

Upending Segregation

Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality

by Richard Kluger

Knopf, 768 pp., \$15.95

Reviewed by Fred M. Hechinger

“And so, on December 9 [1954], in the waning days of the presidency of Harry Truman, 56 years after segregation was approved in *Plessy*, 90 years after the Emancipation Proclamation, 163 years after the ratification of the Constitution, and 333 years after the first African slave was known to have been brought to the shores of the New World, the Supreme Court convened to hear arguments on whether the white people of the United States might continue to treat the black people as their subjects.”

Richard Kluger is two-thirds of the way through his book *Simple Justice* when he thus prepares the reader for the climactic reversal of the catastrophic “separate but equal” doctrine of American apartheid. It has been a long, slow journey through steaming Southern courthouses. The trail led from affront to affront, through a maze of sophistry and callousness. Defeat and humiliation were the routine; consolation tended to come only by way of barely perceptible victories wrapped in larger defeats.

Ultimately, the long march, like that of a lost battalion tramping to far-off victory, was worth the hardships. Mr. Kluger is right in taking a forgetful America through all the paces, and right, too, in beginning at the two disparate but inseparably linked starting points: the initial mild, almost polite, insurrection led by the Reverend Joseph Albert DeLaine against the black children's long daily trek (on foot, not by bus) to the distant Negro school in South Carolina's Clarendon County in 1947, and the earlier judicial outrage that had sent those children on their humiliating way—the Supreme Court's 1896 ruling in *Plessy v. Ferguson*.

Before it was over, DeLaine, his wife, two of his sisters, and a niece had been fired from their teaching jobs in black schools subject to white masters. DeLaine's house was burned to the ground while firemen watched. Nameless tor-

mentors also put the torch to his church. A court convicted him of violent acts he did not commit, not even in defense against shots that rang out against him in the dark. But when DeLaine died of cancer in his North Carolina exile in 1974, 20 years had passed since the Supreme Court reversed *Plessy*. The obscure country preacher, whose name never figured in the historic argument of the issue that had spurred him to action, emerged as the victor in the long struggle.

The entire story might have been told somewhat faster. Mr. Kluger's fascination with details of procedure and descriptions of court manuals occasionally slows the pace and distracts the reader anxious to get on with the main event. Moreover, the editors might have checked the author's tendency to such asides as “the fat was in the fire now,” or such descriptions as “the [Thurgood] Marshall family tree is ripe with tales of rebellion and displays of moxie”; they



might have expunged such characterizations as “a nervy Swedish economist” for Gunnar Myrdal or “the spirited little Justice” for Felix Frankfurter.

But these objections are minor indeed. A compelling sense of purpose gives power and substance to this important book. The persistent courage of its central characters leaves no room for doubt that they are central to the American story as well.

Two separate dramas emerge from Mr. Kluger's handling of history. The first is played by a relatively small group of men and women—many of them lawyers and most of them black, with a few devoted white allies—who dramatize their unshakable faith in the victory of justice over an entrenched social order that seemed all but immovable. The second story tells of the remarkable manner in which strong-willed, astute, and politically wise men—eventually personified

by the late Chief Justice Earl Warren—managed to replace legalized oppression with at least the prospect of justice, as they progressed toward the ultimate showdown in the Supreme Court.

Basic to Mr. Kluger's epic is a sensitive recognition that black America's occasional rage against, and continuing distrust of, white society is the inevitable consequence of the early betrayal of the Negro by the nation's key institutions. Henry Billings Brown, an undistinguished member of the Supreme Court, was able to write in *Plessy* that if Negroes felt that segregation stamped them as inferior, this was occasioned “not by anything found in the act [of segregation] but solely because the colored race chooses to put that construction on it.”

It is not that bigger minds were not available to expose such prattle. Justice John Marshall Harlan, who in his stinging dissent reminded the Court at the time that “our Constitution is colorblind, and neither knows nor tolerates classes among its citizens,” accurately forecast the course of events:

The present decision . . . will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to defeat the beneficent purposes which the people of the United States had in view when they adopted the recent amendments of the Constitution. . . . The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law.

For more than half a century, a ruling that upheld segregation in railroad cars was to tear the races apart throughout the South, bar blacks from the drinking fountains and lunch counters used by whites, and, most important, exile black children to schools that were always separate and never equal. Public education—which Horace Mann, its leading pioneer, had envisioned as “the great equalizer”—became the key to maintaining the South's nearly unbreakable caste system.

