

*PEOPLE WHO CARE V. ROCKFORD SCHOOL DISTRICT: THE REPERCUSSIONS  
OF USING LEGAL MEANS TO RIGHT SOCIAL WRONGS*

by

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A Research Paper  
Submitted in Partial Fulfillment of the Requirements for the  
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Throughout the 1970s and 1980s, Rustbelt Northern towns and cities fell on economic hard times. Previously abundant factory jobs relocated to the non-unionized American South and West, where companies could pay its workers lower wages. In that respect, the history of Rockford, Illinois, a city with an unemployment rate that spiked to 20% in the 1980s, is not unique. What makes Rockford unique is that minority and working class parents formed an organization called People Who Care and decided to fight back. To these parents, the city's segregated, unequal schools for African American and Hispanic children reflected more deeply rooted socioeconomic problems. Segregated housing led to segregated schools. Tracking black and Hispanic students into remedial or vocational education programs perpetuated a cycle of poverty by preparing students for factory jobs that no longer existed.

In 1989, Rockford School District issued a Reorganization Plan that was intended to fix the District's budget deficit, but the provisions caused People Who Care to file a lawsuit against the District. The plan's proposed closing of six west side schools and the consolidation of three elementary schools into overcrowded "mega schools" led to People Who Care to file a lawsuit against the District in May of 1989. After decades of inaction on minority issues, People Who Care's lawsuit pursued legal resource to right structurally based inequalities. In *People Who Care v. Rockford*, black and Hispanic parents sought the court's assistance in righting social wrongs, which brought latent class and race tensions to the surface by exposing the injustices at Rockford's core.

To fully understand why People Who Care filed a lawsuit in the first place must consider the state of Rockford's geography, its public schools and local politics beginning in the 1960s. African American and Hispanic parents primarily objected to the District's recommendation to

close six neighborhood schools in the dominantly minority west side of Rockford. They critiqued the proposed closings, which would also combine three elementary schools into “mega elementary schools” with, in one case over a thousand students, struck minority parents as massively unfair when schools on the mostly white east side continued to operate under capacity. Angry parents worried that these elementary school would be substandard “ghetto warehouses” that would provide lower quality education than the white schools.<sup>1</sup> The proposed closing of West High School outraged both black and white parents, as the school—the only fully integrated high school in a city with de facto residential segregation—was a source of community pride.<sup>2</sup>

According to a People Who Care brochure issued in July 1989, minority parents, churches and other community organizations worried that the District remained unconcerned with “equality, [and] equal education for all the children.” After the “slow moving bureaucratic route” of working within the system failed, the group filed a lawsuit against the District in May of 1989.<sup>3</sup> People Who Care alleged in the lawsuit that the District’s actions had violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and Illinois’ Armstrong Act. Passed by Illinois General Assembly in 1963, the Armstrong Act’s stated purpose was to prevent and elimination the segregation of students in public schools because of “color, race or nationality.” The Armstrong Act declared that a school was segregated if the ratio of minority students to white students in that school exceeded the district average by at least

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<sup>1</sup> Carlian Williams Dawson, “A Case Study of Desegregation in the Rockford School System, Rockford Illinois, From 1989-1997” (Ph.D. dissertation, Illinois State University, 1998), 8-10.

<sup>2</sup> Numerous articles in the city’s main newspaper, *Rockford Register Star*, attest to this. Cathy Ward, “School board braces for weeks of hell,” *Rockford Register Star*, January 24, 1989, A1. “Crowd of 1,000 attends first of four public hearings,” *Rockford Register Star*, February 1, 1989, A1 and A5. Cindy Krantz, “Citizens’ groups apply the pressure to local governments,” *Rockford Register Star*, July 29, 1989, A1 are fairly typical representations.

<sup>3</sup> People Who Care, “A Coalition of Concerned Citizens” brochure, July 20, 1989, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

15%.<sup>4</sup> People Who Care used Rockford School District's previously released school attendance data to prove that the district was intentionally segregating its schools and violating the Armstrong Act.

Like many Northern cities in the Rustbelt, residential settlement patterns in Rockford resulted in de facto segregation, often leading to segregated public schools.<sup>5</sup> Swedish immigrants were the earliest group to immigrate to Rockford, followed in time by German, Polish, Irish and Scottish immigrants. The patterns that would lead to racial segregation began with the earliest immigrants, as each ethnic group created their own enclaves throughout the city. Over time, Rockford's black population expanded, accelerating around World War II. In 1930, of the estimated population of 87,000, less than three percent of residents were black. Enticed by the economic opportunities that could be found in Rockford's many factories the number of black residents had continued to grow. By 1970, the 21,018 African Americans and Hispanics lived in Rockford and comprised 10% of the city's total population. When People Who Care filed their lawsuit in 1989, the 7,084 black and Hispanic students were nearly twenty seven percent of the District's total population of 26,757 students.<sup>6</sup>

Like the European immigrants before them, blacks and Hispanics settled into their own ethnic enclaves in Rockford, affecting the schools' racial composition because the Board of

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<sup>4</sup> Ill. Rev. Statute, Ch. 122, Sec. 10-21.1, 1963.

<sup>5</sup> There is a broad body of literature on Northern de facto segregation caused by housing patterns. See Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*, (New York: The New Press, 1996). Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, (Princeton, NJ: Princeton University Press, 1998). Jack Dougherty, *More Than One Struggle: The Evolution of Black School Reform in Milwaukee*, (Chapel Hill: University of North Carolina Press, 2004). Gregory Jacobs, *Getting Around Brown: Development, Desegregation, and Ohio Public Schools*, (Columbus: Ohio University Press, 1998). Ronald Formisano, *Boston Against Busing: Race, Class and Ethnicity in the 1960s and 1970*, (Chapel Hill: The University of North Carolina Press, 2004).

<sup>6</sup> Dawson, 4-7.

