

## ***Brown vs. Board of Education* and the Unfulfilled Hopes for Racial and Educational Reform: A Political Analysis of Derrick Bell's *Silent Covenants***

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### **ABSTRACT**

This paper explores the late Derrick Bell's book, *Silent Covenants*, while discussing the significance of the *Brown vs. Board of Education (of Topeka)* decision in terms of justice and racial equality for African Americans in the United States. It also explains the difficulties of implementing this famous ruling, which still has problems—that is, in terms of fulfilling all aspects of the Supreme Court decision, as many American conservatives want to strike it from the historical record.

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### **INTRODUCTION**

The late professor Derrick Bell's book, *Silent Covenants* succinctly explores the political consequences of the *Brown vs. Board of Education (of Topeka)* decision in terms of racial justice and equality for African Americans. In this regard, "the U.S. Supreme Court ruled unanimously that racial segregation in public schools violated the 14<sup>th</sup> Amendment to the U.S. Constitution, which says that no state may deny equal protection of the laws to any person within its jurisdiction."<sup>1</sup> Bell also examines the various compromises of the 1954 case, which has been unfortunately undermined in recent years, especially in regards to school integration in public schools throughout the United States. Although the *Brown* decision was "restricted in application to *de jure* [or legal] segregation, the decision was applied mainly to Southern [school] systems."<sup>2</sup>

Additionally, Bell weaves a compelling and controversial argument that tries to get Americans to think critically about the necessity and importance of racial cooperation. When the famous *Brown* case was finally decided upon, it was "hailed by many Americans as a firm judicial statement of the nation's commitment to racial equality."<sup>3</sup> Not surprisingly, the *Brown* decision has not been embraced or accepted by everyone, especially some staunch conservatives throughout the years. Indeed, the late Supreme Court Justice Thurgood Marshall "completely misread the fierce determination of *white crackers* in the Deep South to maintain the Jim Crow system of segregated schools."<sup>4</sup> Moreover, in a sense, the famous ruling has been almost rendered moot by many Americans, as they see it, perhaps, as unnecessary. However, we must be cognizant that the *Brown* decision "rested on the principle that intentionally public action to support segregation was a violation of the U.S. Constitution."<sup>5</sup>

Equally important, Bell makes it clear that some Americans would like to relegate this historical and ground-breaking case to our collective memories, or perhaps *consign* it to the annals of history, instead of prominently reminding our school children and their parents of its significance. Moreover, the *Brown* decision "provided a tremendous impetus to the civil rights movement of the 1950s and 1960s and immeasurably hastened the end of segregation in all public facilities and accommodations."<sup>6</sup> However, in some quarters, the *Brown* decision is being ignored in the curriculums of high schools and some major colleges and universities. Or so it seems. Some might even say that the *Brown* decision has all but been forgotten, at least for some people. Is it simply because Americans today could care less about this righteous decision made by the Supreme Court to legislate equality in this country, especially as it concerns the broken public education system in the United States?

And as more and more young Americans spend less time reading, contemplating and especially thinking critically about this important case—or even considering such matters as racial justice and equality—the more insignificant the *Brown* decision has become for them. However, it should be remembered that this case also led to "the landmark Civil Rights Act of 1964," which fortunately "ended not only segregation's rank injustice but also a paralyzing stigma on the white South, leading to Sunbelt prosperity."<sup>7</sup> Therefore, in our current political environment, Bell's controversial book, *Silent Covenants*, should be a welcomed and

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needed kick to our collective *psyches* or ill-fitting pants, figuratively speaking, in that we should be required to remember the importance and percepts of the Supreme Court's *Brown* decision, to truly understand what is happening in our high-schools, as well as college and university classrooms across the United States. Furthermore, according to Bell, we are now fighting a losing battle, so to speak, in terms of realizing the promise of the *Brown* decision. Indeed, there has been a serious disconnect with our young people being cognizant of *Brown vs. Board of Education of Topeka*, and the civil rights movement of the 1960s. As Bell suggests, moreover, there hasn't been any significant progress toward dismantling racial prejudice and discrimination in some American schools, particularly in the Southern states,<sup>8</sup> because of the landmark decision. Furthermore, the decision has often been misinterpreted, misrepresented and undermined, as will be explained later. There are those that even think that the famous *Brown* decision was ill-conceived, and executed. For example, many southern politicians "denounced the Court's decision."<sup>9</sup>

