

Review

Reviewed Work(s): *Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education* by Mildred Wigfall Robinson and Richard J. Bonnie

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servitude who can command it" (143). These white petitioners, as well as the black beneficiaries of wills, clearly recognized that ownership of private property by slaves was a liberating force at odds with the social order of slavery. Although coming from a different perspective, Congress shared this view. In the Civil Rights Act of 1866 Congress, anxious to destroy the vestiges of slavery, affirmed the right of recently emancipated slaves to inherit and purchase property. The right to acquire property was seen as a vital hallmark of a free society.

Aside from issues pertaining to property ownership, this book provides a wealth of information about conceptions of moral behavior, interracial sexual activity, and notions of family in the antebellum South. Jones has carefully mined trial court records to uncover the highly personal nature of these inheritance disputes. She has provided an insightful examination of slavery, manumission, freedom, and property rights that should have a broad appeal to scholars.

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Mildred Wigfall Robinson and Richard J. Bonnie, editors, *Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education*, Nashville, Tenn.: Vanderbilt University Press, 2009. Pp. 249. \$45.00 (ISBN 978-0-8265-1619-0).

doi:10.1017/S0738248010000246

This essay collection seeks to capture the experiences of children who lived through the school desegregation era. The editors, Mildred Wigfall Robinson and Richard J. Bonnie, identify themselves as members of the "*Brown* generation," which they define as those who were in public schools at some point between 1954, when *Brown v. Board of Education* was decided, and the mid-1960s. The desegregation struggle "affected us profoundly," they explain, and *Brown* stands as a "powerfully symbolic decision [that] seemed to us to capture the best hopes of an era" (2). They decided to explore the experiences of other members of the *Brown* generation, sending out surveys to people who were born between 1936 and 1954 and asking for their recollections of *Brown* and how the decision changed their educational experience. The results of the survey are summarized in an appendix, but the bulk of the book consists of forty short essays in which respondents describe their personal experiences and reflect upon *Brown's* significance.

What gives this project a distinctive place in the extensive literatures on *Brown* and school desegregation is the way in which Bonnie and Robinson

targeted their survey: They sent it to law professors. Herein lies perhaps the most revealing aspects of the essay collection, although largely unintended (and unacknowledged) by the editors. In their personal recollections of *Brown*, most of the law professors who contributed tend to mirror legal scholarship on *Brown*, vacillating between acknowledging the minimal impact the decision itself had on their lives while also insisting on the decision's transcendent importance.

The essays are a mixed bag. They are frequently digressive, at times frustratingly so. Some contributors only briefly describe their public school experiences before turning to their own academic careers, where *Brown* reappears as an inspiration for various career choices. Some write more about their views of current race relations than about their childhood experiences. Yet the narratives also can be insightful in a distinctly personalized and unpredictable way. The best provide powerful personal vignettes that help to fill out the historical record of *Brown* and its aftermath. One contributor who was a freshman at the all-white University of Georgia in 1954, for example, recalls being surprised at favorable initial reception to *Brown* on campus (59). Several African American contributors write about their own resistance to desegregation.

"We liked our present school world—secure, sane, affirming, safe, nurturing, and, of course, all black," writes Charles E. Day (97). Tracking as a tool of de facto segregation within "desegregated" schools is a common theme, as are black-white tensions within the newly desegregated schools. (Davison M. Douglas recounts being "razor bladed" in a fight with black students [104]). The costs of desegregation on black teachers and administrators also emerges in several essays.

In describing their personal experiences, the majority of contributors reiterate a basic point: very little changed after *Brown*. Many who were in school at the time of *Brown* simply cannot recall the decision as an event in their lives. School desegregation in the decade following *Brown* was minimal, and even in nominally desegregated schools there was often little interracial interaction. Outside the border states, most of the school desegregation described in this collection did not take place until the late 1960s. The dominant storyline that emerges from the personal accounts (and in the survey results) is that the decision itself had relatively little effect on the lives of children at the time or in the decade following.

Nonetheless, when given the opportunity to generalize about the impact of *Brown*, most contributors come to the exact opposite conclusion. *Brown* mattered, they insist over and over again. "Hearts changed as a result of the Court's pronouncement," assert the editors in the introduction (6), a claim they embrace as the title of the book.

These apparently contradictory conclusions on *Brown's* impact largely can be attributed to definitional inconsistencies—the same tendency that has made recent scholarly debates on *Brown's* impact so heated even when the

substantive differences among competing interpretations often end up being rather small. So when contributors assert that the decision had an identifiable impact on attitudes and actions, what they often mean is that school desegregation had such an impact. If one supports a claim for *Brown's* efficacy by citing the school desegregation that took place in the wake of the 1964 Civil Rights Act, then there really is no debate, as revisionist scholars (such as Gerald Rosenberg and Michael Klarman) readily concede that congressional action was effective. But once *Brown* becomes synonymous with school desegregation itself, then the question of the decision's impact dissolves into a tautology. What is left is a different—and ultimately more important—question, over the value of racially integrated education. On this question, the diverse contributors to this collection speak with one voice, powerfully and often eloquently describing the costs of segregation and the value of integration to their school experiences.

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Paul Frymer, *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party*, Princeton, N.J.: Princeton University Press, 2008. Pp. 202. \$27.95 (ISBN 978-0-691-13465-9). doi:10.1017/S0738248010000258

Frymer's thought-provoking book contrasts the judicial branch's unintended and unexpected success in ending unions' discriminatory practices with the failure of the other branches and the labor movement to do so. Importantly, Frymer uses this contrast to demonstrate the judiciary's overlooked role in building the late twentieth-century American state.

Frymer argues that, during the early twentieth century, racism warped the United States' system of representative democracy and divided the Democratic Party. As a result, policymakers encoded racism in the structures of the modern American state. For instance, Congress and the President designed programs for addressing union discrimination to be ineffective and divided responsibility for these programs among multiple federal offices, including the National Labor Relations Board (NLRB), executive committees, and the Department of Labor. These federal offices then worked at cross purposes and with little internal resources or resolve. The result was "policy fragmentation and, ultimately, institutional chaos" (20).

The labor movement also failed to recognize and address its systemic race problems, Frymer concludes, despite persistent prodding by the NAACP. Frymer recognizes that in the mid-twentieth century, the AFL-CIO and