

Race and Education 1954–2007,
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After *Brown v. Board*

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“Many people consider *Brown v. Board of Education* (1954) the high point in the jurisprudence of the U.S. Supreme Court.” University of Delaware history professor Raymond Wolters, however, is not among them. He begins his historical journey in *Race and Education 1954–2007* by dissenting from that widely held view. Describing himself as “essentially a writer...trying to tell interesting stories,” Wolters opines that “*Brown* was based on a dubious understanding of Constitutional history and social science.” Indeed, he leaves no doubt as to his conclusion about the impact

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of *Brown* over the past half-century: “[I]n terms of [its] educational benefits, desegregation has been problematic, and integration a failure.”

Not surprisingly, Wolters warns readers that making such arguments are “considered rude” in some circles. He alludes, for example, to the incendiary question whether “nature has something to do with inequalities of educational achievement” between members of different racial groups.” He also mentions but does not pursue other controversial explanations for the achievement gap: e.g., environmental factors, capitalism, racism, illegitimacy, welfare dependency, dysfunctional cultural values... And although Wolters professes uncertainty over whether inherent racial differences may, in fact, exist between racial groups, his agnosticism does not appear overtly to affect his arguments in *Race and Education*.

What Wolters mainly does is offer decidedly “politically incorrect” views about the problems that have increasingly beset modern public education over the past half century. And he suggests in *Race and Education* that *Brown* deserves a large measure of the blame for their creation. Never overly persuasive, Wolters’s argument is fundamentally at odds with his acknowledgment

that, whatever the faults of the lower courts' later efforts to apply *Brown*, the decision itself nonetheless deserves praise for reconciling "the nation's official policies with its basic principle [that all men are created equal]." Setting aside the initial discomfort one might feel from his candid introduction, Wolters is true to his self-description: he does tell "interesting stories." In today's politically correct climate, where "diversity" and "multiculturalism" are reflexively celebrated, Wolters's arguments are seldom heard. But certainly some of the arguments in *Race and Education*, whether or not they derive from *Brown*, deserve to be heard and debated.

Race and Education can be summarized as follows: Though not enamored with the 1954 decision in *Brown*, Wolters acknowledges that this landmark case rightly ended official segregation by establishing the simple principle "that...government should not discriminate [based on race]." Wolters observes that while *Brown* unquestionably signaled an end to forced racial segregation in the public schools, it was not, early on, interpreted as requiring racial integration. Yet, as he amply demonstrates, that is what courts around the country eventually ordered, most notably through the adoption of highly controversial school bussing plans. Though these forced integration

plans were undertaken with the best of intentions, the educational consequences, in Wolters's opinion, have been almost uniformly negative; and the social consequences have not been much better. However, with more recent Supreme Court decisions leading the way, the law is, according to Wolters, returning to *Brown*'s singular principle: "that racial discrimination in [public] education is unconstitutional." As a consequence, more effective methods for improving America's schools will have to be found; and they should not, in his view, rely on some elusive social science-engineered quantum of forced racial integration. This, of course, is not to denigrate racially integrated schools as long as that integration occurs naturally versus being court-ordered. (This new "age of school reform" is a topic Wolters apparently plans to address in a forthcoming book.)

Race and Education attempts to tackle an extremely broad range of subjects, from constitutional law to social science to the seemingly chronic inability to improve America's educational outcomes post-*Brown*, particularly as they relate to the documented academic underperformance of minority students. Wolters might have been better advised to pare back; it frequently is hard to find the main

thread of his argument. But for those interested in the intersection of law and race with educational outcomes *Race and Education* has its virtues.

Lawyers whose primary interest is to learn more about the landmark legal arguments before the Court in *Brown* will find *Race and Education* illuminating. For example, the exploration of Kenneth Clark's infamous "doll tests," used by the petitioners in *Brown* to demonstrate that young black students allegedly suffered from a demonstrable lack of self-esteem due to attending segregated schools, is one of many interesting if now all-but-forgotten items in the history of *Brown*. Discussions of Clark's work and other questionable (in Wolters's view) findings considered by the Court in *Brown* highlight the dangers presented whenever courts look to "social science" to reach a legal outcome. This is particularly true when the issue is the constitutionality of racially discriminatory policies. Of course, that is precisely what the Court did in *Brown* despite the fact it didn't need to—as Wolters points out. The Court could and, many argue, should have reached the same result without relying on questionable social science.

