CHAPTER 5

Black Studies, Social Transformation, and Education

Revisiting *Brown*, Reaffirming Black: Reflections on Race, Law, and Struggle

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The 50th anniversary of *Brown v. Board of Education* rightfully invites and encourages a sober assessment of its meaning and weight in the scales of history (Bell, 2004; Ogletree, 2004). But if it is to have the significance and heaviness in history it deserves, it must be conceived of and engaged as a metaphor for a sociohistorical process, not simply a legal event. Indeed, it must be studied and understood *not so much as what White men did in court, but rather what Black people did in struggle.* Moreover, this struggle, which led to *Brown* and continued in the face of White resistance to it, must be seen as part and parcel of the ongoing historical struggles of African people in this country and around the world to win and expand freedom, secure justice, and bring and sustain good in the world.

Thus, it is of historical and analytical importance to note that not only is this year, 2004, the 50th anniversary of *Brown*, but also, the 200th anniversary of the

Haitian Revolution (James, 1963; Geggus, 2002; Racine & Ogle, 1999; Bell, 2001). In fact, the governing interest of this article is to offer an expanded and expansive interpretation of the *Brown* decision, placing it not only in the larger context of our continuing struggle for civil and human rights in this country but also in the broader context of our ongoing historic struggle as African people to expand the realm of human freedom and human flourishing in the world. To do this, I want to work from the framework of Kawaida philosophy, an intellectual project rooted in tradition and developed in reason, seeking to constantly bring forth views, values, and corresponding practice that represent the best of what it means to be African and human in the fullest sense (Karenga, 1980, 1997).

Kawaida is self-defined as the ongoing synthesis of the best of African thought and practice in constant exchange with the world. Moreover, Kawaida embraces the Malcolmian proposition that "of all our studies, history is best qualified to reward our research" (Malcolm X, 1965b). Thus, in the spirit and speech of the ancestors, I want to engage in the practice of *sankofa,* a patient and persistent research and reasoning that enables a critical recovery and reconstruction of the past in order to enhance our insight into the motion and meaning of African history as the ground of the present and unfolding of our future (Tedla, 1995; Keto, 1994, 1995). Furthermore, Kawaida, as an African-centered philosophy, finds common cause with Molefi Asante's insistence that a critical and productive understanding of African life requires a methodology that places Africans at the *center* and in the position of *subject* of their own history and culture (Asante, 1990, 1998; Mazama, 2003).

Asante (1998) argues that at its most elemental understanding, Afrocentricity or an African-centered methodology requires three basic elements: (a) engaging Africa and African people as subjects rather than objects, (b) "placing African ideals at the center of any analysis that involves African culture and behavior"; and (c) providing "a radical critique of the Eurocentric ideology that masquerades as a universal view in the social sciences and humanities." Asante states that such a critique "is radical in the sense that it suggests a transformative turnabout, an alternative perspective on phenomena." Continuing, he says that "it is about taking the globe and turning it over so that we see all the possibilities of a world where Africa, for example, is subject and not object" (pp. 1–2). This spirit and understanding of intellectual practice coincides with my own philosophical orientation of Kawaida and within that practice, I conceive and carry out this project (Karenga, 1997).

A Tradition of Struggle

The struggle to win the *Brown* decision and to realize its promise was not an isolated or newly engaged struggle. It was and is a significant milestone in the African struggle against racist oppression in this country and by extension around the world. Moreover, it fits firmly within the oldest social justice tradition in the world, the African social justice tradition, which self-consciously requires not only moral commitment but also practical struggle to bring and sustain good in the world. The intellectual and practical struggles that inform this tradition are situated and evolve

especially in three modal periods of African history: the classical period in the Nile Valley, the Holocaust of enslavement, and the reaffirmation of the 1960s.

Clearly, one of the most important concepts in the moral and social development of humankind is the concept of human dignity. It is a concept indispensable to any real ethics or respectable law and thus the framework and foundation of Thurgood Marshall's and the NAACP's arguments against the dignity-denying and rights violation that segregation and racism imposed on African people. It is in Africa, ancient Egypt, that this concept is defined, developed, and regularly defended. It asserted as a fundamental principle in the Book of Kheti in the *Husia,* the sacred text of ancient Egypt, as early as 2140 BCE, and reaffirmed and expanded in the Middle Kingdom text, the *Narrative of Djedi* (Karenga, 1984, p. 52; 2004, pp. 317–325). In the Maatian ethics and law of ancient Egypt, humans are defined as bearers of divinity and dignity, as images of God (*senen netjer*) and beings of inherent worth. Moreover, the dignity (*shepesu*) of humans is not only *inherent,* not acquired, but is also *transcendent,* beyond any physical attributes, social status, or achievement; it is *inalienable*—that is, cannot be taken or reasoned away by anyone, any group, or any State—and *equal* in all humans regardless of difference of race, religion, gender, class, and so on.

Therefore, when the NAACP lawyers stood up to defend the right of Africans to equal educational opportunity, they were honoring a tradition older than they knew. It was a tradition rooted in this fundamental principle of the dignity, the inherent worthiness, of human beings that stands at the heart of the best of humanity's moral anthropology and serves as the hub and hinge on which our rightful claims to life, freedom, justice, equality, and other human goods turn. And this ethical commitment to human dignity links a life of dignity to a decent life and undergirds and informs our ancient and ongoing social justice tradition as a people. This tradition, in turn, has at its core an active commitment to freedom for the oppressed, justice for the wronged and injured, power for the masses of people over their destiny and daily lives, and peace for and in the world.

Likewise, the celebration of Haiti's centennial of its victorious revolution against all odds during the Holocaust of enslavement is also rightfully seen in the context of this ancient and ongoing struggle and tradition. Indeed, Haiti's revolution helped to secure and expand the realm of African and human freedom in the world. Unlike their northern White neighbors in the United States, the Haitian people did not wage revolution for reasons of tax and tea. They did not wage revolution to dispossess and commit genocide against the Native Americans. Nor did they wage revolution to secure a system of enslavement and racial superiority and supremacy against other people. Rather they waged this war of revolution to free themselves, to live lives of dignity and decency, to cultivate their fields in peace, and to live in their homes without fear, degradation, and domination. They also waged it to secure the freedom and future of their children and the generations that would come after them (Carruthers, 1985). And with this commitment and indomitable spirit, the Haitian people defeated the four major armies arrayed against them, and did what no other enslaved people had done before or have ever done since—defeated their oppressor and established and sustained a republic. In doing this,

they in fact left an inerasable model of human possibility and expanded the realm of human freedom in the world (Geggus, 2001).

