

# Still Separate, Still Unequal

*Three beneficiaries of Brown v. Board aren't so sure now that segregation was all bad.*

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## ALL DELIBERATE SPEED

*Reflections on the First Half Century of Brown v. Board of Education.*

By Charles J. Ogletree Jr.

Illustrated. 365 pp. New York: W. W. Norton & Company. \$25.95.

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## SILENT COVENANTS

*Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform.*

By Derrick Bell.

230 pp. New York: Oxford University Press. \$25.

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## THE FAILURES OF INTEGRATION

*How Race and Class Are Undermining the American Dream.*

By Sheryll Cashin.

391 pp. New York: PublicAffairs. \$26.

By Samuel G. Freedman

SEVERAL weeks after the Rev. Dr. Martin Luther King Jr. announced his departure from Dexter Avenue Baptist Church in Montgomery, Ala., epicenter of the bus boycott that had lifted him and the civil rights crusade to international attention, two of his congregants paid a farewell visit. Both John Feagin Sr. and his wife Lurlene had taught in Montgomery's all-black Carver High School,

and so the conversation that day late in 1959 turned naturally enough to the subject of desegregating schools. King's words, as recounted later by Feagin in a book about the church, surely would have shocked many of the minister's supporters.

"I favor integration on buses and in all areas of public accommodation and travel," King said. "I am for equality. However, I think integration in our public schools is different. In that setting, you are dealing with one of the most important assets of an individual — the mind. White people view black people as inferior. A large percentage of them have a very low opinion of our race. People with such a low view of the black race cannot be given free rein and put in charge of the intellectual care and development of our boys and girls."

In his apostasy from civil rights doctrine, King was expressing misgivings similar to those of forebears like W. E. B. Du Bois. Writing in *The Journal of Negro Education* in 1935, Du Bois maintained "the Negro needs neither segregated schools nor mixed schools. What he needs is Education." He had put it even more bluntly in an editorial a year earlier in the magazine *The Crisis*: "Thinking colored people of the United States must stop being stampeded by the word segregation. . . . It is the race-conscious black man cooperating together with his own institutions and movements who will eventually emancipate the colored race."

In their wary view of integrated public schools, and in their esteem for black people's own institutions, Du Bois and King anticipated the profoundly ambiguous emotions many African-Americans harbor on the 50th anniversary of the Supreme Court's ruling in *Brown v. Board of Education*, the case that struck down the principle of "separate but equal" in public education. In theory, the decision should have meant the end of school segregation, but in fact its legacy has proven far more muddled. While the principle of affirmative action under the trendy code word "diversity" has brought unparalleled integration into higher education, the military and corporate America, the sort of local school districts that *Brown* supposedly addressed have rarely become meaningfully integrated. In some respects, the black poor are more hopelessly concentrated in failing urban schools than ever, cut off not only from whites but from the flourishing black middle class.

The anguish of this outcome informs books by Derrick Bell, Sheryll Cashin and Charles J. Ogletree Jr. ruminating on the aftermath of *Brown*. What makes their despair more significant — what

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makes these books virtually a brain scan of the black intelligentsia, circa 2004 — is that all three authors so plainly benefited from *Brown*. At the ages of 51 and 42, respectively, Ogletree and Cashin are what Ogletree calls "Brown babies." Bell was just completing military duty in Korea and heading into law school when the ruling was released. And all have gone on to high achievement and stature. Ogletree is a professor of law at Harvard, Cashin at Georgetown, Bell at New York University.

Yet from book to book, the tone remains one of precisely argued, carefully modulated outrage. If there is a single emblematic moment, it comes in the opening pages of Bell's "Silent Covenants," when he recalls the scene at Yale University two years ago when the judge and civil rights lawyer Robert L. Carter received an honorary degree. As Yale's president told the mainly white audience that Carter had been instrumental in mounting the *Brown* case, the listeners rose for a standing ovation, one Bell hardly could bring himself to share. "Even as I stood and joined in the applause, I wondered," he writes. "How could a decision that promised so much and, by its terms, accomplished so little, have gained so hallowed a place among some of the nation's better educated and most successful individuals?"

An experienced litigator in civil rights cases, Bell certainly has plenty of facts on his side. Like Ogletree and Cashin, he contends, quite accurately,

that the Warren court effectively blunted the impact of its unanimous judgment in *Brown* by ruling a year later that enforcement should proceed with "all deliberate speed," which meant lots of deliberation and not much speed. The Jim Crow South barely attempted integration for a full decade, and whenever the courts or the federal government tried to compel compliance, America saw an epic confrontation — at Little Rock Central High School, at the University of Mississippi, in Ruby Bridges' one-girl class in New Orleans, with George Wallace keeping his promise to block the schoolhouse door. Efforts in the 70's to dissolve the de facto segregation of Northern schools through mandatory busing brought bitter, violent opposition, most memorably by working-class whites in Boston. Whatever hopes existed for a more peaceful, and much fairer, version of integration involving a city and its suburbs ended when the Supreme Court in 1974 struck down such a regional program in metropolitan Detroit.

