

“ The Whole United States is Southern!!:”

Brown v. Board and the Mystification of Race

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We are not only culturally confused, our confusion makes it difficult for us even to imagine our confusion.

Lawrence Goodwyn

To see what is in front of one’s nose needs a constant struggle.

George Orwell

Brown v. Board of Education is becoming a milestone in search of something to signify. It would be going too far to think of it as an early example of a media event, more hype than substance, but it is difficult, even with half a century of perspective, to say with confidence just why *Brown* matters as much as has been commonly assumed. School desegregation on a broad scale does not seem to be feasible public policy. (In 1962, after 8 years of experience with *Brown*, one writer pointed out that at the then-current pace, Deep South schools could be completely desegregated in just a bit over 7,000 years.) There is significant erosion of some of the progress toward desegregation made in the 1960s and 1970s. When desegregation does happen, the social and academic

outcomes are not so uniformly positive as was once hoped. The oft-repeated idea that the decision inspired more civil rights activism is plausible but no one has made more than an anecdotal case for it. Indeed, if one wanted to point to a Supreme Court decision that energized the modern movement, a better case can be made for *Smith v. Allwright*, the 1944 decision outlawing the white primary. In 1940, the percentage of Blacks across the South who were registered to vote was estimated at below 5%. In 1947, it jumped to 12% , by 1952 to 20%. This is clearly the definitive break with political exclusion and the changes seem directly attributable to the South-wide voter registration drives that followed *Smith*. Perhaps the most important revisionist critique of the traditional views of *Brown* has been written by Michael Klarman who argues that the links that can be drawn convincingly are those between the decision and the mobilization of white Southern resistance to racial change.ⁱ

If the legacy of *Brown* seems clouded now, its significance seemed perfectly clear to many audiences at the moment. *Time* magazine called it the most important Supreme Court decision of all time, excepting only the Dred Scott decision; the *Chicago Defender* saw in the decision the beginning of the end of the dual society while the more extreme defenders of segregation saw virtually the end of Western society. What does it mean that so many commentators, coming at it from so many different directions, got it so wrong? What does it mean that supporters and opponents of segregation alike overestimated the impact of *Brown*? What does that imply about the level of

understanding of the racial system? Clearly, part of the miscalculation involved a widespread tendency to overestimate the power of the law to make change and to underestimate the degree of racial intransigence outside of the South. Those miscalculations, , though, may reflect a larger pattern. What the initial misreadings of *Brown* tell us is that by mid-century, national discourse about race had become thoroughly confused, the nature of racial oppression had been effectively mystified. A part of that mystification was a process by which the systematic character of white supremacy had been reduced to something called “segregation.” John Cell points out that the term is “profoundly ambiguous and self-contradictory” and contends “that this state of ambiguity and contradiction was skillfully and very deliberately created. Confusion has been one of segregation’s greatest strengths and achievements.”ⁱⁱ

A discussion of the nature of that confusion could start with the 1896 *Plessy v. Ferguson* decision, white supremacy’s legal fig leaf. Even as white supremacy was being institutionalized, it was developing a rhetoric that hid its nature:

We consider the underlying fallacy of the plaintiff=s argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of

anything founded in the act, but solely because the colored race chooses to put that construction upon it. ⁱⁱⁱ

So , in the familiar theme, the problem is that there is something wrong with Black people, they are just overly sensitive. Still, the Court was also willing to grant that part of the problem was the social prejudices of white people:

The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals....Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. ^{iv}

The race problem, then, has nothing to do with power or privilege or exploitation – all of which the law might do something about – it is all a question of how white and Black people feel about each other . In his famous dissent, Justice John Marshall Harlan – as irony would have it, a former slaveholder–

rejected the idea that the separation of the races was merely an expression of individual social preferences, seeing it instead as a “brand of servitude and degradation,” one element in a system of racial oppression:

In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case...The present decision, it may well be apprehended, 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...^v

