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# Two Cheers for *Brown v. Board of Education*

Clayborne Carson

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My gratuitous opinion of *Brown v. Board of Education* (1954) is somewhat ambivalent and certainly arrives too late to alter the racial policies of the past fifty years. But for those of us who practice history, hindsight offers a far more reliable kind of wisdom than does foresight. We see clearly now that while the *Brown* decision informed the attitudes that have shaped contemporary American race relations, it did not resolve persistent disputes about the nation's civil rights policies. The Supreme Court's unanimous opinion in *Brown* broke decisively with the racist interpretations of traditional American values set forth in *Scott v. Sandford* (1857) and *Plessy v. Ferguson* (1896), offering instead the optimistic "American Creed" that Gunnar Myrdal saw as the solution to "the Negro problem."<sup>1</sup> Like the two earlier landmark decisions, *Brown* overestimated the extent of ideological consensus among Americans and soon exacerbated racial and regional conflicts instead of resolving them. The Court's ruling against school segregation encouraged African Americans to believe that the entire structure of white supremacy was illegitimate and legally vulnerable. But the civil rights struggles *Brown* inspired sought broader goals than the decision could deliver, and that gap fostered frustration and resentment among many black Americans. In short, the decision's virtues and limitations reflect both the achievements and the failures of the efforts made in the last half century to solve America's racial dilemma and to realize the nation's egalitarian ideals.

That the *Brown* decision spurred subsequent civil rights progress seems apparent, but its impact and its significance as a source of inspiration are difficult to measure.<sup>2</sup> Although the Court's initial unwillingness to set firm timetables for school desegregation undercut *Brown's* immediate impact, African Americans expanded the limited scope of the decision by individual and collective challenges to the Jim Crow system.

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<sup>1</sup> *Scott v. Sandford*, 19 How. 393 (1857); *Plessy v. Ferguson*, 163 U.S. 537 (1896); *Brown v. Board of Education*, 347 U.S. 483 (1954); Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (2 vols., New York, 1944).

<sup>2</sup> On *Brown's* direct and indirect consequences, see, for example, Michael J. Klarman, "How *Brown* Changed Race Relations: The Backlash Thesis," *Journal of American History*, 81 (June 1994), 81–118. Klarman correctly points out that *Brown* had limited impact on school desegregation, especially in the Deep South, and stimulated southern white resistance to racial reform. He concludes that the contributions of *Brown* to the broader civil rights struggle were mostly indirect.

Small-scale protests escalated during the decade after 1954, becoming a sustained mass movement against all facets of segregation and discrimination in the North as well as the South. Civil rights protests and litigation prompted Congress to pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both of which extended the *Brown* decision's egalitarian principles well beyond education. The historic mass struggle that followed *Brown* ultimately destroyed the legal foundations of the Jim Crow system, and their destruction prepared the way for a still more far-reaching expansion of prevailing American conceptions of civil rights and of the role of government in protecting those rights. During the past forty years, women and many minority groups, including immigrants and people with disabilities, have gained new legal protections modeled on the civil rights gains of African Americans.<sup>3</sup>

But the *Brown* decision also created racial aspirations that remain unrealized. Although the decision may have been predicated on the notion of a shared American creed, most white Americans were unwilling to risk their own racial privileges to bring about racial equality. The decision was neither universally accepted nor consistently enforced. "Instead, it provoked overwhelming resistance in the South and only tepid interest in the North," the historian John Higham insisted. "In the South the decision released a tidal wave of racial hysteria that swept moderates out of office or turned them into demagogues. State and local officials declined to obstruct a revival of the Ku Klux Klan. Instead, they employed every conceivable device to maintain segregation, including harassment and dissolution of NAACP chapters."<sup>4</sup> By the 1970s, resistance to school desegregation had become national. Northern whites in Boston and elsewhere demonstrated their unwillingness to send their children to predominantly black schools or to allow large-scale desegregation that would drastically alter the racial composition of "their" schools in "their" neighborhoods. Voters in the states of Washington and California passed initiatives to restrict the right of school boards (Washington) and state courts (California) to order busing to achieve school desegregation (the Supreme Court later held the Washington initiative unconstitutional). Nationwide, white racial resentments encouraged an enduring shift of white voters from the Democratic to the Republican party. The 1964 election would be the last presidential contest in which the majority of black voters and of white voters backed the same candidate. Since 1974, when the Supreme Court's *Milliken v. Bradley* decision set limits on busing, the legal meaning of desegregation has been scaled back to conform to American racial and political realities.<sup>5</sup>

<sup>3</sup> Cf. Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960–1972* (New York, 1990); Hugh Davis Graham, *Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America* (New York, 2002); and John D. Skrentny, *The Minority Rights Revolution* (Cambridge, Mass., 2002).

<sup>4</sup> John Higham, "Introduction: A Historical Perspective," in *Civil Rights and Civil Wrongs: Black-White Relations since World War II*, ed. John Higham (University Park, 1997), 4. See also Klarman, "How *Brown* Changed Race Relations"; Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South in the 1950s* (Baton Rouge, 1969); and Neil McMillen, *The Citizens' Council: Organized Resistance to the Second Reconstruction, 1954–1964* (Urbana, 1971).