**G**IVEN such awful history, no reader should be surprised that the fortunate sons and daughters of post-Brown America evince such cynicism now. Among these three writers, only Cashin in "The Failures of Integration" even attempts to push for completing Brown's unfinished agenda with more racial mixing. But the best she can do is point to a handful of diverse school districts (like Maplewood-South Orange in New Jersey) and neighborhoods (like West Mount Airy in Philadelphia) as models to be replicated. Her heart, though, doesn't seem truly invested in the cause. By her own admission, she is an "ambivalent integrationist" suffering from "integration exhaustion."

In "All Deliberate Speed," Ogletree presents the journey in the most personal terms of the three authors. As he recollects the segregated neighborhood of his childhood in Merced, Calif., he bears witness to a whole array of vibrant, life-affirming, economically integrated black districts, which were perversely enabled and nourished by segregation. Mr. Henry's grocery, the Knotty Pine Cafe, Moneyback Lee the pawnbroker, Reverend Roberson at the Pentecostal church, Vernon's barbershop — these were just some of the pillars of a "nurturing community" that "survived through perseverance and resourcefulness." From it, young Charles Ogletree grew into the type of young Negro who unashamedly and unironically aspired to be a "credit to his race," as the now-discredited cliché went. He led the student council in his integrated high school, won a scholarship to Stanford and gained admission to Harvard Law School, where even with a "crit-

ical mass of blacks" in his law school class, he was struck by the "relative absence" of blacks in Cambridge.

It reveals a great deal about Ogletree's selective vision that he gives relatively minimal attention to his own upward mobility or to that of the black classmates around him. From his book and Bell's, a reader would barely know that from 1970 to 1995 some seven million blacks moved into the suburbs — several million more people than came to northern cities from the rural South in the Great Migration. A reader would barely know that the percentage of black households earning at least \$50,000 a year (adjusted for inflation) more than tripled from 9.1 percent in 1967 to 27.8 percent in 2001, according to census figures. For Ogletree and Bell, such gains wilt next to the persistence of inner-city black poverty and their own



*Fifty years ago tomorrow: three lawyers who argue stand beaming before the court's building after its decision. From left: George E. C. Hayes, a Washington lawyer; Thurgood Marshall, himself appointed to the court in 1967; James N*

experiences of racism. One has to wonder, though, if they consider trumpeting black advances, including their own, somehow disloyal to those left behind. There is a strong undercurrent of survivor guilt in all of these books.

For Ogletree, the welter of emotions leaves him thinking of Brown as an exercise in bait-and-switch. "Too often," he writes, "integration is presented as an unalloyed benefit for African-Americans, as if we all had been clamoring to leave our communities. For many in the African-American community, however, integration was viewed with suspicion or something worse. Many communities at the center of the battle for integration, represented by the crusading lawyers of the N.A.A.C.P., would have welcomed something less than the full integration demanded by the civil rights lawyers. Instead, these teachers, school

principals and janitors would rather have kept their schools, their jobs and their positions of influence than see their charges bused to white schools run by white principals where white educators often made the children all too grimly aware of their distaste for the new state of affairs."

**B**ELL goes ever farther, drafting an alternative verdict in the Brown case. What might have happened, he asks, if instead of overturning the "separate but equal" standard that had been enshrined in *Plessy v. Ferguson*, the Supreme Court had insisted on its meticulous, literal application? What if school districts had been required, under judicial oversight, to provide genuinely equivalent facilities, salaries, classes and curriculums to all-black schools? "Had this been the Brown decision handed down in 1954," Bell suggests, "both civil rights and school board lawyers would probably, for differing reasons, have condemned it. Yet it makes sense today."

Indeed, both Bell and Ogletree place their educational emphasis on charter schools within the public system or independent and parochial schools outside it. Ogletree and his wife helped to found a mostly black charter school in Cambridge, Mass., that emphasizes math and science. Cashin is left defending the ever more elusive goal of integration, and it is no easy task. When she cites examples of diverse districts, one cannot help asking if their schools are internally segregated by tracking. And when Cashin approvingly quotes a white mother in Washington who sends her children to the largely black and sometimes violent public schools — "There are worse things than being shot. I don't want my kids to grow up being afraid of black people" — she is espousing a standard of enlightenment few parents of any color would embrace.

To her credit, though, Cashin is the only one of the three authors willing to discuss the denigration of education by some black pupils, the self-destructive notion that achieving in school amounts to "acting white." She also asks the difficult but necessary questions about why public schools in the affluent black suburbs of Washington perform worse than those of neighboring, whiter communities. Her book, in fact, might better have been built around its incisive critique of black suburbia than its plaintive plea for idealized diversity. As for Bell and Ogletree, they lost the integration religion long ago, somewhere on the potholed road from Topeka to today. □



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argued against segregation before the Supreme Court its ruling in *Brown v. Board* on May 17, 1954. From left, Thurgood Marshall, special counsel for the N.A.A.C.P., and Nathan Nabrit Jr., professor of law at Howard University.