As the Haitian people waged a war to bring good into the world, Africans in the United States were waging a liberation struggle of their own against the ravages of the Holocaust of enslavement (McKivigin & Harrold, 1999; Sidbury, 1998; Morton, 1996; Dillon, 1990; Yee, 1992). Their struggle would not be a revolution but a series of revolts first as enslaved Africans and then later in history, the revolts of the segregated and the suppressed, but the tradition would continue. Indeed, Haiti was an inspiration to those who against all odds rose up to struggle against the morally monstrous Holocaust of enslavement, which was not only a crime against the targeted people but also a crime against humanity (Egerton, 1999; Pearson, 1999; Robertson, 1999). Others, later, would pose Haiti as a place where Black people could go and live free lives without the burden of racial degradation and domination (Shabaka, 2001). And although Haiti is still struggling even today to free itself from the forces of racist imperialism, which never forgave it for defeating them in 1804, neither Africans nor any conscious or moral group of humanity can ever forget Haiti's contribution to the expanding realm of human freedom or human flourishing in the world (Geggus, 2001; TransAfrica, 2003).

Pursuing this historical course of African initiatives for human freedom after the period of classical civilization and the period of the Holocaust of enslavement, the third modal period is the period of the reaffirmation of the 1960s (Karenga, 2002a, pp. 183–301; Brisbane, 1974; Pinkney, 1976). And this period is the period in which *Brown* is achieved. In this period, African Americans reaffirmed their Africanness in various ways (Van Deburg, 1993). In this cultural revolution of the 1960s, African Americans turned toward Africa for roots and revitalizations. Rejecting European views and values, African Americans engaged in what the Organization Us, a major Black Power and cultural nationalist organization, called—borrowing a phrase from the continental African leader Sékou Touré (1958)—a thrust "towards full re-Africanization." Thus, African Americans reaffirmed the dignity and inherent worthiness of African people and decided to speak our own special cultural truth to the world and make our own unique contribution to the forward flow of human history. African Americans also reaffirmed their social justice tradition (Harding, 1987). This tradition is summed up in the *Million Man March Mission Statement* as requiring at a minimum "respect for the rights and dignity of the human person, economic justice, meaningful political participation, shared power, cultural integrity, mutual respect for all peoples and uncompromising resistance to all social forces which deny or limit these" (Karenga, 1995, p. 2).

Indeed, then, the 1960s were a time of reaffirmation—reaffirmation first, of our Africanness, reaffirming that we must in fact build our world in our own image and interest, that we must recover and reconstruct African cultural values and use them as the foundation on which we imagine and bring into being a new world. And the 1960s were also a time of reaffirming our social justice tradition by waging and winning with our allies the struggle for added space to walk in freedom and dignity in this world, by expanding the realm of freedom and developing a model of human liberation and human possibility that inspired and informed the struggles

for liberation in this country and around the world. In this crucible of struggle, the *Brown* initiative was conceived, forged, and brought to fruition. The Freedom Movement in which the *Brown* decision emerged actually had two phases: the civil rights phase and the Black power phase. In the civil rights period, *Brown* was engaged and won, but in the Black power period, we realized the problematic character of the victory and called for Black power so that we could, in fact, control the space we occupy and take control of our destiny and daily lives and, finally, dare to make a radical restructuring of the system in which we found ourselves.

The Promise of *Brown*

As Derrick Bell (1995b) points out, "The legal decisions that undermined and finally swept away the separate but equal doctrine of *Plessey v. Ferguson* were far from fortuitous." He locates the genesis of the legal project "back to the mid-nineteenth century in which every aspect of the system to segregated education was challenged" (p. 6). In the early 1930s, however, the NAACP launched its concerted campaign of legal challenges to racial segregation and racial dominance (Tushnet, 1987; McNeil, 1983; Kluger, 1976). In 1934, the NAACP retained Charles H. Houston, the vice dean of Howard Law School to direct this campaign. Bell (1995b) states that in a 1934 NAACP report it defines the campaign as "a carefully planned one to secure decisions, rulings and public opinion of the broad principle instead of being devoted to merely miscellaneous cases" (p. 6). What was intended here was

> to eliminate racial segregation, not merely in public schools but throughout society. School was seen however as presenting a far more compelling symbol of the evils of segregation and a far more vulnerable target than segregated railroad cars, restaurants and restrooms. (p. 6)

Beginning with litigation against inequalities in facilities, teachers' salaries, and similar problems in public school, the NAACP eventually moved to challenge inequalities in higher education reflected in the quality and extremely low number of public graduate and professional schools for Blacks in the South. Succeeding Houston in 1938, Thurgood Marshall became the director/counselor of the NAACP Legal Defense Educational Fund and led the legal team and the historic struggle that achieved victory in the *Brown* decision of 1954 (Williams, 1998; Tushnet, 1994). Actually, the *Brown* case was a combination of five cases, each pursued with painstaking care and personal and collective courage in an extremely hostile environment. These cases were (a) *Briggs v. Elliott* in Clarendon County, South Carolina—parents suing for improved educational conditions; (b) *Brown v. Board of Education* in Topeka, Kansas—parents suing to desegregate schools; (c) *Gebhart v. Belton* in Wilmington, Delaware—parents suing to improve inadequate facilities, curriculum, and pupil/teacher ratios; (d) *Bulah v. Gebhart,* again in Wilmington, Delaware—parents suing for equal bus transportation; and (e) *Bolling v. Sharpe*—a parent group suing against denial of admission of their children to a school in Washington, DC.

These combined cases, argued skillfully by the NAACP legal team, convinced a cautious and custom-bound court to see the magnitude and monstrous effect of segregation on Black children, their education, and the claims of social justice made by society and what Bell calls, their "convergence of interests" with Africans in ending it (Bell, 2004, 1995a, 1995b).