Education drew attendance zones geographically by neighborhood. The Rock River serves as the city's dividing line, separating Rockford's neighborhoods both racially and economically.

Students from the overwhelmingly white east side generally did not attend school with black or Hispanic children unless those students had been required or volunteered to be bused from the west side.

Demographic statistics of Rockford's main geographic areas demonstrate the extent to which the town had been settled on racial and class lines. The city's poorer, minority residents tended to reside in the city's Southwest Quadrant (north of Auburn St. and west of the Rock River).<sup>7</sup> The east side of town, on the other hand was overwhelmingly white. According to the 1980 census, over 98% of the east side's population was white.<sup>8</sup> Drawing attendance zones by neighborhood boundaries caused the District's schools to be in violation of the Armstrong Act because a nearly all white neighborhood would have a nearly all white neighborhood school. In 1987, only 3% of students in the Northeast Quadrant were minorities, which meant that these schools fell short of the legal requirements by 11%.<sup>9</sup> Although the percentage of black and Hispanic students in the Northwest —13% of the students were minorities—but they still fell short of legal requirements.

The numbers in the Southwest Quadrant, south of Auburn St. and west of the Rock River, further demonstrate the *de facto* housing segregation that existed in Rockford. Around 70% of the town's African American community resided in the SWQ, while in the remainder of the city 4.7% of the population was black. 70% of students attending schools in the SWQ were African

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<sup>7</sup> I use the term quadrants because it became the shorthand for describing the geographical areas in the legal documents pertaining to the case. See Appendix A for a map.

<sup>8</sup> Shannon Fisk, "The Importance of Full Court Involvement: A Case Study of the Rockford, IL School Desegregation Efforts" (J.D. Thesis, University of Michigan, 1999), 25.

<sup>9</sup> The Armstrong Act, passed in 1963 by the Illinois General Assembly, outlawed segregation in Illinois schools and legally defined a segregated school. According to the act, an individual school's minority population had to be within 15% of the district's total percentage of minority students.

American or Hispanic. Although blacks were heavily concentrated in the SWQ, 40% of the area's total residents were white. At first glance, it may not seem to hold much significance; however, keeping in mind that whites also lived in the SWQ serves as a reminder of how it was not just minorities who experienced educational inequality. The white residents of the SWQ on average were of a lower socioeconomic standing than their counterparts in the northern and eastern parts of the city.<sup>10</sup> Understanding that the city remained divided by class in addition to race, helps to explain why People Who Care—although the majority of its members were black—was a multiethnic group that included both whites and blacks in addition to Hispanics. Considering the case as just a black-white issue obscures how class also played a part in school decision making.

The city's economy—at least until the 1980s—was firmly based in manufacturing. Due to increasing globalization of business in the 1980s, Rockford's industries faced a dramatic rise in competition from developing countries and even with a non-unionized labor force that could produce goods more cheaply. Rockford was a solidly blue collar town. Ed Wells, the founder of People Who Care contended that parents of all races expected their children to receive “low-skill high paying work in the factories” as soon as they graduated high school, making additional career training at a vocational school or four year college unnecessary.<sup>11</sup> Rockford's first African American Mayor Charles Box confirmed Well's statement, suggesting that because of the availability of “well-paying jobs in heavy manufacturing... a fancy school system was deemed an expensive frill.”<sup>12</sup>

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<sup>10</sup> Fisk, 26-28.

<sup>11</sup> Ed Wells, “Anything but school board consultants,” *The Rock River Times*, August 30, 1995, 1.

<sup>12</sup> Elizabeth Austin, “A River Knives Through it: Nature spilt Rockford first, but it has taken a desegregation lawsuit to truly divide the city,” *Chicago Tribune Magazine*, September 27, 1998, accessed February 11, 2012, <http://search.proquest.com.proxy.lib.siu.edu/docview/4185711849?accountid=13864>.

During the 1980s, the minority and poor's belief that the American Dream could be reliably attained in Rockford began to fall apart. Unemployment spiked as high as 20% in the 1980s, in large part because Rockford's young workers had received an education that prepared them for jobs that no longer existed. For many, the school system failed to provide an educational foundation that would enable its students to succeed at four year colleges and technical schools. As we shall see later, the situation was even worse for black and Hispanic students because of discriminatory tracking. The failures of the school system undoubtedly contributed to the staff of *Money Magazine*'s decision to put Rockford second to last at number 299 out of 300 in its article on "Best Places to Live in the U.S."<sup>13</sup>

Rising unemployment compounded Rockford School District's financial problems because it led to lower property values. Property taxes constitute 45% of the funding for Illinois' public schools. Trouble with funding first emerged during the 1970s when the economic downturn, combined with legislation from the state of Illinois lowered the amount of money coming into the district. According to a May 6, 1989 article in *The Rockford Register Star*, in 1975 the state "slashed property tax assessments, forcing local school districts into massive budget cuts and a year where hundreds of teachers were fired, programs were chopped ruthlessly and extracurricular activities stopped."<sup>14</sup>

With the 1989 Reorganization Plan, known as "Together Toward a Brighter Tomorrow," the Rockford School District hoped to save six million dollars and to prevent operating at a huge deficit that stemmed from lower property tax assessments and falling property values.<sup>15</sup> The District justified their spending cuts by citing Rockford's economic woes. Many, like Molly

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<sup>13</sup> Pamela Shaver, "Community Educational Task Force in Rockford, IL': One Example of Private Sector Involvement in the Public School System" (unpublished paper, Rockford College April 1996), 3.

<sup>14</sup> Chad Brooks, "Our woes deeply rooted," *The Rockford Register Star*, May 1989.

<sup>15</sup> Dawson, 14.

