ARTICLES.

CONVERSATIONS ABOUT BROWN

Among Moses’ Bridge-Builders

PATRICIA J. WILLIAMS

When The Nation asked me to write an essay on the fortieth anniversary of Brown v. Board of Education, I felt as though I were being called to the grandest project of my career. This is the case, after all, that shaped my life’s possibilities, the case that, like a stone monument, stands for just about all the racial struggles with which this country still grapples. When The Nation also suggested that a conversation with the Brown family might be the focal point of such an essay, I actually got nervous. The symbolic significance of the case had definitely made them Icons of the Possible in my mind: Oliver Brown, now deceased, whose name is first in a list of many others and whose name, as a result, became the reference for all subsequent generations of discussion; Leola Brown Montgomery, Oliver Brown’s widow; Linda Brown Thompson, the little girl (formerly a teacher for Head Start and now program assistant for the Brown Foundation) on whose behalf Oliver Brown sued; the middle daughter, Terry Brown Tyler; and Cheryl Brown Henderson, the youngest daughter and also an educator.

“Don’t make icons of us,” was just about the first thing out of Cheryl’s mouth, when she finally responded to the gushy messages I left on the answering machine at the Brown Foundation, the organization she founded and heads. But... but... , I said, distinctly crestfallen.

“It was pure accident that the case bears our name,” she continued, with no chance for me to argue about it. “It’s just a name, it could have been a lot of people’s names. It’s not our case. Ask us about the Brown Foundation.”

The foundation is an organization dedicated to “setting the record straight,” as Cheryl Brown Henderson put it. “I’m afraid that a lot of people believe the lawsuit to be something that happened as a very isolated incident, when in fact there were many, many cases that preceded it. We’re talking about public school cases that began back in 1849, and, in Kansas, began in 1881.” I knew that, of course—“of course” only because teaching the history of civil rights is a big chunk of what I do for a living. I’m even someone who’s always complaining that too often the civil rights movement has been too neatly condensed into a few lionized personalities, rather than understood as a historical stream of events. But still—this was different somehow, this was Brown, after all, and here I was in the presence of Legend Incarnate and, well, inquiring minds do want to know. Of course, I didn’t quite put it that way. I just asked them to share the sustained insight and privileged perspective that residing inside the edifice of great moments in social history might bring.

“Our family came to Kansas for the railroad in 1923,” said Mrs. Leola Brown patiently, apparently quite used to cutting through the exuberant excesses of questions with no borders, never mind answers. “A lot of the early African-American and Hispanic residents of Topeka came for employment purposes. The headquarters of the Santa Fe railroad were here. There were decent wages and you could be part of a union and have job security, those sorts of things.”

“When did you join the N.A.A.C.P.?” I pressed, longing for detail about what, at odd moments, I caught myself thinking of as “our” story. “Were there any significant events in your life that precipitated your involvement in the case against the school board?”

“We were discriminated against in all phases of life. It wasn’t only about the schools. . . .”

“We joined for no specific incident. It was in 1948 or ’49, something like that. There was nothing specific. It was everything. We were discriminated against in all phases of life. We couldn’t go to the restaurants or the shows, or if we did, we had to sit in a certain place, we had to go through a certain door to get there...” she trailed off. “It wasn’t only about the schools, you see, it was about all of the things that were against us, all the rejection and neglect, all the things we could not do here.”

As Mrs. Leola Brown spoke, describing conditions that affected millions of blacks as well as her family, I understood why her daughters were so insistent on my not making this story into an exceptional one. It was a story that couldn’t, shouldn’t be made into private property; it was an exemplary story, but far from unique.

My family too joined the N.A.A.C.P. not because of a great event but because of all the ordinary daily grinding little events that made life hard in the aggregate. I knew the back of the bus stories, the peanut gallery stories, the baggage car stories, the having to go to the bathroom in the woods stories—the myriad, mundane, nearly invisible yet monumentally important constraints that circumscribed blacks, and not only in the South.

My father, who grew up in Savannah, Georgia, during the 1920s and ’30s, remembers not only the inconveniences but the dangers of being black under Jim Crow. “You had to be careful of white people; you got out of the way, or you’d get hurt, immediately. If you saw a white person coming, you got off the sidewalk. Don’t make too much noise. Know which side of the street to walk on. You were always conscious of

Patricia J. Williams, a professor at Columbia University School of Law, is the author of The Alchemy of Race and Rights (Harvard University).
the difference. The big conversation in all 'colored' homes was just that, color. It affected everybody."

