

BROWN V. BOARD:

Fifty years out

I interview Col. Rufus T. Beauregard.

Brown, fifty years out, is our topic.

The Colonel me a julep and tops off his glass.

We take in the countryside that drops away from the roll-out porch of his manufactured home.

“How did you take the decision?” I ask.

“Right from the first reading,” he replies, “I was delighted. Especially with Footnote 11.”

“I beg your pardon?”

“The text at Footnote 11 roused segregationist opinion, naturally.”

“So how could it strike you with such favor?”

“Let me quote the text, for I know it by heart. ‘Segregation of white and colored children in public schools has a detrimental effect upon the colored children.’ 347 US 483, 494 (1954). May I editorialize?”

“I have all the time in the world,” I assured the Colonel.

“We switch now to the singular number: ‘A sense of inferiority affects the motivation of a child to learn.’ It is the only such sentence in the entire opinion. If I may continue, for here the Supreme Court has been quoting from the three judge panel in the Kansas case. “Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.”

“And so Footnote 11?”

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“Not yet, my boy. The Supreme Court then rejected “any language in *Plessy v. Ferguson* contrary to this finding,” and then there’s Footnote 11 with your social science.”

“But in your opinion -- ?”

“I saw it this way. Take Hans, a mighty fine chess player. His talent and ability in play just stands out. Now assume that all the Swiss young’uns are shunted off, or pedestalled, same difference as you shall see, to some elementary school where Hans is only going to be associatin’ with the little Swiss boys and girls.”

“I see. All Hansels and Heidis. But they have their own schools on account of being Swiss-like.”

“Well, it’s plumb obvious what will happen. The rest of the school children will be marked out as inferior.”

“That’s not exactly what the court was saying.”

“Now wasn’t it?”

Before I could interrupt, the old stereotype was off again. “Our offspring could not take it, goin’ to school and havin’ Hans being superior in chess and shown up to us as worthy of a separate school building for to showcase his skills, for that’s how they would take it. Our children would end up seein’ themselves as laggards and cowards. The desperate ones might even turn to lawyerin’. So taking some talented children and shutting them off, not by their talent, but by their color or race, is only going to make the rest of us feel plumb bad about ourselves as soon as a one of them has the talent we lack.”

“So you’re assuming that there’s talent in all colors?”

“I’m a racist, son. I’m not stupid. Now back in the old days, I was in there with the rest of them, cheering on Plessy (or was it Ferguson? well, no matter) and assuming, with the rest of the white folk, that separating *them* would make *us* feel better.”

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“Yes, indeed. But *Brown*’s focus was the impact on Negro children.”

“Right and proper, I say, for they were the plaintiffs. But look at the loss to the white children. Sure a few of them might brag it out and feel superior and all. But sooner or later there would be colored children of talent and then the second thoughts would begin.”

“Wouldn’t your natural feelings of white superiority be enough to overcome,” I struggled for the right word, “this obstacle?”

“No, you’re not getting it. There would always be the risk, the chance of snickering and finger pointing that we were segregating white children because whites were chicken and lily livered and our children couldn’t compete with children of any race. If I may stand the Chief Justice’s words on end: ‘A sense of superiority affects the motivation of a child to learn.’”

I took a minute in the glow of this strange world, so new and so upside down, to ponder this point. “But if you tell a child – “

“And you’ve used the singular,” the Colonel gently corrected me so I began again.

“If you treat children as a group, and ignore their individual talent but tell them they’re all superior on account of something other than their talent,” I started. Col. Beauregard was snappin’ his fingers to the rhythm of the rhyme.

“Yes, yes, yes, my yes.” The Colonel and I fell silent.

“Now at the time, let me assure you, I was convinced it was a curse, Sam Clemens at work, in one of his playful inversions that make us look like fools talkin’ slow and drinkin’ pot likker. But then there was a little boy (or girl, for my recollections are dim) that had some talent to best my dear child, and my child said to me, *how come I can’t be in school over there*. And I answered, because *we’re better*. And my own offspring answered me back, but *he’s* (or she, can’t recollect exactly) *the one better than me at -----*, and I can’t call to mind that skill but it was a prodigious talent, a singular talent, and my young’un took it upon himself to pout and fuss that he was being

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protected and coddled so that his feelings wouldn't be hurt at having to be associatin' with school mates gifted since childhood and superior in respect to what his Ma and I had given him."

"So stands *Plessy* on its head."

"You can bet your bottom dollar on that. Made us out to be a folk afeerd and askeered of our own shadows, like our children couldn't be good at something without jumping out of their britches on account of some other child was good at something else. And as for the seats on the trains?"