<sup>5</sup> See Ronald P. Formisano, *Boston against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill, 1991); and J. Anthony Lukas, *Common Ground: A Turbulent Decade in the Lives of Three American Families* (New York, 1985). *Washington v. Seattle School District*, 458 U.S. 457 (1982); *Crawford v. Los Angeles Board of*

African Americans generally applauded the *Brown* decision when it was announced, but the Court's failure to realize *Brown*'s bold affirmation of egalitarian ideals fueled subsequent black discontent and disillusionment. *Brown* cited studies that demonstrated the harmful psychological impact of enforced segregation on black students, reporting, "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." Yet the Court did not offer an effective means to correct the problem it had identified. During the decades after *Brown*, most southern black children continued to suffer the psychological consequences of segregation, while a small minority assumed the often considerable psychological and physical risks of attending newly integrated public schools. Rather than bringing large numbers of black and white students together in public schools, the *Brown* decision—and the subsequent years of litigation and social conflict—enabled a minority of black students to attend predominantly white schools. Ten years after the *Brown* decision, according to data compiled by the U.S. Department of Education, almost 98 percent of southern black students still attended predominantly black schools. Now, at the beginning of the twenty-first century, the Court's ideal of educational opportunity as "a right which must be made available to all on equal terms" is still far from being realized. American schools, both public and private, are still highly segregated. According to a recent study, the typical Latino or black student in the United States still attends a school where members of minority groups are predominant.<sup>6</sup>

Certainly, the *Brown* decision's most significant deficiency is its failure to address the concerns of the majority of African American students who have been unable or unwilling to seek better educational opportunities by leaving predominantly black schools for predominantly white ones. While it opened the door for the Little Rock Nine, who desegregated Central High School in 1957, the *Brown* decision offered little solace to the hundreds of students who remained at Little Rock's all-black Horace Mann High School. When Arkansas officials reacted to desegregation by closing all of Little Rock's high schools, those students were denied even segregated educational opportunities.<sup>7</sup> With the encouragement of the lawyers for the National Association for the Advancement of Colored People's (NAACP) Legal Defense and Education Fund, the Supreme Court largely abandoned previous efforts to enforce the separate but equal mandate in order to adopt a narrowly conceived strategy for achieving equal educational opportunity through desegregation. The pre-*Brown* equalization effort had encouraged social scientists to develop increasingly sophisticated ways of measuring differences in the quality of schools. But during the 1950s, pro-civil rights

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*Education*, 458 U.S. 527 (1982); *Milliken v. Bradley*, 418 U.S. 717 (1974). See Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York, 1996).

<sup>6</sup> *Brown v. Board of Education*, 347 U.S. at 494, 493; Gary Orfield and Chungmei Lee, "Brown at Fifty: King's Dream or Plessy's Nightmare?," Jan. 17, 2004, *The Civil Rights Project, Harvard University* <<http://www.civilrightsproject.harvard.edu/research/reseg04/resegregation04.php>> (April 4, 2004). In every region of the nation, at least 30% black students still attend schools with less than 10% white enrollment. *Ibid.*

<sup>7</sup> Cf. Melba Beals, *Warriors Don't Cry: A Searing Memoir of the Battle to Integrate Little Rock's Central High* (New York, 1995); and Melba Beals, *White Is a State of Mind: A Memoir* (New York, 1995).

scholars shifted their focus from the educational environment of black students in black schools to the psychological state of black students experiencing desegregation. The NAACP's initial strategy of forcing southern states to equalize facilities at all-black schools had resulted in tangible improvements, whereas the removal of racial barriers in public schools was advertised as offering intangible psychological gains.

For Thurgood Marshall, who headed the NAACP legal staff, the equalization effort had always been a means of achieving the ultimate goal of desegregation. After the Supreme Court decided in *Sweatt v. Painter* (1950) that a makeshift segregated law school at a black college could not provide educational opportunities equal to those offered by the University of Texas Law School, Marshall exulted, "The complete destruction of *all* enforced segregation is now in sight." Despite having attended predominantly black schools at every stage of his academic career, he saw segregation as a racial stigma that could not be removed by increased state appropriations for Jim Crow schools. In the early 1950s he noted that social scientists were "almost in universal agreement that segregated education produces inequality." He therefore concluded "that segregated schools, perhaps more than any other single factor, are of major concern to the individual of public school age and contribute greatly to the unwholesomeness and unhappy development of the personality of Negroes which the color caste system in the United States has produced."<sup>8</sup>

