May 2, 2012

Dear Colleague,


Emanating from Denver, Colorado, Keyes was the first school-desegregation case from “a major city outside of the South” to reach the United States Supreme Court. Due to its location and the fact that the Denver Public School system represented a “tri-ethnic” city comprised of Whites, Latinos, and Blacks, some Justices on the Keyes Court wanted to use the case to craft an equality of education jurisprudence that had national applications for a demographically changing United States.

Although constitutional scholars have long recognized the United States Supreme Court’s 1973 Keyes decision for rejecting “de facto” discrimination as a constitutional violation, the Court sustained the District Court’s findings that Denver Public School authorities used gerrymandered attendance zones, school construction policies, and other devices to purposely keep part of the city’s multiracial school system segregated. Yet Keyes was about so much more. Situated against a backdrop where Latinos were the area’s largest and fastest growing group, framed in a context where the right to a “thorough and uniform” as well as non-discriminatory education was a state constitutional right, and shaped by the law and politics of rapid metropolitan growth, Keyes embodied many of the legal challenges that have confronted underfunded, urban, and multiracial American metropolitan areas during the last forty years.

On Friday, February 1, 2013, the Denver University Law Review will host a symposium at the University of Denver Sturm College of Law. The symposium will revisit Keyes with key participants from the case and from the court supervision of Denver’s desegregation plan. We will look back at how the city, the metropolitan area, and the state’s public school systems have evolved over the past forty years as well as consider the challenges they face today and in the future.

In that effort, we will explore Lobato v. State of Colorado—currently on appeal to the Colorado Supreme Court—in which a Denver District Court recently held that the state’s school-funding system “is not rationally related to the [state constitutional] mandate to establish and maintain a thorough and uniform system of free public schools.” We will also revisit the de jure–de facto
distinction in relation to recent United States Supreme Court cases on state-based immigration restrictions and enforcement and on affirmative action policies in higher education to identify how and in what ways the law and politics of land use and local government shape the extent that equality of educational opportunity has been achieved. We hope to continue the vision that some Justices on the Keyes Court charted in 1973, further developing constitutional and other legal principles that are applicable to national trends in a modern, diverse, metropolitan America.

The symposium will feature a diverse and exciting array of speakers, including judges, practitioners, and legal scholars, among others. All are welcome, and CLE credit will be available for the various panels, lectures, and workshops. Please mark your calendar and plan to join us on **February 1, 2013**, at the University of Denver Sturm College of Law. If you should have any questions or inquiries regarding the symposium, please contact Abigail Brown at abrown13@law.du.edu.

Sincerely,

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