

2004 HUGO L. BLACK LECTURE:
HOW WOULD JUSTICE HUGO BLACK HAVE
WRITTEN *BROWN V. BOARD*?

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We are living through difficult and dangerous times. The war in Iraq, whatever its outcome, has deeply divided an America that is so mired in debt that it is unable to provide for the growing number of unemployed, the millions who lack even basic health care, the school systems reduced to bare bones operations, and the environment that poisons our air and pollutes our waters. Corporations bribe our elected representatives through campaign contributions as they relocate their headquarters to places like Bermuda to avoid taxes, and migrate American manufacturing and service jobs to far-away places where labor is cheap and protections of those workers and their environment are nonexistent. The legislatures at both state and national levels are so gerrymandered that incumbents can be reelected as long as they wish to run. And we approach a presidential election, the winner of which, because of our outmoded but unchangeable electoral system, could again be the candidate who was rejected by the majority of the voters.

None of these truly threatening issues are much discussed in our media. And such discussion is totally absent from those outlets to which most Americans turn for their news. Rather, they flood their listeners' ears and pollute their minds with a seemingly never ending parade of stories about vicious crimes, particularly black on white crime, celebrity scandals—especially those involving sex—and of course, sports, sports, and more sports. In short, the media in our nation provides diversion rather than news. It assumes—not without evidence—that we prefer to be entertained rather than informed. And so it focuses our minds on the trivia of life rather than the key matters that actually determine our well-being or threaten our downfall.

I am afraid that last May's fiftieth anniversary observances of the decision in *Brown v. Board of Education*¹ served mainly as a diversion from the sad state of race and civil rights law in this country. The dozens of convoca-

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1. 347 U.S. 483 (1954).

tions, symposia, and other gatherings tended to be celebratory in nature. They honored the lawyers and plaintiffs in those cases and hailed the symbolic importance of striking down the “separate but equal” segregation precedent. But, they barely acknowledged that most public schools are still identifiable by the race of those attending them. Those schools serving mainly black and Hispanic students are funded less well than their white counterparts, and students mostly perform less well. These inadequacies were shoved under the comforting rug of “much more needs to be done.”

Those few individuals who suggested that the *Brown* decision was a failure, that its well-intentioned order to desegregate school systems with “all deliberate speed”² had been a disaster, and that perhaps the education of the nation’s children, white as well as black, might have better been served had the Court ordered the full and rigorous enforcement of the mostly ignored equal portion of the separate but equal standard rather than striking it down, were not well received. Few wished even to debate whether the legal protections against racial discrimination are now hardly better than they were in the period before *Plessy v. Ferguson*.³

A black CEO of a major American corporation suggested at one of the *Brown v. Board* celebratory gatherings that the black academics who held the just-cited views would likely have also dismissed the Ten Commandments that Moses brought down from Mount Sinai. This executive and those who applauded his statement likely did not know—and possibly did not care—that Dr. W.E.B. Du Bois, 86 years old when the *Brown* decision came down, noted that “[n]o such decision would have been possible without the world pressure of communism,” which rendered it “simply impossible for the United States to continue to lead a ‘Free World’ with race segregation kept legal over a third of its territory.”⁴ He predicted, accurately, that the South would not comply with the decision for many years, “long enough to ruin the education of millions of black and white children.”⁵

In 1954, most black people, unlike Dr. Du Bois, did not notice that the *Brown* decision represented a convergence of black and national interests. Had they read the government’s amicus briefs, they would have understood the strong pressure exerted on our foreign policy as Russia and other communist nations gave tremendous coverage to the incidents of segregation and racial hatred occurring daily in the United States. They would have noted in those briefs the lengthy quotation of then Secretary of State Dean Acheson, who reported:

[D]uring the past six years, the damage to our foreign relations attributable to [race discrimination] has become progressively greater.

2. *Brown v. Bd. of Educ.*, 349 U.S. 294, 301 (1955).

3. 163 U.S. 537, 559 (1896).

4. W.E.B. DU BOIS, *THE AUTOBIOGRAPHY OF W.E.B. DU BOIS: A SOLILOQUY ON VIEWING MY LIFE FROM THE LAST DECADE OF ITS FIRST CENTURY* 333 (1968).

