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Assessing the Adequacy of Language Planning Frameworks

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Introduction

Robert L. Cooper, in his book entitled *Language Planning and Social Change* (1989), defines *language planning* as “deliberate efforts to influence the behavior of others with respect to the acquisition, structure, or functional allocation of their language codes” (p. 45). He describes the tasks of language planners as 1) describing, 2) predicting, 3) explaining, and 4) deriving generalizations about their observations. In order to evaluate these tasks, he elaborates corresponding frameworks, each of which considers “who plans what for whom and how?” Then, based on analogies taken from the fields of business, sociology and political science, he proposes a much more detailed framework, which he calls “an accounting scheme for the study of language planning.” This revised framework asks, “What actors attempt to influence what behaviors, of which people, for what ends, under what conditions, by what means, through what decision-making process, and with what effect?” (p. 98).

Cooper illustrates his approach with four main examples: the founding of the French Academy, the promotion of Hebrew in Palestine, linguistic aspects of the feminist movement, and the Ethiopian mass literacy campaign. Yet the reader wonders how this scheme may apply to any one case in particular. In this paper, Cooper’s proposed framework is applied to the

case of language planning in the United States in the second half of the twentieth century, in order to assess its descriptive, predictive, explanatory, and theoretical adequacy. Redundant and omitted variables are discussed, and a multi-dimensional model for language planning frameworks is proposed.

Bilingual Education in the United States

This paper is concerned with the development of bilingual education in the United States during the second half of the twentieth century. It takes as its principle theme the landmark Supreme Court decision in the case of *Lau v. Nichols* (1974), and the educational consequences of that decision. The discussion centers on the same basic questions proposed by Cooper: what *actors* attempted to influence what *behaviors*, of which *people*, for what *ends*, by what *means*, and with what *results*? As Cooper points out (p. 11), any instance of language planning is unintelligible without reference to its social context. Yet social change also interacts with political and economic change. Therefore I will begin with the political, economic, and social conditions that led up to the *Lau* decision.

Bilingual education in the United States is often associated with Spanish-speaking immigrants from Latin-American countries. This has not always been so, nor was it true in the case of *Lau v. Nichols*, which concerned Chinese-speaking pupils. According to a report by the U.S. Census Bureau, in 1970 there were more native speakers of Germanic languages among the foreign-born population than there were speakers of English and Celtic (Gibson and Lennon, 1999). In fact German once occupied the position that Spanish does today, being the most commonly spoken language after English. If there had ever been a serious Germanic challenge to

the hegemony of English in the United States, however, it was dealt a lethal emotional blow by the infamous behavior of the German government during the Second World War. Ironically, the excesses of Germany caused America to re-examine its own attitudes towards race relations. This was not instantaneous; the process took more than two decades.

On Main Street, the 1950s were good times. The troops came home, settled down and began to raise families. They watched the world going by on their television sets. It was the *Life of Riley*... or *Father Knows Best*... or *Amos and Andy*.

Life in Topeka, Kansas, however, was not all that rosy for one small girl, who was denied enrollment in a school near her house, and instead referred to a more distant all-Black school. In 1954 the Supreme Court significantly modified the nation's behavior in the landmark case of *Brown v. Board of Education of Topeka Kansas*. Readers may be reminded of that decision when seeing the famous Norman Rockwell painting that depicts federal marshals escorting Linda Brown to school.

Following the *Brown* decision, Blacks began taking more aggressive action to protest inequality in other areas, such as access to public transportation and service at restaurants. A series of events in Montgomery, Little Rock, Greensboro, N.C., and throughout Mississippi culminated in a massive march on Washington, D.C. in 1963, where Martin Luther King, Jr. delivered his famous "I Have A Dream" speech. Within a year, President Johnson signed into law the Civil Rights Act of 1964, a sweeping reform of civil liberties that included measures to prevent discrimination in employment, education, voting registration, lodging, public facilities, and programs receiving federal assistance ("Title VI" - central to the development of this paper).¹⁾

