

Attorneys and the Higher Calling: Secretary Duncan's Remarks to the American Bar Association Litigation Section, Chicago, Illinois

OCTOBER 2, 2010

It's great to be back in Chicago. There seems to be a lot going on here these days. . . And it is great to see so many friends and leaders from the bar who have fought tirelessly to close achievement gaps and advance educational equity in our nation's schools.

Judge Mikva is a legendary figure in Chicago and the nation's capitol—and I am so proud that the Chicago Public Schools had an opportunity to pioneer civics education 2.0 through the Mikva Challenge, started by Judge Mikva and his wife, Zoe. Mikva Challenge students were smart, committed, and thoughtful—I loved working with them here; they helped me make our school system better.

I meet and talk with a lot of students during my travels and in Washington. It's the best part of my job. I am delighted to see so many students here, on a Saturday, from Urban Prep Academy, the Young Women's Leadership Charter School, and the Legacy Charter School. Students and their teachers, please stand. Can we give them a round of applause?

These three schools are testaments to the power of great schools to improve the life chances of literally thousands of students. And they remind us of the tremendous impact that the legal profession can have in spurring innovation and equity—not just in the courthouse but in the schoolhouse.

I learned a lot from litigators here at home and since arriving in Washington. In fact, our department, in its own way, is trying to emulate the balancing act that leading litigators achieve.

On the one hand, you are charged with zealously defending the rights of your clients. That duty cannot be abridged. Yet at the same time, you have a higher calling. As officers of the court, you strive for a more just society. You work to further equal opportunity and educational equity. And you promote civic education, so that all students learn to appreciate the importance of the rule of law—and are prepared to participate in a democratic society. Yes, justice is blind. But it is not blind to injustice.

Our department is similarly charged with dual roles. We must scrupulously comply with the law. We have to make sure that all our grants meet statutory and regulatory requirements and make effective use of taxpayer monies. We have to ensure that formula funding, which constitutes the vast majority of department funds, reaches the disadvantaged students, English language learners, and students with disabilities, as intended under our nation's civil rights laws.

Yet ultimately the mission of the department has to be more ambitious than just ensuring compliance and passing out formula funds—as essential as those obligations are. Our department has a higher calling too—and that is to help make real the American promise of education as the great equalizer. No matter your wealth, skin color, sex, or zip code, every child urgently needs and deserves a quality public education in America.

I want the department to be not just a compliance monitor but an engine of innovation. And we will—we must—challenge the status quo whenever it fails to work for children.

Let me back up for a moment and tell you a story. Last January, I was at Ebenezer Baptist Church in Atlanta, Dr. King's church, to commemorate what would have been Martin Luther King's 81st birthday. Had Dr. King been there, he would have been thrilled to see that America had elected its first African-American president. He would have seen the fruits of his labor in the decades-long dismantling of Jim Crow.

But I think Dr. King would have been disheartened to see that, 56 years after the Supreme Court decided *Brown v. Board of Education*, many schools are still effectively segregated in America. Just a few miles from his church sat a high school where 94 percent of the students were black.

He would have been disappointed to learn that less than 10 percent of the freshmen in the 2007-08 class at the University of Georgia were Latino, African-American, or Native American—and that this inequality in educational access occurred in a state where minority students accounted for nearly 40 percent of Georgia's 2007 high school graduates.

Dr. King would have been angered to see that we all too often under-invest in disadvantaged students; that they still have fewer opportunities to take rigorous college-prep courses in high school; that many black, and brown, and low-income children are still languishing in aging facilities, and that as many as 2,000 high schools are little more than dropout factories.

He would have been troubled that students with disabilities still do not get the educational support they need. And he would have been dismayed to learn of schools and districts that seem to suspend and disproportionately discipline young African-American boys.

Now, there is a reason, as President Obama has said, that "the story of the civil rights movement was written in our schools." From Linda Brown to the Little Rock Nine, few civil rights are as central to the cause of human freedom as equal educational opportunity. Just over 60 years ago, W.E.B. DuBois wrote that of all "the civil rights for which the world has struggled and fought for 5,000 years, the right to learn is undoubtedly the most fundamental."

In today's knowledge economy, a quality education has become all the more fundamental. Today, you can no longer drop out of school and land a job that pays a living wage. As President Obama says, in the 21st