"That's exactly why Brown is indeed 'our' story," advised a friend of mine who, being fifteen or so years older than I, was old enough to have worked for N.A.A.C.P. causes and gone on enough marches to have worn out many pairs of shoes. "The civil rights movement was all about ordinary people who weren't necessarily on the road to Damascus. If some lent their names, others lent their backs, or their expertise or their lives. It was life-threatening work after all, so nobody did it to get their name up in lights; you did it because there was no alternative. Neither fame nor anonymity existed as issues per se—that's come later, as the country seems to have sorted out who it's going to remember and what it will forget. It was about group survival. You were always thinking about what would make it better for the children."

I pressed the Browns about this centrality of segregation in people's lives. Segregation affected most aspects of daily life, they explained, but they noted that the situation in Kansas was not exactly like what was going on in many Southern states. The neighborhood in which the Browns lived, for example, was fully integrated at the time the suit was initiated, and unlike many children even today, Linda Brown, in the wake of the case, was able to finish her education at integrated schools. The Browns describe most of the neighborhoods in Topeka as having been pretty stable over time—although the Browns' old neighborhood and the all-white school that was the object of the suit no longer exist. "The highway has come through." Although Topeka did undergo some of the divisive and segregating effects of urban renewal programs, the Browns say Topeka did not undergo major upheavals during the 1960s, as did most Northern cities where white flight changed "urban centers" into "inner cities" overnight.

How, I asked, does one reconcile the racism that produced the rigid school segregation in Topeka yet permitted people to live side by side? "You have to understand Kansas history," said Cheryl Brown Henderson. "The era that won the state the name of 'Bleeding Kansas' was born out of the battle about whether it would be a slave state or not. . . . When Kansas became a free state, it became a kind of promised land for people of African descent. They started moving in great numbers westward, and out of the South." She described the struggle to integrate schools as well over a hundred years old, typified by such compromises as when "the Kansas legislature in the 1870s enacted a law saying that if you were a community of a certain size, you could have segregated schools, but if you were a small community, and it was not economically feasible to have a school for, say, three children—then you could not segregate on the basis of race. This has always been a place of great contrasts and contradictions."

Kansas is indeed unique in history, but it is not alone in the peculiarity of its contradictory attitudes about race. Perhaps part of the difficulty in reviewing the years since Brown with anything like a hopeful countenance is that we as a nation have continued to underestimate the complicated and multiple forms of prejudice at work in the United States. Segregation did not necessarily bar all forms of racial mixing; its odd, layered hierarchies of racial attitude were substantially more complicated than that. My grandfather, for example, was a doctor who owned many of the houses in the neighborhood where he lived. "Dad's tenants were white, Irish," says my father. "But I never even thought about where they went to school."

We all lived kind of mixed up, but the whole system made you think so separately that to this day I don't know where they went to school." There is an old story that speaks to the profundity of these invisible norms: Three men in the 1930s South set out to go fishing in a small boat. They spent the morning in perfectly congenial and lazy conversation. At lunchtime, they all opened their lunchbuckets and proceeded to eat, but not before the two white men put an oar across the middle of the boat, dividing them from their black companion.

The continuing struggle for racial justice is tied up with the degree to which segregation and the outright denial of black humanity have been naturalized in our civilization. An aunt of mine who is very light-skinned tells of a white woman in her office who had just moved from Mississippi to Massachusetts. "The North is much more racist than the South," she confided to my aunt. "They don't give you any credit at all for having white blood." This unblinking racial ranking is summarized in the thoughts of James Kilpatrick, who stated the case for Southern resistance in a famous and impassioned plea:

For this is what our Northern friends will not comprehend: The South, agreeable as it may be to confessing some of its sins and to bewailing its more manifest wickednesses, simply does not concede that at bottom its basic attitude is "infected" or wrong. On the contrary, the Southerner rebelliously clings to what seems to him the hard core of truth in this whole controversy: Here and now, in his own communities, in the mid-1960s, the Negro race, as a race, plainly is not equal to the white race, as a race; nor, for that matter, in the wider world beyond, by the accepted judgment of ten thousand years, has the Negro race, as a race, ever been the cultural or intellectual equal of the white race, as a race.