And even under Federal Court orders and the threat of loss of Federal funds, some Southern states, like Mississippi, Louisiana, South Carolina and others are still resisting (indirectly) the integration of public schools after the *Brown* decision. Is this because white Southerners are still not ready for total racial equality and desegregation? Probably not. In this respect, Bell's *Silent Covenants* is a profound effort to describe some of the major difficulties, as mentioned, in fully implementing all aspects of the *Brown* decision, even in the twenty-first century. Hence, the ignorance (by many Americans) of the *Brown* decision is more of an indictment on America's reluctance to do the right thing toward its minority groups. Of course, a more enlightened citizenry should be able to clearly see that there is still the need for racial integration in our various schools and society at large. Unfortunately, according to Bell, the *Brown* decision has not advanced beyond some American citizen's dark imaginings about the fairness of education in the twenty-first century.

No doubt, there was something deeply disingenuous about the 1896 Supreme Court's condoning of unfair segregation laws, essentially making them legal, like sanctioning the racist "separate-but-equal doctrine." Put another way, the 1896 U.S. Supreme Court ruling "established the legality of racial segregation so long as facilities were "separate but equal."<sup>10</sup> But this was a decision that was on the wrong side of history. Indeed, this discriminatory edict by the highest court "was used to justify segregation in many areas of American life for nearly sixty years."<sup>11</sup> Moreover, the insensitive decision by the U.S. Supreme Court at that time upheld the misguided Louisiana law, "requiring separate rail cars for blacks and whites."<sup>12</sup> Ultimately, the racial decision "led to the adoption throughout the South of a comprehensive series of Jim Crow Laws,"<sup>13</sup> which controlled almost every aspect of a black person's life. Political historian Michael Meyerson writes:

In upholding a Louisiana law requiring railroad companies to provide separate coaches for whites and African Americans, the Supreme court declared that any perception that the law inflicted a "badge of inferiority" was only in the minds of those challenging the law: if this be so, it is not by reason of anything found in the act [*Plessy vs. Ferguson*], but solely because the colored race chooses to put that construction upon it.<sup>14</sup>

What nonsense. Or was this so much misguided, illogical thinking? The idea of denying one particular ethnic group or poor people their rights of social justice, and educational equality and opportunity, because of race or skin-color, is clearly a manifestation of evil, and plain ignorance. Eventually (and unsurprisingly), the Supreme Court in the *Brown* decision "stressed that the badge of inferiority stamped on minority children by segregation hindered their full development no matter how equal the physical facilities."<sup>15</sup> Furthermore, some might say that the *Brown* decision was a bold, decisive and courageous act on the part of the Supreme Court. However, changing the racist "separate-but-equal" policy was an amazing leap of faith, especially for progressively-minded Supreme Court Justice Earl Warren, a white man, who led "the 1954 unanimous decision of the court... ending segregation in the nation's schools."<sup>16</sup> To say the least, the *Brown* decision was never a mistake or misguided idea in that it was a recognition of African Americans' humanity and citizenship. Indeed, "the unequal treatment of [black] children violated the equal protection clause of the Fourteenth Amendment to the U.S. Constitution."<sup>17</sup>

Fortunately, for all American citizens, the *Plessy vs. Ferguson* ruling was rightly overturned in 1954 by the *Brown* decision, but it was not without a fight and other difficulties. This is to say that the *Brown* decision was far from inevitable, especially for white conservatives in the segregated South. Many white Southerners, as well as some prejudiced, cowardly federal district judges, like John Parker of South Carolina, found themselves totally opposed to total desegregation and integration in American schools.<sup>18</sup> And according to professor Peter Irons:

Even those [federal judges] who felt themselves bound by their judicial oath to uphold the Supreme Court's rulings had little enthusiasm for ordering any "forth with" integration in districts where local officials had vowed to close schools rather than allow white and black students to sit in the same classroom.<sup>19</sup>

More importantly, the hostile reaction, as mentioned, by some in the white community was actually common place throughout most of the United States at that time. The *Brown* decision certainly wasn't a fool proof method of eliminating racial inequality in our public school systems, and other segregated places; but it was, nonetheless, a serious attempt by the Court to correct things for African Americans in terms of education. It was also hoped, particularly by the 1954 Supreme Court, that many racist people would possibly adjust their narrow-minded ideas and thinking, as well as their prejudice attitudes or mind-sets, rather than continuing to embrace White Supremacy, and the racist philosophy of the dominant group. Nevertheless, this matter came to a head "on May 17, 1954," where "the Supreme court of the United States" completely "outlawed racial segregation in public schools," finally setting aside the "separate but equal" doctrine that the court had upheld in 1896."<sup>20</sup> In essence, the Supreme Court rejected and overturned the "separate but equal" doctrine, disavowing the infamous *Plessy vs. Ferguson* decision.<sup>21</sup>