5. *Id.*

The United States is under constant attack in the foreign press, over the foreign radio, and in such international bodies as the United Nations because of various practices of discrimination against minority groups in this country. . . . The undeniable existence of racial discrimination gives unfriendly governments the most effective kind of ammunition for their propaganda warfare.⁶

Acheson said that school segregation had been

singled out for hostile foreign comment in the United Nations and elsewhere. . . . [R]acial discrimination in the United States remains a source of constant embarrassment to this Government in the day-to-day conduct of its foreign relations; and it jeopardizes the effective maintenance of our moral leadership of the free and democratic nations of the world.⁷

The Government's amicus curiae brief summed up its position that race discrimination "presents an unsolved problem for American democracy, an inescapable challenge to the sincerity of our espousal of the democratic faith."⁸ The brief closes with a quotation from President Truman:

If we wish to inspire the people of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy.

We know the way. We need only the will.⁹

There is no record that foreign policy concerns were debated by the Justices in conference. At least two Justices, William Douglas and Chief Justice Warren, had—in speeches or private correspondence—indicated their recognition that racial strife in the United States enabled our enemies to attack us with no ready response available.¹⁰ In addition, the Supreme Court was acutely aware of the Nation's need to protect its national security against those who would exploit our internal difficulties for the benefit of external forces. Justice Felix Frankfurter, a member of the *Brown* Court, while concurring in one of the Senator Joseph McCarthy cases of that era,¹¹

6. MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* 100 (2000) (quoting Brief for The United States as Amicus Curiae at 7, *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954)).

7. *Id.* at 101.

8. *Id.*

9. *Id.* at 101-02 (quoting Harry S. Truman, President's Special Message to the Congress on Civil Rights, in *PUB. PAPERS* 121 (Feb. 2, 1948)).

10. *Id.* at 104-06.

11. See *Dennis v. United States*, 341 U.S. 494 (1951).

observed that the Court “may take judicial notice that the Communist doctrines which these defendants have conspired to advocate are in the ascendancy in powerful nations who cannot be acquitted of unfriendliness to the institutions of this country.”¹²

Justice Frankfurter and other members of the Court were surely able to make a connection between the foreign policy difficulties abroad described by Secretary of State Dean Acheson, the fear of subversives at home exploited during the McCarthy era, and the adverse effect on blacks and the barriers to their freedom and equality so widely trumpeted as available to all during the war. In an implicit bargain for government support for civil rights programs, black individuals and organizations were expected to support the war and oppose communism. That support would be more forthcoming if the government took steps to alleviate the racial discrimination that so burdened their lives.

It is interesting to note that while the President, the Secretary of State, and even members of the Supreme Court were able to speak out about the harmfulness of racial segregation, the Federal Bureau of Investigation cracked down on black celebrities who voiced quite similar attacks on racial bigotry, particularly to overseas audiences. The famous singer and actor, Paul Robeson, gave a continuing and fervent voice to criticizing the racial status quo. Government retaliation and the failure of black groups to come to his defense destroyed Robeson’s career, as well as many other outspoken blacks including W.E.B. Du Bois and the singer Josephine Baker. Civil rights groups, deathly afraid of being charged as communist sympathizers, cut their ties with blacks who, despite government threats and retaliation, courageously spoke out against racism.

As it was, Robeson’s well-publicized stand may have had an effect. If such talented and successful blacks as Paul Robeson could in 1949 predict that blacks would not fight for this country in a war with Russia, need his prediction have been accurate to prompt thoughtful men to consider the prudence of narrowing the gap between American ideals and their reality as experienced by blacks, virtually all of whom had far more reason for disenchantment with their subordinate place in society than did Paul Robeson?

Looking back to that time, it is likely that not since the Civil War had the need to remedy racial injustice been so firmly aligned with the country’s vital interests at home and abroad. The historic attraction to granting recognition and promising reform of racial injustice, when such action converges with the Nation’s interests, provided an unacknowledged motivation for the Court’s ringing statement in *Brown*. This statement provided a symbolic victory to the petitioners and the class of blacks they represented, while in fact giving both a new, improved face to the Nation’s foreign policy and responding to charges of blatant racial bias at home.

12. *Id.* at 581.

