated] systems." A school board had an affirmative duty "to come forward with a plan that ... promises realistically to work *now*." A "freedom of choice" plan might possibly suffice, but where other alternatives were "more promising" the board must use them. The Court left no doubt that it had in mind the actual integration of black and white children as the index of success in dismantling a dual system.

In a small rural county with no residential segregation, integration would be easily achieved through geographical attendance zones and neighborhood schools. The question remained whether the Court would similarly insist on integrative results in large cities where housing was segregated. That question was answered affirmatively, three years after *Green*.

(See *SWANN V. CHARLOTTE-MECKLENBURG BOARD OF EDUCATION ; SCHOOL BUSING* .)

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