It is important here to point out the hard and heroic struggles waged by the masses of African people who personally and collectively dared to defy racial protocol and oppression and struggle for an end to the brutal and savage system we call alternately *segregation, Jim Crowism* and *American apartheid.* The efforts of the people involved in this struggle were a classic example of *ujima,* collective work and responsibility (Karenga, 2002a, pp. 53–58). It involved students who stood up, demanded, and demonstrated for an equal and quality education at great risk to their persons and future. It involved parents, who although rightfully concerned with the safety of their children and themselves, sued on their behalf, braving loss of jobs, threats, and attacks. Also, the struggle involved ministers and church congregations who took up and pursued the cases as moral and social issues as well as legal ones in the face of constant threats and attacks. Morever, it involved the lawyers, who diligently and with profound commitment worked and traveled for long hours and under constant threat of violence and death from racists who opposed them and their efforts for educational and social justice (Ogletree, 2004, pp. 4–6). Indeed, people lost their jobs and lands, suffered damage and destruction of property, were denied credit and refused land and housing rentals, and were threatened, attacked, and even killed in this awesome struggle and great sacrifice for freedom, justice, equality, and power over their destiny and daily lives.

Although it was hampered in its implementation at the very outset by White racist resistance as well as by White and Black integrationist interpretations of its meaning, the *Brown* decision was rightly conceived as a turning point in the African American freedom struggle. The winning of *Brown* had several effects. First, it legally ended the "separate but equal" doctrine established by *Plessy v. Ferguson* in 1896 and established the principle of equal educational opportunity. It rightly maintained that in such a racist context, separate was inherently unequal. Second, it reaffirmed the rightness of the Black Freedom Movement's claim to freedom, justice, and equality in this country. Although the moral ground of their assertion of the dignity and rights of all humans was clear and cogent, this legal decision added social weight to their claim. Third, it provided a legal framework for challenges in other areas, such as public transportation, housing, and other excluded sites of public space. Fourth, the *Brown* decision inspired Africans to continue, intensify, and broaden their struggle and dare to transform U.S. society in a profound and promising way. And finally, *Brown* provided the context and incentive for the development of a rights discourse that was enlightening, empowering, and ultimately, transforming.

The Problematic Character of *Brown*

But almost immediately, the limitations of *Brown* were also obvious. As Bell (1995b) notes, "In 1955 the Supreme Court rejected the NAACP request for a

general order requiring desegregation in all school districts, issued the famous all deliberate speed mandate and returned the matter to the district courts" (p. 6). So even though a victory had been achieved, the moment there was a move to implement it, there was a countermove to redefine what was actually done. Moreover, the White racist resistance to compliance was quick and tenacious. Thus, the struggle intensified and continued on the legal, political, and economic levels (Eaton, 1996; Wasby, D'Amato, & Metrailer, 1977).

One of the greatest difficulties, however, that emerged from the integrationist project, was defining desegregation so that it went beyond narrowly focused concerns about the separate conditions of education and life to the larger concerns of equality of conditions of education and life. Many integrationists essentially understood desegregation was a process of putting Blacks in the presence of Whites as if this in itself was sufficient to ameliorate or overcome the educational inequities and the unequal and oppressive social conditions in which they were rooted. Thus, instead of seeking and insisting on the capacity and support to provide quality education in Black schools as well as White, they laid the basis for a series of developments that further diminished and often devastated the community's capacity to provide quality education internally or secure it externally, as Bell (2004) has consistently argued.

As Bell (1995a) points out in an earlier assessment,

> The remedies set forth in the major school cases following *Brown*—balancing the student and teacher populations by race in each school, eliminating single race schools, redrawing school attendance lines and transporting students to achieve racial balance—have not in themselves guaranteed Black children better schooling than they received in the pre-*Brown* era. (p. 25)

Indeed, the push toward "presence among Whites," called racial balance, "often altered the racial appearance of dual school systems without eliminating racial discrimination" (p. 25) or producing a quality education. Instead, racially discriminatory policies further disadvantaged African American students through (a) resegregation within desegregated schools, (b) the loss of Black faculty and administrators, (c) suspensions and expulsions at much higher rates than for White students, and (d) various forms of racial harassment, ranging from exclusion from extracurricular activities to physical violence.

But misreading the requirements for quality education, a segment of the middle class moved away from movement discourse about an equitable share of wealth and power in this country and about improving conditions in the Black community itself and its school and instead began to argue that the community should abandon its own institutions, redirect its liberational efforts, and send its children to sit among Whites.

Now this "presence among Whites" argument began to pervade the discourse about quality education with people believing in the remedial character of racial proximity. Thus, issues of power, budget, administration, buildings and other spaces of learning, teachers, staff, books, and other materials in the Black community were conveniently placed to the side. Moreover, many Black schools were

closed down; Black faculty and staff were fired; needed and paltry funds were diverted; and Black children bussed, made to walk, or carried in cars into a promise land full of hostility and hatred and those thoroughly uninterested in Black presence or education. Indeed, White defiance of law in defense of racist custom occurred not only at the level of local schools and communities but also at the state level with governors and legislature frantically seeking ways around the site of cooperative education and mutually beneficial exchange the *Brown* decision seemed to offer. In sum then, integration and desegregation were conflated and understood as bringing the races together, in this case in the classroom.

What was important here was that some people began to argue as if sitting next to White people was ameliorative, that it was remedial and that if we could just find a space next to them, somehow we could be transformed, and a different level of Black thinking and practice could be brought into being. The dominant integrationist conception of racial justice was thus one of integration, not power. And by *integration,* they didn't mean structural integration of shared power but simply the presence of Black people where White people were. There was a confusion of integration with equality. Desegregation was a presence among Whites and association with Whites was remedial of the real and imaged disadvantages suffered by Blacks.

Thus, integration was confused with equality as a goal, and desegregation was understood as simply a tool or process to achieve such integration. But the problem here is first that integration is understood more as *social interaction* than as *structural inclusion.* And second, social integration without structural integration around issues of wealth and power remained both unwanted and unrealized. For without equitable distribution of wealth and shared power, one can and did simply camouflage racial exclusion and oppression under categories of class preference, class problems, class character, and class culture—a culture of poverty and the need to distance oneself and one's children from all the formerly racially rooted low-class things people at a certain level all want to do.

