

Reflections: Toward a Social and Cultural History of *Brown**

Waldo E. Martin, Jr.†

As a cultural and social historian, my present interest in *Brown*¹ has been trying to think about how the decision's origins, meanings, and consequences fit into the larger and enduring African-American Freedom Struggle, as well as the emerging Civil Rights and Black Power Movements. In other words, my task has been to think critically and analytically about what compelled the spirit that led to *Brown* or impelled it. In fact, how was the moment of *Brown* actually experienced? How in fact have African Americans represented *Brown* in the narratives they tell? And, as scholars, what meanings and significance do we attach to those narratives?²

A related point of departure in my work has to do with thinking through not only notions about a quality education for all children, as well as equal educational opportunity that the *Brown* decision highlighted. Clearly these remain complicated and contested notions, but notions central to *Brown*'s history and legacy. Another related point of departure has been trying to plot a viable historical framework for the foundational idea of integration—both integration generally and school integration specifically. Precisely because both the theory and practice of integration animated the decision itself, and has especially animated the enduring impact of the decision, we desperately need such a framework. It is striking that one of the historical problems that remains ill-understood and ill-articulated is the historical trajectory of integration in relation to the *Brown* decision. More precisely, we know far too little how sometimes shifting definitions and understandings of integration have shaped the history of *Brown* as well as our views of that history.³

I would argue that the idea of integration emerges as an increasingly influential way of thinking about a range of interracial and intercultural concerns by mid-century, notably black-white race relations. This transpires because of a confluence of factors, including the gathering energy of the Black Freedom Struggle, the declining respectability of race, and the imperatives of Cold War ideology. The

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† Professor, Department of History, University of California, Berkeley.

1. *Brown v. Bd. of Educ.*, 348 U.S. 886 (1954).

2. See, e.g., Waldo E. Martin, Jr., "Stretching Out": Living and Remembering Brown 1945-1970, in FROM THE GRASSROOTS TO THE SUPREME COURT: EXPLORATIONS OF *BROWN V. BOARD OF EDUCATION* AND AMERICAN DEMOCRACY (Peter Lau ed., forthcoming 2004) (manuscript at 1, on file with author) [hereinafter Martin, "Stretching Out"]; Waldo E. Martin, Jr., *Through The Prism of Brown: Black Memory, Identity, and History*, 48 HOWARD L.J. (forthcoming 2004) [hereinafter Martin, *Through the Prism of Brown*].

3. See generally Martin, "Stretching Out," *supra* note 2; Martin, *Through the Prism of Brown*, *supra* note 2.

1944 appearance of Gunnar Myrdal's *An American Dilemma: The Negro Problem and Modern Democracy* epitomizes this critical development.⁴ This influential liberal and expansive social scientific brief for racial integration saw the realization of the American Creed as essential. As such, it captured vividly integration's hopefulness, its prospects, as well as its perils and pitfalls.

Elaine R. Jones, President and Director-Counsel of the NAACP Legal Defense and Education Fund, offered a stirring November 2003 address before the *Rekindling the Spirit of Brown v. Board of Education: A Call to Action* Symposium.⁵ That lecture compellingly showcased the ways in which notions of integration have intersected with those of equality before the law.⁶ In turn, these intersecting notions separately and together have helped to drive the interrelated modern history of legal activism, on the one hand, and the historical legacy of *Brown*, on the other. Emphasizing *Brown*'s powerful contribution to this country's history of equal rights struggles on many fronts in the last half of the twentieth century, the presentation sparked a revealing concern in the question-and-answer session that followed about the contemporary need for positive visions of integration.⁷

While I can concur that our present society, indeed our world today, needs positive visions of integration, I would also argue that we need a sober and realistic historical appraisal of the history and current state of integration. For starters, we need to clarify what we mean by integration, in all of its complexity. It seems to me that a key historical development in the continuing efforts to realize *Brown* is that integration—notably school integration—has come to be represented as what *Brown* is all about without any real public discussion about what integration itself really is. In fact, the main emphasis of *Brown* was a quality education for all American children regardless of race. Integration was envisioned as a pivotal means toward this overriding goal, as well as other ends. By consistently conflating the means and ends of *Brown*, we have muddied our historical and contemporary understanding of these means and ends as well as our struggle to achieve both.

One way to deepen our understanding of these kinds of concerns is to pay more attention to autobiographies and life stories, notably African-American ones, as historical evidence. These materials confirm that a range of individuals have a compelling variety of experiences and understandings that bear directly on the histories of *Brown*, school integration, and integration more broadly. Unfortunately, too often the absence of these experiences and understandings in scholarly and popular work impoverishes our comprehension of the larger historical landscape.

I want to suggest that there are a range of popular and formalized understandings of both *Brown* and integration to which we need to pay greater attention. As scholars and intellectuals we will continue to devise explanatory models and categories of analysis. As we do so, however, I would urge us to pay closer attention to the experiences and voices of those who have an intimate

4. GUNNAR MYRDAL, *AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY* (1944).

5. Elaine Jones, *Luck Was Not a Factor: The Importance of a Strategic Approach to Civil Rights Litigation*, in SYMPOSIUM, *REKINDLING THE SPIRIT OF BROWN V. BOARD OF EDUCATION*, 6 AFR.-AM. L. & POL'Y REP. 208; 11 ASIAN L.J. 290; 15 BERKELEY LA RAZA L.J. 81; 19 BERKELEY WOMEN'S L.J. 409; CALIF. L. REV. (2004).

