

RICHARD RILEY REMEMBERS BROWN

Richard Riley, who served as U.S. Secretary of Education from 1993 to 2001 under President Clinton, is a South Carolina native. The son of an attorney, he was raised in Greenville, S.C., and later served the region as a state representative and state senator from 1963 to 1977. He was South Carolina's governor from 1979 to 1987 and is widely credited with turning around the state's education system.

Today, Riley is a partner in the law firm of Nelson Mullins Riley & Scarborough, which is representing 36 South Carolina school districts that are suing the state over inequitable funding. Managing Editor Glenn Cook interviewed him in late January.

What is the legacy of *Brown*?

There have been three things that significantly improved civil rights during my lifetime. First you have the work of Martin Luther King Jr. coming into the Civil Rights Movement. Then, you have [President] Truman's decision in 1948 to desegregate the nation's armed forces, which was a big statement. And then you have the *Brown* decision.

Brown v. Board was absolutely critical to the Civil Rights Movement. It changed our country around and impacted civil rights around the world. When you talk about human rights and freedom around the world, you're really talking about education and the civil rights that we have because of *Brown*. The greatest civil rights issue for this century is providing a high-quality education for all children. That is the biggest issue we are facing right now, and *Brown v. Board* set that up.

How has the *Brown* decision affected you personally?

I finished Greenville High School in 1950, and the year or so before that I was involved as a student in consolidating all the high school districts in my county. We merged 85 school districts into one that year. As a high school student, I looked at some of the one-room school houses [where blacks were taught] and knew that it was just wrong. I became a very strong supporter of the school consolidation bill, which was very controversial.

In 1970, there was a big case in Greenville in which a judge ruled that we had to integrate everything in 30 days, not just schools. And the school system did it. My father was a lawyer for the school district, and I was in the state senate then, so I was able to see how it was done. In the end, they had a wonderful example of everything coming together. And it was successful, I think, because they had only 30 days. Sometimes it's easier to pull something like that off in a short period of time than in a long period of time.

When we integrated in the 1970s, all of my children were in public schools. We kept them all in the public

schools. I got hate telephone calls. I went on a phone-in radio show and urged people to stay with the public schools because it would benefit everyone. I've never been sorry for that. Even today, all of my grandchildren go to public schools.

Has *Brown* accomplished what the Supreme Court hoped?

We've made a lot of progress since 1954, but we haven't made nearly enough. You do have to appreciate the courage of those who got this movement going and brought it up. You have to appreciate the courage of the Supreme Court and look and see how far we've come.

We still have a form of segregation in many areas—not legal segregation, but *de facto* segregation. When you see poor kids and minority kids struggling to succeed, you have a kind of double negative that you have to work out to make sure they receive the proper education. One part of that is their lack of resources at home. The other reason for that is what I call a tyranny of low expectations.

All kids can learn. I absolutely believe that, and all the research shows that. But they don't learn at an equal rate if you don't have the proper opportunities in the family and the community and in the school and they are not with quality teachers from year to year. It is a tragedy that has taken place over the years: poor kids, white and black and brown, without the opportunities they need for success.

We've had peaks and valleys since *Brown*. ... I'm pleased the Supreme Court upheld the use of affirmative action [in a 2003 University of Michigan case] because it recognized we still have a ways to go.

What is the single largest issue today that is preventing students from being successful?

How we are financing public education is still a large part of the problem. The adequacy of education in poor rural school districts in South Carolina is a case in point. These are poor rural school districts with predominantly African-American kids. The [school finance] case that we're representing these school districts on is to prove the inadequacy of education that districts are able to provide because of finances.

They've got teachers teaching out of field, poorer school buildings, a lack of technology, large class sizes, a lack of after-school programs—all of the things we know are necessary for kids to have an adequate education, especially the poor kid who comes from a family where education has not been a part of their past.

If we get our education finances straight, get our adequacy straight, then we can take the progress we've made and move forward.

JOHN HOPE FRANKLIN REMEMBERS BROWN

At age 89, John Hope Franklin is one of the most celebrated scholars of the 20th century. His book *From Slavery to Freedom: A History of Negro Americans* was first published in 1947. Never out of print, the book has gone through eight editions and sold more than 3 million copies.

Franklin, now a professor emeritus at Duke University, provided research for Thurgood Marshall's team of NAACP attorneys that helped them develop the legal arguments in *Brown v. Board of Education*. He also chaired President Clinton's race advisory board and has received the Presidential Medal of Freedom, the nation's highest civilian honor.

Managing Editor Glenn Cook interviewed Franklin after a speech at First United Presbyterian Church in Charlotte, N.C., in late January. Below are excerpts from Cook's interview and a question-and-answer session that followed the speech.