Those who nevertheless set out to challenge that system approached their task with intelligence, pragmatism, and cunning. Their weapons consisted of the legal skills they had learned (mainly at Howard University, which was then in its golden age), an unflagging devotion to their people, and a deep conviction that hidden beneath all the injustice there remained the soul of a nation that could be converted to the cause of sim-

ple justice. Thurgood Marshall, one of the most indefatigable of the freedom fighters, liked to dramatize his occasional bouts with despair by saying: "Sometimes I get awfully tired of trying to save the white man's soul."

But Marshall and his small band of lawyer-fighters kept trying—even when it meant deliberately limiting their objectives in order to avoid arousing the fury of the white power structure, even in the face of physical threats, even when—as in Marshall's case—it became expedient to affect an Uncle Tom dialect as a defense against being run out of town as an "uppity nigger."

THE STORY of the Negro's struggle for equality is irresistible precisely because it reflects so much of what is best as well as worst in American society. When a white woman lawyer achieved a minor victory in one of the many backwoods cases that eventually resulted in *Brown*, a black mother ushered her small daughters to meet her at the defense table and told the youngsters: "I want you children to remember this day for the rest of your lives."

The accomplishment of Mr. Kluger's book springs from the diligence with which he follows the interrelated court cases, the personalities, the political tides, and the slow change of attitudes in Washington—in the White House as well as in the Supreme Court. From a Woodrow Wilson, who haughtily ignored the black presence, the trail leads to Lyndon Johnson, the Southerner, who enacted the most sweeping civil-rights legislation and managed to make the connection between equal rights and equal schooling.

Few of the Presidential actions and postures were consistent (except Richard Nixon's, which were consistently forgetful of the Negro's rights). Harry Truman moved boldly toward civil-rights legislation but endangered the Negro cause through his appallingly pedestrian appointments to the Court. Dwight Eisenhower withheld the benefits of his enormous prestige from the cause of racial justice, but his choice of Earl Warren as Chief Justice (which he is said to have subsequently considered one of his worst mistakes) may well have been the single most important step toward the unanimous *Brown* decision. John Kennedy played low politics with Negro rights during the first two years of his short tenure, but when confronted with defiance by George Wallace in Alabama,

he put the question to the nation as no President had done before him: "Who among us would then be content with the counsels of patience and delay? One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. . . . And this nation, for all its hopes and all its boasts, will not be fully free until all the citizens are free."

This moving appeal came almost 10 years after what is properly and effectively the climax of Mr. Kluger's admirable volume—the landmark ruling on May 17, 1954, that "in the field of public education the doctrine of 'separate but equal' has no place." It was a climax preceded by years of maneuvering within the Court, and Mr. Kluger ably sketches the personal views and prejudices that impeded and guided the nine justices. When Fred Vinson, the Truman-appointed Chief Justice, so singularly lacking in the intellectual and personal strength needed to unify the Court behind a historic reversal, died of a heart attack on September 8, 1953, Frankfurter said bluntly: "This is the first indication I have ever had that there is a God."

For the Negro cause, the change from Vinson to Warren must truly have seemed an act of God, as the new Chief Justice used his consummate statesmanship to line up his eight colleagues behind the decision that was to offer simple justice to millions of black Americans. Mr. Kluger poignantly recalls how Warren, reading the decision, began, "We conclude," paused briefly, and, departing from the printed text, inserted the word *unanimously* to a sound of muffled astonishment.

Mr. Kluger never glosses over the hypocrisies and the blindness to human decencies that are at the heart of the story. It is all the more commendable that he nevertheless refuses to let an equally vital and characteristic note of faith be drowned out. His is an essentially non-ideological book. While hiding none of America's shame, it never despairs of the American people's capacity to rise above their worst instincts and seek to recapture their ideals.

In the end, Mr. Kluger is forced to admit that in School District No. 1 in Clarendon County, where the story began, nothing much has changed and integration has not yet come. "But," this remarkable book concludes, "to almost everywhere else in America it had already come, and more was due." □

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FDR et al.: A Fireside View

Presidential Style: Some Giants and a Pygmy in the White House

by Samuel and Dorothy Rosenman
Harper & Row, 512 pp., \$15

Reviewed by Richard L. Tobin

Samuel I. Rosenman ("Sammy the Rose") was best known to the Depression generation as FDR's counsel, speechwriter, and confidant, but he knew a great deal about other Presidents, too—TR, Wilson, Truman, and Warren G. Harding, the "pygmy" of the title. Judge Rosenman died two years ago, before he could finish this book, so his wife went on with it, and the result is well worth the enormous effort both must have put in. FDR and Truman take up the bulk of the manuscript, quite naturally, since Judge Rosenman was special adviser to both Presidents. It is with the material on FDR that he seems most at home, though seldom does the sometimes heavy and humorless prose style soar as one might wish it to.

