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THE BURDEN OF *BROWN*: THIRTY YEARS OF SCHOOL DESEGREGATION. By *Raymond Wolters*. Knoxville: The University of Tennessee Press. 1984. Pp. 345. \$24.95.

Professor Raymond Wolters'¹ *The Burden of Brown* explores several issues that have preoccupied legal commentators, educators, politicians, and parents of school children since the Supreme Court decided *Brown v. Board of Education*.² *The Burden of Brown* questions the proper role of judicial review in a constitutional democracy and, more pointedly, whether color-conscious remedies that focus on racial balance as opposed to simply prohibiting de jure segregation, such as forced busing, are a legitimate extension of *Brown*. Wolters' answer is that *Brown* should be interpreted as prohibiting only official racial discrimination, not as condemning color-neutral policies that fail to achieve substantive racial integration (p. 288).³ Thus, Wolters views post-*Brown* judicial decisions, in which courts nullified time-tested color-neutral policies of local school boards and school superintendents, as nothing more than judges dictating social policy.

To support his argument, Professor Wolters presents five case histories of school desegregation and integration: Washington, D.C.; Prince Edward County, Virginia; Clarendon County, South Carolina; New Castle County, New Jersey; and Topeka, Kansas. All of these school districts were involved in what are commonly known as the

1. Wolters is Professor of History at the University of Delaware.

2. 347 U.S. 483 (1954).

3. "Desegregation" requires the removal of all racial barriers while "integration" involves an affirmative duty to create racial balance.

original School Desegregation Cases.⁴ The choice of locales is no accident, since *The Burden of Brown* was conceived as a response and sequel to Richard Kluger's *Simple Justice*.⁵ In a bibliographical note Wolters explains that "the story of desegregation was not as simple as [depicted in] Kluger's morality tale" (p. 329). *The Burden of Brown* was thus conceived as a "balanced account" of the events that followed *Brown* (p. 329).

Wolter's argument, repeated in each of the five case histories, is that the judiciary's attempt to force integration on white middle-class families was doomed to failure. Through numerous quotations from the affected parties, Wolters argues that by mandating forced busing to remedy desegregation and extending *Brown* to require complete racial balance, judges advocated a remedy that was sociologically unsound and would be firmly resisted by white parents. Wolters thus places the blame for white flight to the suburbs, the deterioration of public education, and the eventual resegregation of public school systems on post-*Brown* judicial decisions. Wolters' argument is not new, and the case study approach focusing on the personalities and political forces that affect a controversy has also been used before in this context.⁶ Perhaps the only additional contribution of *The Burden of Brown* is that it forcefully presents the white parents' perspective in the school desegregation and integration controversy. But in so doing, *The Burden of Brown* forfeits any claim to being a "balanced" account (p. 329).

Throughout the book, Wolters explores white parents' and the white community's various fears about racial integration in order to explain why whites would resolutely resist the judiciary's attempts at integration. But what Wolters portrays as the white community's heartfelt fear of integration often appears to the reader to be nothing more than sincere but prejudiced belief. For example, in describing the problems that accompanied racial desegregation in Washington, D.C., Wolters lists among the several factors that created a rapidly deteriorating school environment, whites' concern over the high incidence of venereal disease and pregnancies among the black students and attendant fear that desegregation "would have a tendency to bring white girls down to [the] level [of blacks]" (p. 14). Similarly, in discussing the Prince Edward desegregation conflict, Wolters quotes a school su-

4. *Brown v. Board of Educ.* was heard together with *Briggs v. Elliott* on appeal from the United States District Court for the Eastern District of South Carolina. *Davis v. County School Bd.* was heard on appeal from the United States District Court for the Eastern District of Virginia, and *Gebhart v. Belton* came to the Court on certiorari from the Supreme Court of Delaware. The public school system of Washington, D.C., was desegregated pursuant to *Bolling v. Sharpe*, 347 U.S. 497 (1954), decided the same day as *Brown*.

5. R. KLUGER, *SIMPLE JUSTICE* (1975).

6. See, e.g., D. KIRP, *JUST SCHOOLS: THE IDEA OF RACIAL EQUALITY IN AMERICAN EDUCATION* (1982).

perintendent as saying that “[s]exual promiscuity is what [whites] fear most” (p. 84). And in the New Castle chapter, Wolters describes a white father’s concern over the possibility that his boy would “come away from school with a colored bride” (p. 181).

