

The Power of Ideas: Reflections on the Legacy of *Brown v. Board of Education* and the American Experience

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The title of a popular song released by John Mayer, “Bigger Than My Body,”¹ calls to mind the notion that there are some things that are “bigger” than our “bodies.” There are, for example, ideas that are “big” — ideas that have a huge influence on the course of human history and world events. Eleanor Roosevelt, the wife of Franklin D. Roosevelt, America’s 32nd president was an incredible person in her own right — and had great influence in her time. She is reported to have said, “Great minds discuss ideas. Average minds discuss events. Small minds discuss people.” While I don’t pretend to have a “great” mind, within this article, I hope to address some of the key ideas that have shaped the course of American history.

I. The Key Ideas

The United States of America is a country of vast resources, and with accumulations of political, economic and military power. While some might argue that it is because of this “power” — indeed, “super-power” — that the U.S. is relevant in the world today, I would suggest that the real strength of the U.S. lies not in its political, economic or military power, but in the strength of the ideas and ideals upon which it is founded. The American Declaration of Independence states, “We hold these truths to be self evident; that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ...” LIBERTY, JUSTICE, and EQUALITY are words that are frequently used. But these are not just words. These are the key ideas and

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¹ “Bigger Than My Body” song by John Mayer in his *Heavier Things* album, Aware/Columbia label, September 9, 2003.

powerful ideals that have inspired and continue to inspire the American dream and the dreams of people around the world.

To acknowledge freedom, justice, and equality as cardinal ideals is not to say that they have been fully realized, accomplished and achieved. Rather, to hold them as ideals is more akin to stating a goal or a grand ambition. As ideals, we use them for charting a course to the point to which we hope to go. Freedom, liberty, justice, and equality are but words until they are imbued with meaning. In the United States, the process of discovering that meaning has been on-going — both within public and private realms. In the public realm, there have been key moments of discovery and awakening — moments that have enlarged the soul of America and expanded our understanding of the meaning of these ideals. For many of America’s founding fathers, an understanding of the meaning of the concepts liberty and justice was forged in America’s own struggle and fight for independence from Great Britain. Liberty, a freedom from oppression and the freedom to choose, was a key value that inspired the American Revolution. Students of history are familiar with Patrick Henry’s often quoted phrase, “give me liberty or give me death.” The pursuit of justice was also a key driving force of the revolution. America’s founding fathers rejected, as unjust, the idea of taxation without representation.

For many individuals, the moments of discovery and awakening have been personal and private. A nation of immigrants, America has become home to millions who have sought their own personal liberty and the freedom to pursue their own opportunities. More than 75 years ago, my grandfather was one of those



Photo 1: Sadaichi Oba as a young man in Yamaguchi prefecture. Photo 2: Sadaichi Oba with his new wife, Oyuki Oba in Denver, Colorado several years after immigrating to the United States.

who sought his dreams in the United States. The third son in a large family living in Yamaguchi-ken, he realized he was not going to inherit any of the family's land. He sought his own economic opportunities and liberty in America.

Not explicitly stated, but suggested in the concept of “justice for all” and deeply woven within the fabric of American values, is an awareness that liberty is not simply a freedom to do simply as one pleases, but rather comes with the condition that it be responsibly exercised. Supreme Court Justice Anthony Kennedy has explained, “Freedom does not preserve itself There can be no liberty without responsibility, and every citizen in a constitutional democracy has the responsibility to defend the freedom of all ... and where the rule of law does survive, free people have an obligation to preserve liberty not alone for themselves but for the hope of others still oppressed.”²

It may be instructive to digress briefly and consider the meaning of freedom and liberty in our own lives. Within society, there are some who are evidently tempted to interpret liberty and freedom to mean that they are entitled to do anything they please, when and where they please — including things like smoking cigarettes. While these individuals may well be free to smoke, they would benefit from realizing that the improper exercise of this freedom may lead to addiction, and, thus ultimately, the loss of freedom. As one exercises one's freedom, it is important to assume responsibility for the consequences of one's choices. At times, our choices or the exercise of our personal freedom may intrude upon the “freedom” of others. For example, if someone in a restaurant decides to exercise his or her freedom to smoke, what happens to the freedom of those seated in the surrounding area to breathe clean and unpolluted air? Clearly, a need exists for “defending” or respecting the freedoms of others.

But to return to the point at hand, the Supreme Court decision issued 50 years ago in the case involving *Brown v. Board of Education* represents one of America's key moments of discovery and awakening. This decision expanded the public understanding of the ideal of equality and in so doing has had tremendous impact on the fabric of life in America. To better understand the importance of *Brown*, we need to review a few basics about the American experience.

II. Expanding the Circle: “We” the People

The Constitution of the United States begins with the phrase, “We, the people.” If one considers the meaning of the word, “we,” in a historical context, its meaning is perhaps more narrow than one might initially anticipate. The “we” of the founding fathers apparently was limited to adult (over 21 years of age) white males who owned property. The “we” of the founding fathers apparently did not include women, and it did not include blacks and other racial minorities.

² Anthony Kennedy, Associate Justice of the U.S. Supreme Court in a speech delivered in Taipei, Taiwan in 1994.

