

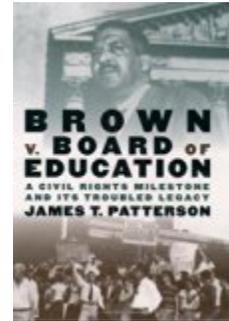
H-Net Reviews

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James T. Patterson. *Brown v. Board of Education: A Civil Rights Milestone and its Troubled Legacy*. New York and Oxford: Oxford University Press, 2001. xxix + 285 pp. \$27.50 (cloth), ISBN 978-0-19-512716-4; \$19.95 (paper), ISBN 978-0-19-515632-4.

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Was *Brown* a Victory?

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“The Supreme Court decision is the greatest victory for the Negro people since the Emancipation Proclamation,” declared Harlem’s *Amsterdam News* in May 1954 (p. xiv). Novelist Ralph Ellison wrote, “What a wonderful world of possibilities are unfolded for the children” (p. xiv). To most African Americans, and to white liberals committed to racial justice, better education was (and thus better lives were) now imminent for blacks. They also expected that school integration would produce greater acceptance among whites of African Americans as full and equal participants in American life.

Looking back several decades later, however, many civil rights activists insist that such optimism was grossly misplaced. NAACP attorney Julius Chambers sharply observed that *Brown* “gave blacks enough legal crumbs to satisfy them for a time, while the rest of America continued its feast” (p. xxvi). Appalled by the state of race relations and conditions facing many African Americans, a dejected Kenneth Clark, whose research had influenced the Court’s thinking in 1954, wrote nearly forty years later, “I am forced to recognize that my life has, in fact, been a series of glorious defeats” (p. xxix).

So just how should *Brown*, widely regarded as the most important Supreme Court case of the twentieth century, be viewed? In this important and engrossing book, historian James Patterson offers an insightful, balanced, and concise examination of how the battle to im-

prove education for African Americans has developed since World War II. Patterson acknowledges the defeats and disappointments that pessimists such as Chambers, Clark, and Derrick Bell, among others, emphasize as the proper legacy of *Brown*. Expectations were surely too high in the heady days of 1954. Nevertheless, Patterson insists, *Brown* has helped bring about substantial, meaningful improvements in race relations and the lives of millions of African Americans. It also greatly transformed the role of the Supreme Court, for it went on to issue important decisions affecting women, the disabled, gays and lesbians, and other disadvantaged groups in American society.

Taking issue with writers whom he believes offer a misguided nostalgia for the pre-integration era, Patterson surveys the deplorable conditions of black education across the South prior to *Brown*. Teachers in Sunflower County, Mississippi, many of whom worked on farms, lacked much training and often could only teach part-time. Children attended school for just three months in the winter, when there was little work to be done in the fields. In Atlanta, black schools were so over-crowded that there were double-sessions each day that limited students to just three hours of instruction. Spending in Atlanta in 1949 on white schools was more than twice as much as for African American schools.

Patterson presents a well-balanced look at the origins of *Brown*. Highlighting the role of individuals, he

shows how *Brown* was both bottom-up and top-down history. On the one hand, Patterson emphasizes the courage and resolve of African American parents across the nation who brought suit in hopes of improving the lives of their children. Many suffered horrific consequences for their activities. One South Carolina farmer who simply wanted authorities to provide buses for his daughter to attend a segregated school saw his crops rot in the field because white farmers refused to help him with the harvest. Other parents were fired from their jobs, harassed by the Klan or other vigilante groups, or murdered. Meanwhile, Patterson notes, Thurgood Marshall and his team of lawyers at the NAACP were making some important decisions too. Having achieved victories in several cases during the 1930s and 1940s that would force states with segregated schools to live up to the “equal” part of the “separate but equal” doctrine enshrined in the *Plessy v. Ferguson* case of 1896, Marshall decided to mount a frontal assault on segregation itself. Without a ruling overturning segregation, Marshall knew, the NAACP faced the impossible task of litigating thousands of cases. Such an approach would require amounts of time and money that the organization did not have. Though he highlights the role of individuals, Patterson also rightly notes that neither the parents nor the lawyers operated in a vacuum. Economic, social, and political trends opened up opportunities in the 1950s that had not existed before.

Patterson stresses the role of contingency in a vivid portrait of the Supreme Court. Personal and intellectual squabbles characterized the Court during the early 1950s. However, in September 1953 Chief Justice Fred Vinson died of a heart attack, and President Dwight Eisenhower named Earl Warren as his replacement. Warren, Patterson demonstrates, played a critical role through several months of discussion and personal lobbying that resulted in the unanimous decision. Here too, Patterson nicely balances the role of individuals with the larger context by highlighting how rising expectations among blacks, the Cold War, the growing importance of education in American life, and changing white attitudes about race shaped the ruling.

Warren’s decision has come under intense criticism over the years. Some liberals wish the Court had outlawed all legal considerations of color, not just those applied to public schooling, while others found his use of social science evidence to justify the decision unnecessary. Conservatives, meanwhile, also attacked the use of social science evidence. Patterson, however, credits Warren and the other justices for “[acting] thought-

fully, indeed inspiringly” (p. 68). The decision, he notes, helped set the stage for other branches of government to act more forcefully on behalf of racial equality, undercut white southerners’ lies about blacks, and signaled that the Constitution would be interpreted in light of new circumstances. “These were no small innovations,” Patterson convincingly writes (p. 69).