Meanwhile the nation's labor base underwent changes. Gone were the

days of *The Grapes of Wrath*, when starving sharecroppers streamed into California from dust-blown Oklahoma. Migrant farm workers now came in increasing numbers from Mexico, both legally and illegally. Itinerant work meant erratic education, with little or no opportunity for workers' children to interact with native English speakers, thus minimizing their chances to assimilate the American language and culture. The long process of accommodating non-English speaking pupils included bilingual education measures. Sections were added to other laws, such as Title VII of the Elementary and Secondary Education Act of 1965 (later known as the Bilingual Education Act of 1968), providing guidelines for establishing bilingual programs.

In this context the United States Supreme Court, in *Lau v. Nichols* (1974), ruled that public schools must provide supplementary educational programs for pupils who did not speak English. The suit had originally been brought against the San Francisco Unified School District by students of Chinese ancestry, for failing to provide them with "other adequate instructional procedures," thus denying them a meaningful opportunity to participate in the public educational program. Although the Court did not suggest a method for implementing such programs, it remanded the case "for the fashioning of appropriate relief" (U.S. Supreme Court, 1974).

"Appropriate relief" came in the form of federal legislation and a number of cases decided in the federal courts. The *Equal Educational Opportunities Act* of 1974 extended *Lau* to include all public school districts, not only those receiving federal funds. Case decisions required school districts to identify and assess the language ability and educational needs of students, to implement a program of instruction that would address these needs, and to hire teachers for the program (*Serna v. Portales*, 1974). A later decision added the requirement of establishing criteria for

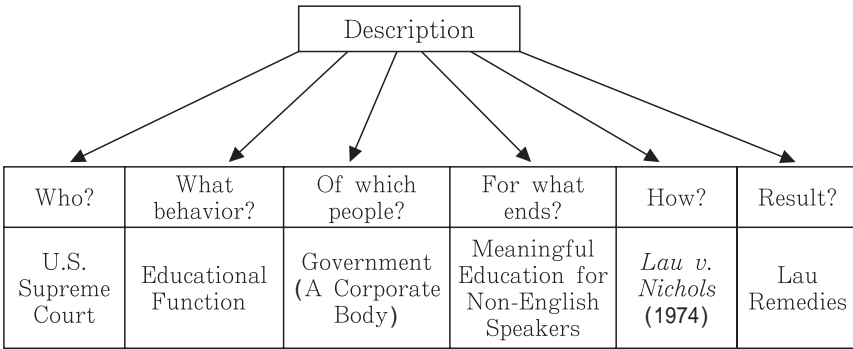
exiting the program (*Cintron v. Brentwood*, 1978). Then *Castañeda v. Pickard* (1981) required school districts to base their programs on sound theory, to actually transfer theory to practice, and to evaluate the programs, making changes when necessary. The “Lau Remedies” were thus formulated and used by the Office of Civil Rights (OCR) to determine compliance by education agencies (U.S. Department of Education, NCELA, 1996).

Descriptive Adequacy

At this point we can identify the *Lau v. Nichols* decision as an act of language planning. As such, it can be described using the same criteria that Cooper set forth earlier, by asking what *actors* attempted to influence what *behaviors*, of which *people*, for what *ends*, by what *means*, and with what *results*? However, in this case an important distinction needs to be made regarding the ends that are sought. The Supreme Court did not act consciously for the purpose of planning language behavior. It sought merely to rectify a situation in which a school district that received federal funding failed to provide meaningful education to a large group of students. Because language deficiencies formed the core of the problem, the legal decision to provide equal access to education required a solution that would involve language planning. Thus in the *Lau* case, “For what ends?” has both a legal *and* a linguistic interpretation. Together these can be expressed as “meaningful education for non-English speakers.” Figure 1 illustrates a descriptive account of this language planning act.

The above description accounts for only the primary factors involved in the framework set forth by Cooper. Secondary factors include questions that pertain to the conditions, the locale, the time period, and the motives

Figure 1. A Descriptive Account of *Lau v. Nichols*



for change.