Discourses on Race, Law, and Power

But again, what is especially interesting and informative about the *Brown* decision are the discourses, the debates, and the dialogue that were developed around it concerning the freedom struggle that produced it and intensified and expanded in its wake. It was clear from *Brown* that the federal government now supported equal education in principle, but in practice it moved away from that in various ways as the struggle developed. And this engendered an abundance of arguments pro and con around its compromising construction "with all deliberate speed" (Ogletree, 2004, pp. 10ff). And thus in itself, *Brown* offered a plethora of interpretations and insight about its meaning in both law and society. We also, as African people, developed a multidimensional species of discourse linking intellectual and political emancipation, including discussions about community self-determination, cultural integrity and identity, the meaning of history, and the responsibility of students and

intellectuals in using their knowledge to improve the human condition and enhance the human future (Karenga, 2002a, pp. 183–201). Also within this freedom struggle against White racial oppression, we began, especially in the 1960s, an internal questioning and dialog about our practices, especially with regard to male-female relationships (Bambara, 1970; Rodgers-Rose, 1980). In the midst of these internal dialogues, we seized upon teachings similar to Sékou Touré's (1958) fundamental proposition that African freedom is indivisible—that as long as any one of us is denied or wounded in his or her dignity, all of us are somehow denied or damaged. And we eventually embraced Anna Julia Cooper's (1892) teaching that there is a feminine as well as masculine side to truth, that these are neither inferior nor superior to each other but, rather, complementary, fulfilling, and making whole and requiring equality, partnership, and shared responsibility in love and struggle.

In the context of the discourse and dialog on the continuing efficacy or historical exhaustion of the civil rights phase of the Black Freedom Movement, and its integrationist approach to education, the Black power phase emerged (Ture & Hamilton, 1992). It was the immediate heir and custodian of the Black nationalist tradition of Marcus Garvey and Amy Jacques Garvey, Henrietta Vinson Davis, and the Hon. Elijah Muhammad, but especially Malcolm X (1965a, 1965b; Karenga, 1979). Black power advocates essentially argued that Black people should build strong institutions within the Black community, harness its material and human resources, negotiate within the dominant society from a position of power rather than weakness, uphold the principles and practice of self-determination and cultural integrity, and resist racism and White hegemony on every level.

Kawaida and Critical Race Theory

An important discourse that developed in the midst of the ongoing dialog between civil rights and Black power advocates and activists, especially as it relates to law and political struggle, is critical race theory. Here I want to put Kawaida philosophy in dialogue with critical race theory that has its origins in legal theory developed by Derrick Bell (1989, 1992, 2004) and others who put race and racism at the center of their analysis (Crenshaw, Gotanda, Peller, & Thomas, 1995). It also originates from the debates between the critical legal studies and the new emerging critical race theorists such as Kimberlé Crenshaw, Neil Gotanda, Gary Peller, Kendall Thomas, Richard Delgado, and others represented in the excellent anthology, *Critical Race Theory: The Key Writings That Formed the Movement* (Crenshaw et al., 1995). Kawaida philosophy, like critical race theory, sees law as both reflective and constitutive of White power and White hegemony. This is a very important concept here, because unless one understands that, one won't understand how *Brown* was achieved and second how it was, in fact, diluted and diverted from what people assumed was common sense and common knowledge.

Indeed, Kawaida argues that within a racist context, law is the will and claimed right of the ruling race/class raised to sacred observance through the coercive capacity of the State. Thus, law is not simply an instrument of rule; it is also, at one

level, the legally constructed basis of the rule of the dominant race/class. Through law, Whites created race as a category of human worth and social status. By means of law, they undergirded the claim of the right to conquest and enshrined the victors' right to enslave and own people and brutally expropriate and exploit their labor. To artificially endow its law with legitimacy, the ruling race/class created this myth of the neutrality, rationality, and transcendence of law above politics. A similar use of myth is evident in education itself. The ruling race/class established the schools, put their history and culture in them, made their history and culture the basis of the canon, and then when the excluded and devalued came and challenged it, they claimed the educational process as neutral ground and criticized the insistence on multicultural education as politicizing education. But it was a political act that determined all students should learn White history and not their own. It was a political act that made students accept the myth that a White man sailing the wrong way was in fact brilliant, had discovered people who were not lost, and renamed Native Americans so he could claim to have reached the Indies or India. It is by law that White history is the central and often only history deemed worthy of study and other histories are taught as adjuncts or related topics. So unless one interrogates law, one cannot interrogate the very system that must be interrogated. Law as the will and fictive right or claim of right of Whites raised to the level of sacred observance through the coercive capacity of the State cannot be and is not simply neutral. On the contrary, it is political in both conception and practice.

Again, what the established order does, however, is pretend neutrality, rationality, objectivity, and meritocracy, and race, class, and gender oppression are masked under the camouflage and color of law. Thus, concessions are made not as a concession to right, but out of something resembling *noblesse oblige*—what the nobles are obliged to do for underlings. In this context, one wonders then, with so much power in White hands how Africans were able to get the 13th Amendment, the 14th Amendment, the 15th Amendment and in due course, the *Brown* decision. As mentioned above, Derrick Bell (1995a, 2004, chap. 5) offers the concept of "interest convergence" in which *Brown* and other legal concessions coincide with White ruling/class interests of that time. In the case of *Brown,* according to Bell, Whites saw the economic and political advantages at home and abroad that encouraged their abandonment of segregation. Clearly, he places concession on *Brown* in the context of the Cold War and the battle with communism (Bell, 2004, chap. 6). According to Bell, U.S. policymakers saw above all the advantage of claiming moral superiority to communism in its treatment of Black people and boasted internationally of this triumph of right, reason, and law over unjustifiable and pernicious racist practices.

Bell (2004) also lists U.S. interests in self-congratulatory self-presentation to the Third World, in providing the middle class with some gains with which to validate the established order and finally, in pulling the South out if its rustic ignorance and self-inflicted underdevelopment. In addition to these plausible reasons, from a Kawaida standpoint, which stresses agency, the privilege and position in the analysis must be given to the masses of Black people in producing this formal change in the law and posture of the established order. For this analysis, the agency of Black people

is central. Indeed, without African initiative, even with allies, the concern about the U.S. image in the world and other interests would not have become as urgent. The struggle of African people, their willingness to do battle and expose the established order's racist oppression in its rawest and most brutal form, encourages a review and revision of the country's original posture. One of the ways that Kawaida differs from critical race theory is the emphasis on agency. Critical race theorists, of necessity, focus on law as the major catalyst for shifts in policy. But Kawaida places emphasis on the central and indispensable role of struggle. It is, of course, a fundamental teaching of Frederick Douglass (1950) that "if there is no struggle, there is no progress" (p. 437). And the struggle, he says, "may be a moral one or it may be a physical one and it may be both moral and physical, but it must be struggle. Power concedes nothing without demand. It never did and it never will" (p. 437). So the established order did not concede without the demand of Black people strengthened through struggle. It is African people's struggle that challenged U.S. society's self-congratulatory claims, embarrassed its ambassadors, and forced them have to answer questions that exposed the duplicity and contradictory character of this country. This position not only recognizes the importance of struggle to the forward flow of human history, it also meets Molefi Asante's (1998) Afrocentric requirement of approaching African history with Africans as the subject of their own history and the parallel Kawaida insistence on seeing Africans as, and enabling them to become, self-conscious agents of their own lives and liberation (Karenga, 1997).