Harlan was only stating the obvious truth; segregation was the result of systematic racial domination and would only facilitate more brutal aggressions, more transgressive state laws. He lost on the decision, of course, but he also lost the larger battle to determine how the racial system in the South was to be framed. It became increasingly common for white Southern spokespersons to do what the Court did, to separate the act of segregation from the systematic oppression of which it was but a part, to frame the issue in a language of “separation,” “customs,” “our way of life,” and “social equality,” language that

constructed race in interpersonal and not structural terms, language that put the most acceptable public face on political disenfranchisement, economic exploitation, racial terrorism and personal degradation. The language implied a system that worked to everyone's benefit, "enabling each group to develop to its highest potential, at its own pace, in its own way, maintaining its distinctive cultural values."^{vi}

According to John Cell, the precise chronology by which the language and ideology of segregation came together remains obscure but some important points are clear. In the late 19th century most Southern white leadership was committed to the subordination of Black people but they were also very sensible of the need not to repeat the mistakes of 1865-7. Naked attempts at subordination through the Black Codes resulted in the trauma of Reconstruction. We know that "separate but equal" was being used by Southern spokespersons – editors of regional newspapers, for example– as early as the 1880's and it seems to have been most used when Northern audiences were involved. It was not, however, the language of the most fanatical racists. It seldom shows up in the speeches of Ben Tillman or James Vardaman or Furnifold Simmons. The more extreme racists preferred exclusion – not separate facilities for Blacks but no facilities at all. Segregation was the language of the moderates and particularly of that group of merchants, industrialists and planters, who, calling themselves a movement for the New South and working cooperatively with Northern capital, were coming to wield

disproportionate influence on Southern economic and political interests.

If that coalition were to remain stable, however, the South could ill-afford to repeat the errors of 1865-7.

Somehow, in the face of mounting lynching statistics and increasingly militant protests from blacks, Northern opinion had to be mollified. It had to be persuaded that the “best elements” of the South had the Negro Question well in hand.... [T]he emerging segregationist ideology performed its function admirably. Written into presidential addresses and Supreme Court decisions, it formed the basis for a national reunion of whites.

By the late 1920s, Cell estimates, the language of euphemism had become the preferred language of the white South.^{vii} By mid-century, the Southern paradigm had become deeply embedded in national thinking about race.

David Brion Davis has argued that the Confederacy won the Civil War ideologically. That is, the way in which the nation came to think about the issues embedded in the war was shaped disproportionately by Southern interests. Race came to be understood through what Brion Davis calls a Confederate-dominated paradigm. That is, Confederate interests and Northern apologists were able to shape a national memory which minimized the role of slavery in the shaping of the nation. In addition:

The reconciliation of North and South required a national repudiation of Reconstruction as "a disastrous mistake"; a wide-ranging white acceptance of "Negro inferiority" and of white supremacy in the South; and a distorted view of slavery as an unfortunate but benign institution that was damaging for whites morally but helped civilize and Christianize "African savages." ^{viii}

To this, we might add some corollaries and slight changes of emphasis. What Davis calls the Confederate Paradigm has always been most comfortable with framing racial inequality in terms of the characteristics of Black people, if not their inferiority outright, something at least problematic about their attributes. Thus, discussions of poverty – usually a racialized topic - become attacks on or defenses of the character of the poor. Or, in echo of *Plessy*, for many majority-group college students the key problem of race on their campus is the oversensitivity of minority students. Secondly, Southern elites have always preferred discussions about race in which they are presented as the aggrieved party, whether that means bearing the burden of having to civilize and support blacks in the 19th century or having to put up with reverse discrimination in the 20th. The states' rights argument is another version of this. When he stood in the schoolhouse door, George Wallace was trying to frame the issue in terms of his rights being trampled by central authority, not in terms of his doing anything to black people.