For members of the civil rights community, the *Brown* decision was an incredible, humane accomplishment, as well as an amazing breakthrough in terms of race relations and racial equality. Consequently, we must ask the question: Were *all* Americans at the time of its implementation even capable of meeting the objectives and specifics of the historic Supreme Court ruling? Apparently not. White Southerners, of course, frowned upon any principles of freedom and justice for African Americans. Or so it seemed. Perhaps most important, according to Bell, a due diligent assessment of the *Brown* decision should have been made, as it is an illusion (then and now) to think that people don't draw the line when it comes to race. For example, the *Brown* decision was devastating to white racists, who believed that black people shouldn't have any rights whatsoever. In retrospect, these Americans were/are without conscience. Even more important, it should be uppermost in our minds that the *Brown* decision "was actually four cases brought from different areas of the South and the border states, involving public elementary or high-school systems that mandated separate schools for blacks and whites."<sup>22</sup>

In this respect, and presumably, the argument and confrontation over segregation in America's public schools also renewed long-standing allegations of institutional racism. Which is to say that racial segregation was never an *aberration*, but it was a reality, a deliberate act to maintain power and control over the destiny of a group of American minorities, or different ethnic groups, and educational policies in the United States. So was racial discrimination, regarding the segregation of public schools, a "broadly shared cultural phenomenon or condition" inculcated in only white Americans? Perhaps. It is interesting to note here that Bell tells us in *Silent Covenants* that some dominant group members have an obsessive need to dominate and discriminate against people of color. Indeed, denying minorities their Constitutional rights has been more than a past time by some racists, especially on top of the American political, social, and economic pyramid. But why should we try to fully understand or comprehend the state of mind of racists? And why should it matter? As mentioned, the 1954 Supreme Court took extraordinary measures to prepare white Americans for the new, education policy changes—that is, in regards to the *Brown* decision, particularly in the South. But the court failed in that regard.

Maybe it wasn't enough. In view of all this: How exactly could the Supreme Court positively stress that the *Brown* decision was more of a collective challenge, and not a threat? Or did the court really think about the political ramifications? As discussed earlier, the *Brown* decision has never been fully accepted by some conservatives and White Southerners. Perhaps this is why some have all but abandoned public schools and established their own private, voucher and religious academies. Sidlow and Henschen explain it this way:

The Supreme court ruling [or the *Brown* decision] did not go unchallenged. Bureaucratic loopholes were used to delay desegregation. Another reaction was "white flight." As white parents sent their children to newly established private schools, some formerly white-only public schools became 100 percent black.<sup>23</sup>

Perhaps a certain note of fragility should have been noted initially about the *Brown* decision, as it appears that things have not necessarily worked out for the best, in terms of school desegregation. What is very surprising about this notion is the fact that "the *Brown* decision was limited to the public schools, but it was [also] believed to imply that segregation [was] not permissible in other public facilities."<sup>24</sup> Notwithstanding,

the problems of the *Brown* decision could not have been clearly foreseen. And after the Supreme Court ordered that schools integrate, resistance and ill-feelings followed immediately in most Southern states. Indeed, the ubiquitous efforts to *interdict* and circumvent the *Brown* decision has been in full swing, for many years; and continuously undermined behind the scenes in some quarters in the United States. Although "guidelines for ending segregation were presented and school boards were advised to proceed "with all deliberate speed,"<sup>25</sup> there has always been those who have stood in the way of full implementation. And it would be fair to conclude that the ruling is precariously balanced. Moreover, it is perhaps unfortunate that the desegregation of public schools in America had to be adjudicated rather than legislated.

