Brown on White College Campuses: Forty Years of Brown v. Board of Education

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Education has always been the great hope for both individual and society. In the American Creed, it has been the main ground upon which "equality of opportunity for the individual" and "free outlet for ability" could be based. Education has also been considered as the best way—and the way most compatible with American individualistic ideals—to improve society.

This commentary by Gunnar Myrdal is just as appropriate now, forty years after the Supreme Court rendered its decision in Brown v. Board of Education, as it was when he authored An America Dilemma: The Negro Problem and Modern Democracy, which, in 1944, provided an assessment and overview of the state of Black America. The fortieth anniversary of Brown

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3. The importance of education as essential to the hopes of black people in America was first manifested in American courts by a black lawyer named Robert Morris, Sr. In 1848, Morris, alone, filed, tried, and lost the first case ever filed by a black lawyer in American law to desegregate the public school system in Boston. J. Clay Smith, Jr., EMANCIPATION: THE MAKING OF THE BLACK LAWYER, 1844-1944, at 97 n.27 (1993) (discussing Roberts v. City of Boston, No. 976 C.P Suffolk County, Mass. Oct. 1848). Gaining access to education—a fundamental promise of the American Dream—has been an uphill struggle since Morris filed his lawsuit. Blacks have made "an extraordinary effort during most of their history in the United States to obtain [an education]." Kenneth S. Tollett, Universal Education, Blacks and Democracy: The Expansion and Contraction of Educational Opportunities, in RACE: TWENTIETH CENTURY DILEMMAS—TWENTY-FIRST CENTURY PROGNOSES 49 (Winston A. Van Horne & Thomas V Tonnensen eds., 1989). Despite the claim that black people were to get the crumbs of the educational system in some southern states and were to be excluded from the riches of educational systems provided for whites, they rejected
causes us to pause and take stock in just how far this nation has come in realizing the sentiments and ideals of Brown, particularly in the realm of higher education, where the attitudes and understandings of young adults are most profoundly shaped. Indeed, the question that we must face and assess during this fortieth anniversary is that, although minority students have greater access to institutions of higher learning, is the quality of that education fulfilling the ideals of Brown? We also must assess whether impediments exist that limit the access to—and achievement of—the quality higher education embodied in the ideals of Brown.

Part I of this Essay will discuss Brown v. Board of Education and the ideals expressed in the Supreme Court's unanimous opinion as to the aspiration of the Court and of society for our nation's youth to have free and equal access to education. Part II will discuss the impact of integration on college campuses. This discussion will consider factors that demonstrate the black stu-
dent experience on predominantly white college campuses such as increasing instances of racially motivated violence, student protests, affirmative action, black attendance levels at those colleges, diversification of curriculum, and minority faculty hiring efforts.

I. THE IDEALS OF BROWN

Brown was decided during a period in American history in which blacks and whites were separated by city ordinances and state laws that prohibited the races from using the same public facilities such as bathrooms, water fountains, and entrances. These state-sanctioned policies emanated from the Court's prior decision in Plessy v. Ferguson, where the Court ruled that equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities are separate.

In Brown, the Court instructed us as to the effect that public education has on the development of our nation's youth. Chief Justice Earl Warren wrote that "education is perhaps the most important function of state and local governments." He continued, stating:

It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be available to all on equal terms.

Brown overruled Plessy v. Ferguson and outlawed state-enforced segregation in public schools, ruling that "separate but equal" is inherently unequal. The Brown decision
made clear the urgency for dismantling segregation in public schools by ordering school districts to desegregate their educational systems "with all deliberate speed."11

Even the United States, in its brief as amicus curiae, recognized the national significance of eliminating segregation in education. The United States expressed its obligation "to see that constitutional guaranties of individual liberties and of equal protection under the laws are not denied or abridged anywhere in our Union."12 Moreover, the United States emphasized that state-sanctioned discrimination, in any form, can affect the country's relations with other nations. In this context, the United States argued that "[t]he existence of discrimination against minority groups in the United States has an adverse effect upon our relations with other countries. Racial discrimination furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith."13

The benefits of equal access to quality education have been equally recognized in the context of higher education.14 More recently, the Supreme Court applied the Brown theory in the context of the public higher education system operated by the State of Mississippi.15 Although de facto segregation had been eliminated in 1962 with the admission of a black student, James Meredith, to the all-white University of Mississippi,16 the Court found that the vestiges of the state's segregated system remained. The Court in Fordice opined that the state's obligations

13. Id. at 6.
under the Constitution did not end upon the elimination of its official segregative policies. Rather, the state's remedial obligations are not satisfied "until it eradicates policies and practices traceable to its prior de jure dual system that continue to foster segregation." 17

II. THE IMPACT OF INTEGRATION ON PREDOMINANTLY WHITE COLLEGE CAMPUSES

More than ever before, minority students are pursuing undergraduate and graduate degrees at historically white colleges and universities, both public and private. In looking at the bare principle of integration, the ideals of Brown, which call for the elimination of statutory segregation, apparently have been met. However, when looking closely at what is occurring, and recurring, on historically white campuses, it appears that the vestiges of segregation continue. Black students at historically white campuses continue to be the victims of racist incidents, and the nature of these occurrences invariably tarnish the quality of their academic experience.