Phalen, president of the Rockford Education Association “question[ed] whether the cost savings [were] real or even necessary.”<sup>16</sup> Rockford’s residents, whether black or white, rich or poor, recognized the late 1980s as a period of economic crisis, but the housing patterns that segregated the District and the city itself along racial and class lines could be used to predict the levels of support and opposition to the Reorganization. Because the bulk of school closings and program cuts affected the west side, especially the Southwest Quadrant, it is not surprising that the majority of the opposition resided there.

Differences in socioeconomic and racial makeup of Rockford’s geographic quadrants, demonstrated the city’s *de facto* segregation. The disparities between races and classes also resulted in a power imbalance in educational institutions. As future lawyer Shannon Fisk commented in her J.D. thesis for the University of Michigan, the all-white school board perpetuated segregation during the 1960s and earlier in the “traditional Northern way: through the purposeful drawing of district boundary lines” that separated students by race.<sup>17</sup>

Prior to 1965, the Board remained white because the Mayor appointed school board members and the town had a history of being fiscally conservative though narrowly Democratic—probably due in part to the number of union members working in the city’s factories.<sup>18</sup> Following 1965, school board members were elected in at-large elections, instead of by district. At-large elections meant that a candidate had to receive votes from the entire community, an arrangement that put the minority candidates at a huge disadvantage. In spite of the growing number of African Americans in Rockford, they still remained a minority—around 20% of the electorate; therefore, the white population, especially residents of Northeast

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<sup>16</sup> Rockford Education Association News Release 17 May 1989, People Who Care, Rockford, IL Collection, Acc. No. 271, Northern Illinois Regional History Center, Northern Illinois University, DeKalb, IL.

<sup>17</sup> Fisk, 30.

<sup>18</sup> *Ibid.*, 7.

Quadrant, traditionally the area with the highest voter turnout, could almost always ensure the victory of “their” candidate. As a result, from 1965-1989 only two board members had lived in the SWQ and only two were black. In contrast, twenty seven members came from the NEQ, fifteen came from the NWQ and six came from the SEQ and forty-eight of the fifty board members were white.<sup>19</sup>

Between 1965 and 1989, the Rockford Board of Education did not place desegregation high on their list of priorities. Marcella Harris, the first black member of the R.B.E. who served from 1965 to 1971, reflected on her time on the Board to Rockford’s African American newspaper, *Vital Force*. According to Harris, white board members rejected her proposals to improve minority education out of hand. “Well, Marcella, you have to remember that sometimes minorities just have to wait until the majority is ready to settle things.”<sup>20</sup> The only other black Board member, Michael Williams served as board’s vice president at the time People Who Care filed their lawsuit. His statement on the board’s avoidance of desegregation reinforces Harris’ recollections and suggests that the board consistently failed to act on behalf of equal education over time. “The board has had a philosophy of hands off the desegregation issue unless a gun was pointed at their heads.”<sup>21</sup>

When asked about the inequalities that existed between schools with predominantly high income families and lower income families that even the Principal of Spring Creek, the R.B.E. president Jacquelyn Confer, shifted the blame to past boards: “Apparently, there was not an administration in the past willing to stick out its neck.”<sup>22</sup> Confer blames the actions of past

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<sup>19</sup> Dawson, 43.

<sup>20</sup> “The Double Standard for Education,” *Vital Force*, Vol. VII, No. 39, April 15, 1993, 1.

<sup>21</sup> Cathy Ward, “Unequal and Unfair: Minority Students shoulder burden of desegregation,” *The Rockford Register Star*, May 6, 1990, A7.

<sup>22</sup> Cathy Ward, “Tale of two schools, haves and have nots” *Rockford Register Star*, January 28, 1989, 4B.

school boards, even though she had been a member of the board since 1985, therefore part of the past administration that had not stuck out its neck.<sup>23</sup> Her somewhat evasive answer indicates that she and possibly other members of the board avoided dealing with minority issues unless faced with outside pressure.

An article by *The Rockford Register Star*'s chief political correspondent Chuck Sweeney, provides context for the comments made by black school board members Marcella Harris and Michael Williams and could perhaps partially explain R.B.E. Jacquelyn Confer's response to questions about educational inequality. In the early 1970s, the board ousted Superintendent Dr. Thomas Shaheen, an advocate for integration in Rockford's schools and replaced him with Dr. Robert Salisbury, a man who confidently proclaimed Rockford "has no plans to desegregate its schools." Most board members in the 1970s adamantly opposed busing white students in east side schools to west side schools to help achieve racial balance. They would have agreed with Dr. Harry Darland's December 1989 declaration that mandatory busing was "unconstitutional and un-American."

According to Sweeney, group of white residents opposed to integration created the Community Education Committee, a single issue group dedicated to the prevention of forced busing, in response to the advocacy of "not unlike that the South saw a decade earlier" by civil rights activists<sup>24</sup> The majority of board members in the 1970s belonged to the C.E.C. and supported the group's cry for localism in the city's communities, touted neighborhood schools as the best option for Rockford's students, and "support[ed] the concept of 'home rule'" for the

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<sup>23</sup> "Jackie Confer: 1944-2003," *Rock River Times*, <http://rockrivertimes.com/1993/07/01/jackie-confer-1944-2003> (accessed March 29, 2012).

<sup>24</sup> Chuck Sweeney, "Desegregation had a rocky start and came to an abrupt halt," *The Rockford Register Star*, May 6, 1990, A6.

schools.<sup>25</sup> Rockford board members who began to use phrases like “home rule” had, whether knowingly or unknowingly, brought the language of Jim Crow to the North. Phrases like home rule demonstrate the community’s resistance to outside intervention by either the federal courts or the State Board of Education, echoing Southern opposition to the overturning of state Jim Crow laws by the federal government.