The ruling proved among the most controversial ever handed down by the Supreme Court. Patterson reminds us that though the majority of African Americans hailed the decision, some resented the assumption that all-black institutions were inferior, or that black students had to be grouped with whites to learn. Likewise, some blacks worried that the sociological and psychological evidence employed by the NAACP depicted African American culture as depraved. Many of these points would gain stature over time. Southern whites, of course, objected for vastly different reasons.

In surveying the implementation struggle across the South in the late 1950s and early 1960s, Patterson is appropriately sensitive to variations. Compliance was stronger in border states and the Upper South, areas with relatively fewer blacks, than the Deep South. Local leadership was also a critical variable. Compliance was more likely where local leaders firmly backed the Court, such as in Baltimore, but demagogues, such as Senator James Eastland of Mississippi, helped rally white opposition in other locales. In discussing the implementation phase, Patterson again weighs in on long-standing controversies. Many civil rights advocates have blasted the Court’s decision in *Brown II*, which held that integration should occur with “all deliberate speed.” Integration, critics claim, would have occurred far more quickly and smoothly had the Court firmly demanded immediate compliance. Patterson agrees that the Court’s wording encouraged white southerners to resist, but he contends that critics mistakenly assume that white southerners were ready for substantial changes in the late 1950s. Thus, Patterson concludes, it is “doubtful” that the two rulings held back greater gains. Given that Eisenhower and Congress largely wanted to avoid getting involved in the crisis in the South, Patterson adds, there was little more the Court could do.

Patterson’s book, however, is much more than a look at the decision and how it shaped the turbulent racial politics of the 1950s, for he also surveys how the issue of school integration has affected American life down to the present. The Warren court had, in cases such as *Green v. County School Board of New Kent County, Va* tightened

the screws on southern defenders of segregation through the 1960s, but the election of Richard Nixon in 1968, and his subsequent appointment of four Supreme Court justices during his first term, greatly worried civil rights advocates. Under new Chief Justice Warren Burger, however, the Supreme Court surprised many observers by initially affirming the pattern set by Warren. The Burger Court tossed out “all deliberate speed” and ordered the immediate end to dual school systems. It also approved busing to achieve desegregation. By the mid-1970s, Patterson notes, the South had integrated much more fully than other parts of the nation.

This direction by the Court was short-lived. As white flight and controversies over busing and school integration in general flared across the nation, the Court issued two decisions which greatly troubled integrationists. In 1973 the Court allowed unequal school funding mechanisms to stand, while a year later it blocked busing from central cities to suburbs and vice versa. This ruling, along with social and economic trends shaping city and suburban life since the 1970s, meant that most city districts in the North and Midwest saw little in the way of integration. By the 1990s, the Supreme Court, under the sway of several staunch conservatives, continued to back away from requiring integration. Voices from the left, such as Derrick Bell, as well as from the right, such as Clarence Thomas, expressed strong criticisms of the alleged superiority of integrated schools. Meanwhile, civil rights groups and black parents increasingly turned away from integration as a top goal. In 1994, Viola Pearson, who had fought with her husband and others for integration in Summerton, South Carolina, was asked if her efforts had been worth it. “No way,” she bluntly replied (p. xxix). The new overarching aim for many was improving academic achievement of black students in inner-city schools.

This proved frustratingly difficult, Patterson points

out. Despite increased school funding and additional programs, the performance of African Americans on standardized tests badly trails that of other groups in American society. James Coleman’s research on the relationship between funding and academic performance casts doubts that increased school spending will alleviate the performance gap. Segregation, meanwhile, continued in the North during the 1980s and 1990s. Indeed, these later chapters are among the strongest in the book, for here Patterson weaves a brief but sharp synthesis that highlights social, economic, and political problems that continue to vex educators and other policymakers committed to integration and improving African American academic achievement. *Brown*, Patterson concludes, still should be seen as an advance, but he rightly reminds us of the limits that the judicial branch can achieve on its own. As NAACP lawyer Jack Greenberg wrote in 1994, “Altogether, school desegregation has been a story of conspicuous achievement, [though] flawed by marked failures, the causes of which lie beyond the capacity of lawyers to correct. Lawyers can do right, they can do good, but they have their limits. The rest of the job is up to society” (p. 223).

Specialists in the field will find the narrative to be familiar ground, but Patterson’s interpretations of old questions and ongoing problems in American education are thought provoking. This work is aimed at both an academic audience and readers in the broader public. Patterson offers a splendid start to a new series, “Pivotal Moments in American History.” Edited by James McPherson and David Hackett Fischer, the series will emphasize the role of contingency in history and seek to blend newer and older ideas about historical writing. Volumes on the stock market crash of 1929, Antietam, the Indian wars, the annexation of Texas, the freedom rides, and George Washington’s role in the Revolution are currently planned.

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