A. Racially Motivated Violent Conduct

At Penn State University, young black female students, pledges of a historically black women's sorority, were victims of a racial attack. 18 The same weekend of this attack, racially derogatory flyers were distributed throughout the campus. 19 The University of Michigan has also experienced a tense racial climate. In 1987, a flier was circulated on campus "declaring open hunting season of blacks." 20 Another year, a student broadcast racial jokes on the student-operated radio station. 21 These incidents triggered significant tensions between the races on that campus. In 1988, at Stanford University, the word "Nigger" was

17. Fordice, 112 S. Ct. at 2735.
19. Id.
21. Id.
scrawled on a black fraternity house.\textsuperscript{22} Also at Stanford, a student drew a symphony poster of Beethoven into a black face caricature and posted it near a black student's room.\textsuperscript{23}

At Dartmouth College, harassing letters were sent to black, gay, and female students and racially derogatory and sexist graffiti appeared in dorm rooms.\textsuperscript{24} Similar hate mail was sent to black students at Yale.\textsuperscript{25} Racially derogatory letters were also circulated to black female students at Smith College.\textsuperscript{26} Racial tensions at Dartmouth were furthered when a black professor reported being harassed by white students who had refused to leave the classroom after being asked by the professor to do so.\textsuperscript{27}

In 1988, students at the University of Massachusetts at Amherst took over a campus building to protest racial incidents that had occurred against black students at the school. There, two black male students reported being accosted by six white men who were angry because a white woman was with them. In another incident, black students accused campus police of racism for randomly selecting seven black students for a line-up after a white student reported that she had been harassed by a black man.\textsuperscript{28}

In a highly publicized case out of the University of Pennsylvania, four black women who were celebrating the founding of their sorority outside of a dormitory room were the targets of

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\textsuperscript{22} Racial Incidents Reported at Three U.S. Colleges, JET, Nov. 14, 1988, at 28.
\textsuperscript{24} Harassing Letters Upset Students at Dartmouth, N.Y. TIMES, Oct. 19, 1988, at B9.
\textsuperscript{25} Yale Investigates Hate Mail Sent to Black Students, N.Y. TIMES, Sept. 23, 1990, at 37.
\textsuperscript{26} A black professor at Smith resigned when the school failed to adequately respond to the racial incidents. Smith College Prof. Quits After Flap over Racism, JET, Jan. 18, 1988, at 10.
\textsuperscript{27} Dartmouth Rebels Fight College Today in Superior Court, WASH. TIMES, Dec. 19, 1988, at A3. The students claimed that the black professor's class was "one of [the college's] most academically deficient" on campus. The students were ultimately suspended.
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rational slurs when white students allegedly yelled at them, calling them “nigger” and “fat asses.” Only one student admitted to yelling at the women, but stated that he yelled “Shut up you water buffalo. Go back to the zoo where you belong.”

1. Problems with Campus Police

Racial tensions on white college campuses are not just the result of tensions between black and white students. On numerous campuses black students have reported conduct of racial harassment by campus police against black students. At Arizona State University, two black students reported that campus police handcuffed and bullied them while a crowd of white students yelled racial slurs. This incident touched off three days of protests. In 1992, administrators at Arizona State required campus police officers to attend racial sensitivity classes. This requirement was in response to further complaints by black students that campus police officers harassed them or rejected their requests for help. Other complaints included refusing to drive a black student home from a campus football game, refusing to escort students home after dark, and routinely stopping black students on campus to check what they were doing and whether they belonged there. In 1993, at the University of Rhode Is-

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29. Dale Russakoff, At Penn, Can Frank Talk Make Racial Tension Walk? WASH. POST, Nov. 19, 1993, at A2 (reporting that one student at the University of Pennsylvania said that “she often had been called ‘nigger’ by people, presumably students, yelling from high-rise dormitories out of her sight”).


32. Id.


34. Id.

35. Id.
land, black students complained that they were pulled over in their cars by campus police for no apparent reason. At the State University of New York, College at Oneonta, administration officials gave police the names of 125 black male students (presumably possible suspects) after an elderly woman was assaulted by a black male.