After *Brown:* Affirmative Action

One of the most important things to remember is how this law is manipulated both to construct the system and at the same time express the will of the ruling race/class. Nowhere is this more clear than in the trajectory of the rulings and responses to affirmative action. In this regard, it is important to take note of how affirmative action moved from a focus on *race* and *gender,* as it first had, to simply a focus on race. The question of gender was essentially a focus on White women's exclusion and disadvantage. Thus, the hostility to affirmative action was present but conditional and often muted. But once White women, having benefited more than any others from the policy, were not a central issue, questions about the legitimacy and time limit of affirmative action were raised. Indeed, the issue became almost exclusively a concern not about overcoming Blacks' *disadvantage* but, rather, ending Blacks' *unfair advantage* (Boxill, 1992, chap. 7; Ogletree, 2004, chap. 10). As Ogletree (2004) states,

> In the years following *Brown,* the Supreme Court moved from simply prohibiting segregation to stating that school districts bear an affirmative duty to take whatever steps might be necessary to [achieve an integrated system] in which racial discrimination would be eliminated root and branch. (p. 147)

Yet in the Bakke case (Ogletree, 2004, chap. 10), the court ruled that the U.C. Davis affirmative action program was a violation of equal protection (in this case

for Whites), conceded diversity as a compelling State interest, and allowed for a narrowly tailored use of race among other factors for admission criteria.

What is key here, however, first is the denial of direct race-conscious remedies even though the discrimination and oppression have been and remain race based. And second, having abandoned the legal and moral justification for affirmative action based on past discrimination and oppression, Bakke signaled the move from an argument of *justice* to one of *diversity.* Now the importance of such a move cannot be underestimated. First, it vitiates the justice claim of those injured by racist practices. Thus, in such a legal context, just claims and demands for remedies against racist injury are less compelling. They fit and figure in the calculus of law and politics only as one among many disadvantages, not the central or compelling one. Second, the remedy offered is no longer based on *justice* deserved but on the interests of the state in diversity. Now, clearly, diversity is a compelling State interest. But is it a more compelling State interest than justice? Moreover, Black people and other people can no longer come forward secure in their demand for justice. On the contrary, they must argue the State's interest in diversity rather than their own interest in justice. And the resolution depends not on the compelling moral and legal case made for justice but on the State's conception of its own compelling interest, which, of necessity, will generally reflect the will and interests of the ruling race/class. Therefore, in the place of the struggle for justice, we have a process that resembles the petitioning for the *noblesse oblige* of the ruling/race class. Here, again, then the move from a *justice discourse,* which reaffirmed Africans' role as a moral vanguard in this country, to one of diversity is a shift that mirrors the rise of the right, the emergence of fatigued and otherwise-directed liberals, and the absence of a radical movement to challenge these developments.

Affirmative action discourse yielded essentially four basic arguments: (a) historical compensation, (b) current social corrective, (c) democratic inclusion, and (d) human enrichment. The first and second arguments are based on demands of justice. Indeed, these arguments serve as an important basis for arguments for reparations (Lumumba, Obadele, & Taifa, 1993; Mumford, 1996; Robinson, 2000; Karenga, 2002a, pp. 293–299). The historical compensation argument posits that a grave injury and injustice have been done to Black people and there must be some compensatory measures to repair and overcome the damage. The argument for current social correctives points to a current and ongoing pattern of discrimination, exploitation, and injustice which occurred not only during the Holocaust of enslavement but also during the Jim Crow period and continues even now. Therefore, the argument goes, there is a need for a social corrective, or Blacks will never occupy critical social space in an equitable and just sense. By critical social space is meant that space that ensures power over their destiny and daily lives and their ability to speak their own special cultural truth to the world and make their own unique contribution to the reconception and reconstruction of this country. However, if one cannot argue for such access, opportunity, and ability as a justice principle, then the weight shifts to two other principles, democratic inclusion and diversity. Democracy implies and necessitates maximum inclusion, but in a racist society, exclusion is a central principle and turns into a tyranny of the majority

ruling race, that is to say the ruling race/class (Guinier, 1994). Thus, as Malcolm X (1965b) noted, in such a context, Blacks and other communities of color become not beneficiaries of democracy, but "victims of democracy" (p. 26). What one has, then, is a *herrenvolk* democracy, a master race democracy in which the ruling race or people at the top enjoy democracy but everyone else suffers from it, as in ancient Greece.

A second focus for diversity arguments is the argument of human enrichment—that is that diverse persons and groups create a community of maximum productivity and mutually beneficial exchange. Although this is one of the fundamental assumptions of multiculturalism and is essentially correct if approached rightfully, there remain serious problems with it. First and foremost is the problem of what is to be done until the right mixture or level of diversity is achieved. Also, do we not duplicate a fundamental mistake of the integrationist—that is, diverting attention and efforts to mixture in White-dominated schools and neglecting the need and possibilities of schools and communities of color? What is needed is quality education wherever education is being carried out, especially for the oppressed, disadvantaged, and neglected populations.

Addressing this issue, W. E. B. Du Bois (1935) stated, "The Negro needs neither segregated schools nor mixed schools. What he needs is Education. What he must remember is that there is no magic, either in mixed schools or in segregated schools" (p. 328). For him, "other things being equal," the mixed school would offer better conditions for a quality education. But because "other things seldom are equal . . . (then) sympathy, knowledge and the Truth outweigh all that the mixed school can offer" (p. 335).