But as with the Emancipation Proclamation, the decision's black beneficiaries were too busy celebrating and too ready to hope that this victory might mark a turning point in the long struggle to provide effective schooling for black children. The priority now was implementation. Neither the self-interest component, while obvious, nor any other civil rights policies were acknowledged by the Court or any other body issuing the policy.

We in the civil rights movement were several years into the difficult implementation phase before a few of us recognized, as Judge Robert L. Carter (one of the NAACP lawyers who helped direct the *Brown* litigation) wrote, that

Brown's indirect consequences have been awesome. It has completely altered the style, the spirit, and the stance of race relations. Yet, the pre-existing pattern of white superiority and black subordination remains unchanged Few in the country, black or white, understood in 1954 that racial segregation was merely a symptom, not the disease; that the real sickness is that our society in all of its manifestations is geared to the maintenance of white superiority.¹³

According to the biographical writings, Justice Hugo Black strongly supported the decision to strike down the "separate but equal" standard. Even before the *Brown* litigation, Justice Black said when the Court in 1950 considered two of the cases challenging segregation in higher education, *McLaurin v. Oklahoma State Regents*¹⁴ and *Sweatt v. Painter*.¹⁵

I don't think the record shows equal in either case. The state can't set up a new school that is equal—common sense tells us that. Segregation was Hitler's creed—he preached what the South believed. . . . This system was both contrary to the Fourteenth Amendment and a hangover from the Civil War. It is a badge of inferiority. If we reach this question, then I shall meet it regardless of the past cases of this Court.¹⁶

At that point, though, extending the holding to elementary schools concerned Black because of what he called the "deep seated antagonism to commingling in the South"¹⁷ which, he said, would close its schools "rather than mix races at grade and high school levels."¹⁸ When in 1952, the Court first considered the cases that led to the *Brown* decision, Black adhered to his earlier views.

13. Robert L. Carter, *The Warren Court and Desegregation*, 67 MICH L. REV. 237, 247 (1968).

14. 339 U.S. 637 (1950).

15. 339 U.S. 629 (1950).

16. Roger K. Newman, *Black and Brown*, 29 U.S.F. L. REV. 635, 636 (1955).

17. *Id.*

18. *Id.*

If we can declare confiscation or other laws unconstitutional, then we can [abolish] segregation. The Reconstruction Amendments had as their basic purpose the abolition of . . . castes. . . . The purpose of the law [at issue] is to discriminate on account of color.¹⁹

He did not “need books” or sociological evidence to say this. South Carolina, he said, would go through the “forms” of abolishing public education and other states “would probably take evasive measures while purporting to obey.”²⁰ There would be “some violence.”²¹ Resistance to a desegregation decision might place the courts on the “battle front,” leading to “law by injunction.”²² And this, Black said, “means trouble.”²³

When the decision came down in 1954, Justice Black did not join with the liberals who predicted the beginning of a truly color-blind society.

“No,” Black warned, “that’s going to take a very long time if ever. There’s going to be trouble and people are going to die.” From the outset, although he wanted to order an immediate remedy, Black had been leery of implementing it too forcefully. “Leave it to the district courts,” he said in conference. “Let them work it out.” He did not see how they could be given any framework—flexible enforcement was a necessity. A decree should not resolve everything at once. “If necessary, let us have seven hundred suits. Vagueness is not going to hurt. Let it simmer Let it take time.” In the Deep South, “any man who would come in [to support desegregation] would be dead politically forever.” Enforcement, Black warned, would give rise to a “storm over this Court.”²⁴

In the conference over how the *Brown* decree was to be enforced, “[h]e urged limiting the decree to the named plaintiffs and enjoining the local school boards.” But, to gain a unanimous opinion, Black went along with Justice Frankfurter’s language urging desegregation “with all deliberate speed,”²⁵ a term he felt was meaningless. With good reason, he often expressed his regret: “If Felix proposed anything like that, it was no good.”²⁶

Justice Black had more experience with the South and with Southerners than anyone on the Court. That fact leads me to wonder whether, had the Court relied on his liberal outlook and his southern experience to write the opinion, he might have crafted an opinion something like the one I wrote

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.* at 641.

25. *Id.* at 642.