Returning to Cooper’s claim that language planning decisions are unintelligible without knowledge of their social contexts, we may recall that the *Lau* decision emanated from an earlier piece of legislation, itself the result of years of civil rights protests. In cultural terms (Cooper’s “regime norms”), the era of McCarthyism had yielded to LBJ’s Great Society, but the rise of a counter-culture evidenced widespread discontentment. By 1974 America was a nation divided: *Roe v. Wade* brought a new moral crisis to our doorsteps. In structural terms, the system of checks and balances in American government became more complicated than before. In the 1960s it implied the participation of big business (see Charles Reich, *The Greening of America*). In the 1970s, it implied the participation of the media, whose “investigative reporters” began to take a more aggressive stance towards members of the establishment (see Woodward and Bernstein, *All the President’s Men*). The Cold War loomed. Nixon established relations with China. Waves of Vietnamese refugees arrived. Cooper’s “environmental” factor was not the permanent fixture he envisaged: decade by decade the American social scene was changing.

In all of this, is it possible to determine the motives for the Supreme Court's decision? The primary function of the Court is judicial review, that is, to review acts of Congress or state legislatures, executive or judicial action; to interpret federal statutes; to arbitrate disputes between the states. In its legal role, the Court follows a system of precedents, based on the system of English Common Law. For interpretation, we may consult the written opinions and dissents of a case in order to discern the thought processes that led to the decision. Through these opinions and dissents, the Supreme Court clarifies the larger philosophical ideals that are written into the Constitution, translating them into operational principles that suit the needs of contemporary society. Decisions made by the Court sometimes have far-reaching consequences, and can even serve to modify the nation's social behavior. This was the case in *Brown v. Board of Education*. It was also the case in *Lau v. Nichols*.

Cooper, in his discussion of the management of innovation (pp. 68-69), suggests two types of covert goals that might induce people to promote change. These include both the goals of the planning agency, and the personal goals of people who work for the agency. Thus, for example, national goals of political integration may be served by the standardization of language, while personal goals may be served if one's own variety were used as a model of standardization. The *Lau* decision, however, promotes bilingual education, quite the opposite of a standardization campaign. Yet if we begin by examining the decision in terms of the individuals who brought it about, we may gain insight into their motives for "planning" language.

The Supreme Court consists of nine justices, one of whom is appointed Chief Justice. Individual justices often fulfill the political and social expectations of the president who nominated them, but this does not always hold true. The ecosystem of the Supreme Court breeds strange creatures. Once

they join the Court, liberals may advocate judicial restraint; conservatives may become activists; others may become “swing” justices, voting liberally on some issues and conservatively on others.

The justices of the Warren Court, which decided the *Brown v. Board of Education* case in 1954, had all (with the exception of Chief Justice Earl Warren) been nominated either by F.D. Roosevelt or by Harry S. Truman. The Court as a whole exhibited liberal tendencies (see Appendix 1), offsetting the conservative values held by the Eisenhower administration. By 1974, however, Richard M. Nixon (who had served as Vice President under Eisenhower) had “unpacked” the Court significantly, having nominated Chief Justice Burger, as well as Associate Justices Powell, Blackmun and Rehnquist. The only carryover from the Warren Court was William O. Douglas (who wrote the majority opinion in the *Lau v. Nichols* case. See Appendix 2). The Court was a more balanced entity, holding the middle ground between the conservative President and the liberal Congress. Interestingly, not one of the justices dissented in the *Lau* case.

In addition to individual motivation, Cooper (pp. 90-91) offers another view, one that regards decision making with respect to issues of general importance to society as a whole. In this view, decisions might be considered as reactions to stress, defined as an impairment of the authorities’ ability to govern. Indeed stress was building in the early 1970s. The Kent State shootings took place in 1970. The Pentagon Papers were leaked in 1971. The Watergate hearings took place between 1972 and 1974. The Court may have been motivated to deal with potential social disorder, as a pre-emptive move, before the disturbances became serious enough to impair the divided government’s ability to govern. The motives that led to the *Lau* decision were not linguistic ones: they were legal and social motives. Yet the conditions that motivated the decision produced linguistic results, the “Lau

Remedies.”