By *sympathy* Du Bois means a sensitivity and caring for the students and for the mission of educating the people. In a word, as Kawaida argues, it is a mission of providing, in real and effective ways, students with (a) knowledge of the world, (b) knowledge of themselves in the world, (c) knowledge of how to negotiate successfully in the world, and finally, (d) knowledge of how to direct their lives toward good and expansive means. That is essentially what the educational process should be about, and it should be available in all sites of education. Thus, human enrichment is not only about mutually beneficial exchange but also about having something of value to exchange and having the capacity and context in which to do it.

By 1965, the Civil Rights Movement had essentially become historically exhausted and the Black Power Movement launched a vigorous activism that not only revitalized the movement but also transformed the struggle against racism and racial oppression and the racial injustice that defined it. In fact, as early as 1963, Malcolm X (1965b) noted, "The entire civil rights struggle needs a new interpretation, a broader interpretation to those of us whose philosophy is Black Nationalism" (p. 31). What Malcolm was calling for was a new conception of the fundamental meaning of our struggle. Many in the movement, such as Us, the Republic of New Africa (RNA), and a transformed Student Non-Violent Coordinating Committee (SNCC), who saw themselves as the philosophical sons and daughters of Malcolm, read this to mean that what was needed was a *human rights struggle* and Black power so we could control our destiny and daily lives and

confront oppression and oppressor from a position of self-determination and power.

Indeed, Malcolm demonstrated it was a question of *power* and not closeness to Whites that was at stake and that would solve the question of equality and justice in education or society. He argued that there is a difference between segregation and self-determination, which at times he called separation. Therefore, he said,

> My understanding of a segregated school system or segregated community or a segregated school is a school is controlled by people other than those who go there. But if a Black school has the facilities, teachers and materials it needs, it isn't segregated. It's only segregated when it is controlled by someone outside. (Malcolm X, 1970, pp. 16–17)

This is an important distinction here because he defines segregation as a situation imposed on a so-called inferior by a so-called superior, whereas self-determination is a self-conscious choice to build and develop one's own community. In 1966, Willie Ricks Mukasa of SNCC raised the cry of Black Power during the Mississippi march against White terrorism. Kwame Ture took up the call, and Black Power became a critical expression of Black nationalism, which had already developed an intellectual framework and body of language from which to borrow and on which to build.

Organizations such as the Nation of Islam (NOI), the Organization Us, and a transformed SNCC, CORE, and an emerging RNA as well as other nationalist groups embraced this new category and call to arms and struggle that we call Black Power (Brisbane, 1974; Pinkney, 1976). Kawaida, influenced by Malcolm's thought, defined the Black Power Movement as the collective struggle of Black people to achieve and secure three things: self-determination, self-respect, and self-defense (Karenga, 1967, p. 26). But clearly, the fundamental principle and the context in which and for which self-respect and self-defense are pursued and achieved is self-determination. At its core, it was a call for and an insistence on Black people's harnessing their own material and human resources, controlling their destiny and daily lives, and living free, full, and meaningful lives. In this context, Kwame Ture (1992) says in rejecting integrationism,

> The goal is not to take Black children out of the Black community and expose them to the middle class white values. The goal is to build and strengthen the Black community. The fact is that integration as traditionally articulated would abolish the Black community. The fact is that what must be abolished is not the Black community, but the dependent colonial status that has been inflicted on it. (pp. 54–55)

Self-determination also meant, as the second principle of the Nguzo Saba states, "to define ourselves, name ourselves, speak for ourselves and create for ourselves" (Karenga, 2002b, p. 50). Here, cultural nationalism is indispensable (Cruse, 1967; Karenga, 1997). From a Kawaida standpoint, this requires rootedness in African

culture so that one's choices are developed from and in harmony with the best of what it means to be African and human in the fullest sense. Within this framework, there is no way to be African outside of African culture, and no way to claim to be a nationalist without grounding oneself in African culture. One can be a race person, but one can't be a nationalist without grounding oneself in African culture. Self-determination led then to the issue of self-respect. Self-respect in the Malcolmian and Kawaida sense spoke to the issue of dignity, demanding respect from others, but also moving in the world in such a way that one always understands and asserts one-self in dignity-affirming ways. This means using one's culture and community as the ground of self-understanding and self-assertion in the world. Self-defense meant, as Malcolm X taught, that Black people have the right and responsibility to defend themselves by any means necessary (1970). For the Organization Us, this meant the creation of a paramilitary organization for community defense, called Simba Wachanga, "the Young Lions," which were presented and interpreted as a shield for the people and a spear and sword to the oppressor. Although there is a tendency in most of the literature on the 1960s to claim a privileged or even exclusive place in the movement for the Black Panther Party in the commitment to armed struggle and revolution, the reality is that most nationalist groups considered themselves revolutionary and endorsed armed struggle (Brisbane, 1974; Pinkney, 1976). With the Organization Us for example, there was the sense that revolution was not only a current collective vocation for its members but also that they and others of that generation must also leave a legacy of revolution for future generations. As Maulana Karenga (1967), chair of the Organization Us, declared for his organization and his generation of the 1960s, "We are the last revolutionaries in America. If we fail to leave a legacy of revolution for our children we have failed our mission and should be dismissed as unimportant" (p. 19). Thus, the essential argument was not about whether revolution was necessary but about how to make and sustain it.

Conclusion

Kawaida argued that the greatest power in the world is the capacity to define reality and make others accept it even when it is to their disadvantage. And nowhere is this clearer in the discourse around race and racism and the law that interprets both. Through law and ideology, Whites can and do concede the existence of racism but also they tend to redefine it in their own interests. First, it is posed as an aberration in the system rather than an inherent and constitutive element in the structure and functioning of the system. Thus, the rogue racist is identified and disciplined, and the system is not only saved but also reinforced, claiming not only workability but also a wondrous uniqueness in the world. Moreover, self-exculpatory discourse by Whites defines racial classification as the problem rather than the system and its practice. Thus, there is a call to stop using race in official documents as if this would make racial oppression disappear. In fact, to eliminate racial language and data collection would eliminate the capacity to identify and prove racist practice. It is an irony of history that Whites who introduced race as a

kind of pseudo-intellectual contribution to dialogue about humanity now voice concern that the victims of racist practices are overly concerned about the racial status they have been assigned and the resultant treatment given them based on this. Indeed, race is a specious even spurious concept. Stripped of all its social and pseudoscientific mystification, it is essentially a sociobiological category created to assign human worth and social status using Europeans as the paradigm. What we have here, then, is the ruling race/class trying to pose the solution of color blindness while looking at color and organizing relations around it. But their law is in place and structures a system in which it is illegal to grant one relief on the basis of race, even though it is on the basis of race that one is injured and oppressed.