26. *Id.*

with the assumption that the Court knew then as much about race and racism as some of us think we know now.

Today, we uphold our six decades old decision in Plessy v. Ferguson, 163 U.S. 537 (1896). We do so with some reluctance and in the face of the arguments by the petitioners that segregation in the public schools is unconstitutional and a manifestation of the desire for dominance whose depths and pervasiveness this Court can neither ignore nor easily divide. Giving full weight to these arguments, a decision overturning Plessy, while it might be viewed as a triumph by Negro petitioners and the class they represent, will be condemned by many whites. Their predictable outraged resistance could undermine and eventually negate even the most committed judicial enforcement efforts.

Respondents' counsel, John W. Davis, a highly respected advocate, urges this Court to uphold "separate but equal" as the constitutionally correct measure of racial status because, as he put it so elegantly: "[S]omewhere, sometime to every principle comes a moment of repose when it has been so often announced, so confidently relied upon, so long continued, that it passes the limits of judicial discretion and disturbance."²⁷

Elegance, though, must not be allowed to trample long-suppressed truth. The "separate" in the "separate but equal" standard has been rigorously enforced. The "equal" has served as a total refutation of equality. Within the limits of judicial authority, the Court recognizes these cases as an opportunity to test the legal legitimacy of the "separate but equal" standard, not as petitioners urge by overturning Plessy, but by ordering for the first time its strict enforcement.

Counsel for the Negro children have gone to great lengths to prove what must be obvious to every person who gives the matter even cursory attention: With some notable exceptions, schools provided for Negroes in segregated systems are unequal in facilities—often obscenely so. Unfortunately, this Court in violation of Plessy's "separate but equal" standard, rejected challenges to state-run schools that were both segregated and ruinously unequal.

In recent years, this Court, acknowledging the flouting of the "separate but equal" standard at the graduate school level, ordered black plaintiffs into previously all-white graduate programs. Encouraged by those decisions, the petitioners now urge that we extend those holdings to encompass segregation in literally thousands of public school districts. In support, their counsel speak eloquently both of the great disparities in resources, and of

27. OLIVER BROWN, ARGUMENT: THE ORAL ARGUMENT BEFORE THE SUPREME COURT IN *BROWN V. BOARD OF EDUCATION OF TOPEKA*, 1952-1955, at 215 (Leon Friedman ed. 1969).

the damage segregation does to Negro children's hearts and minds. We recognize and do not wish to rebut the petitioner's evidence of this psychological damage.

Rather, we suggest that segregation perpetuates the sense of white children that their privileged status as whites is deserved in fact rather than bestowed by law and tradition. We hold that racial segregation afflicts white children with a life-long mental and emotional handicap that is as destructive to whites as the required strictures of segregation are damaging to Negroes.

Again, it would seem appropriate to declare wrong what is clearly wrong. Given the history of segregation and the substantial reliance placed on our decisions as to its constitutionality, though, a finding by this Court in these cases that state supported racial segregation is an obsolete artifact of a by-gone age, one that no longer conforms to the Constitution, will set the stage not for compliance, but for levels of defiance that will prove the antithesis of the equal educational opportunity the petitioners' seek.

The desegregation of public schools is a special matter the complexity of which is not adequately addressed in the petitioners' arguments. In urging this Court to strike down state-mandated segregation, the petitioners ignore the admonishment of W.E.B. Du Bois, one of the Nation's finest thinkers. Commenting on the separate school versus integrated school debate back in 1935, Dr. Du Bois observed that "the Negro needs neither segregated schools nor mixed schools. What he needs is Education."²⁸

We are aware as well that despite the tremendous barriers to good schools posed by the Plessy "separate but equal" standard, some black schools, through great and dedicated effort by teachers and parents, have achieved academic distinction. Many of the most successful blacks today are products of segregated schools and colleges. In urging what they hope will be a brighter tomorrow, petitioners need not cast aside the miracles of achievement attained in the face of monumental obstacles. While truly harmed by racial segregation, there is far too much contrary evidence for this Court to find that Negroes are a damaged race.