The Rockford School District’s and the Board of Education’s failure to markedly improve its unequal and segregated schools led to a lawsuit being filed in the 1970s by a community group similar to People Who Care, comprised of mostly minority parents, called Quality Education for All Children (also known as Q.U.E.F.A.C.). The group filed a suit against the district in 1970, alleging that the district racially discriminated in making boundary changes for attendance zones, purposefully gerrymandering the zones so white students would not have to attend schools with black students. Furthermore, they contended that the district packed black students into already overcrowded racially identifiable black schools. During the 1972- 1973 school year, for example, 89% of the racially identifiable African American west side elementary schools were operating over capacity while, at the same time, 75% of the integrated schools and 65% of the racially-identifiable white schools on the east side operated under capacity.<sup>26</sup> Such evidence, originally gathered in the Quality Education for All Children lawsuit in the 1970s, also contributed to Magistrate P. Mahoney’s finding that Rockford School District was guilty of intentionally segregating minorities.

Despite the ample evidence that the school district had intentionally segregated its schools, Judge William Bauer offered a different verdict than Mahoney did in the 1990s. He did not find the Rockford School District guilty of intentional segregation, even though he noted the

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<sup>25</sup> Brooks, “Our woes deeply rooted.”

<sup>26</sup> Ibid.

schools demonstrated “considerable minority isolation.”<sup>27</sup> However, the pressure from the court did force the district to implement methods to reduce segregation in its schools. Because of massive opposition from white parents, the district decided not to impose busing—at least not on its white students. The district sowed the seeds of the 1989 *People Who Care* lawsuit by placing the major burden of desegregation on minority students who were required to be bused to schools on the east side. Meanwhile, the district added magnet programs to west side schools in order to attract white students to the west side of the district. The magnet schools were integrated in name only, as the white students in the magnet classrooms were kept away from the black neighborhood students, eating lunch at different times and being housed in one part of the building.<sup>28</sup>

Throughout the 1970s, Rockford School District faced scrutiny for its policies not only from the court but also from the Illinois State Board of Education. Along with the court, the I.S.B.E. also demanded that the District draft new desegregation plans with community input. The plans drafted by the district failed to bring Rockford schools into compliance with the Armstrong Act. In March 1977, after repeated warnings, the I.S.B.E. put the Rockford School District on probationary status, the first step in cutting federal funding. Board members resented outside interference, so much so that one member tried to file a lawsuit against the State Board in 1980. In the end, the district used a state appellate court decision finding that the I.S.B.E. overreached their constitutional authority in the rules it imposed upon the East Aurora School District as an excuse to publicly reject compliance with the I.S.B.E.<sup>29</sup>

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<sup>27</sup> Fisk, 33.

<sup>28</sup> *People Who Care v. Rockford School District*, 851 F. Supp. 905, U.S. District 10 (1993).

<sup>29</sup> *People Who Care v. Rockford School District*, 851 F. Supp. 905, U.S. District 10 (1993).

Once local control had been returned to the Rockford School District, the percentage of racially identifiable schools climbed from 50% in 1980 to nearly 87% in 1989, when People Who Care filed their lawsuit.<sup>30</sup> Disparities in the educational experiences of poor and minority students in comparison to their wealthier and white counterparts only continued to increase. Activists publicized the difficulties facing families on the west side of Rockford and linked the city's failing schools to wider structural inequalities: "unemployment, drugs, high infant mortality...and the unending cycle of poverty and despair" and urged parents and community members to "stand up and fight for our own children."<sup>31</sup> Following the frustrating Quality Education for All Children Case that resulted in few tangible gains, community members became increasingly reluctant to take a stand. All of that changed when the Rockford School District issued a Reorganization Plan in February 1989.

"Together Toward a Brighter Tomorrow," the District's optimistically named Reorganization Plan, forced submerged racial and class conflict to resurface and move to the forefront of Rockford's public discourse. In spite of the cheery title, the plan grimly called for the closing of ten schools, six of which would be on the west side of the district, including integrated West High. Along with the closings, three of the west side's elementary schools would become "mega schools," filled with the excess students from the closed buildings.<sup>32</sup> Wilson Middle School, for example, was to be converted into an elementary school for grades 3-6, with a projected enrollment of 1,227 students—over four times as many as the average school in the

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<sup>30</sup> Williams, 6.

<sup>31</sup> People Who Care fundraising letter, People Who Care, Rockford, IL Collection, Acc. No. 271, Northern Illinois Regional History Center, Northern Illinois University, Dekalb, IL.

<sup>32</sup> Dawson, 3-4.

district. Concerned west side parents worried that these schools would become “ghetto warehouses.”<sup>33</sup>

The school district’s plan resulted in a huge public outcry. Board of Education President Jacquelyn Confer, accurately anticipated the public onslaught, commenting to a *Rockford Register Star* reporter, “When we go to the community to discuss these changes, we’ll be in for four nights of hell.”<sup>34</sup> Leading up to the school board’s official public meetings, groups met throughout the community to discuss the plan. At one such meeting in late January, over two hundred people gathered at Third Presbyterian Church to organize opposition to the school district and the board’s plan. The meeting, led by West High School’s Parent-Teacher Organization president Elizabeth Van Horn, was also attended by local politicians. West side Alderman John Gustafson, who was also a mayoral candidate, advocated organized opposition. “We cannot be emotional about this item if we are going to win.”

At the same time, west side homeowners reacted to the plan with fear that school closings would economically cripple the area. Residents linked the continued existence of neighborhood schools with economic well-being. The Garfield Avenue Residents Inc., an area neighborhood association tried to publicize their concerns at the public hearings. They also distributed a newsletter to the area’s residents, entitled *The Gaslight Gazette*. The newsletter attempted to raise public awareness of the issues concerning neighborhood residents with pieces by its residents, some transcribed from remarks made at board hearings. Polly Berg predicted the closing of West would have catastrophic effects on the neighborhood:

Real estate values, some of them just recovering from the recent recession, would suffer. The very fabric of human values, friendship, pride, community togetherness would suffer. Not just because it is a high school, but because it is the focal point of the

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<sup>33</sup> Austin, “A River Knives Through It.”