Another important development is the Right Wing's appropriation of the Black Freedom Movement's language of justice and struggle. Indeed, the move from justice language to diversity language leaves Whites with the appropriated task of explaining the meaning of justice to the world. Conservatives appropriated Martin Luther King's conversation about not judging people by the color of their skin but by the content of their character and then sought to cut off redress about actual racism rooted not in our skin or our color, but in racist conduct. A case in point is the recent California Racial Initiative. This discourse was camouflaged sometimes as a privacy issue. Mislabeled as a "racial privacy initiative," it sought removal of all racial classification from state documents. But instead of contributing in any real way to the end of racism, it would have denied data needed to point out racist practices, not to mention the havoc it would have caused on special processes that need to be taken into consideration for medical reasons, given that some people have different diseases, and "race" is implicated in this.

Also, race consciousness is defined as racial essentialism and even worse as racism. This allows both the liberal White and the conservative White to equate oppressor White racism with liberational Black Nationalism. Here, I want to make a distinction between White oppressor nationalism and racism and liberational Black nationalism. Liberational or emancipatory nationalism can in no way be compared with White oppressor nationalism. There was no desire in liberational Black nationalism to oppress Whites. It is to free African people to live free full and meaningful lives and participate with other progressive people in imagining a new world and bringing that world into being, as Fanon (1965, p. 252) urged. White supremacy or White oppressor nationalism, which is not only a national problem but also a global problem, is in contrast to this. At the heart of White oppressor nationalism or White supremacist discourse and practice is racism. Racism is a system of denial, deformation, and destruction of a people's history, humanity, and human rights based exclusively or primarily on the specious concept of race. It expresses itself in three basic ways. As imposition, it is an act of force and violence, continuous and profound. Second, it is as an ideology that justifies the violence and imposition. And finally, it is institutional arrangements that in fact perpetuate and promote both the imposition and the ideology. This was not only the intractable problem of the implementation of *Brown*. It is also the history and heritage of a country that came into being through genocide against Native Americans and the Holocaust of enslavement of Africans, the violence and dispossession of Mexicans,

and the brutal exploitation of the Chinese. It is a past that must be confronted and reconciled with claims of freedom, justice, and other goods.

It is Fanon's (1965) wish that Africans and other people of color would be able to imagine a new world and set afoot a new man and woman, that Africans should extract from the ancient richness of their culture models of human excellence and possibility and use them to enrich and expand their lives and those of the peoples of the world. As I have argued elsewhere, to do this, we must develop a public and global policy based on an *ethics of sharing.* This initiative is based on the fundamental African concept that all real good is a shared good, that the greatest good in the world is shared good. We cannot create a good and sustainable world unless it is based on and open to sharing. Indeed, all great goods are shared goods. Freedom is a shared good; justice, a shared good; sisterhood/brotherhood, love, marriage, friendship are also shared goods. Moreover, this sharing has to occur on seven basic levels. First, we begin with the principle of *shared status,* no inferior and superior people. Everyone is equally a bearer of dignity and divinity. Second, there is the principle of *shared knowledge,* which reaffirms our human and social need for and right to knowledge, essential for human development and human flourishing. Third, there is the principle of *shared space,* which speaks to our need to share our neighborhood, environment, country, and the world in equitable and ethical ways and the development of immigration policies untainted by race, class, religion, or other irrational or unethical considerations. Shared space also requires respect for the integrity of the environment, especially protecting it from the ravages of privatization and globalization, which so often means plunder, pollution, and depletion.

Next is the principle of *shared wealth,* which speaks to the issue of an equitable distribution of wealth in society and the world and the shared use of the resources of the world to deal with the problems of the world, such as poverty, homelessness, poor or nonexistent health care systems, lack of education, and other deficient conditions of a decent life. Moreover, there is the principle of *shared power,* which speaks to the central concern of self-determination, the principle and practice of self-governance, and the right of all people to participate in every decision that affects their destiny and daily lives and to control the space they occupy. This encourages coalitions and alliances and other cooperative practices of mutual benefit and common good. The sixth principle of the ethics of sharing is *shared interests,* which involves the five pillars of African ethics that inform our interests: mutual commitment to (a) the transcendent and the sacred, (b) the dignity and rights of the human person, (c) the well-being and flourishing of family and community, (d) the integrity and value of the environment, and (e) the reciprocal solidarity and cooperation of humanity for mutual benefit. Finally, the seventh principle of the *ethics of sharing* is *shared responsibility,* which calls for an active commitment to build the community, society, and world we all want and deserve to live in. Acceptance and practice of these principles and enshrining them in law would be a fitting legacy of the struggle around *Brown.* For it would aid in redefining law from its identity as a central site and source of the power of the ruling race/class to its more noble role as the carrier and promoter of our best ethical values and vision for a just and good society and a good and sustainable world.

References

Asante, M. (1990). *Kemet, Afrocentricity, and knowledge.* Trenton, NJ: Africa World Press.

Asante, M. (1998). *The Afrocentric idea.* Philadelphia: Temple University Press.

Bambara, T. C. (1970). *The Black woman: An anthology.* New York: Signet.

Bell, B. (2001). *Walking on fire: Haitian women's stories of survival and resistance.* Ithaca, NY: Cornell University Press.

Bell, D. (1989). *And we are not saved: The elusive quest for racial justice.* San Francisco: Harper.

Bell, D. (1992). *Faces at the bottom of the well: The permanence of racism.* New York: Basic Books.

Bell, D. (1995a). *Brown v. Board of Education* and the interest convergence dilemma. In K. Crenshaw, N. Gotanda, G. Peller, & K. Thomas (Eds.), *Critical race theory: The key writings that form the movement* (pp. 20–29). New York: New Press.

Bell, D. (1995b). Serving two masters: Integration ideals and client interests in school desegregation litigation. In K. Crenshaw, N. Gotanda, G. Peller, & K. Thomas (Eds.), *Critical race theory: The key writings that form the movement* (pp. 20–29). New York: New Press.