Nevertheless, the Supreme Court still ruled that all public schools should integrate with "all deliberate speed," based on equitable principles and a "practical flexibility," which are quite mysterious, non-committal words, as suggested previously. But needless to say, the Supreme Court *never* actually ordered the immediate end to racial segregation in the United States. Why not? And what exactly did the Court mean by ending segregation in schools "with all deliberate speed?" Indeed, this is a very elusive statement or *phrase*. According to Bresler and others, "deliberate speed proved to be a turtle's pace."<sup>26</sup> In fact, "a decade after the Court's pronouncement, less than one percent of the [African] American children in the states of the old Confederacy were attending public school with white children. [And] in six border states and the District of Columbia the figure [is] much higher: 52 percent."<sup>27</sup> Put another way, the *Brown* decision:

Made the cautious and ultimately disastrous, declaration that the Southern schools districts must undertake desegregation measures "with all deliberate speed," a phrase which many southern school districts chose to interpret as sometime in the *afterlife*.<sup>28</sup>

Unfortunately, because of the under-belly of racial animus that still exist in this nation, we still have people who reject the idea of integration and progressive educational changes. But the clock will never be turned back because of such racial misgivings.

Ostensibly, the nine Supreme Court justices involved in the *Brown* decision were also saying that White Supremacy *anywhere* must be challenged *everywhere*, while dismissing the racist notion that black people are somehow inferior. Far more significant, how exactly can we measure the untold psychic damage done to many African Americans? Or should we ignore this specific racial point completely? These questions posed by Bell in *Silent Covenants* inform us that we should *never* dismiss such important and overriding notions. Additionally, American citizens must *never* forget the sacrifices made by African Americans and white Americans, so that the *Brown* decision could actually become reality. Thurgood Marshall, who became the first African American Supreme Court Justice in 1967, should be praised, and *never* forgotten, for his part in the desegregation effort. After all, Marshall was the great black legal scholar and attorney who successfully argued the controversial *Brown vs. Board of Education* case before the Supreme Court as the chief legal counsel of the NAACP. Marshall later became the calm, pragmatic liberal voice of the Supreme Court when he became a member himself after serving as the U.S. Solicitor General for two years previously. In addition, Thurgood Marshall "was a steadfast liberal during his tenure on the Court, championing the rights of the individual, 1<sup>st</sup> Amendment freedoms, and affirmative action."<sup>29</sup>

Consequently, Thurgood Marshall was uniquely positioned to fight for the rights of African Americans, persuading the Supreme Court to do the right thing for all Americans in their controversial rulings, which was certainly advantageous to black people and other minorities in the United States. And as many might know, Marshall was *both* hated and feared because of his oratory and brilliant lawyering skills, as well as his audaciousness. For example, Marshall "won 29 of 32 cases he argued before the U.S. Supreme Court...and others that established equal protection for blacks in housing, voting, employment, and graduate study."<sup>30</sup> And before his death in 1997, Marshall became the most eloquent and unique voice of social consciousness, and the champion on the court for progressive liberal causes and the rights and liberties of every American citizen. Evidently, without the *Brown* decision, school desegregation probably would have been unthinkable, and never realized in any fashion. Hence, we must all keep in mind this monumental case as we consider dealing with the ugliness of our American society in terms of minority education and academics.

## **THE REINTRODUCTION OF SCHOOLSEGREGATION**

Many Americans, moreover, remain in denial about the necessity for racial integration in all of our schools and society, as they are perhaps intellectually *bankrupt* by not being taught the truth about the intrepid

*Brown* decision, and the real good it provides in regards to race-relations. In this sense, American citizens should be seized with concern about the re-segregation of K-12 schools, especially in Southern States. In other words, it is essential to recognize that *education inequality* continues to exist in the United States, no matter what the respective states have tried to do to equalize and integrate things. Furthermore, racial discrimination and other educational problems have increased, as fairness and the objectives of educational laws are routinely ignored by government leaders in mostly Southern States. Additionally, residential segregation continues in many wealthy housing and suburban neighborhoods, unabated, today, especially because of the elimination of massive school busing to achieve more integrated school settings. Equally important, "America funds its schools through property taxes, ensuring the most disadvantaged students are warehoused together in the worst schools."<sup>31</sup>

Moreover, in the 1980s and 1990s, the Supreme Court allowed cities and respective states to discontinue its school integration efforts, which were set down or established by the *Brown* decision. As professor Meyerson has written: "There should be no disagreement years after the 1954 ruling of *Brown vs. Board of Education* and the Civil Rights Act of 1964, as school systems and employers [continue] to be found guilty of deliberate racial discrimination, [and] the paths for success... of greatly disproportionate length. One also needs not be a Pollyanna to assert that the situation has since improved."<sup>32</sup> Or this assumption is what some opponents of *Brown* want us to believe. Truth be told, things really haven't changed significantly in terms of educating our young people today, in a fully integrated way. Which is to say, the United States hasn't shown real maturity in embracing the *Brown* decision. And perhaps even worse, we are repeating the history of our past by re-segregating our various schools again, which is basically segregated at the same level as they were during the 1970s, in the South. Or field puts it this way:

Public decisions that re-create segregation, sometimes even more severe than before desegregation orders, are now deemed acceptable. These new re-segregation decisions legitimate a deliberate return to segregation. As long as school districts temporarily maintain some aspects of desegregation for several years and do not express an intent to discriminate, the Court approves plans to send minority students back to segregation.<sup>33</sup>

In this regard, and for some, as mentioned, *Brown vs. Board of Education* is just a temporary ruling or outdated decision; and will be eventually overturned, in time. But needless to say, there is still the necessity to be true to the spirit of the law. To deny that the *Brown* decision is not necessary today is to be naïve and foolhardy, as interracial schooling is vital to the well-being of our nation and multiracial democracy. In so many words, we have a moral obligation to live together as humans, no matter what racists say to the contrary. Paradoxically, Bell believed that the success of the *Brown* decision is an illusion. No doubt, his position has confounded almost *everyone*, especially in the predominantly white academia. Obviously, Bell's focus was not to praise the *Brown* decision as some crowning achievement, because he firmly believed—before his death—that the opposite was true; nor has the ground-breaking Court ruling proved to be as influential as it should. Indeed, Bell argues that the principle ideas of the *Brown* decision have not been fully realized. Therefore, the consequences have been somewhat mystifying and ineffective. Thus, to praise the *Brown* decision now, as evidence of the progress the United States has made, in terms of education and race-relations, is disingenuous at best. It has obviously been difficult carrying out the important things spelled out in the *Brown* decision.

## **EQUALITY OF EDUCATION IN THE UNITED STATES**

Undoubtedly, *Brown vs. Board of Education* is a powerful expression of how things ought to be in educating the American people. The facts, however, tell a more damning story. Or the truth is that African Americans continue to be deeply and profoundly harmed by the racism that still exist in our education systems. Perhaps some in the dominant group cannot get used to the fact that African Americans and other minorities are not inferior human beings, or some sub-human species. More than fifty years ago, the Supreme Court boldly proclaimed that:

Separate educational facilities are inherently unequal.... Liberty under law extends to the full range of conduct which an individual is free to pursue, and it *cannot* be restricted except for a proper governmental objective. [And] segregation in public education is not reasonably related to any proper governmental objective.<sup>34</sup>

Although the education system in the United States will continue to change from time to time, or in the near future, there solution of school desegregation or integration must be faced “head-on,” not ignored, or summarily dismissed by our educators. Indeed, separating people or students on the basis of race or different ethnic groups—by devising discriminatory policies, as well as certain outrageous schemes of law—should never be condoned or tolerated. Unfortunately, Americans remain somehow uncertain about how to achieve or insure equality of education for all of its citizens. Hence, there is no doubt that while minimal changes have been made in our public school systems, it is not possible to put on a false or misleading front anymore about the reality of the *Brown* decision. Bell wrote:

Over the decades, the *Brown* decision, like other landmark cases, has gained a life quite apart from the legal questions it was intended to settle. The passage of time has calmed both the ardor of its admirers and the ire of its detractors. Today, of little use as legal precedent, it has gained in reputation as a measure of what law and society might be. That noble image, dulled by resistance to any but minimal steps toward compliance, has transformed *Brown* into a magnificent mirage, the legal equivalent of that city on a hill to which all aspire without any serious thought that it will ever be attained.<sup>35</sup>

Should we object to Bell’s terse reasoning and harsh pronouncements? Or is his main premise simply the truth? Of course, Bell is equally dismissive of *any* talk about not needing to adhere to the *Brown* decision anymore, because we live in a post-racial America, which is a myth. Furthermore, the *Brown* decision, as mentioned, should not be considered irrelevant today as some legal, conservative scholars have suggested. In this regard, Bell makes a lot of sense, and was most convincing when he got on his proverbial soapbox, rhetorically speaking, like an influential televangelist, who told us that we should supplant *White Supremacy* in the United States with total integration, and equality—that is, for the *Brown* decision to work properly, or at all in the future. Or will the famous ruling fail because of white American resistance? More importantly, should we view the *Brown* decision as a bothersome complexity of judicial activism?