Inevitable comparison to Richard M. Nixon arises in the final chapter on Harding. Almost all the antics covering up Teapot Dome and Watergate seem to run parallel. Though 50 years separate the two events, the bums and crooks and cronies—yes, even the chief executives—seem to operate from the same script, though Nixon has a high IQ and Harding didn't have much of any.

Not surprisingly, the chapter on FDR is easily the best, because it's what Judge Rosenman knew best and had the greatest role in. But his description of Harding's poker techniques is revealing and funny in an otherwise sober view of Presidential style.

"Sammy the Rose" (the nickname was bestowed lovingly by FDR) reveals precious little of himself or his by no means insignificant role in writing speeches on the framework of the New Deal. Yet one can see his hand guiding FDR's, particularly in the fireside chats on proposed legislation.

Was there ever a first hundred days like FDR's in 1933? I doubt it. President Ford's hundred-day start-up in office was nothing compared with Roosevelt's. Yet Louis Howe, who had so much to do with that perfect flood of astonishing, forward-looking legislation, detested Sam Rosenman's speechwriting and had little real sympathy with the New Deal.

Howe probably felt genuine jealousy for a mind like Rosenman's, capable of helping create FDR's First Inaugural Address, which was a real gem of Presidential oratory.

Judge Rosenman delights in remembering Truman, as history will, and he quotes Clinton Rossiter's view of FDR's Vice-President suddenly turned chief executive as accurately paralleling Rosenman's own estimate of HST: "His epitaph will read: He was distressingly petty in petty things; he was gallantly big in big things." What pleased Rosenman and others who worked with Truman, including Charles E. ("Chip") Bohlen, was a quality uniquely important to an effective Presidency—HST lived up to the sign on his desk, "THE BUCK STOPS HERE." And hasty and partisan though the little hand-chopper from Missouri may have been in domestic affairs, he was never hasty and will surely live on in history for his courageous foreign policies.

As for Wilson and Teddy Roosevelt, the authors rightly regard them as giants, though I think the judge has a particular fondness for the Princeton professor with the deceptively simple prose style and a vision too far-sighted for his generation. Wilson's appearance in person before Congress (the first President to address that joint body in 113 years); Wilson's tremendous grasp of liberal legislation and how it could be put through; Wilson's high moral level in all things; Wilson's capacity for popular leadership; and finally Wilson's tragic tour in support of the League of Nations and the sudden thrombosis leaving his left leg, his arm, and part of his brain useless—all these things come to life through the warmth and understanding of the Rosenmans, who, I think, liked Wilson and FDR best of the lot. □

New Books

Moscow Farewell

by George Feifer
Viking, 446 pp., \$12.50

It is difficult to recall when so artful and compelling a work on contemporary Russia last appeared. Described as fictional non-fiction by the author of, among other books, *The Girl From*

Petrovka, George Feifer's novelistic excursions are based on experiences gathered firsthand and are narrated by an American graduate student. But Mr. Feifer's student has little in common with his counterparts in academic novels, being neither disillusioned nor fashionably embittered nor even youthful: the voice here is a man's, adult and hard-eyed. He seizes with sympathy and appetite on the stories his fellow students at the university share with him concerning themselves and their families, for in these individual histories the paradoxes of Russian life are illuminated. At his best in the political reportage that informs so much of this work, Mr. Feifer is, on the one hand, a subtle and frequently hilarious satirist and, on the other, a lyric novelist capable of rendering the mood and the climate of place. Altogether, a work to be admired.

The Courage To Create

by Rollo May
Norton, 144 pp., \$7.95

Dr. Rollo May provides a lucid and highly concentrated analysis of the creative process in the course of covering a good deal of familiar territory. With considerable precision, and this is the rich aspect of the work, he describes the requisites for the creative encounter and the moment of the "breakthrough"—a reward that comes, according to him, only after the artist has for a time been engaged, consciously or unconsciously, in the effort to overcome some impasse in his work. There are, however, inordinately wearisome elements here, too, one of them being Dr. May's inclination to facile rhetorical strategies whereby, for example, the second of the Ten Commandments—the prohibition against making graven images—is lumped together with Russia's efforts to "control the utterances of the poets and the styles of the artists." Nor is it reassuring to come upon a number of other similarly catchy simplisms regarding the artist's place in relation to his society, such as the assertion that capitalism tries to take over the artist by buying him and that Soviet realism tries to do so by social proscription. Arguments of this kind and quality—and there are a good many of them here—are all marshaled in the service of one of Dr. May's main theses, namely, that the artist has ever been feared by the State. It is not a new idea; paranoia on behalf of the artist has for some time now been running quite high