Lastly, apologists for the Southern way of life have always preferred to frame race relations in interpersonal, not structural terms. We get endless anecdotes about how

close blacks and whites were under the old system, how much they looked out for one another. When Southern spokesperson spoke of “good” race relations under Jim Crow, they almost invariably meant an absence of conflict between the races, conveniently overlooking the fact that the power relations were so skewed as to make conflict extremely unlikely. When contemporary college students reduce race to who eats lunch with whom, instead of, say, who gets access to higher education, they are proceeding from the same traditional paradigm that privileges the interpersonal over the structural. That few of them could even conceive of a structural way to pose the problem is further proof of Confederate victory.

It is, of course, not difficult to find national leaders interpreting black struggle through a rigidly non-structural paradigm. President Dwight Eisenhower, no fan of *Brown*, framed his opposition in terms that could have come directly from *Plessy*, in terms of the delicacy of human relationships. “I do not believe that prejudices will succumb to compulsion. Consequently, I believe that Federal law imposed upon our States...would set back the cause of race relations a long, long time. “ In order for that thought not to be preposterous, one has to conceive of race relations in a way that does not include violence, exploitation, or the deprivation of effective citizenship for millions of people. If we upset white people, we are going backwards. Later, Eisenhower carefully pointed out to Earl Warren that white Southerners “ are not bad people.”^{ix}

To take an example from the sixties, it is now largely forgotten that the elder George Bush began his political career “emphatically” in opposition to what became the

1964 Civil Rights Act and was particularly critical of the public accommodations component in the legislation. Echoing Eisenhower, he maintained that legal coercion was ineffective. What counted in the quest for civil rights, he explained, was what's in a person's heart. ^x

Brown then, was being interpreted in a certain ideological context, one in which many Americans almost reflexively understood race in non-structural terms. *Brown* was seen as an obvious watershed in part because it seemed to address the presumably all-important issue of how Blacks and whites were going to interact as individuals. From a mid-1950s viewpoint, it was reasonable to believe that having children go to school together would change the role of race in their lives (although experience has proven the matter more complicated, of course). As they first looked at *Brown*, conservative Southern white elites were trapped in 50 years of their own self-serving construction of race. Over time, they began to understand, in Joseph Crespino's useful phrase, that Black aspiration could be strategically accommodated. Accumulated social privilege – class-segregated residential patterns, for example – afforded middle and upper class whites significant protection from desegregation. When that didn't work, district lines could be gerrymandered, classes could be tracked and segregationist academies could be established. Perhaps most importantly, Southern leadership could learn to use the fear of school desegregation in the

rest of the country to blunt pressures for desegregation in the South. The ugliest aspects of white supremacy had to be relinquished – unrestrained racist violence, the constant degradation of blacks, their complete exclusion from formal citizenship – but that didn't necessarily call for fundamental shifts in power and privilege, certainly not at the elite levels. The Byrds of Virginia, the Lotts of Mississippi, Strom Thurmond in South Carolina, even George Wallace in Alabama were able to reinvent themselves. In the process, they were able to pull the nation in their direction, to pull the ideological center of gravity to the right, in part through their skillful exploitation of the racial anxieties and racism of the rest of the nation.^{xi} One suspects that if someone had told Southern elites in the late 1950's that in exchange for concessions of civil liberties to blacks, they would be able to eliminate the idea of liberalism as a legitimate term of political discourse, at least some of them would have considered the bargain well worth it.

African American attitudes toward racial separation have always been complex. The Southern racial system, in fact, allowed for a great deal of personal contact across racial lines, perhaps more so than in other parts of the country; it just had to be contact on terms defined by white people. Southern cities, for example, traditionally had lower indices of housing segregation than their Northern counterparts. Jokesters were quick to

point out that all the light-skinned Black people walking around were proof that plenty of integration was happening after dark. Part of Gunnar Myrdal's optimism about American race relations was based on his finding that while Southern whites were most concerned with preventing social equality -- which, in this context, can be taken to mean unregulated cross-racial contact -- Blacks were primarily concerned with access to jobs, housing, and schooling and least concerned with anything like social inequality. The first Black students to desegregate schools were frequently chided for their disloyalty to Black schools. One 1955 poll found only 53% of Southern blacks in agreement with *Brown*. In his study of Black working class protests over segregated public transportation in WWII Birmingham, Robin Kelley concludes that segregation in and of itself was not the key issue:

Sitting with whites, for most black riders, was never a critical issue: rather, African Americans wanted more space for themselves, they wanted to receive equitable treatment, they wanted to be personally treated with respect and dignity, they wanted to be heard and possibly understood, they wanted to get to work on time, and above all, they wanted to exercise power over institutions that controlled them or on which they were dependent. ^{xii}

The best way to think of it in the post World War II context is that Blacks were virtually all opposed to the stigma that was involved in segregation and to segregation insofar as it

was used as a tool – often a very important tool – to prevent access to a decent life but that did not always translate into any deep commitment to integration as an end in itself.

xiii

Within the leadership of the NAACP itself, however, one could find a very strict focus on ending segregation itself, so much so that Du Bois accused them of myopia. The essays he wrote during the 1930s calling on Blacks to continue to build strong-race-based institutions even as they continued to assail segregation might have been regarded as unexceptional in the sense that they described how most Blacks were living their lives anyway but they led to his being drummed out of the organization he had helped create. Like DuBois, the NAACP's membership often saw a more problematic side to a strict focus on defeating segregation. In the years leading up to Brown, Adam Fairclough contends, "NAACP officials had a hard time convincing their members that integration would be more effective than equalization in obtaining a better education for their children." When some expressed fear for the future of Black colleges, Walter White, the organization's Executive Secretary, replied that Blacks needed to "give up the little kingdoms" that had developed under segregation. When others pointed out that integration often led to Black children feeling isolated and alienated, one NAACP lawyer said that if integration led to some Black children dropping out, that would have to be borne, since there were casualties in all social change. When it was suggested that Black teachers and principals might find themselves unemployed in desegregated systems, the leadership responded that that, too, was the price of change. Robert Carter, one of the

NAACP lawyers who argued *Brown*, noted that the legal team “really had the feeling that segregation itself was the evil – and not a symptom of the deeper evil of racism....The box we were in was segregation itself, and most of the nation saw it that way, too.”^{xiv}

If that was true of most of the nation, it is not clear that it was true of most of the nation’s Black people, either before or after the decision. Initial reactions among Blacks ranged widely. While Thurgood Marshall was saying that segregated schools could be stamped out in five years -- although he expected it to take a lot more lawsuits -- and Ralph Ellison was seeing the decision as opening a “ ‘wonderful world of possibilities ’” for children, a *New York Times* reporter was clearly surprised at the lack of enthusiasm in the Black neighborhoods of Washington, D.C. the day after the opinion was delivered. He entitled his story “Capital’s Negroes Slow in Reacting.” According to Richard Kluger, that wasn’t unusual. The mood in many Black communities was muted and wary. One Black columnist said of Memphis that “‘There was no general “hallelujah >tis done” hullabaloo on Beale Street over the Supreme Court=s admission that segregation in the public schools is wrong. Beale Streeters are sorta skeptical about giving out with cheers yet.’”^{xv}

One way in which *Brown* really was a milestone is that it marked the hegemony of a certain way of thinking about race. The Civil Rights Acts of 1964 and 1965 were regarded by some Americans as having essentially solved America’s racial problems, or at least the black-white component of it. The immediate declaring of *Brown* to be a major turning point bespeaks a similar

triumphalism. To the scuffling folks on America's Beale Streets, who had to meet the Man the day after *Brown*, just as they had the day before, it may not have been so clear just what *Brown* was going to do for them. It may have been a blow against segregation but it didn't speak to the range of political, economic and extralegal constraints on their lives.

