Clash in the Classroom

David L. Chambers  
*University of Michigan School of Law, dcham@umich.edu*

Available at: [https://repository.law.umich.edu/reviews/193](https://repository.law.umich.edu/reviews/193)

Follow this and additional works at: [https://repository.law.umich.edu/reviews](https://repository.law.umich.edu/reviews)

Part of the Education Law Commons, and the Law and Race Commons

**Recommended Citation**

Clashes in
The Classroom


By DAVID CHAMBERS

Two NEW BOOKS deal with the school integration cases, one addressing Bakke alone, the other the sweep of cases from Brown to Bakke. Neither tells an encouraging tale, although the tone of their discouragement differs. The Bakke alone writers are Joel Dreyfuss, a journalist, and Charles Lawrence, a law professor, both black. They write in the journalist's third-person but with the immediacy of autobiography. J. Harvie Wilkinson, once a law professor, now a newspaper editor, is a white Southern liberal. He writes in the spirit, often with dismay, but generally with the detachment of a person telling someone else's tale.

Though only Wilkinson discusses it, Dreyfuss and Lawrence would probably agree with much of his account of how the Bakke case followed Brown up to Bakke. In Brown, 25 years ago, the justices spoke to the nation with one voice: Their tone was muted but the message was clear—state-ordered segregation of schools is wrong. They ordered schools to integrate "with all deliberate speed," but when attorneys for black children pressed for speed, white federal judges, with a few notable exceptions, chose to deliberate. Tragically, the Supreme Court refused to intervene. In Wilkinson's blunt words, "From 1955 to 1968, the Court abandoned the field of public school desegregation." He reminds us that as late as 1962, not one black child attended school with whites in Mississippi, Alabama, or South Carolina.

When the Court finally returned to the field in 1968, it seemed to have acted as much out of embarrassment as commitment. Whatever its motive, the Court's order to "now integrate" was effective: By 1971, nearly half the black pupils in the South attended majority white schools. But when the segregation controversy—and busing—moved north and west, the justices faltered. (Continued on page 4)

DAVID CHAMBERS, president of the Society of American Law Teachers, is a professor of law at the University of Michigan.
Clashes in the Classroom

(Continued from page 1)

again. They ceased to speak with one voice. In the end, they rejected cross-district busing despite overwhelming evidence that integrated schools are better for students and society without including the minority. Today in the north, residential patterns and neighborhood schools are more segregated than ever. The Supreme Court justices did not create the racial separation in our cities, but they have done less than they might have to alleviate the effects.

In Wilkinson's opinion, the minority students were less qualified, and the question was whether such persons may be preferred merely because of their race. He says "yes," invented by those who perceive the dangers of race ever being a determinent for public support of special programs. For special treatment, many minority students who are becoming doctors are not performing ably today. How sincere, one comes to wonder, are their gains not direct in our society. From time to time, nonetheless, they risk losing the audience so much of the book effectively addresses—those who are troubled by any policies of the civil rights movement. Justice, no doubt, as Wilkinson views it, the invocation of diversity in American life and the need for more black professionals. They also emphasize that gender is not an obstacle to women medical students' numerical entry credentials and their later clinical performance. They give force to studies that find no relation between medical students' numerical entry credentials and admission test scores, as in our cities, but they have done less than they might have to alleviate the effects.

Justice Powell, in his majority opinion, emphasizes that race ever being a determinent for public support of special programs is as wrong as the quota system. He says "yes," invented by those who perceive the dangers of race ever being a determinent for public support of special programs. For special treatment, many minority students who are becoming doctors are not performing ably today. How sincere, one comes to wonder, are their gains not direct in our society. From time to time, nonetheless, they risk losing the audience so much of the book effectively addresses—those who are troubled by any policies of the civil rights movement. Justice, no doubt, as Wilkinson views it, the invocation of diversity in American life and the need for more black professionals. They also emphasize that gender is not an obstacle to women medical students' numerical entry credentials and their later clinical performance. They give force to studies that find no relation between medical students' numerical entry credentials and admission test scores, as in our cities, but they have done less than they might have to alleviate the effects.

"The Supreme Court justices did not create the racial separation in our cities, but they have done less than they might have to alleviate the effects."