Predictive Adequacy

The Supreme Court reviews social legislation primarily through the “due process” and “equal protection” clauses of the Fourteenth Amendment (1868). These clauses were originally intended to protect emancipated slaves, but through expansion they have come to be the principle sources of protection for individuals or corporations against arbitrary or repressive acts of government. It is important to note, however, that in *Lau v. Nichols* the Court did not reach the Equal Protection clause. It relied solely on Title VI of the Civil Rights Act of 1964. Yet the opinion written by Justice Douglas had constitutional relevance for two reasons. First, it determined that “the same facilities, textbooks, teachers, and curriculum” do not necessarily constitute “equal education.” In addition, it determined that discrimination is illegal “even though no purposeful design is present.” Hence the decision expanded previous interpretations of “equal education” and resulted in government action to remedy the situation at hand.

In terms of predicting the consequences, we may ask what *actors* will attempt to influence what *behaviors*, of which *people*, by what *means*, and with what *results*? (Cooper, p. 48). Congress established the Office for Civil Rights (OCR) in the mid-1960s as part of the federal effort to desegregate southern school districts in accordance with the Civil Rights Act of 1964. It is important to note that the target groups (school districts), who were expected to alter their linguistic behavior, did so for the purpose of improving non-English speakers’ academic performance, a non-linguistic goal. (The “ends,” not included in the predictive process, would of course be to continue receiving federal funds.) The predicted results, in the language

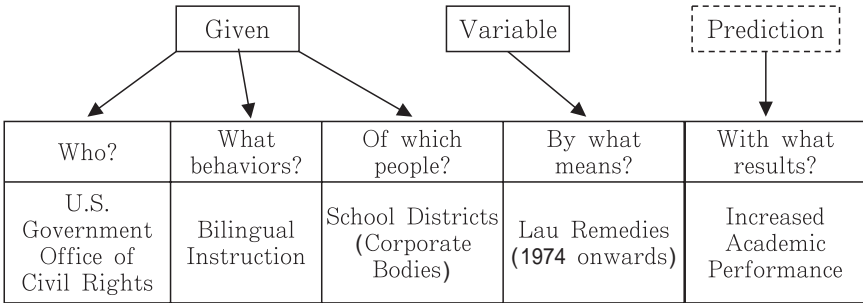
of the *Lau* decision, were “meaningful participation,” which implied that non-English speakers would perform better academically.

The means by which the target group’s behavior is modified may be considered a variable, as different means should produce different results. Cooper suggests that a descriptive framework may serve as a “checklist” of information relevant to the prediction, reminding analysts of all the variables that should be considered. If decision-makers evaluate the consequences of alternative courses of action, they may arrive at the best possible decisions (pp. 48-9).

In his majority opinion in the *Lau* case, Justice Douglas wrote, “No specific remedy is urged upon us... Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.”

The “Lau Remedies” issued a “set of guidelines that translated schools’ legal obligations into pedagogical directives” (Crawford 1996). Operating within the existing context of Title VII of the Education Act (i.e., the Bilingual Education Act of 1968), the OCR required school districts to identify and assess the needs of students, to implement a program of instruction, and to hire teachers to carry out this instruction (*Serna v. Portales*, 1974). At the time the “Lau Remedies” were formulated, it was predicted that non-English speakers would perform better academically as a result of carefully planned bilingual education. Figure 2 depicts the predictive function of language planning.