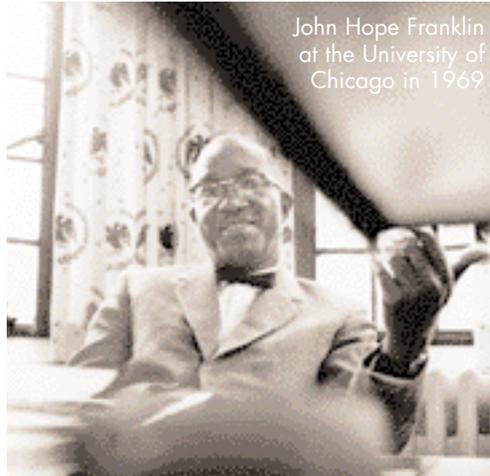
You spoke earlier today of working with Thurgood Marshall's legal team in the fall of 1953. What was that experience like?

The Supreme Court had asked some questions about the intent of states that had implemented the 14th Amendment. Those were historical questions, not legal questions. The lawyers had to present briefs to the court in December 1953, so I worked from Wednesday night to Sunday night at the NAACP's Legal Defense Fund offices on the nonlegal research staff.

Mostly it was working with documents—the state documents and congressional records and any other sources that would reveal some light about how the 14th Amendment could be used for the purpose of trying to desegregate the schools. We also were required to write papers dealing with some aspect of segregation and the history of it in the South.

It was a tedious but important task that we had to perform from day to day and week to week. I never thought I would get to the point where lawyers had so much respect from historians.

We worked hard, but if we worked hard, the lawyers worked even harder. I've never seen group of men in the legal profession working so hard. Thurgood was always there. Whenever I would go to New York and check in at the office, he was there. Whenever I would go to the office



John Hope Franklin
at the University of
Chicago in 1969

in the morning, he was there.

He had a steadfastness and determination to get the job done. We always worked until midnight. At midnight, Thurgood said, "I think we should have a 15-minute break."

I did not know then that his wife was dying, but she was. I later learned that it was wrecking him, but one would not have known it because he was always there.

Do you believe, as others have said, that *Brown* represented the start of the Civil Rights Movement in America?

I think the decision in *Brown* invigorated the Civil Rights Movement. It didn't start it, but it invigorated it. It set in motion forces and institutions that would use the decision in *Brown* and seek to carry it out. On the other hand, it gave opponents of desegregation new heart, new opportunities, and a greater determination to prevent the implementation of *Brown* with all of the energy and might that they could summon.

And so you have a continuation of the struggle that goes on today. On one hand, you have a remarkable growth of institutions as well as creeds that stand in favor of equality. But for every effort that is made to advance equality, history has shown that a counter effort is made to perpetuate [inequality].

You can't let up. You can't stop and celebrate victories. That's a lesson *Brown* has taught us.

You have said that the courts, especially the Supreme Court, have taken steps to turn back the promise of *Brown*. What do you think of this development?

You can't exorcise race. You can't simply wish it away. It's so ingrained in our Constitution, in our laws, and in our thinking that it is impossible to wish it away. You can talk about equity. You can talk about justice. You can talk about something that's tangible and real in our society. And that thing is race.

The law doesn't require people to love you. The law can require you to be treated equally. The law requires that if I move into the house next door to you that you can't try to run me out because of the color of my skin. It doesn't require you to speak to me or be nice to me, but it does require you to treat me civilly, and I have to do the same things for you. That's what the laws of the past 50 years have achieved. They require everyone to be treated equally.

WALTER CRONKITE REMEMBERS BROWN



A group of students at Russell High School in Atlanta, Ga., gather around a radio shortly after noon on May 17, 1954, to hear news of the U.S. Supreme Court's decision in *Brown*.

Walter Cronkite, known as “the most trusted man in America” during his two decades as anchor of the “CBS Evening News,” joined CBS in 1950 and was working in Washington, D.C., when the Supreme Court announced the *Brown* decision. He served as the narrator for millions of Americans throughout the Civil Rights Movement.

Now 87, but still the author of a regular syndicated column, Cronkite spoke with Managing Editor Glenn Cook in late January.

What was it like working in Washington when the *Brown* decision was announced?

It was the dominant story of the time. There was great excitement in Washington, in our bureau at CBS. We were very sympathetic to the case, and there was great excitement that the Supreme Court had moved so deeply into this matter of racial prejudice.

The Warren decision was beautifully done, and it clearly was the effect of Thurgood Marshall. It thrilled us that the NAACP had selected a black attorney, the first to practice before the Supreme Court, for this case. It was very exciting business.

With the “CBS Evening News,” you served as the daily narrator for the civil rights battles of the 1960s. Looking back today, what stands out?

Certainly in all aspects of compulsory desegregation, there was a lot of foot dragging by many communities. ... I don't think you can impose a law that's going to make people be kind to each other. You can't necessarily change the lifetime teaching and lifetime learning through the culture of the white community, as was the case in so much of the United States, particularly in the solid South.