Bell, of course, provides, in *Silent Covenants*, the intellectual wherewithal and reasoning to ultimately explore the future necessity of the *Brown* decision. Bell also provides us with his revelation about the continuing inequality that exist in America today, not only in our educational schools systems, but also in our national psyche as well. It seems that we cannot ignore the politics of this important issue. But those who are intimately acquainted with the famous *Brown* ruling see it as more of only an educational issue, not a political matter. Nonetheless, some conservative Americans are determined and dedicated to overturning or repealing the *Brown* decision, eventually, which might send an ominous message to all Americans: that it is okay to separate our people in educational pursuits and endeavors along racial lines; and to unjustly discriminate based on skin-color. The “mutability of the past,” in regards to the *Brown* decision tells us that minority citizens should not have to face terrible racial indignities again, such as educational segregation, and societal disenfranchisement.

## **CONCLUSION**

When it is all said and done, it might be very difficult, perhaps, to keep concerns about school equality in perspective, or in the political limelight, if not for the *Brown* decision. Toward this end, it should be noted that the public schools in our nation today are facing a crisis in terms of *re-segregation* and their total elimination. In addition, there is no general or infallible agreement on the matter of integration in our schools nationwide, despite the *Brown* decision. Unfortunately, some opponents of the *Brown* decision see the public school system/ educational institutions as monolithic, government-sanctioned entities, which are no longer needed. But this is a misperception. Furthermore, it should be noted that the *Brown* ruling wasn’t easy for the Supreme Court to make, nor was it a desperate measure. Indeed, it was the right thing to do, even though it has been considerably more troublesome than first envisioned, particularly in the Southern states. But despite the failure of full implementation, the *Brown* decision is still necessary, because of the nation’s long history of racial pluralism and discrimination against African Americans and other minorities.

Perhaps America will lose its way, as Bell predicts, if we forget why the *Brown* decision was established in the first place. Some educators, moreover, see the education of all Americans in an integrated way as trivial. In the end, it would be a disservice to all of us if we ignore the lessons of the *Brown* decision. Finally, on a broader level, we must find a means to communicate and remind Americans about the significance of the *Brown* decision, without fear of some repercussion. Additionally, this famous Supreme Court ruling should resonate and matter to all Americans. Ultimately, understanding the positive aspects or intricacies, and

meaning of the *Brown* decision should be an essential part of our primary and formal education. Nor should we forget that “we-the-people” were once on the verge of doing great things in terms of education because of the *Brown* decision. But without a commitment from the Court today, it seems like we are regressing when it comes to public school integration, and educational equality. Is this because our federal government is indifferent? Or more conservative? Or is it because of the apathy of the American people?

According to professor Meyerson, “there is no common unit agreed on for measuring the amount of equality in a society.”<sup>36</sup> However, there should be some way to check the tyranny of the dominant group and an activist Supreme Court. Journalist Adam Liptak tells us that the current Court is “one of the most activist courts in history,” with a “readiness to overturn legislation” like the *Brown* decision.<sup>37</sup> To be sure, this controversial Court ruling tries to resolve some of the inequalities in our many public school systems. But the decision has had, over the years, varying levels or degrees of success and failures. In this respect, the *Brown* decision will not be viewed by all Americans as the defining document (in terms of racial integration) it was meant to be, particularly in our educational systems. The problem still lies in trying to correctly discern and apply this important Supreme Court ruling, especially for the future.

Bell’s *Silent Covenants* also provides an interesting back story about the history and future of the *Brown* decision. Finally, Bell advises us to pay attention to what matters most in educating the American public. Hence, the dominant group must *never* undermine the core essence of the *Brown* decision, which might possibly disrupt our country and educational institutions, as in the past, along racial lines, tearing our nation apart from within. Unfortunately, some opponents believe that their lives would be secured by eliminating such a monumental ruling as the *Brown* decision, which has tried to equalize education for all its people; but such a move just might spell the end of our democracy, and sabotage the idea of creating a more perfect Union.