We conclude that Dr. Du Bois is right as an educational matter and that as a legal matter his still accurate admonition can be given meaning within the structure of the Plessy holding. The three phases of relief that we will describe below focus attention on what is needed now by the children of both races. It is the only way to avoid a generation or more of strife over an ideal that, while worthwhile, will not provide the effective education the petitioners' children need and that existing constitutional standards, stripped of their racist understandings, should safeguard.

While declaring racial segregation harmful to Negro children, the unhappy fact is that as the Nation's racial history makes clear, racial division

28. W.E.B. DuBois, *Does the Negro Need Separate Schools?*, 4 J. NEGRO EDUC. 328, 335 (1935). See generally Derrick Bell, *The Legacy of W.E.B. DuBois: A Rational Model for Achieving Public School Equity for America's Black Children*, 11 CREIGHTON L. REV. 409 (1977).

has been a source of much undeserved benefit to whites and a great deal of misery to Negroes. And as is always the case, oppression is harmful to the oppressor as well as the oppressed. We accept the expert testimony submitted in this case that a great many white as well as Negro children have been harmed by segregation.

Pressured by this litigation, the school boards assure this Court that they are taking admittedly tardy steps to equalize facilities in Negro schools. We find these measures worthwhile, but woefully inadequate to remedy injustices carried on for most of a century. This being the case, more important than striking down Plessy is the need to reveal its hypocritical underpinnings by requiring its full enforcement for all children, white as well as black. Full enforcement requires more than either equalizing facilities or, as in the case of Delaware, one of the five cases before the Court, ordering the plaintiffs to be admitted into the white schools because of the inadequacy of the Negro schools.

Realistic rather than symbolic relief for segregated schools will require a specific, judicially monitored plan designed primarily to provide the educational equity long denied under the separate but equal rhetoric. This Court finds that it has the authority to grant such relief under the precedent of Plessy. As a primary step toward the disestablishment of the dual school system, this Court will order relief that must be provided to all children in racially segregated districts in the following components.

1. Equalization. Effective immediately on receipt of this Court's mandate, lower courts will order school officials of the respondent school districts to:

(A) Ascertain through appropriate measures the academic standing of each school district as compared to nationwide norms for school systems of comparable size and financial resources. This data, gathered under the direction and supervision of the district courts, will be published and made available to all patrons of the district, white as well as black.

(B) All schools within the district must be fully equalized in resources, physical facilities, teacher-pupil ratios, teacher training, experience, and salary with the goal of each district, as a whole, measuring up to national norms within three years. School districts will report progress to the court annually.

2. Representation. The battle cry of those who fought and died to bring this country into existence was that "taxation without representation is tyranny." Effective relief in segregated school districts requires no less than the immediate restructuring of school boards and other policymaking bodies to insure that those formally excluded by race from representation have persons selected by them

in accordance with the percentage of their children in the school system. This restructuring must take effect no later than the start of the 1955-56 school year.

3. Judicial oversight. To effectuate the efficient implementation of these orders, federal district judges will establish three-person monitoring committees with the Negro and white communities each selecting a monitor and a third person with educational expertise selected by an appropriate federal agency. The monitoring committees will work with school officials to prepare the necessary plans and procedures enabling the school districts' compliance with phases one and two. The district Courts will give compliance oversight priority attention and will address firmly any actions intended to subvert or hinder the compliance program.

School districts that fail to move promptly to comply with the equalization standards set out above will be deemed in noncompliance and following a judicial determination to this effect, courts will determine whether such noncompliance with the "separate but equal" standard justifies relief such as we have ordered in the graduate school cases, including orders to promptly desegregate their schools by racially balancing the student and faculty populations in each school.

In this Court's view, the petitioners' goal—the disestablishment of the dual school system—will be more effectively achieved for students, parents, teachers, administrators, and other individuals connected directly or indirectly with the school system by these means rather than by a ringing order for immediate desegregation that we fear will not be effectively enforced and will be vigorously resisted. Our expectations in this regard are strengthened by the experience in the Delaware case, where school officials unable to finance the equalization of separate schools opted to desegregate those schools.