"Which is the public accommodations issue," I added.

"Do you always talk like your interviewees are idiots?" the Colonel grunted, and then went on. "Aren't white folk tough enough to take a seat anywhere on the bus or stand on the streetcar if there isn't a seat? So the smart ones, and that includes me, figured out that separate was unequal *per se*. Meaning unequal to *us*. If the white race is goin' to be segregated then there's no way I can explain it away to my offspring as a good thing. If we weren't afraid of being alive, we'd just go out and compete with everybody on earth, head to toe, school yard to lunch counter."

"Sounds a little Darwinian."

"Now, son, that's not been adequately pointed out, by my reckoning. Back to 1896. On the one hand, you had the steel hand in the velvet glove that reached out to coddle the white race and make sure that their children were not exposed to talent that might make them feel inferior. That was Jim Crow, and everybody but that Harlan, the only one with his wits about him, saw it (though *we* didn't see it that way, at the time). On the other hand, there was *nature red in tooth and claw*, that's those Englishmen, Darwin or Spencer. The idea being people of all races were free to jostle themselves about and the individual was going to make of himself what he could."

"That became quite an article of faith. The fate of the individual in his own hands."

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“I suppose you’re going to cite *Lochner v. New York*, 198 US 45 (1905). They can’t be reconciled, *Plessy* and *Lochner*. Trains, schools, restaurants, jobs. Government is supposed to be shutting up folks here and there, on some measurement of who the government says you is, and then, on the other hand, government is trying to give the working man a helpin’ hand, based upon its assessment of the situation he was in, and was all of this “paternalism” (and I adopt Holmes’ sneer at 76) consistent? I ask you.”

“Perhaps the state should have more room to experiment with the motivations of workers than those of school children.”

“And perhaps,” the Colonel replied, “there should be ‘a liberty of [learning] which cannot be violated even under the sanction of direct legislative enactment’” (at 68).

To which I replied that in the companion case of *Bolling v. Sharpe*, 347 US 497 (1953) the court spelled out how “liberty under law extends to the full range of conduct which the individual is free to pursue” (at 499).

But this only inspired the Colonel. “And you are back to the state’s attentions to the student as one, one who seeks learning even as the state seeks to draw it out of *the* child. In public education there’s a much larger problem, which is that people do not want to pay to educate other people’s children. And it becomes more painful when it turns out that other people’s children have more talent than your children. But it’s really excruciating if it turns out that one of your children has more talent than some other child. If your little Sally has a talent for soccer, you think her teammates should be passing the ball to her, every play. You think all of the school’s resources should be funneled into proving up your Wolfgang to be the century’s next Mozart.”

“I hadn’t really thought about it like that.”

“It turns out there is the competition between the children in the classroom, which is what the emphasis on the “motivation of a child to learn” is all about. But the parents have got their oar in, because they’re not ready to unleash children’s talent.”

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“I’m afraid I don’t follow,” I put in.

“Because it’s all about jealousy,” said the Colonel. “Once you start talkin’ about development of talent child by child in public education, why, next thing you’re questioning all sorts of rules that do not promote the development of talent and might even be hindering the motivation of any particular child to learn.”

It started to dawn on me.

“Everybody’s horse might get gored,” said the Colonel continued. “You have local financing of schools, national testing of students, teachers’ unions, vouchers. My goodness, the list just does go on and on. What does promote motivation? What retards it? Maybe prime time TeeVee should go.”

“You mean turn it off?”

“Couldn’t adults read to their children or take a walk or play backgammon from six to ten?”

“Sounds vaguely socialistic,” I countered.

“Oh it’s much worse than that,” the Colonel muttered, apparently losing interest in sparing with such a dullard as me. “It’s way beyond the best interests of the parents.”

At this point I woke up and assured myself that I had merely experienced a reverie, a dream-like look back at history as it might have been. The Colonel’s porch was the veranda of an elegant condo development. As I wandered down the fairway on my return to the clubhouse, I worked up an appetite for Michelin starred cuisine and fine wine. Looking back up the hill, all seemed to settle into the proper order; the evening’s last golfers were driving to the eighteenth hole.

Had *Brown* really been aimed to bring America into touch with its hidden burden of family-to-family jealousy? This would be a place where each of us takes pleasure in hobbling another family’s children? Do we wish

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that other kids fall down so that our child might win the race? Is it all about us? Or about our children?

I turned for a last look at the players on the Olde Course and I recognized the Colonel from his elegant linen suit, devilishly unwrinkled. He dispensed from his hip flask, his partners imbibed and shared the humour in the situation. It was a very mixed foursome.

Apparatus

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