6. *Id.*

7. *Id.*

acquaintance with *Brown*, its origins, developments, and consequences. We need to be more fully cognizant of the beliefs, thoughts, wants, and experiences of ordinary as well as extraordinary individuals. I think we need to have more bottom-up or people-oriented perspectives on and discussions about *Brown*, especially as it relates to a quality education for all American children regardless of race, integration, and school integration more generally.

I want to cite two kinds of autobiographical evidence that shed light on the salience of these kinds of personal narrative understandings of *Brown*, its context, and its consequences. One derives from Robert L. Carter, Thurgood Marshall's lead assistant in the *Brown* litigation.⁸ The other derives from Melba Pattillo Beals, a junior high school student in Little Rock, Arkansas in 1954.⁹ She subsequently enters the history books as one of the justly celebrated Little Rock Nine, who bravely endure extreme white hostility in their efforts to integrate Central High School. One of the fascinating and revealing aspects of these representative narratives is what they tell us about the complexity of individual—and by extension collective—motivation, particularly its deeply contextual and situational qualities.

What follows is an episode from Carter's high school years that capture his deep-seated resolve to fight prejudice and discrimination and the unwavering commitment to equal rights that earmark his remarkable legal career.

At the end of my second year at Barringer, we moved to East Orange, New Jersey. East Orange High School, unlike Barringer, was not an elite school. There was only one school for all secondary students. There were many black students, but we were not welcomed. [This was in the '30s.] The policy of the school strongly disfavored . . . [and this fits in with what Professor Anderson was talking about] . . . The policy of the school . . . [this is in New Jersey, by the way, East Orange, New Jersey] . . . The policy of the school strongly disfavored any interracial mingling of the students. The black students were not placed in separate classes, but we were seated together.

At that time East Orange High had one of the best swimming teams in the state and would usually win or place high in all statewide competitions. The swimming pool in the school was available to black students only at the close of school on Friday. Girls and boys swam on alternate Fridays. The pool was then drained, cleaned and refilled for the use of white students the following Monday. White students had to pass a swimming test to secure the requisite credits in physical education required for graduation. This test was not required of black students.

My gym class . . . [this is Bob Carter's gym class] . . . for boys only was held three times a week and typically went as follows: all

8. Robert L. Carter, *Law and the Struggle for Racial Justice: The Memoir of Robert L. Carter* (Oct. 15, 2003) (unpublished manuscript, on file with author).

9. MELBA PATTILLO BEALS, *WARRIORS DON'T CRY: A SEARING MEMOIR OF THE BATTLE TO INTEGRATE LITTLE ROCK'S CENTRAL HIGH* (1994).

the boys would gather on the gym floor to engage in some warm-up calisthenics, then the white boys would go to the swimming pool on the lower level to finish the period learning to swim or to improve their swimming skills; the black boys were left on the upper gym floor to finish the period playing basketball or whatever other physical activity was available.

In about May of my last year, I read in the local newspaper that the New Jersey Supreme Court in a test case from Trenton had held that all public school facilities that available to white children had to be available to black children as well. Armed with this knowledge, the next gym class period when the white boys retired to the swimming pool, I joined them. The teacher was, of course, surprised, and at first tried to intimidate me to desist by threatening me with expulsion. When that did not work, he pleaded with me to give in because otherwise he would lose his job. I was unmoved, insisting that the Supreme Court of New Jersey had said I had a right to use the pool when the white boys used it.

At every gym class thereafter until graduation I went to the pool when the white boys did. I told the other black students about the decision and tried to get the boys in my gym class to join me, but no one did. It was a difficult, emotional effort for me. I could not swim at the time, but at every gym class, choked up and near tears in emotion and defiance, I would get in that pool at its shallow end and cling to the side until the period ended. Rather than open the pool to all students, the school closed the pool the next school year.¹⁰

What clearly emerges here in Carter's disturbing stories of racist mistreatment as a soldier during World War II and throughout his riveting life story, is a narrative of a brilliant and ambitious African American whose encounters with racism in the North impinge profoundly upon his life. These barriers further fueled his desire not only to surmount such roadblocks, but also to achieve an exemplary excellence all the while serving the best interests of his people's freedom struggle.

The other passage is drawn from an essay I wrote that analyzes how *Brown* figures in a variety of African-American life narratives.¹¹ *Brown* transpires in a temporal sequence followed by the horrific and widely publicized 1955 lynching of Emmett Till in Money, Mississippi. Next comes the inspiring Montgomery Bus Boycott that inaugurates the mass insurgency phase of the Modern Civil Rights Movement. In part, what one sees in the narratives that African Americans themselves tell from this wildly shifting moment in time—the mid-1950s—is a sense of impending change, of a trying time pregnant with hope and possibility. I argue that these narratives show that these defining episodes were not just scattered

10. Carter, *supra* note 8, at 13-14 (remarks in brackets are my asides during my presentation at the Symposium, *Rekindling the Spirit of Brown v. Board of Education: A Call to Action*, Boalt Hall School of Law, Nov. 2003).