After all, we had the riots that came another 10 years, 15 years, after the decision. That's because Martin Luther

King Jr. and Medgar Evers and other undoubtable heroes of the Civil Rights Movement pressed for laws to be fairly administered when they weren't. You had the attitude of the white communities in these previously heavily segregated areas—in other words, the Deep South—and the riots resulted, the assassinations took place. When you saw the public reaction to those throughout the South, I'm convinced that the white population that had actually grown up in such a culture did not see the problem of segregation.

I grew up partly in the South. Many of my formative years were in Houston. I knew the attitude of my classmates. ... They were not mean, vicious people. They were offensive by inheritance, and you can't correct that by a court decision.

What do you see as the legacy of *Brown v. Board of Education*?

People really realized that this was the beginning of the end of the flagrant segregation in all aspects of human life. ... That is the legacy. For the first time, the Supreme Court—the federal government as represented by the Supreme Court—had made a decision as broad as this regarding the rights of all people.

Unfortunately, the Warren decision cannot legislate people's attitudes. I still feel there is an inherent attitude among the whites, a feeling that blacks are in some way—if nothing other than socially—inferior. That has an effect on how blacks react as well. ... I can understand completely why the blacks' reaction to it is, “To hell with it. We don't have to live with you.”

Overall, I think we're ahead of the game. It's taking longer than everyone had hoped. In 1954, we thought that this was a revolution and it would take immediate effect across the country. Our expectations were far too great in terms of how you change public opinion.

TED SHAW REMEMBERS BROWN

Theodore “Ted” Shaw was born in New York City six months after the U.S. Supreme Court ruled unanimously in *Brown*. Shaw, who has worked for the NAACP Legal Defense and Educational Fund for almost 20 years, was lead counsel for the NAACP in the 2003 University of Michigan affirmative action case. He will take over as president and director-counsel of the leading civil rights organization on May 1. Managing Editor Glenn Cook interviewed Shaw in February.

How has *Brown* affected you personally?

The Civil Rights Movement was the whole background and context of my early years. By the time I was in grade school, I was well aware of what was happening in the South with the sit-ins, the demonstrations, and the Freedom Riders. My paternal grandmother worked as a domestic, cleaning white folks’ houses. I remember when she got up that morning to get on a bus to go to the March on Washington in August 1963. My grandmother wanted to take me, but I was living with my stepmother, and she didn’t let me go. I’ve always regretted that, but I understand her decision. I have in my office now a handbell my grandmother brought back from that march.

By the time I was in high school, I had become very active in student politics. The assassination of Martin Luther King Jr. in 1968 had a profound impact on the country and on me personally. After that, I knew I wanted to be a civil rights lawyer.

The strategy used to overturn segregation in U.S. public schools is widely credited with increasing equality and equity. Why was it so effective?

Brown was a consequence of many interests and many factors. Probably like any great event, its causes were not one-dimensional. The overall campaign to overturn *Plessy v. Ferguson* was brilliant, and I don’t think anyone can take anything away from the lawyers who litigated *Brown*.

Having said that, it’s important to put *Brown* into context. It came in the post-World War II era in which the United States had fought a war in Europe against the Nazis and their theories of racial superiority and eugenics that led to the Holocaust. The war was fought for a number of reasons, but that became the moral cause that was assigned to it. You had black soldiers who once again found themselves fighting a war in the name of democracy who returned and found no democracy for themselves at home. You had the Cold War era with the United States struggling against communism and totalitarianism, and yet there was this glaring hypocrisy, which was segregation at home. It was an embarrassment for our nation.

Finally, you had the emerging nations in Africa and Asia

that were putting an end to colonialism. All of those factors created a context in which *Brown*—if not inevitable—was certainly much more likely.

What is the legacy of *Brown v. Board*?

Brown changed the operating assumptions in America. Even though it didn’t get rid of segregation and discrimination, it broke the back of American apartheid and signaled the end of the separate but equal era.

One of the things about *Brown* that a lot of people misinterpret is exactly what it said. It did not overturn *Plessy v. Ferguson* except as it applied to segregation in public education, but *Brown* was followed by a series of Supreme Court decisions that overturned segregation with regard to public accommodations, such as swimming pools and restaurants. So while *Brown* didn’t overturn *Plessy* on all fronts, it broke the back of separate but equal. It was a spark for the entire Civil Rights Movement.

Brown divides American history into a kind of B.C. and A.D. Before *Brown*, the law explicitly sanctioned either slavery or segregation. After *Brown*, the 14th Amendment’s Equal Protection Clause was finally infused with some meaning and effect.

How successful have attorneys been at carrying out the intent of *Brown* and the other civil rights legislation that followed?