As Wolters later notes, this is still happening. In the penultimate chapter of *Race and Education*, he mentions

the 2003 Supreme Court case of *Grutter v. Bollinger* in which the Court again looked to the gauzy claims of social scientists concerning alleged "educational benefits" of attending racially diverse schools. In *Grutter*, the Court narrowly upheld the use of race as a factor in law school admissions at the University of Michigan while on the same day striking down a race-conscious admissions system involving the University's undergraduate college of arts and sciences. Since the decisions in the two University of Michigan lawsuits were handed down the controversy over whether there are measurable "educational benefits" associated with the presence of "racial diversity" in the classroom has only escalated.

Continuing to focus on legal developments following *Brown*, Wolters describes the evolution of a federal judiciary that for years and for many reasons (some justified, others not) often appeared to move too slowly to end official segregation to a judiciary that by the late 1960s appeared bent on forcing racial integration. As a consequence, a student's "race," supposedly removed forever in *Brown*, was placed squarely back into the mix.

Occasionally breaking from his focus on the law, Wolters interjects lengthy discussions of the actual

impact of the Court's ruling in *Brown*. In addition to the schools in Topeka, Kansas (where petitioner Linda Brown lived), Wolters concentrates on schools in districts in Washington D.C., Wilmington, Delaware, Prince Edward County, Virginia, and Summerton, South Carolina, whose cases had been consolidated with *Brown* on appeal. As his research demonstrates, the effects of *Brown* went far beyond whether black children could legally be precluded from attending a particular public school based solely on race. That question was firmly settled. But the history of the impact on black and white schoolchildren in *Brown*'s immediate aftermath and over the next half century largely involved educational and social issues. According to Wolters, it is a troubled legacy filled with difficult and still unanswered questions.

For example, did the forced integration of large urban public schools lead to the elimination of the black-white academic achievement gap, an outcome that virtually all proponents of desegregated schools believed would be forthcoming? Did forced integration lead to better relations between the many isolated and de facto segregated black and white communities across the nation (and not only in the Jim Crow south)? Did it lead to better relations between

the black and white children who became classmates? Indeed, did the classrooms in forcibly integrated schools contain black and white students studying, learning, and achieving together as equals? Or did self-segregation by race within the integrated schools still occur and create a new set of problems that continue to the present? And most important, what has been the impact of racially integrated schools on improving the educational outcomes for *all* the students who attend them?

The answers Wolters offers may well surprise many readers; and it quickly becomes apparent that his analysis is not a glowing endorsement for the forced racial integration that eventually evolved from *Brown*. At the same time, Wolters nowhere rejects the undeniable good *Brown* achieved, i.e., that discrimination against any student based on race or ethnicity is wrong and will no longer be tolerated.

One weakness in the treatment of these important issues is that Wolters too often illustrates some of the problems encountered post-integration by offering as evidence questionable hearsay complaints of a single student or parent. For example, according to Wolters the schools in Topeka following *Brown* were plagued by unruly—and, indeed criminal—behavior by black students who by the 1970s were

attending Topeka's integrated high schools. The evidence offered to support these allegations include "one white student['s]" assertion that "teachers and counselors are afraid to do anything when blacks scream obscenities in their faces." Or this, by an allegedly "white mother [who] said there was talk of a vigilante committee where she worked." This pattern—offering often inflammatory, hearsay statements by unidentified persons—frequently mars *Race and Education*. It unnecessarily detracts from the many well-documented instances of serious problems confronting both black and white students in various school systems post-*Brown*.

Despite these criticisms, *Race and Education* is worthy reading for anyone who shares a deep concern that America's current educational system is failing America's children. Indeed, one can entirely reject Wolters's negative assessment of *Brown* and still sympathize with his observation that the manner in which

some courts applied and interpreted *Brown* has done more harm than good to date. It is a shame that a more limited narrative—e.g., one that dispensed with his criticism of *Brown* and focused more narrowly on the damage resulting from widespread bussing of students long distances from their neighborhoods—wasn't the route taken by Wolters.

Whatever the reasons for the educational failures Wolters documents (and without doubt there are many), *Race and Education* nowhere urges us to begin the correction process by rejecting *Brown*'s fundamental principle that "racial discrimination in public education is unconstitutional." Indeed, the opposite message can just as easily be drawn: that we must continue to demand strict adherence with *Brown* but concurrently require the highest—and the *same*—behavioral and academic expectations of every student regardless of skin color. That, it seems to me, is one of the most important lessons being proclaimed in *Race and Education*.