This we take to be a plain statement of fact, and if we are not amazed that our Northern antagonists do not accept it as such, we are resentful that they will not even look at the proposition, or hear of it, or inquire into it.
Dealing with the intractability of this sort of twisted social regard is what the years since Brown have been all about. Legal remedy after legal remedy has been challenged on the basis of assertions of not being able to "force" people to get along, that "social equality" (or, these days, "market preference") is just not something that can be legally negotiated. One of the attorneys who worked on the original Brown case, Columbia University School of Law Professor Jack Greenberg, dismissed these arguments concisely: "You have to wonder," he says, "how it is that Plessy v. Ferguson, which made segregation the law for almost sixty years, didn't come in for the same kinds of attacks as 'social engineering.'"

Have you been disappointed by the years since 1954? I asked Mrs. Leola Brown Montgomery. Of course, she said. And then added, "But I don't think that anybody anticipated the country's response. The attorneys, the parents, we didn't really understand the insidious nature of discrimination and to what lengths people would go to not share educational resources: leaving neighborhoods en masse because African-American children could not go to the school in your neighborhood. Not offering the same kinds of programs, or offering a lesser educational program in the same school—I don't think anybody anticipated what we've ended up with. . . . But we're currently still in the midst of the country's response, in my opinion."

Duke University School of Law Professor Jerome Culp has observed that the litigators and activists who worked on Brown in the early 1950s assumed at least three things that have not come to pass: (1) that good liberals would stand by their commitment to black equality through the hard times; (2) that blacks and whites could come to some kind of agreement about what was fair and just—that there was a neutral, agreed-upon position we could aspire to; (3) that if you just had enough faith, that if you just wished racism away hard enough, it would disappear.

"Growing up," says my father, "we thought we knew exactly what integration meant. We would all go to school together; it meant the city would spend the same money on you that it did on the white students. We blacks wouldn't be in some cold isolated school that overlooked the railroad yards; we wouldn't have to get the cast-off, ragged books. We didn't think about the inevitability of a fight about whose version of the Civil War would be taught in that utopic integrated classroom."

The Brown decision itself acknowledged the extent to which educational opportunity depended on "intangible considerations" and relied "in large part on 'those qualities which are incapable of objective measurement but which make for greatness.'" Yet shaking the edifice of education in general since 1954 has become vastly more complicated by the influence of television, and the task of learning racial history has been much confounded by the power of mass media.

"We've become a nation of soundbites," says Cheryl Brown Henderson. "That millisecond of time to determine our behavior, whether it's behavior toward another individual, or behavior toward a product we might purchase, or our behavior with regard to what kind of housing or community we want to live in—I really think we allow that millisecond to determine far too much of our lives. When you take something that short and infuse it with a racial stereotype, and no other information is given, the young person looking at that—even the older person who spends most of his time watching television—that's all they know. How can you expect them to believe anything else? They're not going to pick up a book and read any history, do any research, or talk to anybody that may in fact be able to refute the stereotype."

In addition to stereotypes, perhaps the media revolution has exacerbated the very American tendency to romanticize our great moments into nostalgia-fests from which only the extremes of Pollyanna-ish optimism or Malthusian pessimism can be extracted. The Hollywood obsession with individual charismatic personalities diminishes the true heroism of the multiplicity of lives and sacrifices that make for genuine social change. Such portrayals push social movement out of reach, into the mythic—when in fact it emanates from the realm of the solidly and persistently banal. For all the biblical imagery summoned to inspire the will to go on with the civil rights struggle in this country, if the waters have parted at any given moment, perhaps it has been more attributable to all those thousands of busy bridge-builders working hard to keep Moses' back covered—just people, just working and thinking about how it could be different, dreaming big, yet surprised most by the smallest increments, the little things that stun with the realization of the profundity of what has not yet been thought about.

My father muses: "It's funny . . . we talked about race all the time, yet at the same time you never really thought about how it could be different. But after Brown I remember it dawning on me that I could have gone to the University of Georgia. And people began to talk to you a little different-

* Theresa King
ly.” The white doctor who treated my family in Boston, where I grew up, “used to treat us in such a completely offhand way. But after Brown, he wanted to discuss it with us, he asked questions, what I thought. He wanted my opinion and I suddenly realized that no white person had ever asked what I thought about anything.”