In an important Supreme Court case in 1857 known as the *Dred Scott case*, the Supreme Court held that blacks, whether free or slave, were not citizens of the United States. Chief Justice Taney noted that at the time of the signing of the Constitution, blacks were considered to be an inferior class “with no rights which the White man was bound to respect.” Following this decision, in 1865 many of the southern states passed laws, referred to as “Black Codes” or “Jim Crow laws” which severely restricted the rights of freed slaves. Under the “Black Codes” blacks were prohibited from voting, serving on juries, testifying against whites, marrying whites, carrying weapons, and working in certain occupations. As a practical consequence, these laws gave rise to the beginning of segregation — including the segregation of public schools, housing, and public and private facilities. In many places in the South, restaurants, trains, and restrooms were segregated.

As a counterbalance, however, Congress enacted the Civil Rights Acts of 1866 aimed at protecting the civil rights (including the right to contract, take legal action and own property) of everyone in the United States — including blacks. And in 1868, the 14th Amendment to the Constitution was ratified. The 14th Amendment effectively overruled *Dred Scott* by guaranteeing that all persons born or naturalized in the United States were citizens of the United States and, as such, were entitled to “the equal protection of the law.” Notwithstanding the passage of the 14th Amendment, Supreme Court decisions in the next several decades continued to narrowly define federal powers in a way that gave states the power to exercise control over the rights of citizens within the states. Taking advantage of this reasoning, proponents of segregation argued that segregation in public schools was an issue of state rights. In 1883, the Supreme Court overturned the Civil Rights Act of 1875 and declared that the 14th Amendment did not prohibit discrimination by private individuals or businesses. After this decision, many southern states took further steps to enforce segregation. Florida, and then eight other states, passed laws mandating segregation in public places.

In an important Supreme Court ruling in 1896 in the case of *Plessy v. Ferguson*, the court held that “separate but equal” facilities for whites and blacks on trains did not violate the Equal Protection Clause of the 14th Amendment. The “separate but equal” doctrine established by this court case provided the legal basis for justifying segregation. Although the reality was that segregated facilities were rarely equal, the practice of segregation continued well into the middle of the next century. Thus, the “we” of “we, the people” continued to be in the minds of many, a white “we.” The reality was not a “we,” but an “us” and “them.” And the circle of “we” continued to be a very small and exclusive circle.

It is against this historical backdrop that we need to consider the significance of the Supreme Court’s decision in *Brown v. Board of Education*. The facts of the cases that became known as *Brown v. Board of Education* are fairly straightforward. In these cases a number of black children were forced to endure long commutes to get to all-black schools — in many cases, schools that were

clearly substandard. This was despite the fact that in most cases, there were other elementary schools, for white students, much closer to where the black children lived. When the parents of the black children asked that their children be allowed to attend the all-white schools closer to home, their requests were refused. The resulting lawsuits were grouped together and became the case that today is known as *Brown v. Board of Education*.

The decision in *Brown v. Board of Education* announced on May 17, 1954 — just over 50 years earlier — reversed the earlier decision of *Plessy v. Ferguson*. Although *Plessy* was based on the idea of “separate but equal” schools, in *Brown* the Supreme Court recognized there often was no equality in the schooling provided to white children and the schooling provided to black children. According to the *U.S. News & World Report*, “in the decades before *Brown*, South Carolina spent 10 times as much on educating every white child as it did on every black child. Florida, Georgia, Mississippi, and Alabama spent five times as much.”³ In overturning *Plessy v. Ferguson*, the Supreme Court decreed that racial segregation in public schools violated the Equal Protection Clause of the 14th Amendment. This momentous decision affected an estimated 12 million black and white students in more than 11,000 school districts.⁴

Although the Supreme Court’s decision in *Brown* was directed at the issue of segregation in America’s public schools, the implications of this decision were much larger. Through this decision, the Supreme Court took decisive action to expand the circle of “we” within American society. At long last, the “we” was clearly and publicly understood to include persons of all races. Finally, the United States had begun to come to grips with the meaning of equality. *Brown v. Board of Education* was a key point in informing and enlightening the public understanding of the ideal of equality — but it is also important to understand that although it was a monumentally important decision in the course of American constitutional law, the *Brown* decision was also only a beginning.

Following the *Brown* decision, some states attempted to pass their own resolutions aimed at reversing the effect of the Supreme Court’s decision. Some states deliberately failed to take steps to end discriminatory practices including desegregation — notwithstanding the court’s instruction that desegregation should take place “with all deliberate speed.” On an individual level, parents of some white students refused to allow their children to attend integrated schools. In some cases, mobs of angry whites attempted to stop black children from enrolling or attending public schools. In several instances, the President exercised his authority to send in federal troops to protect black students who, in accordance with the Supreme Court’s decision in *Brown v. Board of Education*, were attempting to enroll in public schools or colleges.

The Civil Rights movement in the mid-1950s to the late 1960’s, represented a

³ Justin Ewers, *U.S. News & World Report*, March 22, 2004.