11. Martin, "Stretching Out," *supra* note 2.

moments in a random historical trajectory, but interrelated memories that have a lot to say about American and African consciousness at this pivotal moment. Perhaps most important for this discussion is the insight they shed on the development of an increasingly assertive African-American spirit.¹²

In this passage I describe an especially telling episode from Melba Pattillo Beals's moving autobiography.¹³ In this as well as other African-American biographical and autobiographical renderings of *Brown*, the decision is remembered not so much or merely as a constitutional/legal watershed. This, of course, is typically there. Even more illuminating are the ways in which these narrative renderings showcase *Brown* as lived experience, as a key social marker in an intertwined personal odyssey and collective freedom struggle. As these individualized narratives shuttle back and forth among *Brown*, the Till lynching, and the Montgomery Bus Boycott, the notions of freedom struggle as an omni-directional process and of progress as contested come alive. The following episode in particular deals candidly with a defining moment of Beals's *Brown* experiences.

On May 17, 1954, Melba Patillo was a seventh-grade student at the all-black Dunbar Junior High School in Little Rock, Arkansas. That same Monday the Supreme Court announced its epochal ruling in *Brown v. Board of Education*, [as we already know]. For young Melba, however, the moment was fraught with tension, not jubilation. She later recalled: "The adults around me behaved so strangely that their images became a freeze frame forever preserved in my mind. I learned lessons on that day that I will remember for the rest of my life." As her teacher told the class about the just-announced decision, "she appeared frightened and nervous" and "spoke breathlessly." To [Melba's] friend Carl's query—"Does this mean we have to go to school with white people?" the teacher replied: "Yes, maybe. But you needn't concern yourself with that." The young girl remembered that as her teacher dismissed the class for the day, [the teacher's] facial expression betrayed angst rather than the celebratory mood [so many claim that this day evoked].¹⁴

On her way home, Melba took her usual "shortcut across a vacant block, through a grassy field filled with persimmon trees. In spring, ripened fruit littered the ground to make walking a hazardous, slippery adventure."¹⁵ That fateful day as she started to trek across the persimmon field, she encountered a big white man, "even taller than my father, broad and huge, like a wrestler," who tried to lure her into his car with candy. When she refused and took off running, he ran after her, "Talking about 'niggers' wanting to go to school with his children and how he wasn't going to stand for it."¹⁶ When she stumbled over an untied shoelace and fell, he attempted to rape her.¹⁷ As she bravely fought off the vicious attack, her enraged attacker shouted,

12. For the 1955 lynching of Emmett Till and the Montgomery bus boycott of the same year, see STEPHEN J. WHITFIELD, *A DEATH IN THE DELTA: THE STORY OF EMMETT TILL* (1988); Aldon D. Morris, *A Retrospective on the Civil Rights Movement: Political and Intellectual Landmarks*, 25 ANN. REV. OF SOC. 517, 521-22 (1999). On the Montgomery Bus Boycott, see DAYBREAK OF FREEDOM: THE MONTGOMERY BUS BOYCOTT (Stewart Burns ed., 1997); Morris, *supra*, at 524-25.

13. MELBA PATTILLO BEALS, *WARRIORS DON'T CRY: A SEARING MEMOIR OF THE BATTLE TO INTEGRATE LITTLE ROCK'S CENTRAL HIGH* (1994).

14. Martin, "Stretching Out," *supra* note 2, at 1; BEALS, *supra* note 13, at 22.

15. BEALS, *supra* note 13, at 23.

16. *Id.* at 25.

17. *Id.* at 25-26.

"I'll show you niggers the Supreme Court can't run my life."¹⁸

Marissa, an older, mentally challenged girl who had tormented Melba and her friends in the past, now came to her rescue, beating the rapist on the head with her leather book bag, enabling both of them to escape to the safety of Melba's home.¹⁹ There, soothed by her Grandma India and her parents, Melba came to understand that she had just been the victim of an attempted rape, a crime about which she previously knew nothing. She took a cleansing bath; her Grandma burned the clothes she had been wearing; and after much discussion, the grownups decided not to take the attempted rape to the police. Seeing her father cry for the first time, Melba took in his tear-soaked words: "We ain't gonna call the law. Those white police are liable to do something worse to her than what already happened."²⁰

One of the realities that we glimpse here is that there are a wide variety of stories that are told about this time that cut against the grain of seeing *Brown* as a moment of unqualified liberation the popular notion of *Brown* as simply another moment in a progressive historical unfolding of black freedom and equality. An important consequence of these more nuanced and probing renderings of *Brown* is a far more complicated historical comprehension of the perils and the prospects of not only *Brown*, but of integration.

18. *Id.* at 26.

19. *Id.* at 23-24, 26.

20. *Id.* at 27.