

NYT. Regressing on Integration. April 26, 2004. by BOB HERBERT

The baseball season was a month old and the Brooklyn Dodgers and New York Giants were fighting for first place in the National League. A war hero named Eisenhower was president. In London, Winston Churchill was adding his voice to the cadre of world leaders engaged in the difficult search for a solution to the war in Indo-China. And in Washington, on Monday, May 17, 1954, a warm and muggy spring day in the nation's capital, history was being made.

"We conclude, unanimously," said Chief Justice Earl Warren, reading from the court's decision in the case of *Oliver Brown et al. v. Board of Education of Topeka*, "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

That ruling, the most profound of the 20th century, was the essential first step toward a difficult but phenomenal transformation of the American social landscape. As Richard Kluger wrote in his wonderful book "Simple Justice," a history of the legal battle that led to the decision, "Something basic in American lives and values had been touched."

The 50th anniversary of the decision that has come to be known simply as *Brown v. Board* will be celebrated in three weeks. It can be difficult now to understand just how degraded conditions were for black people in the U.S. in the early-1950's. Many were routinely addressed by whites as nigger or nigra, and the all-too-frequent response was yessir or no ma'am. Segregation was the norm in places of public accommodation. Employment discrimination was a given. In Topeka, according to the 1950 Census, there were 2,158 whites employed in retail sales. The grand total for nonwhites was 11.

In the national imagination, blacks were typically janitors, maids, chauffeurs or bootblacks. Except for an occasional guest star, television was all white, as was most of the media. There were lynchings and cross-burnings, and the white-robed, torch-carrying Ku Klux Klan was still energetically spreading its terror. In some venues blacks were expected to step off the sidewalk or cross to the other side of the street if whites were approaching.

Even in such supposedly enlightened places as New York and New Jersey, renters and prospective home buyers were confronted with long lists of ads that said "whites only" or "no colored." So there is no way to overstate the change set in motion by the brilliant and dogged team of lawyers who developed and worked so hard and long on *Brown v. Board*. But there's a catch. The irony of *Brown* is that over the course of half a century such a profound and far-reaching decision should have fallen so far short of its specific objective: the integration of the public schools. The legal barrier to desegregation was removed, and over several tension-filled years many schools were integrated. But the trend now is in the other direction.

When it comes to schools, "we honor *Brown* more in principle than in practice," said Ted Shaw, who will soon take over as head of the NAACP Legal Defense and Educational Fund, which led the *Brown v. Board* fight. "We live in an era now where school desegregation is all but done. We're resegregating. And no one really seems to care."

The resegregation has been under way for a while. In their 1996 book, "Dismantling Desegregation: The Quiet Reversal of *Brown v. Board of Education*," Gary Orfield and Susan Eaton documented the many evasive maneuvers used by whites, including a series of rulings by conservative courts, to undermine the impact of the *Brown* decision.

This insidious regression was part of the decades-long effort by political conservatives to roll back the historic civil rights advances of blacks and others. Richard Nixon, architect of the Republican Party's

Southern strategy, appointed William Rehnquist, an ardent foe of desegregation efforts, to the Supreme Court. And Ronald Reagan elevated him to chief justice. There's no secret to what's going on. The federal courts are still being gleefully packed with reactionaries. So we have to look at Brown in two ways. It unlocked the door to a brief but glorious period of increased freedom and civil rights for all Americans. But its main goal has been thwarted by those who want nothing less than to slam the door shut and lock it once again. It's not just a betrayal of Brown. It's a betrayal of America.