Figure 2. A Predictive Account of the “Lau Remedies”



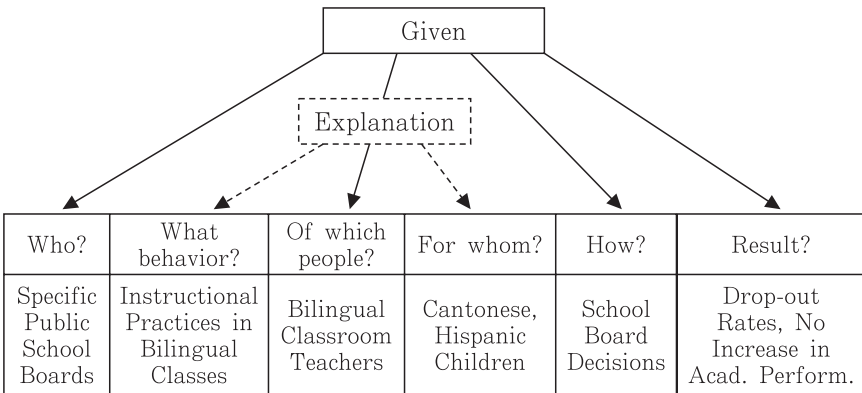
Explanatory Adequacy

When things don’t turn out as expected, analysts must find a means of explaining what went wrong. Cooper asks, “Why... does the average American bilingual education program, instituted to improve the academic achievement of poor, ethno-linguistic minorities, seem to have had little success in reducing the drop-out rate of Hispanic pupils, or in raising their academic performance?” (p. 52) He then cites a study by Fillmore et al (1985) that sought to explain the problem by making observations of bilingual classes serving both Hispanic and Chinese pupils. The answer, it seems, is that the pupils’ native language was used only 8 percent of the time in so-called bilingual classes. In addition, instructional practices concerning second-language development differed in terms of oral comprehension versus oral production, levels of initial proficiency, amount of peer interaction, and the cultural backgrounds of the children (Fillmore, et al, cited by Cooper, pp. 52-54).

As explanation involves details, specific cases may be cited, thus enabling the analyst to narrow the components of the framework (i.e., Who? What? Of whom? etc.) to a much lower common denominator. Hence the

actors become specific public school boards, who made specific *decisions* concerning bilingual education in several California school districts. *Classroom teachers* put these decisions into practice. The children dropped out or did not improve academically because ineffective instructional practices failed to meet the qualitative expectations of the language-planning act. Figure 3 depicts the explanatory function of language planning frameworks.

Figure 3. An Explanatory Account of Failure in Bilingual Education



In his discussion of “language planning as the pursuit and maintenance of power,” Cooper expands his list of questions to include “Who benefits?” He declares that in all four of his defining examples, language planning was employed to maintain or strengthen power of the elite. While the political establishment did not initiate the feminist pronoun campaign, they were able to capitalize on the movement by appearing responsive to the populace. In Ethiopia the new rulers benefited from the mass literacy campaign by neutralizing the student threat. In seventeenth-century France, the elite benefited through glorification of their own dialect, as well as by centralization of authority. The campaign to vernacularize Hebrew in

Palestine benefited the Zionist leadership, a revolutionary counter-elite who opposed first the Ottomans, then the British. Who then benefited from the *Lau v. Nichols* decision?

Surely the Supreme Court had nothing to gain from making the *Lau* decision. Its justices are appointed for life; they have no need to worry about re-election or offending constituents, as do the President and members of Congress. The only threat to the existence of the Court would be a constitutional crisis brought on by a revolution or by a coup d'état. Though this was a possibility in 1974 (as implied above in the section on Descriptive Adequacy), it would have affected the entire nation, not only the Supreme Court.

It may be argued that the OCR benefited, as a recently established elite. But the approach that pitches the elite versus the masses is somewhat cynical and, as belonging to the field of political science and not linguistics, beyond the scope of this paper. In terms of pure *language* planning, all non-English speaking students in public schools should be considered the beneficiaries of the *Lau* decision. Here the Supreme Court has turned Cooper's hypothesis on its ear, suggesting an idealized framework in which an individual, the linguistic have-not, may benefit from government action. Because failure in this particular instance of bilingual education resulted not only from flawed instructional practices but also from factors pertaining to the students' cultural backgrounds, inclusion of the Beneficiaries ("For whom?") in an explanatory account of language planning is justified.