Wolters so insistently presents the white parents’ perspective in the school integration controversy that his narrative account of the post-*Brown* events often turns into a carefully documented catalogue of the old and tired clichés about blacks believed by some white parents and educators at the time the courts were mandating racial integration. Herein lies the major flaw of *The Burden of Brown*. Wolters’ narrative technique of quoting extremist views of race relations and his repeated use of discredited views to support his argument has the net effect of substantially defacing, rather than supporting, what might have been a creditable thesis. For example, in describing the Charleston, South Carolina, school desegregation litigation,⁷ Wolters outlines the segregationists’ efforts to persuade the district court that there was a rational basis for segregation. The school board presented an expert witness, a professor of anatomy, who testified that “[t]he average black brain weighed about 9 percent less than that of the average white, the cortex was about 14 percent thinner, and the prefrontal area of the white brain was larger.” These “hereditary characteristics” created differences in the races’ aptitudes for education, “and their effects could not be overcome by desegregation” (p. 147). Resuscitating this type of argument does nothing to enhance Wolters’ main thesis that decisions regarding education should be made democratically at the local level and not mandated by judges. Instead, the effect of Wolters’ insertion of so many racially offensive statements throughout the book is that the reader loses receptivity to the white parents’ position in this controversy. Thus, the major problem with *The Burden of Brown* is that Wolters’ narrative style is not persuasive, but offensive.

Another reason that Wolters fails to be persuasive is not because, as Wolters claims, the book challenges “the prevailing wisdom” (p. 8), but rather because of the glaring absence of a balanced approach to what are controversial and unsettled issues in law, sociology, and education. Wolters never concedes that there may be beneficial sociological achievements promoted by integration. Schools teach important values not measured by achievement test scores. Young children will eventually become adults; at some point, both black and white children should learn how to get along with one another.⁸ Yet for Wolters, any study that shows desegregation and integration may have some beneficial effects should be carefully scrutinized for an ulterior motive. Wolters notes that “[t]he Department of Education has spent

7. *Brown v. School Dist. No. 20*, 226 F. Supp. 819 (1963), *aff'd.*, 328 F.2d 618 (4th Cir. 1964), *cert. denied*, 379 U.S. 825 (1964).

8. See W. RYAN, *EQUALITY* 159 (1981).

millions of dollars for research on desegregation, but scholars are clearly given to understand that 'desegregation is essential' and that grants are intended only for studies that will [point to the benefits of desegregation]" (p. 285). Thus, Wolters concludes, "[i]t is not surprising . . . that much of the government-sponsored research indicates that 'there are no losses for white children in the desegregation process . . . [and] substantial gains for minority children'" (p. 285).

Wolters' conclusory comments on the Warren Court and the *Brown* decision are symptomatic of his unusual brand of "balanced" approach. In the breadth of nine sentences, Wolters disposes of a raging academic debate concerning the proper role of the Supreme Court in a democratic society and the legal scope of the fourteenth amendment. According to Wolters, the *Brown* opinion is "shockingly bad" as a "matter of law" because the Warren Court "ignored the established rule for constitutional construction" by disregarding the intent of the framers and ratifiers of the equal protection clause (pp. 273-74). Wolters unequivocally states that "the equal protection clause was not originally understood to prohibit [de jure or de facto] segregation" (p. 274). This leads Wolters to conclude that in *Brown* the Warren Court "usurped the power to amend the Constitution . . . and read their idea of proper social policy into the Constitution" (p. 274). This unsupported attack on the Warren Court is not at all surprising, since Wolters makes known his dislike for post-*Brown* courts throughout the book. Judges involved in post-*Brown* decisions are alternatively referred to as "arrogan[t]" (p. 63), "disingenuous" (p. 289), and more generally as "the ermine of the bench" (p. 155).

The Burden of Brown, in sum, fails to accomplish what it sets out to do: render a "balanced account" of the impact of *Brown v. Board of Education* (p. 329). Instead, *The Burden of Brown* often becomes nothing more than a tasteless and repetitive monograph on conservative segregationist ideology. As a result, this book fails to contribute to the body of academic literature concerned with the sociological, educational, and legal effects of *Brown*.