<sup>34</sup> Cathy Ward, “School board braces for weeks of hell,” *The Rockford Register Star*, January 24, 1989.

entire northwest quadrant of Rockford... we are willing to bite the bullet, but the whole gun in just too much to swallow.<sup>35</sup>

The newsletter indicates that members of the Garfield Avenue Residents' Association tied issues of education to overall community well being. Their vocal willingness to "bite the bullet" suggests something of the area's relationship with the city at large. Garfield Avenue residents had already "weathered the storm" that came with closing of Roosevelt Middle School in the early 1980s and had struggled to come to terms with rising unemployment; however, additional school closings might have seemed to these west side residents a blow from which their community could possibly not recover.

Economic fears caused motions over the closing of West High School and the other west side schools to run high at the public hearings held by the school board. Nearly 1,000 community members packed the gym of Eisenhower Middle School for the first meeting. Winnebago County Board member Dawn Hallsten argued that the closing of West High School would "devastate the west side of the city." The bulk of the speakers called for West to be saved and the Board to reconsider the closings of the other west side schools. Angry outbursts, like those made by John Giles a west side resident who raged that the district "raped and plundered our area" revealed the deep seated nature of community conflict.<sup>36</sup>

Over time, as parents and other members of the community to discuss the Reorganization Plan, they gradually became more aware of the inextricable connection between quality education and the community's well being. Parents and other concerned citizens, initially joined together by their opposition to the closing of West High School, decided to become even more

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<sup>35</sup> Polly Berg, "Report from Garfield Avenue Historic District Public Hearing," *The Gaslight Gazette*, February 1989, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>36</sup> "Crowd of 1,000 attends first of four public hearings," *Rockford Register Star*, February 1, 1989, A5.

engaged in the community and their children's education, which led to the formation of People Who Care in March of 1989. The group dedicated themselves to opposing the Reorganization Plan as well as spreading public awareness about the issues facing their community. An informational pamphlet distributed by People Who Care in the spring of 1989 linked their "immediate local school crisis... [to] sweeping community change that is national in scope, and that affects a whole host of social institutions."<sup>37</sup>

Without directly admitting the district's culpability, Rockford School District Superintendent Dr. Maurice Sullivan also remarked upon the broader implications of the trouble in Rockford's schools. In November of 1990, he asserted that the battle over school desegregation was, at its core, "a social issue that our community has not adequately addressed... [therefore] the schools have become the instrumentation for addressing an unresolved community issue."<sup>38</sup> Sullivan failed to call for an open community discussion on how racial inequities in Rockford's schools might be rectified. Had his comments more explicitly called for the participation of all of Rockford's residents in addressing larger socioeconomic issues, it is possible that an alternative public discourse could have developed that eschewed the inflammatory language resulting from a "win-lose" legal battle.

Propelled by Rockford School District's failure to adjust the Reorganization Plan to fully accommodate parent concerns, People Who Care filed a lawsuit on May 9, 1989. The group had enlisted the assistance of Chicago based civil rights attorney Bob Howard, which underscored ongoing local concern about outside involvement in the city's affairs. When the People Who

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<sup>37</sup> People Who Care Informational Pamphlet, April 1989, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>38</sup> "From the Superintendent's Desk," *The Communicator: News Update for Employees of Rockford Public Schools*, November 2, 1990, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

Care decided to hire an outsider in city, they exacerbated longstanding community resistance to outsiders interference in the city's affairs.<sup>39</sup> An editorial by Rockford resident Michael Warder in *The Rockford Register Star* highlighted their grievances, asserting that outsiders were "particularly ill-suited" to run Rockford's school system as well as questioning "Why shouldn't it be *our* school system."<sup>40</sup>

In addition to its potential of dividing Rockford, People Who Care's lawsuit faced another hurdle: beginning in the late 1970s and throughout the 1980s, federal courts began to narrow the remedies that they imposed on school districts to correct problems with segregation. Legal scholar Vanessa Tanaka asserts that since the 1970s the Supreme Court has "progressively narrowed district court discretion in the creation and administration remedies."<sup>41</sup> In his 1996 book, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*, educational policy analyst Gary Orfield suggests that this conservative shift in the federal courts could have been one of "the natural products of five national administrations elected on anti-civil rights platforms."<sup>42</sup> An awareness of the narrowed scope of federal intervention in school desegregation must have disconcerted parents and community members hoping for a court-based solution. At the suit's onset, no one involved could have predicted the exact outcome of the legal

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<sup>39</sup> Working class white resentment of the involvement of federal court judges and lawyers not from the community in question has been a persistent theme in school desegregation conflicts. According to Ronald Formisano in *Boston Against Busing*, many parents opposed to federal district court judge Arthur Garrity's finding that the district was guilty of *de facto* segregation thought of him as yet another Yankee trying to impose his values onto *their* community. In doing so, they made the upper classes into an alien "other."

<sup>40</sup> Editorial by Michael Warder, "It's time to reclaim our schools," *Rockford Register Star*, December 15, 1991, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>41</sup> Vanessa G. Tanaka, "Comment: *People Who Care v. Rockford Board of Education* and the Spectrum of Race-Conscious Remedies," *Wisconsin Law Review* (1999): 347, accessed February 19, 2012, <http://www.lexisnexis.com.proxy.lib.siu.edu/hottopics/lnacademic>.

<sup>42</sup> Gary Orfield and Susan E. Eaton. *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York: The New Press, 1996), 49.

proceedings. The question remained: In the end, would People Who Care's lawsuit end up helping Rockford's schoolchildren?