I believe deeply in the work we do at the Legal Defense Fund and the importance of the law. But I believe just as deeply that unless there’s a movement that creates a political context, a larger context in which the courts have a role to play that is informed by the larger context, you end up with litigation that is like a ship without water.

The civil rights litigation of the 1950s and ’60s was effective because of the whole social and political context of those times. We don’t have that social and political context today. In fact, it’s the conservatives, the people on the right, who have been most successful in terms of their movement. They have created the political conditions that then create an atmosphere that the judiciary has used to move in their direction lately. They haven’t been completely successful, but they’ve understood the importance of getting conservative judges on the courts and on the bench.

Part of that explains why we are where we are today. The federal courts have gratuitously adopted [laws] with regard to race that in general are very limited and very stingy. And that leaves much of the effects of the long history of segregation and discrimination intact and unreachable by law. *Brown* signaled the end of legally sanctioned discrimination. It didn’t end segregation.

RICHARD KLUGER REMEMBERS BROWN

If you want to read the definitive book on the history of *Brown v. Board of Education*, look no further than Richard Kluger's *Simple Justice*. The exhaustive tome—883 pages—has not been out of print since it was first published in 1976. It will be rereleased by Knopf on April 17, with a new chapter by the author.

A former journalist and executive editor at Simon and Schuster, Kluger won the 1997 Pulitzer Prize for nonfiction for *Ashes to Ashes*, his book on the tobacco industry. He spoke to Managing Editor Glenn Cook in February.

Most scholars and researchers call *Simple Justice* the seminal work on *Brown*—partly for the stories of the people involved.

One reason book is so huge is that, when I was not quite halfway through the research, I saw that each of the five cases had really moving narratives and the people were real people. Any one of them could have been the whole book. I went to my editor at Knopf and said this was going to be an immense book if I tried to render the people as well as the social content. He said, "Do it right."

What is the legacy of *Brown*? Did the decision accomplish what the Supreme Court and the plaintiffs hoped?

It's easy to say the glass is half full and half empty. I think it's a little more than half full, but it's not brimming.

There have been two generations since the decision. By historical standards, that's not a long time to expect a major social inequity to be corrected, especially one that lasted a dozen generations. That's an unrealistic expectation.

On the one hand, anyone who expected things to be transformed in 50 years—especially given the immensity and enormity of degradation against blacks—is dreaming. And yet so much has happened on the plus side in that time. Black America is no longer a subculture; as a whole, it has been integrated into mainstream American culture. Black America affects everything we do today.

Blacks have made tremendous strides in so many ways. Let me share with you only two statistics. In 1950, 14 percent of all blacks were high school graduates. In 2000, 77 percent of all blacks were high school graduates, based on the census. In 1960, there were 55 percent of blacks living at or below the poverty line. Today, it's 22 percent. That's still a big number. It's still twice the number of whites. But it's an immense change.

The downside on *Brown* is that we're still a long way from social equity and integration. Resegregation is fact. It's political. It's the Supreme Court through its decisions since [Chief Justice William] Rehnquist came onto the court

in the '70s. We haven't really done a lot of desegregating as a nation. The South has probably done a better job than the rest of the country, but it had more to make up for than anybody.

Why did you decide to write *Simple Justice*?

When I started working on the book, I was working at a publishing company in New York. I got the contract in 1968, which was one of the benchmark years of American social ferment. It was only 14 years after the decision, so we didn't quite have the same perspective as we do now. But even then it was quite a landmark event.

As a white guy living in New York with a family, I was not much involved in anything. I wasn't on the barricades. But it seemed to me this might be a way to really participate in what was going on in the country. I had been a journalist before I went into book publishing and had written and published two novels. I was not a novice writer, but I had never done a nonfiction book.

I tried to get other people to write it. I approached journalists, but they didn't have the legal background. I went to scholars, but they didn't want to have to do the legwork. In a blaze of hubris, I decided I was going to do this.

How did you come up with the name?

The title was not an idle gesture, even though some people might think so. There's irony in the title of the book. The decision seemed so inarguably correct and right, but there was so much confusion, anger, and hatred at that time.

How do you think blacks and whites view race relations today?

In terms of black America, I do think the schism in the black community is serious. A black person's views on whether this country cares about social justice are obviously skewed [according to] those who have made it and feel they are successful and those who haven't made it. For some, there is a tendency to play the race card and an unwillingness to do what it takes in many cases to succeed. And that is disturbing.

For white America, race is not on the majority agenda today. We have as a society corrected our worst abuses of degradation against blacks. Our actions say, "We have changed our laws, changed our actions, changed our thinking, and now it's up to them." Affirmative action is by and large not approved by white America. They think it's enough already.

I almost felt the same way before I did the homework for this last chapter. But after looking at where we are today in this country, I don't feel that way now. We've got a long way to go.