

8. Robert Pear, "Financial Problems in Government Are Rife, Nation's Top Auditor Says," *New York Times*, January 18, 2001, p. A12.

9. Cann, "A Virus," p. 44.

10. For an early interpretation that the Court has continued to sustain, see *Lindsley v. Natural Carbonic Gas Company*, 220 U.S. 61, 78 (1911).

11. *Railway Express Agency v. New York*, 336 U.S. 106 (1949).

12. *Williamson v. Lee Optical Company*, 348 U.S. 483 (1955).

13. *New Orleans v. Dukes*, 427 U.S. 297 (1976).

14. *Reed v. Reed*, 404 U.S. 71 (1971).

15. *Frantirero v. Richardson*, 411 U.S. 677 (1973).

16. *Kahn v. Shevin*, 416 U.S. 351 (1974).

17. *Craig v. Borne*, 429 U.S. 190 (1976).

18. *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307 (1976).

19. *Ambach v. Norwick*, 441 U.S. 68 (1979).

20. *Bernal v. Fainter*, 467 U.S. 216 (1984).

21. *Fullilove v. Klutznick*, 448 U.S. 448 (1980).

22. 466 U.S. 429 (1984).

23. Kevin Sack, "To Vestige of Black Farmers, Bias Settlement Is Too Late," *The New York Times*, June 1, 1999, p. A1.

24. David Kocieniewski and Robert Hanley, "Racial Profiling Was the Routine, New Jersey Finds," *The New York Times*, November 28, 2000, p. A1; Jessica Bruder, "Progress for State Police," *The New York Times*, July 25, 2004, p. 6.

25. *Washington v. Davis*, 426 U.S. 229 (1976).

26. 347 U.S. 483 (1954).

27. *Brown v. Board of Education* has been in litigation almost constantly since 1954. The Supreme Court, in a 1955 implementation decision, said desegregation had to be implemented "with all deliberate speed" (*Brown II*, 349 U.S. 294 [1955]). There was a *Brown III* in the 1970s (892 F.2d 851 [1979]), and *Brown IV* in the 1980s (892 F.2d 851 [10th Cir., 1989]). In *Brown IV*, the district court found no purposeful discrimination, but the circuit court did. The Supreme Court sent the case back to the circuit court, *Brown v. Board of Education*, 503 U.S. 978 (1992), in light of its recent decision in *Board of Education of Oklahoma City Public Schools v. Dowell*, 498 U.S. 237 (1991). On October 28, 1992, the Tenth Circuit Court of Appeals, after reconsidering *Brown IV*, once again found the

requisite purposeful discrimination. The Topeka School Board decided not to litigate further and adopted a magnet school plan for the primary schools. It was not until the summer of 1999 that the Topeka school district was finally found to be in compliance with the 1954 *Brown* decision. The case is still titled *Brown v. Board of Education*, because Linda Brown, the lead child-plaintiff in the original case, had two children who were plaintiffs. See Steven Cann, "Politics in Brown and White: Resegregation in America," 88(2) *Judicature* 74, 76-77 (2004).

28. *Shaw v. Reno*, 509 U.S. 630 (1993); *Miller v. Johnson*, 515 U.S. 900 (1995).

29. *Gratz v. Bollinger*, 539 U.S. 244 (2003).

30. *Grutter v. Bollinger*, 539 U.S. 306 (2003).

31. *United Steelworkers of America v. Weber*, 443 U.S. 193 (1979).

32. *Local 28 Sheet Metal Workers Union v. Equal Employment Opportunity Commission*, 478 U.S. 421 (1986).

33. *United Steelworkers of America v. Weber*, 443 U.S. 193 (1979).

34. *Griggs v. Duke Power Company*, 401 U.S. 424 (1971).

35. *Wards Cove Packing v. Atonio*, 490 U.S. 642 (1989).

36. Adam Clymer, "White House and Senate Republicans Reach Agreement on Civil Rights Bill," *The New York Times* [national edition], October 25, 1991, p. A10; Adam Clymer, "Senate Approves Rights Bill, Ending Bitter Job-Bias Rift," *The New York Times* [national edition], October 31, 1991, p. A10; Adam Clymer, "Civil Rights Bill Is Passed by House," *The New York Times* [national edition], November 18, 1991, p. A10.

37. Robert D. Lee Jr. and Paul S. Greenlaw, "Employer Liability for Employee Sexual Harassment: A Judicial Policy-Making Study," 60 *Public Administration Review* 124 (March/April 2000).

38. Kenneth Meier and Vicky Wilkins, "Gender Differences in Agency Head Salaries: The Case of Public Education," 62(4) *Public Administration Review* 405, 407 (July-August 2002).

39. *Ibid.*, p. 125.

40. *Ibid.*, p. 126.

41. *Ibid.*, p. 128.

42. *Hicks v. Miranda*, 422 U.S. 332 (1975); *McCarthy v. Philadelphia Civil Service Commission*, 424 U.S. 645 (1976).