Initially, the lawsuit seemed like it would be short lived. The district reached a compromise agreement with People Who Care within two months of the suit being filed. The agreement stipulated that the district would invest an additional \$1.25 million in predominantly minority schools as well as reopen four schools on the west side.<sup>43</sup> Unaware of the troubles that lay ahead, *The Rockford Register Star* praised the agreement as a successful conclusion to what could have been a damaging lawsuit. Tracy Dell'Angela's premature retrospective of the case in the *Register Star* celebrated the success of People Who Care, particularly its leader Ed Wells, heralding him as a "crusader... who took on the system and won."<sup>44</sup> Conflict resumed less than six months later, in December of 1989, when People Who Care alleged the district had broken the initial agreement by failing to make plans to reopen all four west side schools. In April of 1991, the case once again seemed as though it reached a conclusion. The district and People Who Care reached a Second Interim Agreement, a plan with a projected cost between \$22 million to \$60 million which would include the rebuilding and reopening of two west side schools and two east side schools and agreement to put an additional \$2 million in schools with mostly minorities.<sup>45</sup>

Unlike the First Interim Agreement, the Second elicited an outpouring of community opinion and revealed Rockford's existing social divisions. Rockford's Board of Education castigated *Rockford Register Star's* editorial board for spreading "misconceptions" that lacked a

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<sup>43</sup> Geri Nikolai, "Chronology of the lawsuit," *Rockford Register Star*, November 4, 1993, C4, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>44</sup> Tracy Dell'Angela, "Crusader wins war with schools," *Rockford Register Star*, July 9, 1989, A1, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>45</sup> Nikolai, C4.

grounding in facts throughout the community, thereby unfairly turning Rockford's residents against them.<sup>46</sup> In reality, the editorial board had presented a variety of opinions and on several occasions had included guest editorials written by members of the school board and district officials. Furthermore, the reporters covering the case had interviewed a broad swath of witnesses from both sides in addition to citing financial statements and other documents that had previously been released by the board.

Rockford's fiscal conservatives who had in the past been able to block school reform by voting down referendums that would raise school funding by increasing property taxes. In order to cover their legal fees, Rockford School District invoked the Illinois Local Governmental and Governmental Employees Tort Immunity Act which authorized taxing entities like Rockford School District to raise property taxes to the level that would "pay any tort judgment or settlement for compensatory judgments." In layman's terms, the taxpayer would be required to foot government institutions' legal bills.<sup>47</sup> Some tax payers considered the additional taxes an unjust example of taxation without representation because they had not approved the tax increase in a local referendum.

For taxpayers like Mike Smith, called the money spent by the district "a waste." Smith went on to add that the money spent would be "racism pure and simple" because it would go to minority schools.<sup>48</sup> Dwight Glawe accused authorities of giving minorities special treatment, that instead of receiving equal rights in the wake of the civil rights movement, minorities received special rights. He underscored the sentiments of the city's residents who distrusted authorities

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<sup>46</sup> Editorial by Jacquelyn Confer, "School board protests 'verdict,'" *Rockford Register Star* April 20, 1991, B5, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>47</sup> Fisk, 52.

<sup>48</sup> "What readers say," *Rockford Register Star*, April 25, 1991, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

and exemplified Rockfordian's enduring opposition to any form of taxation; others suspected the tort taxes were simply a cynical way for the district to tax people by robbing them of their right to approve a tax hike in a referendum. To Dwight Glawe, the tax would be disproportionately shouldered by the white community, suspecting "the records of Hispanics and colored people's tax bills" would reveal themselves to be "nowhere near the percentage wise of other people."

The language invoked by some of Rockford's white taxpayers exemplifies Michael Lind's argument in a 2005 essay published in *Ruling America: A History of Wealth and Power in a Democracy* that in the decades following the 1960s and 1970s, the South's racial politics headed North. Lind contends that America's political culture increasingly resembled that of "traditional South" because politicians increasingly used "demagogic appeals to racial and ethnic anxieties."<sup>49</sup> Although the bulk of public opposition came from non-politicians, they invoke post-Civil Rights movement white anxieties. Glawe's resentment of black and Hispanic residents suggests that he felt the changes of the 1960s and 1970s had given minorities special unearned privileges. The Civil Rights movement had delegitimized the use of overtly racist language in public discourse. Instead, people had to use a new "colorblind" language to attack group rights newly granted to minority groups. In the context of Rockford's white opponents of People Who Care and their lawsuit, it matters less whether or not African Americans and Hispanics actually paid lower taxes or whether or not their neighborhoods and schools deserved additional government investment than how they felt and expressed their opinion about the perceived injustices.

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<sup>49</sup> Michael Lind, "Conservative Elites and the Counterrevolution Against the New Deal," in *Ruling America: A History of Wealth and Power Within a Democracy*, edited by Steve Fraser and Gary Gerstle (Cambridge, MA: Harvard University Press, 2005), 285.

Meanwhile, African Americans sympathetic to People Who Care and their lawsuit took a different stand on taxes. *Vital Force*, Rockford's African American newspaper urged its readers to consider how enduring social problems could potentially be improved with an additional investment in education. The paper criticized tax payers who resented the court orders and primarily thought about the district's plans in terms of what it would cost them because these people had failed to take into account the human cost of suffering caused by an unequal education. Furthermore, they argued, paying taxes for now would save money in the long run by cutting the future costs of incarceration, welfare programs and homelessness. Dr. Cyrus Oakes, a local African American dentist, went on to add, "I paid for the B1 and Stealth Bombers. For me to pay for education makes sense."<sup>50</sup>

The arguments presented in *Vital Force* and those put forth by fiscally conservative taxpayers differ in their emphasis on effects—long term vs. short term. The taxpayers hesitant to pay additional money seem more focused on the immediate effects of taxation: anticipated financial hardship. The African American viewpoint featured in *Vital Force* is more forward looking: an investment in education now will pay dividends in the future by providing children with more economic opportunities. Kids will stay out of jail and better equipped to compete in the emerging global economy.