Although the number of racial incidents against blacks on white campuses has continued to climb, it appears that objection to such incidents by national groups against the broad range of racially motivated conduct has been minimal.

2. The Greek System

The antics of predominantly white fraternities on college campuses have been cause for stirring racial tension. At the University of Pennsylvania, a white fraternity hired two black strippers to perform before an audience of young white males that shouted racial epithets at the women. The university administration suspended the fraternity for one and one-half years as a result of the incident. At the University of Wisconsin at Madison, a predominantly white fraternity was suspended for sponsoring a mock slave auction where the pledges wore black face and “afro” wigs. The University of Wisconsin was also the scene of a Fiji Island party and a Harlem party, both of which spawned racial tensions. More recently, at the University of Texas, administrators banned a white fraternity that sold tee shirts on campus which showed a “Sambo” character. Another

39. Id.
42. U. of Texas Bans Frats in Racist Incidents for Year, JET, May 21, 1990, at 36.
white fraternity was banned for painting racial slurs on an old car.\textsuperscript{43} At George Mason University, a white fraternity held an "ugly woman" contest in which a white male appeared as a black woman.\textsuperscript{44} The student sued after being punished by university officials. A federal district court later ordered GMU not to punish the student, ruling that he was acting within his First Amendment rights.\textsuperscript{45} Other racially motivated incidents at George Mason University include spray painting doors of rooms where minority students live and spraying shaving cream on cars of minority students.\textsuperscript{46} At a basketball game, an Elvis impersonator sang "Dixie" prompting some students to walk out.\textsuperscript{47}

At the University of Minnesota, white students formed a "White Student Union." A fight escalated between thirty white members of the union and protesters, which was provoked while the union's founder was giving an on-campus radio interview\textsuperscript{48} The founder of the union publicly supported racial separatism.\textsuperscript{46a} Tear gas was used in the fight, and three people were injured.\textsuperscript{49} In 1990, another white student union was formed at the University of Florida at Gainesville to protest affirmative action and other so-called preferential treatment. University administrators made the group eligible for student government financing.\textsuperscript{50}

B. Black Student Attendance at White Colleges

These incidents are just a few examples of racially motivated conduct directed at black and other minority students of predominantly white institutions. According to a recent study by the Institute Against Prejudice and Violence, reports of campus

\textsuperscript{43} Id.

\textsuperscript{44} Robert F. Howe, \textit{Sigma Chi Asks Court To Reinstate its Privileges at George Mason}, WASH. POST, July 27, 1991, at B8.


\textsuperscript{47} Id.


\textsuperscript{49} Id.

\textsuperscript{50} An Organization for White Rights Prompts Protests, N.Y. TIMES, Apr. 8, 1990, at 41.
harassment have increased 400% since 1984.\(^5\) Despite these incidents, as of 1990, eighty percent of the nation's one million black college students were enrolled at predominantly white universities.\(^6\) However, as more of these incidents become publicized, an increasing number of parents and students are turning to historically black colleges and universities.\(^7\) While these institutions have historically had to struggle for funding and facilities,\(^8\) they have generally been spared the extent of the racial turmoil that has proliferated on white college campuses.\(^9\)

Other factors are also affecting black students' pursuit of higher education. Statistics from the early and mid-1980s showed that black enrollment in college, overall, was stagnating.\(^10\) In 1987 the American Council on Education reported that "participation by Black[s] and Hispanics in college

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51. David Shenk, *Young Hate*, CV MAG., Feb. 1990, at 34, 36 (discussing study by the Institute Against Prejudice and Violence).
55. See Wilkerson, supra note 52, at B10. Yet, students at Historically Black Colleges have not been completely immune from racial affronts. *Professor Not Rehired Due to Racial Comment*, JOHNS HOPKINS NEWSL., Feb. 4, 1994, at A6 (reporting that a non-black professor at Florida A&M University made a comment about "nigger mentality" because he felt compelled to make a strong statement to impact his students'); see also Denise Hawkins, *Race Rulings a Reality at Black Colleges*, 10 BLACK ISSUES IN HIGHER EDUC., Aug. 26, 1993, at 15.
continue[d] to decline despite the growing numbers of these minorities graduating from high school.\textsuperscript{57} Between 1976 and 1985, the percentage of eighteen to twenty-four year olds attending college declined by more than seven percent, from thirty-four percent to twenty-six percent.\textsuperscript{58} Some argue that the decline, at least on white campuses, is motivated by a perception that blacks are not welcome on predominantly white campuses.\textsuperscript{59} However, other factors contribute to static black enrollment including rising tuition,\textsuperscript{60} new admissions standards,\textsuperscript{61} reduced...
social and political pressure for affirmative action, and a lack of aggressive recruiting. Increasingly, black student have been choosing proprietary schools and community colleges. This fact is particularly troubling because more students are graduating from high school.

