

PETER F. LAU, editor. *From the Grassroots to the Supreme Court: Brown v. Board of Education and American Democracy*. (Constitutional Conflicts.) Durham, N.C.: Duke University Press. 2004. Pp. x, 406. \$25.95.

Only a reviewer will read more than a few of these sixteen, too short, too uncoordinated essays. They cover too many topics, focus on too many scattered and unrepresentative places, and employ too many diverse approaches and too many different styles of argument. From narrow legal history to hero and heroine-worshipping local history divorced from larger contexts, from studies of African American factionalism to an attempt to effect a retrospective merger of rural and urban movements for civil rights, from a biographical analysis of a white judge to a riff on the images of *Brown*, Emmett Till's murder, and the Montgomery bus boycott in black cultural memory, the essays touch, much too lightly, on a wide variety of themes in minority history. Notably, but not surprisingly these days, the chapters virtually ignore nonjudicial politics, especially the politics of white resistance, creating a world in which African Americans, Puerto Ricans, Mexican Americans, Asian Americans, and Native Americans valiantly shadow box, without much long-term success, against unseen opponents.

The consequences of the inattention to politics and omission of white opposition are apparent, for example, in the first essay by Blair L. M. Kelley, which asserts that an over concentration on litigating integration by late nineteenth-century New Orleans creoles of color inhibited the organization of a mass movement and divided creoles from more race-proud Louisiana blacks, and that this division facilitated the formation of "the constitutional doctrine" enshrined in *Plessy v. Ferguson* (p. 20). But the facts are that the constitutional doctrine of Jim Crow was fully formed in the antebellum North, that white politicians all over the South passed Jim Crow laws, over the opposition of blacks, to distract

white voters from other issues and to impose racist uniformity on often carelessly nondiscriminatory white cultural practices, and that black unity against disfranchisement in Louisiana in the late 1890s could not prevail in the face of white Democratic control of election laws and the ballot box. To determine whether divisions, if any, among African Americans affected an outcome, one must look at comparative instances and at white as well as black behavior.

Many of the essays are interesting and useful as individual papers. Vicki Ruiz surveys the extensive literature on struggles against school segregation by minorities other than blacks in the American West. Patricia Sullivan suggests that the National Association for the Advancement of Colored People's (NAACP) almost exclusive concentration on southern school segregation from 1934 to 1954 may have weakened the long-run campaign to overcome racial discrimination everywhere in the country. Mark Tushnet presents a crystalline discussion of the way two competing interpretations of *Brown*—"anti-discrimination" and "anti-subordination," requiring only desegregation or requiring integration—developed in Supreme Court opinions from 1948 through 2003. Most striking is Davison Douglas's comprehensive, bleak assessment of *Brown*'s long-range impact on black education throughout the country.

But other essays overstretch. Volume editor Peter F. Lau seeks to move Clarendon County, South Carolina, the site of one of the five cases consolidated in *Brown*, "from the periphery to the center." But the efforts of Clarendon blacks to improve their schools were of only local consequence until activist Rev. J. A. DeLaine responded to an appeal by the head of the state NAACP, and it took the dictatorial efforts of Thurgood Marshall to transform the Clarendon fight for separate and a little more equal into one for integration. What Lau's paper really demonstrates is the violent, devastating white resistance to any black advance in the rural backwater. Christina Greene blurs distinctions between "pre-figurative politics" and actual protest, between private conversation and public action, between the failure to contest oppressive conditions openly and actual acceptance of those conditions, to lend some plausibility to her assertion that it was black women's largely invisible community organizing after *Brown*, and not black male religious, legal, and political leadership or white resistance, that led to the sit-ins and fueled the sixteen-year-long campaign to desegregate the schools in Durham, North Carolina. Michael Klarman severely distorts the nature of pre-*Brown* legal precedents on school segregation and speculates misleadingly about the stances of Justices Tom Clark, Felix Frankfurter, and Robert Jackson to support his dubious contentions that the *Brown* decision was not inevitable in 1954 and that it was more a matter of politics than of law.

The occasion of the semicentennial of *Brown* ought to have produced a more cohesive collection of more deeply considered essays.

J. MORGAN KOUSSER  
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