

St. John's Law Review

Volume 78
Number 2 *Volume 78, Spring 2004, Number 2*

Article 3

February 2012

Remarks of Jack Greenberg

Jack Greenberg

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

Recommended Citation

Greenberg, Jack (2004) "Remarks of Jack Greenberg," *St. John's Law Review*. Vol. 78 : No. 2 , Article 3.
Available at: <https://scholarship.law.stjohns.edu/lawreview/vol78/iss2/3>

This Symposium is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

REMARKS OF JACK GREENBERG†

Earlier this year, I visited Budapest and Sofia in connection with Roma-integration programs in Eastern Europe designed affirmatively to integrate Roma children, also known as Gypsies, into public schools in Eastern Europe. I was invited to participate in this work because of my experience with *Brown*¹ and school desegregation in the United States. The only analogy for my experience is that when you learn a foreign language you understand English better. When I participated in the integration of the Roma into public schools of Eastern Europe, I gained a better understanding of what happened here immediately following the *Brown* decision and in its aftermath.

In 2002, the integration had begun with 2,400 Roma children being introduced into public schools in six towns in Bulgaria. When I visited those schools and saw how the integration was going, I was amazed and thunderstruck because the beginning of the integration was smooth. It was successful and it was greeted by community goodwill. It was everything anybody could have hoped for; its contrast to what occurred in the United States in 1954 could not have been greater.

When *Brown* was decided in the United States, the effect of the decision neared a revolution in the South. The 101 southern congressmen and senators adopted the Southern Manifesto,² in which they denounced the Supreme Court of the United States. "Impeach Earl Warren" campaigns proliferated throughout the country. The southern states set up state sovereignty commissions. They passed statutes requiring that public schools be closed if they were integrated. They passed other statutes setting up impenetrable barriers to integration. There was persecution of civil rights groups—Alabama for example banned the NAACP from functioning in the state. Civil rights lawyers

† Professor of Law, Columbia Law School. B.A., LL.B., Columbia University.

¹ *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

² See generally INTEGRATION VS. SEGREGATION 32–35 (Hubert H. Humphrey ed., 1964) (reprinting text of the Southern Manifesto and providing historical note regarding its signing).

were the subject of disbarment proceedings all over the South. We all remember Little Rock. In towns where integration had been attempted or begun, the National Guard, state police, and sometimes federal troops were frequently called out.

Nothing could have contrasted more with what occurred in Eastern Europe. In Eastern Europe, school desegregation proceeded smoothly. Fifty years after *Brown*, with very little happening on the integration front, I began to ponder the situation. It occurred to me that Eastern Europe is politically hospitable to the idea of integrating schools while the South was not. One reason why Eastern Europe has been receptive to integration is that entry into the European Union is conditioned upon integration. Thus, Bulgaria, Hungary, Czechoslovakia, and Slovakia must integrate their public schools in order to be admitted into the European Union. In an effort to comply, Bulgaria, Hungary, and other Eastern European states have passed national statutes that require integration. Similarly, Hungary has passed a framework program recognizing the need for integration.

When Bulgarian public schools integrated the 2,400 Roma children into the formerly non-Roma schools, those schools benefited from supportive social programs. Social workers visited every single home in the community. Schools furnished tutors for children and the communities provided meals and clothing to those children who were most in need. Cultural programs took place in which Roma and Bulgarian children interacted. I attended a meeting in one school of about three-hundred students, where students, administrators, teachers—Roma and non-Roma—all praised what had occurred and boasted of the fact that the second-highest scoring student on the national math exam was a Roma child who had been integrated into the public school. It then occurred to me that school integration in the United States did not begin to be successful—to the extent it even has been—until the United States reached a stage in which the politics and the public receptivity was at the same level as it currently is in Eastern Europe.

I then understood that *Brown* had a dual role. It provided for integration of schools, but *Brown* also had another role. It acted like an icebreaker that crashed through a frozen sea and changed the politics of the country. Until *Brown*, senators by the

names of Eastland, Talmadge, Russell, and others dominated the politics of the South, indeed of the entire country. They controlled what was happening in the South and they also exercised considerable influence in the North. For example, Senator Stennis once refused to bring a military appropriations bill before the Senate unless President Nixon intervened with the United States Court of Appeals for the Fifth Circuit, by asking the court to recall some school desegregation orders issued at the time. The President intervened; the Fifth Circuit listened to him. I brought the case before the United States Supreme Court and it reversed the Fifth Circuit's decision.³ *Brown* rebuffed the dominant powers that existed.

Brown then gave rise to the civil rights movement's sit-ins and Freedom Rides. Those who doubt that *Brown* succeeded in creating those changes need only remember the sit-ins. Sit-in demonstrators said *Brown* inspired them. The first Freedom Ride ended in New Orleans on May 17, 1961, which is the anniversary of *Brown*. Martin Luther King held prayer pilgrimages. *Brown* also inspired and helped bring about the Civil Rights Acts of 1964, 1965, and 1968, which led to significant political changes. Now we have many black congressmen; the mayor of every large and most small cities in the United States is, or has been, black at one time. A complete change has taken place.

While it is always a mistake to look at some particular factor in history and attribute everything to it, you certainly can say that *Brown* played a major part in the civil rights movement. As that transition occurred, the United States approached issues of race and school desegregation in a way that Eastern Europe would later approach the integration of the Roma. Integration of the Roma came out of parallel developments in Eastern Europe, such as the Holocaust, which greatly injured Jews as well as the Romas; the Universal Declaration of Human Rights; the European Convention on Human Rights; the establishment of the European Court of Human Rights; and the pervasive influence of human rights ideology throughout Eastern Europe. All of these events occurred following World War II and now

³ See *Alexander v. Holmes County Bd. of Educ.*, 396 U.S. 19 (1969).

culminate in the requirements placed on Eastern European countries by the European Union.

The United States did not begin to reach integration until the mid-1960s. Because of my experiences with desegregation in the United States and Eastern Europe, I perceive *Brown* as not only a school desegregation case, but also as a case that changed the country's politics in a way that made integration of the schools possible and opened new arenas to integration.