In 1988, however, some colleges began to report an increase in undergraduate admissions applications from black applicants. The news, however, on graduate school admissions has not been as promising. Black enrollment has been dropping in graduate disciplines. This drop came at the heels of what had been a gradual increase. According to the National Research Council, between 1989 and 1991 the number of blacks in Ph.D. programs increased by thirteen percent.

The continuing instances of racial incidents on college campuses have forced racism to the front of the college agenda. Students state that race relations is the top issue on college campuses nationwide. In some cases, social interaction by
black students on college campuses have become increasingly strained. Some students say that they are trying so hard to integrate that in order to avoid racial tension with whites, they even avoid greeting one another in an attempt to be “invisible on campus.”

Other concerns have been raised over the tendency of black students to seek refuge and comfort with fellow black students, at the expense of fostering interaction with white students. Some suggest that black students tend to “voluntarily segregate” themselves from white students. It appears that black and white students attribute separateness to an act of will by the other group, and there is little dialogue between the two groups. This divide is magnified in reports by black students expressing concern about perceptions by whites that they are intellectually inferior. At the University of Alabama, officials have attempted to undercut these misunderstandings by taking measures that will integrate the campus’ Greek fraternity system. The University created an accreditation board that reviews fraternity and sorority chapters every four years. Part of the accreditation process requires black and white fraternities

1989, at 43; see also Lisa Leff, Students Detail Racism Complaints at U-Md. Rally, WASH. POST, Nov. 4, 1993, at C3 (discussing a meeting organized to air grievances about minority treatment by the school newspaper and administration). Even when racial gains have been achieved by black students with white student support, controversy along racial lines erupts. See Blacks Winning Six Campus Queen Titles at White University Stirs Controversy, JET, Nov. 14, 1994, at 54-57; see also Minority Students at U. of GA Protest Selection Process for School’s Homecoming Queen, JET, Nov. 14, 1994, at 58.

70. Trey Ellis & David Dent, Campus Racism: A Special Report, PLAYBOY, June 1989, at 74. Walter Allen, a professor of sociology and Afro-American and African Studies states that: “Universities don’t go to the street corner, they take the cream of the crop now more so than ever. Yet it’s not a supportive environment. Fully 75% of black students report that they don’t feel a part of campus life.” Id. at 157. Graduating rates at white colleges are generally lower for black students than for their white counterparts.

71. Id.


73. Id.

74. Id.


76. Id.
and sororities to put forth good faith efforts to integrate their organizations.  

C. Remedial Measures

A number of colleges and universities have adopted measures for making campuses more hospitable to an increasingly diverse student body, including hiring more minority professors. Many of the remedial measures undertaken by administrators at institutions have been in response to student protests designed to encourage university officials to be more accountable to the needs of minority students. Many minority students have a strong desire to be taught by professors "who look like them." As a result, the current demand for black professors has escalated. In 1988, while black students accounted for approximately nine percent of students on college campuses nationwide, black professors accounted for only four percent of faculty overall, with most teaching at historically black colleges and universities. Schools such as Yale, Duke, Williams College, Wellesley Col-

77. Id.
78. Rhonda O. Covington, Minority Populations at Predominantly White Campuses, BLACK ISSUES IN HIGHER EDUC., Sept. 9, 1993, at 39. But see O'Neal Smalls, Faculty Should Not Hesitate To Take Stance on Political Issues, USC TIMES, Feb. 25, 1994, at 4. Professor Smalls, the sole tenured black on the faculty of the school of law, is critical of the University of South Carolina, Columbia, Faculty Senate for tabling a resolution calling on the General Assembly to remove the Confederate battle flag from the top of the state capitol. On this point, see Darryl Brown, Note, Racism and Race Relations in the University, 76 VA. L. REV. 295, 318-19 (1990).
79. To the extent that white students do not see or are not taught by black teachers, the question arises: to what extent do they enter, matriculate, and graduate from college with the notion that black people are not educated sufficiently to teach them? Correspondingly,  

[i]n order to change stereotypical attitude towards minority students[, a] concerted effort should be made to increase the number of minority faculty in all schools of higher education. Minority professors serve as role models and mentors, as well as advisors to students dealing with feelings of isolation and the sometimes hostile attitudes of classmates and faculty. Kelvin R. Smith, Minorities in Science and Medicine, CRISIS, Feb./Mar., 1994, at 12.
81. See Peter Applebome, Goal Unmet, Duke Reveals Perils in Effort to Increase Black Faculty, N.Y. TIMES, Sept. 19, 1993, at 1; Denise K. Magner, Duke Tries Again, CHRON. OF HIGHER EDUC., Feb. 16, 1994, at A25 (reporting that Duke University "has once again promised to double the number of black professors on its
lege, and the University of Vermont have adopted policies for attracting more black professors to their institutions. These efforts have been impeded, however, by the low percentage of blacks enrolled in non-professional graduate schools.