Few African Americans would wish to return to the pre-*Brown* world of legally enforced segregation, but in the half century since 1954, only a minority of Americans has experienced the promised land of truly integrated public education. By the mid-1960s, with dual school systems still in place in many areas of the Deep South, and with de facto segregation a recognized reality in urban areas, the limitations of *Brown* had become evident to many of those who had spearheaded previous civil rights struggles. The ideological gulf that appeared in African American politics during the period was largely the result of efforts to draw attention to the predominantly black institutions neglected in the drive for racial integration. The black power movement arose in part as an effort by African Americans to control and improve such institutions. Some black power proponents exaggerated the benefits of racial separatism, but their extremism can be best understood as a reaction against the unbalanced post-*Brown* strategy of seeking racial advancement solely through integration. Although James S. Coleman's landmark 1966 study of equality of educational opportunity found that black children attending integrated schools did better than students attending predominantly black schools, it was by no means clear that the gap was the result of interracial interactions rather than of differences in the socioeconomic backgrounds of the students involved. By the late 1960s, growing numbers of black leaders had concluded that improvement of black schools should take priority over school desegregation. In 1967, shortly before the National Advisory Commission on Civil Disorders warned that the United States was "moving

<sup>8</sup> *Sweatt v. Painter*, 339 U.S. 629 (1950); *Baltimore Afro-American*, June 17, 1950, quoted in Juan Williams, *Thurgood Marshall: American Revolutionary* (New York, 1998), 195; Thurgood Marshall, "An Evaluation of Recent Efforts to Achieve Racial Integration in Education through Resort to the Courts," *Journal of Negro Education*, 21 (Summer 1952), 316–27, esp. 322.

toward two societies, one white, one black—separate and unequal,” Martin Luther King Jr. acknowledged the need to refocus attention, at least in the short run, on “schools in ghetto areas.” He also insisted that “the drive for immediate improvements in segregated schools should not retard progress toward integrated education later.” Even veterans of the NAACP’s legal campaign had second thoughts. “*Brown* has little practical relevance to central city blacks,” Constance Baker Motley commented in 1974. “Its psychological and legal relevance has already had its effect.”<sup>9</sup>

Black power advocates sometimes sought to replace the narrow strategy of achieving racial advancement through integration with the equally narrow strategy of achieving it through racial separatism. In both instances, claims of psychological gains often substituted for measurable racial advancements, but the continued popularity of Afrocentric educational experiments indicates that many African Americans now see voluntary segregation as psychologically uplifting. Having personally experienced the burden of desegregating numerous classrooms and having watched my son move with great success from a predominantly black college to a predominantly white law school, I am skeptical of sweeping claims about the impact of racial environment on learning. While believing that debates among African Americans during the last half century about their destiny have been useful, I regret that those debates have often exacerbated ideological conflict rather than encouraging us toward collective action. Rather than having to choose between overcoming racial barriers and improving black community institutions, we should be able to choose both.

In hindsight, the nation would have been better served if the *Brown* decision had evinced a more realistic understanding of the deep historical roots of America’s racial problems—perhaps a little more familiarity with the writings of W. E. B. Du Bois and Carter G. Woodson as well as those of Myrdal and his colleagues. Rather than blandly advising that desegregation of public schools be achieved with “all deliberate speed,” the Supreme Court—and the NAACP lawyers who argued before it—should have launched a two-pronged attack, not only against racial segregation but also against inferior schools, whatever their racial composition. Such an attack would have heeded the admonition that Du Bois offered in 1935, soon after his forced resignation as editor of the NAACP’s journal, the *Crisis*:

Theoretically, the Negro needs neither segregated schools nor mixed schools. What he needs is Education. . . . Other things being equal, the mixed school is the broader, more natural basis for the education of all youth. It gives wider contacts; it inspires great self-confidence; and suppresses the inferiority complex. But other things seldom are equal, and in that case, Sympathy, Knowledge, and the Truth, outweigh all that the mixed school can offer.<sup>10</sup>

<sup>9</sup> J. S. Coleman et al., *Equality of Educational Opportunity* (Washington, 1966), *passim*; *Report of the National Advisory Commission on Civil Disorders* (New York, 1968), 1; Martin Luther King Jr., *Where Do We Go from Here: Chaos or Community?* (New York, 1967), 228. For Constance Baker Motley’s statement (quoted from the *New York Times*, May 13, 1974), see James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (New York, 2001), 168.

<sup>10</sup> *Brown v. Board of Education*, 349 U.S. 294 (1955); W. E. B. Du Bois, “Does the Negro Need Separate Schools?,” *Journal of Negro Education*, 4 (July 1935), in *The Oxford W. E. B. Du Bois Reader*, ed. Eric J. Sundquist (New York, 1996), 431.

Because the *Brown* decision was a decisive departure from *Plessy's* separate but equal principle, it was an important turning point in African American history. Nevertheless, fifty years later the Court's assumptions about the psychological consequences of legally enforced segregation seem dated. The Jim Crow system no longer exists, but most black American schoolchildren still attend predominantly black public schools that offer fewer opportunities for advancement than typical predominantly white public schools. Moreover, there is no contemporary civil rights movement able to alter that fact. Yet, if *Brown* represents a failed attempt to achieve comprehensive racial advancement, the opinion nonetheless still challenges us by affirming egalitarian ideals that remain relevant: "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."<sup>11</sup>

<sup>11</sup> "Brown v. Board of Education of Topeka: Opinion on Segregation Laws," in *Civil Rights and African Americans: A Documentary History*, ed. Albert P. Blaustein and Robert L. Zangrando (Evanston, 1991), 436.