It would be a gross oversimplification to suggest that all of Rockford's African American community and all of the white community viewed People Who Care's lawsuit in the same way. For example, members of the African American community remained divided due to class based distinctions. Ed Wells, one of the early leaders and frequent public spokesman of People Who

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<sup>50</sup> George Ann Duckett, "African Americans Will Finally Have Their Day in Court... April 5," *Vital Force* Vol. VII No. 37, April 1, 1993, 1, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL..

Care evoked mixed feelings within the African American community. Ed Wells was a childless owner of a small construction company in Rockford.<sup>51</sup> Parents who disagreed with Wells argued that he did not fully appreciate the situation within Rockford's schools because he did not have children of his own. Furthermore, for residents of the southwest quadrant with an income lower than average residents of Rockford, Wells' Ivy League education and his status as a businessman made him more of an outsider.<sup>52</sup>

With his public comments, Wells further distanced himself from segments of the African American community. On local radio shows and even in Rockford's conservative newspaper *The Rock River Times*, Ed Wells made comments that shifted some of the burden from the city's economic and social ills from structural inequalities to the west siders themselves. To Wells, African American leaders had failed to make their constituents understand that the huge economic shift of the 1980s had reduced the availability of the high paying factory jobs that had been easy to secure in the past. Because their leaders had not sufficiently prepared them, Rockford's unemployed black teens quickly turned to crime: "The lure of easy money through drug activity spread like a plague through once decent, law-abiding minority neighborhoods."<sup>53</sup>

The African American newspaper did not treat these comments lightly. Editor George Ann Duckett, in a piece entitled "The Plantation is Closed" called Wells "an educated fool" who had lost touch with the community at large once he attended Cornell, "the prestigious white university." She added that Wells served a "prime example of what happens when African

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<sup>51</sup> Dell'Angela, A1.

<sup>52</sup> Ibid.

<sup>53</sup> "Anything but school board consultants... Activists and teachers speak," *The Rock River Time*, August 30, 1995, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL. Although this article jumps forward chronologically, it summarizes the snippets I found in earlier articles on Wells' opinions.

Americans give up on their brothers and sisters.”<sup>54</sup> Wells’ views on the roots of the crisis in the cities schools echo arguments put forth by members of the black middle class in 1950s Milwaukee. In his 2004 book on Milwaukee’s battle over busing, *More Than One Struggle*, historian Jack Dougherty argues that “established blacks accepted the implication that the migrants’ own behavior was the cause [of educational inequality].”<sup>55</sup> Milwaukee’s black middle class believed that the problems of recently migrated poor Southern African Americans were a result of their failure to adequately adjust to Northern society. Similarly, Ed Well’s comment blames Rockford’s black working class leaders for failing to prepare people to adjust to the collapse of Rockford’s industrial economy.

Rockford’s business community presented their own plan to resolve the crisis within the school district in January of 1993, shortly before *People Who Care v. Rockford School District* went to court. According to a fact sheet issued by the Community Education Task Force, the group was founded on July 23, 1992 because local business leaders had become “increasingly concerned about the growing differences and costs resulting from the lawsuit between the school district and People Who Care.” The businessmen enlisted over 650 community volunteers to research the situation within the district and come up with a solution that would later be supplemented by the findings of the business leaders’ Group of Eight.<sup>56</sup> The business community’s plan centered upon vocational education because they had found 70% of the district’s students did not wind up attending four year colleges. The plan called for career education programs to begin “as early as elementary schools” and cited the need for the business

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<sup>54</sup> George Ann Duckett, “The Plantation is Closed,” *Vital Force*, January 28, 1993, 1, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>55</sup> Jack Dougherty, *More Than One Struggle: The Evolution of Black School Reform in Milwaukee* (Chapel Hill: University of North Carolina Press, 2004).

<sup>56</sup> Community Education Task Force Fact Sheet, January 1993, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

community to become involved in the schools to make sure they provided “work-based learning opportunities.”<sup>57</sup> Rockford’s businessmen saw the schools as the training ground for future work in factories. To them, the system “produced results” if it could serve to attract new business and industry and educate future factory workers.<sup>58</sup> In that respect, the schools served to maintain the economic status quo, as schools would give students vocational skills rather than provide college prep, potentially limiting social mobility for Rockford residents.

In April 1993, *People Who Care v. Rockford School District* finally went to trial. The plaintiffs hoped to prove that the district had massively and intentionally segregated minority students; therefore, they built their case historically using quantitative data from district records, faculty, parent and student testimony, and the testimony of expert witnesses. Instead of following the intended purpose of previous court orders and Illinois state guidelines to desegregate, Magistrate Mahoney found that Rockford School District subverted this purpose by desegregating in name only. Minority students bussed to predominantly white east side schools would be kept separate from most of the student body. The district would bus entire classrooms from the west side to the east side and place these largely African American classes in an area isolated from the rest of the building. Sidella Hughes, a parent and plaintiff in the suit, recalled visiting her children’s school. She noticed that the black students would remain on the bus, then go “straight into the building” while the white children kept playing on the playground.<sup>59</sup>

The tracking system used to place students into vocational, remedial, regular or honors courses also worked to segregate students. As Shannon Fisk points out, districts that do not truly

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<sup>57</sup> Pamela Shaver, “Community educational task force in Rockford, IL,” (Senior Thesis, Rockford College, 1996): 13.

<sup>58</sup> Geri Nikolai, “Task force keys on two elements,” *Rockford Register Star*, 5A, People Who Care, Rockford Illinois Collection, Acc. No. 271, Northern Illinois Regional History Collection, Northern Illinois University, DeKalb, IL.