Ironically, notwithstanding an increasing need for black professors, studies show that racially linked disparities in pay continue to exist. A study at Berkeley showed that race and sex are directly linked to lower salaries paid to minority and female professors by colleges and universities.

Black students are not demanding only more black and minority faculty. At the University of North Carolina, black students protested delays in building a black cultural center on campus. At the State University of New York, students protested the layoff of five professors. Among the students' demands were the rehiring of the laid off professors and the restoration of a performing arts program that emphasized African American music and dance. A student at Princeton urged others to file a federal civil rights complaint against that university over the institution's "inaction on race issues and patterns of accepted racial discrimination and harassment." With the advent of a more diverse student body, colleges and universities are faced with demands for curricula which reflect this nation's diverse culture. At Yale, administrators have
struggled with improving their highly regarded black studies program. Stanford University, which includes a course in Western culture as a requirement for graduation, changed its course curriculum to feature the contributions of women and minorities. The Reagan administration's Education Secretary, William Bennett, criticized this change. English professors at the University of Massachusetts at Amherst proposed that social and racial diversity be included in freshman writing classes. Students at Wayne State University protested to the administration, demanding that the university "double the financing of a newly created Department of Africana Studies." The faculty at the University of Texas challenged a proposal that would require students to take multicultural classes to graduate. Many viewed the proposal as a referendum on "political correctness."

CONCLUSION

The lawyers involved in the collective cases that resulted in the Brown decision had great vision and inexhaustible hope that integration would usher in a new day with reformed values for America. As Brown turns forty, questions remain about

92. Id.
the realization of that vision then, and now, and whether the values expressed in Brown have reformed America. The views on these questions are mixed, and even Oliver White Hill, one of the lawyers whose legal acumen helped to desegregate the public schools in Virginia, is ambivalent. The views are mixed because the numbers of black students in college are mixed. Hill probably wonders how he, who rose from poverty to become a successful black lawyer in the South, is now told that there is a decline of black males attending college and of the number of doctorates earned by both black males and females. He also must be concerned to learn that racial tensions on some southern college campuses are escalating.

As segregation in the public colleges and universities continues to grow, it should come as no surprise that some may now question whether the promises of Brown, and the hopes of legal advocates like Thurgood Marshall and Charles Hamilton Houston, are being dashed without the slightest concern for increased educational opportunities that assure greater racial

100. Retha Hill, Scarc e Man on Campus, WASH. POST, Mar. 21, 1994, at 1 (reporting that converging pressures keep black males from college); Mary Jordan, Fewer Black Males Attend College, WASH. POST, Feb. 28, 1994, at 1; Catherine S. Manegold, Fewer Men Earn Doctorates, Particularly Among Blacks, N.Y. TIMES, Jan. 18, 1994, at A14.
102. Shawn Matthews, Young Voices Speak Out on Racism, THE STATE (Columbia, S.C.) Feb. 27, 1994, at D1. Matthews, a white student at the University of South Carolina reports, "One would think that a campus such as USC that preaches tolerance, independence and diversity would have wonderful race relations. But the truth is that we do not and I find it very upsetting." Id.
104. See Juan Williams, Support for Desegregation Declines, Study Says: 30 Years After Landmark Ruling, Educational Systems Seen as Reverting, WASH. POST, Jan. 19, 1985, at A7.
interaction. The challenge for the days ahead is for society to secure the values etched in the *Brown* decision on white campuses and encourage all students to share in each others’ rich culture without demanding that people of color abandon their own.

In 1944, Gunnar Myrdal may not have anticipated that ten years after his book was published, the U.S. Supreme Court would determine that the separate but equal doctrine in public education would be ruled unconstitutional. Nor could Myrdal have anticipated that as a result of that decision, black students would not all define “[e]ducation [as] an assimilation of white American culture.” Today, democracy does not require the assimilation of anything more than the culture embodied in the American Creed, a creed that requires the tolerance of all people and cultures, a value that *Brown* amended to the American Creed.


106. MYRDAL, *supra* note 1, at 879.