We recognize that this decision neither comports with the hopes for orders requiring immediate desegregation by the petitioners or the states' contentions that we should simply reject those petitions and retain the racial status quo. Our goal, though, is not to determine winners and losers. It is, rather, our obligation to unravel the Nation's greatest contradiction as it pertains to the public schools. Justice John Marshall Harlan, while dissenting in Plessy, perhaps unwittingly, articulated this contradiction in definitive fashion when he observed:

The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage and holds fast to the principles of

*constitutional liberty. But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.*²⁹

The existence of a dominant white race and the concept of color-blindness are polar opposites. The Fourteenth Amendment's Equal Protection Clause cannot easily ferret out the racial injustice masquerading in seemingly neutral terms like "separate but equal" and "color blindness." It has proven barely adequate as a shield against some of the most pernicious modes of racial violence and economic domination. The Clause, perhaps unfortunately given its origins, most comfortably serves to adjudicate relationships between legally recognized categories of businesses or other entities (rather than squarely addressing the validity of the state's exercise of coercion against a whole group).

This Court does not ignore the value of simply recognizing the evil of segregation, an evil Negroes have experienced first-hand for too long. There is, we also agree, a place for symbols in law for a people abandoned by law for much of the Nation's history. We recognize and hail the impressive manner in which Negroes have taken symbolic gains and given them meaning by the sheer force of their belief in the freedoms this country guarantees to all. Is it not precisely because of their unstinting faith in this country's ideals that they deserve better than a well-intended, but empty and likely unenforceable expression of equality, no matter how well meant? Such a decision will serve as a sad substitute for the needed empathy of action called for when a history of racial subordination is to be undone.

The racial reform-retrenchment pattern so evident in this Court's racial decisions enables a prediction that when the tides of white resentment rise and again swamp the expectations of Negroes in a flood of racial hostility, this Court and likely the country will vacillate and then, as with the Emancipation Proclamation and the Civil War Amendments, rationalize its inability and—let us be honest—its unwillingness to give real meaning to the rights we declare so readily and so willingly sacrifice when our interests turn to new issues, more pressing concerns.

It is to avoid still another instance of this by now predictable outcome that we reject the petitioners' plea that the Court overturn Plessy forthwith. Doing so would systematically gloss over the extent to which Plessy's simplistic "separate but equal" form served as a legal adhesive in the consolidation of white supremacy in America. Rather than critically engaging American racism's complexities, this Court would substitute one mantra for another: where "separate" was once equal, "separate" would be now categorically unequal. Rewiring the rhetoric of equality (rather than laying bare Plessy's white supremacy underpinnings and consequences) constructs

29. *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896).

state-supported racial segregation as an eminently fixable aberration. And yet, by doing nothing more than rewiring the rhetoric of equality, this Court would foreclose the possibility of recognizing racism as a broadly shared cultural condition.

Imagining racism as a fixable aberration, moreover, obfuscates the way in which racism functions as an ideological lens through which Americans perceive themselves, their Nation, and their Nation's Other. Second, the vision of racism as an unhappy accident of history immunizes "the law" (as a logical system) from anti-racist critique. That is to say, the Court would position the law as that which fixes racism rather than that which participates in its consolidation. By dismissing Plessy without dismantling it, the Court might unintentionally predict if not underwrite eventual failure. Negroes, who despite all are perhaps the Nation's most faithful citizens, deserve better

It is far from certain that this approach would have avoided the forces of racism that so undermined the school desegregation campaign. Ordering and strongly enforcing equalization, though, might have weakened the hand of politicians seeking power through race baiting. It might have saved thousands of black teachers and principals from dismissal while improving the facilities in which they labored with far more success than we—with our minds set on integration—gave them credit for.

And whatever the outcome, it would have dealt with American racism with a candor that would have angered many, but perhaps provided much-needed enlightenment to many more. To the extent that my often criticized statement—that racism is permanent—is accurate, it attains that accuracy because the real motivations, benefits, and burdens of racism are so infrequently addressed. My model in imagining this opinion and in writing a book that criticizes more than it praises the *Brown* decision, is that expressed by Dr. Du Bois when for the second time the NAACP Board forced him to leave the organization that he had helped found. In his letter of resignation, Du Bois wrote that "he had not always been right, but he had always been sincere."³⁰

30. DAVID LEVERING LEWIS, W.E.B. DU BOIS: THE FIGHT FOR EQUALITY AND THE AMERICAN CENTURY, 1919-1963, at 344 (2000) (internal quotation omitted).