<sup>59</sup> *People Who Care v. Rockford School District*, 851 F. Supp. 905, U.S. District 10 (1993).

wish to desegregate will use tracking programs and gifted programs to “ensure children of different races are kept apart.”<sup>60</sup> Like other employees who had expressed their concerns about the treatment of bussed children to the administration, RSD Attendance Director Mike Driscoll found his well-documented; data based concerns over the highly segregated nature of the gifted program dismissed by the Board of Education as well as the administration. Driscoll’s report noted that during the 1986-1987 school year, only 2% of the students in the gifted program were black, 0.7% Hispanic, and 93% white. Beginning in 1986, the district created had a special minority gifted program. The district failed to fulfill its promise to place these minority students in the normal gifted program in fourth grade. Mahoney asserts in his opinion that the minority gifted program created a “highly invidious and false distinction between white students who were ‘really gifted’ and African American students who, even at their best, were not capable of being gifted.”<sup>61</sup>

Overall, Rockford School District used tracking as a way to allow students to continue to segregate students without appearing racially discriminatory. After all, the district could contend tracking was done on the basis of merit, with the logical conclusion that the district could not be held accountable for academic achievement levels for individuals. Evidence presented to the court clearly demonstrated that the district had used tracking to discriminate against racial minority students. Educational expert Dr. Jeanine Oakes explained that the district based their student tracking assignments on an invalid foundation. The placement tests used by the district came with the warning from the publishers that they were not to be used for those purposes. Furthermore, Oakes found the tests to be culturally biased.<sup>62</sup>

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<sup>60</sup> Fisk, 35.

<sup>61</sup> *People Who Care v. Rockford School District*, 851 F. Supp. 905, U.S. District 10 (1993).

<sup>62</sup> Fisk, 25.

To compound the problem, the district used arbitrary standards to track students. Scores on the district's placement test did not correspond to student assignments. Based on district statistics, the court found that some white students with "exceptionally low scores" were placed in honors classes, while this was almost never the case for black students. The placement, according to the court, indicated a racial basis in tracking beyond group achievement levels. At Jefferson High School, for example, none of the African American students scoring in the top quartile, which ranged from the 77<sup>th</sup> to 99<sup>th</sup> percentile were placed in gifted classes while 40% of white students were placed into the gifted program. On the east side of town, nearly twice as many top scoring black students were placed in the basic English program than the honors program—a rare occurrence amongst white students.<sup>63</sup>

Although not explicitly mentioned in the court records, discriminatory student tracking potentially reveals district employees' underlying opinions about race. Rockford School District's practices placed equally capable students in different tracks, which begs the question "Why did this happen?" It is possible that the placement of white students into college prep courses, while equally qualified minority students were placed in vocational education courses, indicated where they believed minorities should fit in society. After all, graduate of the college prep program would have been more likely to attend college than those in the vocational education track, leaving them likely to have more opportunity to obtain a higher paying white collar job in business or one of the professions. Meanwhile, minority students solely possessing a high school diploma would probably find it more difficult these white collar jobs. Their educational experience could have increased the likelihood that they would eventually get a blue collar job in one of the local factories—jobs that no longer existed.

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<sup>63</sup> *People Who Care v. Rockford School District*, 851 F. Supp. 905, U.S. District 10 (1993).

Federal district court Judge Stanley Roszkowski agreed—for the most part—with Mahoney’s assessment of the Rockford School District and ruled that the district was guilty of intentional, massive discrimination against African American and Hispanic students. As a result, the trial entered the next phase in which the court devised a Comprehensive Remedial Order to correct the wrongs within the district. Beginning in the 1996-1997, under the supervision of a court appointed Master Eugene Eubanks, the district implemented a controlled choice program. Under this plan, parents were required to submit a list of the elementary schools they wanted their children to attend and based on those preferences a computer would then assign students to schools based on racial fairness guidelines. The Comprehensive Remedial Order also required that the district close the gaps in minority achievement levels within 50% over the next four years<sup>64</sup>

The Comprehensive Remedial Order proved to be highly controversial. Many Rockford residents resented the plan because of their longstanding aversion to outside intervention. A popular local political cartoon circulated that showed a signpost reading, “Welcome to occupied Rockford, P. Michael Mahoney presiding.” Even the mayor publicly admitted his distaste for the court appointed master and other aspects of court control. He shared with a *Chicago Tribune Reporter* his belief—evocative of the Jim Crow South—that Rockford’s citizens should be allowed “to control our own destiny.”<sup>65</sup> After a drawn out appeals process, the district received unitary status in 2002, which meant that the court no longer exercised control in the Rockford School system and the desegregation lawsuit finally ended. In the end the district paid over \$166

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<sup>64</sup> Fisk, 65-68.

<sup>65</sup> Austin.

million in litigation fees in addition to the costs incurred by implementing the changes ordered by the courts.<sup>66</sup>

In the end, *People Who Care v. Rockford School District* had mixed results. While the number of minority students in the gifted program has increased, the percentage falls well below the overall percentage of minority students in the district. Because of the costs Rockford School District incurred as a result of this lawsuit coupled with the recent economic downturn, the District's financial situation is just as bad as when they issued the 1989 Reorganization Plan. The lawsuit continues to divide the community along race and class lines. Regardless of the case's final outcome, mid-sized cities and towns throughout the North struggle with some of the same issues facing Rockford. As *People Who Care v. Rockford* demonstrates, *Brown v. Board of Education* did not end the fight for equal education for all children. Studying cities like Rockford challenges the conventional civil rights narrative characterizing the movement as a Southern struggle essentially solved by the passage of the 1964 Civil Rights Act. People need to confront the hard truth: social and economic injustices happen every day, across the United States. Rockford's black and Hispanic parents who filed suit in 1989 recognized that they had to actively fight for equality for their children.

The Rockford community's struggles to overcome structural inequalities by only addressing the needs of the most empowered segment of the population suggest a larger need for Americans to make substantive changes in many areas of society. Intermittently attempting ill-considered school policy solutions only provokes public fears, and the resulting inflammatory rhetoric exacerbates class and racial divisions. Thus, the proposed solution perpetuates the underlying problems.

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<sup>66</sup> Ibid.

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