## NOTES

1. Mark A. Stevens, ed., *Merriam-Webster’s Collegiate Encyclopedia* (Springfield, MA: Merriam Inc., 2000), 240.
2. William H. Harris and Judith S. Levey, “Brown vs. Board of Education of Topeka, Kansas,” *The New Columbia Encyclopedia* (New York: Columbia University Press, 1975), 380. It should be pointed out that school segregation in southern states had been “achieved through the Gerrymandering of school districts.”
3. Peter Irons, *Jim Crow’s Children: The Broken Promise of the Brown Decision* (New York: Penguin Books, 2002), x.
4. *Ibid.*, 172.
5. Gary Orfield, “Dismantling Desegregation: The Quiet Reversal of Brown vs. Board of Education,” in *Civil Rights and Civil Liberties*, ed. M. O’Brien, 2<sup>nd</sup>ed. (Baltimore MD: Lanahan Publishers, Inc., 2003), 252.
6. Harris and Levey, “Brown vs. Board of Education,” 380.
7. Taylor Branch, “Remembering the March,” *USA Weekend*, August 16-18, 2013, 8.
8. Derrick Bell, *Silent Covenants: Brown vs. Board of Education and the Unfulfilled Hopes for Racial Reform* (New York: Oxford University Press, 2004), 4.
9. Irons, *Jim Crow’s Children*, 172-173. It should be noted that the federal district courts have “jurisdiction over lawsuits to enforce the desegregation decision....” See Harris and Levey, “Integration,” *The New Columbia Encyclopedia* (New York: Columbia University Press, 1975), 1347.
10. Stevens, *Merriam-Webster’s Collegiate Encyclopedia*, 1279.
11. Edward Sidlow and Beth Henschen, *America at Odds*, 4<sup>th</sup> ed. (Belmont, CA: Wadsworth/Thomson Learning, 2004), 103.
12. Stevens, *Merriam-Webster’s Collegiate Encyclopedia*, 1279.
13. Harris and Levey, “Plessy vs. Ferguson,” *The New Columbia Encyclopedia* (New York: Columbia University Press, 1975), 2168.
14. Michael Meyerson, *Political Numeracy: Mathematical Perspectives on Our Chaotic Constitution* (New York and London: W. W. Norton & Company, 2002), 142.
15. Harris and Levey, “Brown vs. Board of Education,” 380.
16. Harris and Levey, “Earl Warren,” *The New Columbia Encyclopedia* (New York: Columbia University Press, 1975), 2930.

17. Harris and Levey, "Brown vs. Board of Education," 380.
18. Irons, *Jim Crow's Children*, 174.
19. Ibid., 174. It must be pointed out that you cannot legislate a racist person's feelings or ideological direction.
20. Langston Hughes, Milton Meltzer, C. Eric Lincoln, and Jon Michael Spencer, *A Pictorial History of African Americans* (New York: Crown Publisher, Inc., 1995), 301.
21. Ibid., 301.
22. Karen O'Connor and Larry J. Sabato, *Essentials of American Government Continuity and Change*, 2004 ed. (New York: Pearson/Longman, 2005), 149.
23. Sidlow and Henschen, *America at Odds*, 103-104. For some white Americans, the *Brown* decision has always been controversial and despised. Indeed, many white conservatives thought that it was a terrible idea. Those who also objected to the ruling saw it as absolutely dictatorial.
24. Stevens, *Merriam-Webster's Collegiate Encyclopedia*, 240.
25. Ibid., 240.
26. Robert J. Bresler, Robert J. Friedrich, Joseph J. Karlesky, D. Grier Stephenson, Jr., and Charles C. Turner, *Introduction to American Government* (Redding, CA: North West Publishing, LLC, 2003), 91.
27. Ibid., 91.
28. Judy Jones and William Wilson, *An Incomplete Education* (New York: Ballantine Books, 1987), 57.
29. Stevens, *Merriam-Webster's Collegiate Encyclopedia*, 1021. It should be pointed out that President Lyndon B. Johnson appointed Marshall to both the U.S. Courts of Appeals in 1961 and U.S. Solicitor General in 1965, before he appointed him to sit on the Supreme Court.
30. Ibid., 1021.
31. "Education standards: Best and brightest," *The Economist*, August 17, 2013, 70.
32. Meyerson, *Political Numeracy*, 98.
33. Orfield, "Dismantling Desegregation," 252.
34. Hughes, Meltzer, Lincoln, and Spencer, *A Pictorial History*, 304.
35. Bell, *Silent Covenants*, 4.
36. Meyerson, *Political Numeracy*, 98.
37. Adam Liktak, "Justice Ginsburg calls court one of the most activist in American history," *Las Vegas Sun*, September 1, 2013), 3.