Theoretical Adequacy

Cooper believes that theories derive from generalizations, and that

generalizations “can be built up from individual cases by observing consistencies in the relationships among descriptive classifications. Such generalizations can be organized into theories designed to explain... all individual cases represented by the phenomenon of interest... [but] in language planning we are still at the stage of discovering behavioral regularities” (pp. 56-7).

Figure 4. A Multi-Dimensional Framework for the Study of Language Planning

	Agent (Who?)	Object (What behavior?)	Subject (Of which people?)	Beneficiary (For whom?)	Product (With what results?)	Environment	Circumstance	Platform	Response	Adaptation
Motive										
Method										
Locale										
Period										

As descriptive frameworks help analysts determine which variables should be considered, we may return to Cooper’s “accounting scheme for the study of language planning” (p. 98) to establish consistencies in behavior. Based on the previous discussion, I have revised Cooper’s “accounting scheme,” substituting his terms with my own, and placing the framework in 3-dimensional perspective. In this revised scheme, the “width” dimension represents the Agents, Objects, Subjects, Beneficiaries, and Product of change (Cooper’s actors, behaviors, target groups, and results, with the addition of the all-important phrase, “who benefits?”) The “height” dimension represents the Motives, Methods, Locale and Time Period of change (expanding Cooper’s analogy with the diffusion of innovation). The “depth” dimension represents the Circumstances, Platform, Response to

and Adaptation to change (corresponding to Cooper’s “conditions of change”). Figure 4 depicts this revised accounting scheme for the study of language planning.

Conclusion

In this paper I have endeavored to test Cooper’s accounting scheme in the case of language planning in the United States, specifically referring to the Supreme Court decision of *Lau v. Nichols*, providing a cohesive account over a period of more than three decades.

This treatment provides extensive coverage. It follows the Agents of change from the Supreme Court, to the OCR, to specific school districts. It includes government, school districts, and individual teachers as the Subjects of change. It also examines the results, starting with the “Lau Remedies,” and considers both positive and negative consequences of bilingual classroom instruction.

I have rearranged Cooper’s variables somewhat to fit into my own scheme, using my own terminology. In this case, the Subjects and the Beneficiaries of change are two different groups. The target behavior affects both the Subjects and the Beneficiaries linguistically, but for the Beneficiaries language is only a means to another end. Other distinctions became evident during the course of this study, such as the legal and social ends that were sought in making the *Lau* decision. Still other distinctions may be found in other cases.

In theoretical terms, we have seen that proposed changes bring about a variety of methods for promotion or enforcement of change (federal funds, or withholding of funds), reaction against change, or adaptation to it (as manifested by negative or positive classroom instruction).

Regularities of human behavior can probably be accounted for, as Cooper suggests, by developing descriptive frameworks, elaborated, as I have done, in a multi-dimensional perspective.

The relevance of this study is established in the legal context of the *Lau* decision, which expanded the constitutional interpretation of “equal education,” and brought the nation to a more conscientious attitude towards avoiding discriminatory practices in public schools.

Finally, we must test the validity of this approach. Cooper writes (p. 47), “To the extent that a descriptive framework can help an evaluator organize his or her own impression of events, against which the description can be compared, an accounting scheme can aid evaluation of a description’s truthfulness... Probably the best solution is to ask a person who is familiar with the events to evaluate the validity of the description.”

That would be me. Although details of these events are beyond the scope of this paper, I have endeavored to give an accurate overview of the social, political and economic situation in America that led up to the *Lau* decision. By examining the extent of the coverage, its cohesion, its relevance, its validity, and the variables to be considered, we are better able to assess the adequacy, whether descriptive, predictive, explanatory, or theoretical, of a language planning framework.

Notes

- 1) “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (Civil Rights Act, 1964, Section 601).

