

homa City Board of Education v. Dowell,¹⁶⁶⁶ upon a showing that the purposes of the litigation have been “fully achieved”—*i.e.*, that the school district is being operated “in compliance with the commands of the Equal Protection Clause,” that it has been so operated “for a reasonable period of time,” and that it is “unlikely” that the school board would return to its former violations. On remand, the trial court was directed to determine “whether the Board had complied in good faith with the desegregation decree since it was entered, and whether the vestiges of past [*de jure*] discrimination had been eliminated to the extent practicable.”¹⁶⁶⁷ In *United States v. Fordice*,¹⁶⁶⁸ the Court determined that Mississippi had not, by adopting and implementing race-neutral policies, eliminated all vestiges of its prior *de jure*, racially segregated, “dual” system of higher education. The state also, to the extent practicable and consistent with sound educational practices, had to eradicate policies and practices that were traceable to the dual system and that continued to have segregative effects. The Court identified several surviving aspects of Mississippi’s prior dual system that were constitutionally suspect and that had to be justified or eliminated. The state’s admissions policy, requiring higher test scores for admission to the five historically white institutions than for admission to the three historically black institutions, was suspect because it originated as a means of preserving segregation. Also suspect were the widespread duplication of programs, a possible remnant of the dual “separate-but-equal” system; institutional mission classifications that made three historically white schools the flagship “comprehensive” universities; and the retention and operation of all eight schools rather than the possible merger of some.

¹⁶⁶⁶ 498 U.S. 237 (1991).

¹⁶⁶⁷ 498 U.S. at 249–50.

¹⁶⁶⁸ 505 U.S. 717.