Perhaps as people like my father and the doctor have permitted those conversations to become more and more straightforward, the pain of it all, the discomfort, has been accompanied by the shutting down, the mishearing, the turning away from the euphoria of Brown. “It has become unexpectedly, but not unpredictably, hard. The same thing will probably have to happen in South Africa,” sighs my father.

When Frederick Douglass described his own escape from slavery as a “theft” of “this head” and “these arms” and “these legs,” he employed the master’s language of property to create the unforgettable paradox of the “owned” erupting into the category of a speaking subject whose “freedom” simultaneously and inextricably marked him as a “thief.” That this disruption of the bounds of normative imagining is variously perceived as dangerous as well as liberatory is a tension that has distinguished racial politics in America from the Civil War to this day. Perhaps the legacy of Brown is as much tied up with this sense of national imagination as with the pure fact of its legal victory; it sparked in our heads, it fired our vision of what was possible. Legally it set in motion battles over inclusion, participation and reallocation of resources that are very far from resolved. But in a larger sense it committed us to a conversation about race in which all of us must join—particularly in view of a new rising Global Right.

The fact that this conversation has fallen on hard times is no reason to abandon what has been accomplished. The word games by which the civil rights movement has been stymied—in which “inner city” and “underclass” and “suspect profile” are racial code words, in which “integration” means “assimilation as white,” in which black culture means “tribalism,” in which affirmative action has been made out to be the exact equivalent of quota systems that discriminated against Jews—these are all dimensions of the enormous snarl this nation has been unraveling, in waves of euphoria and despair, since the Emancipation Proclamation.

We remain charged with the task of getting beyond the stage of halting encounters filled with the superficial temptations of those “my maid says blacks are happy” or “whites are devils” moments. If we could press on to an accounting of the devastating legacy of slavery that lives on as a social crisis that needs generations more of us working to repair—if we could just get to the enormity of that unhappy acknowledgment, then that alone might be the paradoxical source of a genuinely reviving, rather than a false, optimism.

The most eloquent summary of both the simplicity and the complexity of that common task remains W.E.B. Du Bois’s essay “On Being Crazy”:

After the theatre, I sought the hotel where I had sent my baggages. The clerk scowled.

“What do you want?” he said.

Rest, I said.

“This is a white hotel,” he said.

I looked around. Such a color scheme requires a great deal of cleaning, I said, but I don’t know that I object.

“We object,” said he.

Then why, I began, but he interrupted.

“We don’t keep niggers,” he said, “we don’t want social equality.”

Neither do I, I replied gently, I want a bed.

End of the Second Reconstruction?

PAMELA S. KARLAN

We lived many lives in those swirling campaigns . . . yet when we achieved, and the new world dawned, the old men came out again and took our victory to remake in the likeness of the former world they knew . . . We stammered that we had worked for a new heaven and a new earth, and they thanked us kindly and made their peace. —Lawrence of Arabia

Brown v. Board of Education is justly recognized as one of the Supreme Court’s finest moments. In Brown the Court expressed a sweeping vision of racial equality. But when we celebrate Brown, we need to remember that the Supreme Court is not always the special champion of black Americans. Indeed, if history is any guide, the Court is as likely to choke off an American Reconstruction as to precipitate one. In the 1870s and 1880s the Court gutted the First Reconstruction by invalidating or misconstruing a series of critical Congressional protections of black political and economic rights. Last year in Shaw v. Reno the High Court cast an ominous shadow over the centerpiece of the Second Reconstruction: the Voting Rights Act, which after nearly thirty years had finally begun to integrate the political process. And next, in any one of a plethora of post-Shaw voting rights cases currently percolating up through the system, the Court may take the opportunity to gut the act altogether.

The Voting Rights Act is unquestionably the most successful civil rights statute in American history. On the eve of the act’s passage a decade after Brown, blacks were still completely excluded from the rolls in large parts of the South, and economic and physical harassment kept even those blacks who had managed to register from actually casting ballots. Within five years, nearly as many blacks had been added to the rolls as had managed to register in the preceding century. The bill’s first great victory was thus its enfranchisement of black Americans.

The Voting Rights Act’s second triumph was to delineate a view of the right to vote that included an equal opportunity actually to elect candidates of the voter’s choice. If the votes

Pamela S. Karlan is a professor of law at the University of Virginia Law School.
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