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Appendix 1
The Warren Court in 1954*

Name/State/ Term	Nominated by	Disposition
Warren, Earl California 1953-1969	D. Eisenhower	Led the court toward several landmark decisions in civil rights. <i>Wrote Brown v. Board of Education</i> opinion.
Jackson, Robert Pennsylvania 1941-Oct. 9, 1954	F.D. Roosevelt	U.S. chief counsel at Nuremberg war crimes trial. Best known for <i>W.V. v. Barnette (1943)</i> which struck down mandatory flag saluting statutes, expanding scope of free speech. Defended freedom of religion.
Minton, Sherman Indiana 1949-1956	Harry Truman	Strong advocate of Roosevelt's "court-packing" plan. Disappointed most liberals by consistently preferring order to freedom. Voted to uphold statutes intended to protect national security; rejected assertions of violated individual liberties.
Reed, Stanley Kentucky 1938-1957	F.D. Roosevelt	Moderate. Held the balance between the liberal and conservative members of the court in split decisions.
Burton, Harold Ohio 1945-1958	Harry Truman	Firmly supported the decisions overturning racial segregation in schools and public transportation.
Frankfurter, Felix Massachusetts 1939-1962	F.D. Roosevelt	Marked liberal tendencies. Fought for release of Sacco and Vanzetti, helped found ACLU, but also upheld legislation limiting civil liberties.
Clark, Tom Texas 1949-1967	Harry Truman	Opinions generally conservative. Frequent supporter of civil liberties. Wrote majority opinion prohibiting Bible reading in public schools. Father of Ramsey Clark.
Black, Hugo Alabama 1937-1971	F.D. Roosevelt	Appointment to Supreme Court strongly opposed because of previous membership in KKK. However, he became an activist on the court, a staunch defender of civil liberties.
Douglas, William Connecticut 1939-1975	F.D. Roosevelt	Supported civil rights, civil liberties, freedom of speech, freedom of press. Communist sympathizer, impeached for granting stay of execution to Julius and Ethel Rosenberg.

Source: *The Columbia Electronic Encyclopedia*, 6th Ed., 2004

* The Chief Justice is listed first; Associate Justices are listed in order of retirement.

Appendix 2
The Burger Court in 1974*

Name/State/ Term	Nominated by	Disposition
Burger, Warren Virginia 1969-1986	R.M. Nixon	Conservative advocate of judicial restraint; less forceful than expected. Consistent advocate for administrative reform in the court.
Douglas, Wm. Connecticut 1939-1975	F.D. Roosevelt	Liberal carryover from the Warren Court. Heavy drinker, womanizer. Nevertheless entertained serious presidential ambitions.
Stewart, Potter Ohio 1958-1981	D. Eisenhower	Limited his decisions to narrow questions of law and rarely ruled on broad constitutional issues.
Powell, Lewis Virginia 1972-1987	R.M. Nixon	Lone opinion in <i>Regents of U.C. v. Bakke</i> , (1978). Said race could be used to achieve diversity, but not for racial balancing.
Brennan, Wm. New Jersey 1956-1990	D. Eisenhower	Supporter of individual liberty and guarantees of justice to the poor.
Marshall, Thurgood New York 1967-1991	L.B. Johnson	As NAACP attorney, won <i>Brown vs. Board of Education</i> case. Sparked civil rights movement. Promoted affirmative action as a remedy for the nation's legacy of slavery and racial bias. Rejected Martin Luther King's peaceful protests, as well as Malcolm X's violence.
White, Byron Colorado 1962-1993	J.F. Kennedy	After Nixon's conservative appointments, became a "swing" justice - liberal on civil-rights cases, conservative on personal liberty and criminal-justice issues. Dissented from <i>Roe v. Wade</i> (1973) abortion decision and <i>Bowers v. Hardwick</i> (1986) sodomy ruling.
Blackmun, Harry Minnesota 1970-1994	R.M. Nixon	Initially conservative, known for his majority opinion on <i>Roe v. Wade</i> (1973). By 1980s tended towards a liberal view.
Rehnquist, Wm. Arizona 1972-Present	R.M. Nixon	Conservative. Advocates law and order, reversing the liberal trend of the Warren Court.

Source: *The Columbia Electronic Encyclopedia*, 6th Ed., 2004

* The Chief Justice is listed first; Associate Justices are listed in order of retirement.