⁴ *Ibid.*

movement by black Americans to gain the civil rights that had been recognized in constitutional and federal law — but that, in many cases, were not effectively protected by the states. In many ways, this movement was inspired and sustained by the vision of EQUALITY that the Supreme Court endorsed in the *Brown* decision. According to historian Juan Williams, “When you look at *Brown* you are looking at a moment so powerful it is the equivalent of the Big Bang in our solar system. It led to the Civil Rights Act of 1964 and the Voting Rights Act of 1965. It led to sit-ins and bus rides and freedom marches. And even today, as we argue about affirmative action in colleges and graduate schools, the power of *Brown* continues to stir the nation.”⁵

In both the *Brown* decision and the Civil Rights movement we can observe the practical power of an idea — the force and the power of the idea and ideal of equality. In 1963, Martin Luther King, Jr. delivered a speech that captured the power of this idea. The speech was his famous, “I Have a Dream” speech in which he said, “I have a dream that one day this nation will rise up and live out the true meaning of its creed: “We hold these truths to be self-evident; that all men are created equal.” I have a dream that one day ... the sons of former slaves and the sons of former slave owners will be able to sit down together at a table of brotherhood I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character I have a dream that one day ... little black boys and black girls will be able to join hands with little white boys and white girls and walk together as sisters and brothers.”⁶ King’s powerful speech touched many hearts. But more than the force of his words, his speech resonated because of the power of the ideas that it invoked. And, these are the same ideas that the Supreme Court tapped in its landmark decision in *Brown v. Board of Education*. Such are the power of ideas.

III. The Last Fifty Years: Mixed Results

In a case known as *Brown II*, the Supreme Court empowered lower courts to supervise the desegregation of local school districts. The decision also ordered that desegregation proceed “with all deliberate speed.” In line with this decision, between 1955 and 1960, US federal courts considered more than 200 school desegregation cases.⁷ In some cases, court action resulted in court-imposed desegregation plans. And in the most controversial of these, some of the plans required busing some students to schools outside of their immediate

⁵ Brian Willoughby, “*Brown v. Board: An American Legacy*,” *Teaching Tolerance Magazine*, Number 25, Spring 2004.

⁶ Martin Luther King, speech delivered at the Lincoln Memorial in Washington, D.C. on August 28, 1963.

⁷ Brian Willoughby, “*Brown v. Board: An American Legacy*,” *Teaching Tolerance Magazine*, Number 25, Spring 2004.

neighborhoods. Despite these attempts, desegregation has remained an elusive goal. While it is certain that more students now attend desegregated schools than in 1954, there are still many schools in many cities that remain largely segregated. In too many cases, “black and Latino students live in segregated, urban neighborhoods and attend overcrowded, under-funded, low-achieving schools, while many of their white counterparts attend affluent, nearly all-white schools in suburban America.”

The reasons for this are fairly clear. In many cities, housing patterns remain largely segregated. Because courts have become more unwilling to force students to attend schools outside of their neighborhoods, students attend schools close to their homes — often within their racially segregated communities. At the same time, the debate within the academic community is increasingly questioning whether desegregation is the best way to promote equality of opportunity — particularly in regard to education. Some educators today argue that the most effective way of encouraging integration is to improve the level of academic achievement at schools with heavy minority enrollment.

So, if we are to evaluate *Brown* solely on the basis of its success in ending desegregation in American public schools, we can give it only mixed — and, in some cases, failing marks. In this respect, *Brown's* promise remains unfulfilled. However, as I have tried to convey to you today, I believe that *Brown* represents something more than the issue of desegregation — rather, it more importantly represents a powerful, potent idea — the promise of equality — and in this way, it has had a far-reaching influence on America.

IV. Still a Vision: “We the People” — United by Ideals and Principles

Today, whenever I have an opportunity to return to America, I am almost always impressed by the diversity present in and the integration that has occurred within American society. Today in America, it is not unusual to see friends and colleagues from various racial backgrounds working, studying or playing together. Again, the process is not one that has been perfectly completed, but the substantial progress made during the last 50 years stands as a visible testimony to the far-reaching impact of this important Supreme Court decision.

When my daughter was in the second grade of elementary school, she attended a school in the Maryland suburbs near Washington, DC. Her class consisted of students from a wide variety of racial groups (see photo). Growing up in a multi-cultural environment has had a tremendous positive effect on my daughter. She has learned not to be pre-occupied by judging others by the color of their skin. She has learned that she can be at ease with dealing with others from various ethnic groups. My daughter's experience, repeated over and over for many other children in America demonstrates the power of the American ideal of “equality.”

Yes, there are still problems in the U.S. with racial discrimination and prejudice. But during the past 50 years there has also been tremendous progress



Second grade class in Montgomery Knolls Elementary School in Silver Spring, Maryland

— and in the minds of many, if not most Americans — the circle of “we” has expanded. “We the people” of America are not American because we share an ethnic or genetic identity. “We the people” are American because we share a commitment to some very powerful ideas: freedom, liberty, justice and equality. And, while for this purposes of this article I’ve described these ideals and ideas as American, I believe that, in fact, they are more universal. I look forward to the day when, as individuals, we can expand our circles of “we” to include all humankind.