Dan Carter tells a wonderful George Wallace story. After his 1963 stand in the schoolhouse door, which, as noted above, he was successfully able to frame as a states rights issue, not a racial issue, Wallace got more than 100,000 telegrams. Over half came from outside the South and 95 percent of those were supportive of what Wallace had done. It was a moment of revelation: "They all hate black people, all of them. They're all afraid, all of them. Great God! That's it! They're all Southern! The whole United States is Southern!"^{xvi} One of the most important ways in which that was true is that the nation had learned to understand race in Southern –that is, non-systemic, non-structural – terms. Had more people understood the implications of that, expectations for *Brown* might have been more restrained.

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Notes

i. On the pace of desegregation, see James Graham Cook, *The Segregationists* (New York, 1962), 3. On school resegregation, see Gary Orfield, *Schools More Separate: Consequences of a Decade of Segregation*, (Cambridge, Mass., 2001). *Smith V. Allwright*, 321 U.S. 649 (1944). On registration, see David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven, 1978), 6-7. The voluminous literature that locates the “beginnings” of the modern civil rights movement before *Brown* includes John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana, 1994); Greta de Jong, *A Different Day: African American Struggles for Justice in Rural Louisiana, 1900-1970* (Chapel Hill, 2002); Charles M. Payne, *I’ve Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley, 1995); and Michael J. Klarman, *A How Brown Changed Race Relations: The*

Backlash Thesis, @ *Journal of American History*, 81 (June 1994), 81-118.

ii. Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York, 1976), 709; "Editorial

Excerpts from the Nation's Press on Segregation Ruling," *New York Times*, May

18, 1954, p. 19. For a nonstereotypical discussion of segregationist reaction,

see Cook, *Segregationists*.

John Cell, *The Highest Stage of White Supremacy: The Origins of Segregation in South*

Africa and the American South (Cambridge, 1982), 2-3.

iii. *Plessy v. Ferguson*, 163 U.S. 537, 551 (1896).

iv. *Plessy*, 551.

v. *Plessy*, 559-60.

vi. Cell, *The Highest Stage*, p. 2.

vii. Cell, *The Highest Stage*, chapter 7; quote from pp, 182-3. See also Paul Gaston, *New South Creed* (Baton Rouge, 1970), esp. chapter 4.

viii. David Brion Davis, "The Enduring Legacy of the South's Civil War Victory," *New York Times*, Aug. 26, 2001, sec. 4, p. 1.

ix. James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (New York, 2001), 81. Eisenhower has been widely criticized for his attitude toward *Brown*. Less well remembered is that immediately after the ruling he voiced his hope that the District of Columbia could be among the first jurisdictions to comply and that it could create a model for others to follow.

x. Dan Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge, 1996), xi.

xi. Joseph Crespino, "Strategic Accommodation: White Opposition to the Second

Reconstruction in Mississippi” (Ph.D. diss., Stanford University, 2003). Carter ,

From George Wallace to Newt Gingrich, xii-xv.

xii. Robin Kelley, *Race Rebels: Culture, Politics and the Black Working Class* (New York, 1994) 75.

xiii. Gunnar Myrdal, *An American Dilemma: the Negro Problem and Modern Democracy* (New York, 1944), 61 ; Patterson, *Brown v. Board of Education*, xxvi .

13. Du Bois, *The Autobiography of W.E. B. Du Bois* (New York, 1968), chapter 17;

Adam Fairclough, *Better Day Coming: Blacks and Equality, 1890-2000* (New York,

2001); Carter quoted in Kluger, *Simple Justice*, 534. The Kansas NAACP originally

planned to bring a lawsuit against segregation in the Wichita schools. It had to be

switched to Topeka because of opposition from black teachers and the Wichita board of

the NAACP. Mark Tushnet, *The NAACP’s Legal Strategy Against Segregated*

Education, 1925-1950 (Chapel Hill, 1987), 139.

xv. Marshall and Ellison from Patterson, *Brown v. Board of Education*, 71,70; *New York Times*, May 18, 1954, p. 18. Kluger, *Simple Justice*, 710.

xvi. Carter, *From George Wallace*, 6. Consider this against one of Malcolm X's jokes:

“Black people are always talking about the South, the South. As long as you are south of the Canadian border, you are in *the* South.”