Bell, D. (2004). *Silent covenants: Brown v. Board of education and the unfulfilled hopes for racial reform.* New York: Oxford University Press.

Boxill, B. (1992). *Blacks and social justice* (Rev. ed.). Lanham, MD: Rowman & Littlefield.

Brisbane, R. H. (1974). *Black activism.* Valley Forge, PA: Judson Press.

Carruthers, J. H. (1985). *The irritated genie: An essay on the Haitian revolution.* Chicago: Kemetic Institute.

Cooper, A. J. (1892). *A voice from the South* (Introduction by Mary Helen Washington). New York: Oxford University Press.

Crenshaw, K., Gotanda, N., Peller, G., & Thomas, K. (Eds.). (1995). *Critical race theory: The key writings that form the movement.* New York: New Press.

Cruse, H. (1967). *The crisis of the Negro intellectual.* New York: William Morrow.

Dillon, M. L. (1990). *Slavery attacked: Southern slaves and their allies (1619–1865).* Baton Rouge: Louisiana State University Press.

Douglass, F. (1950). *The life and writings of Frederick Douglass.* (Vol. 2; P. Foner, Ed.). New York: International.

Du Bois, W. E. B. (1935). Does the Negro need separate schools? *Journal of Negro Education, 4,* 328–340.

Eaton, S. E. (1996). *Dismantling desegregation: The quiet reversal of Brown v. Board of Education.* New York: New Press.

Egerton, D. R. (1999). *He shall go out free: The lives of Denmark Vesey.* Madison, WI: Madison House.

Fanon, F. (1965). *The wretched of the earth.* New York: Grove Press.

Geggus, D. P. (Ed.). (2001). *The impact of the Haitian revolution in the Atlantic world.* Columbia: University of South Carolina.

Geggus, D. P. (2002). *Haitian revolutionary studies.* Bloomington: Indiana University Press.

Guinier, L. (1994). *The tyranny of the majority: Fundamental fairness in representative democracy.* New York: Free Press.

Harding, V. (1987). *Hope and history: Why we must share the story of the movement.* Maryknoll, NY: Orbis.

James, C. L. R. (1963). *The Black Jacobins: Toussaint l'ouverture and the San Domingo revolution* (2nd ed.). New York: Vintage.

Karenga, M. (1967). *The quotable Karenga.* Los Angeles: Us Organization.

Karenga, M. (1979). The socio-political philosophy of Malcolm X. *Western Journal of Black Studies, 3*(4), 251–262.

Karenga, M. (1980). *Kawaida theory: An introductory outline.* Inglewood, CA: Kawaida.

Karenga, M. (1984). *Selections from the Husia: Sacred wisdom of ancient Egypt.* Los Angeles: University of Sankore Press.

Karenga, M. (1995). *The million man march/day of absence mission statement.* Los Angeles: University of Sankore Press.

Karenga, M. (1997). *Kawaida: A communitarian African philosophy.* Los Angeles: University of Sankore Press.

Karenga, M. (2002a). *Introduction to Black Studies* (3rd ed.). Los Angeles: University of Sankore Press.

Karenga, M. (2002b). *Kwanzaa: A celebration of family, community and culture.* Los Angeles: University of Sankore Press.

Karenga, M. (2004). *Maat, the moral ideal in ancient Egypt: A study in classical African ethics.* New York: Routledge Press.

Keto, T. (1994). *An introduction to the Africa-centered perspective of history.* London/Chicago: Research Associates School Times Publication/Karnak House.

Keto, T. (1995). *Vision, identity and time: The Afrocentric paradigm and study of the past.* Dubuque, IA: Kendall/Hunt.

Kluger, R. (1976). *Simple justice: The history of* Brown v. Board of Education, *Black America's struggle for equality.* New York: Knopf.

Lumumba, C., Obadele, I. A., & Taifa, N. (1993). *Reparations yes! The legal and political reasons why new Afrikans, Black people in the United States, should be paid now for the enslavement of our ancestors and for war against us after slavery* (3rd ed.). Baton Rouge, LA: House of Songhay.

Malcolm X. (1965a). *The autobiography of Malcolm X.* New York: Ballantine Books.

Malcolm X. (1965b). *Malcolm X speaks.* New York: Grove Press.

Malcolm X. (1970). *By any means necessary.* New York: Pathfinder Press.

Mazama, A. (Ed.). (2003). *The Afrocentric paradigm.* Trenton, NJ: Africa World Press.

McKivigin, J. R., & Harrold, S. (Eds.). (1999). *Antislavery violence: Sectional, racial and cultural conflict in antebellum America.* Knoxville: University of Tennessee Press.

McNeil, G. R. (1983). *Groundwork: Charles Hamilton Houston and the struggle for civil rights.* Philadelphia: University of Pennsylvania Press.

Morton, P. (Ed.). (1996). *Discovering the women in slavery: Emancipating perspectives on the American past.* Athens: University of Georgia Press.

Mumford, C. J. (1996). *Race and reparations: A Black perspective for the 21st century.* Trenton, NJ: Africa World Press.

Ogletree, C. J. (2004). *All deliberate speed: Reflections on the first half century of* Brown v. Board of Education. New York: Norton.

Pearson, E. A. (Ed.). (1999). *Designs against Charleston: The trial record of the Denmark Vesey slave conspiracy of 1822.* Chapel Hill: University of North Carolina Press.

Pinkney, A. (1976). *Red, black, and green: Black nationalism in the United States.* Cambridge, UK: Cambridge University Press.

Racine, M., & Ogle, K. (1999). *Like the dew that waters the grass: Words from Haitian women.* Washington, DC: EPICA.

Robertson, D. (1999). *Denmark Vesey.* New York: Alfred Knopf.

Robinson, R. (2000). *The debt: What America owes to Blacks.* New York: Dutton.

Rodgers-Rose, L. F. (1980). *The Black woman.* Beverly Hills, CA: Sage.

Shabaka, S. (2001). *An Afrocentric analysis of the 19th century African-American migration to Haiti: A quest for the self-determining community.* Doctoral dissertation, Temple University.

Sidbury, J. (1998). *Plough shares into swords: Race rebellion and identity in Gabriel's Virginia, 1730–1810.* New York: Cambridge University Press.

Tedla, E. (1995). *Sankofa: African thought and education.* Baltimore: Peter Lang.

Touré, S. (1958). *Toward full re-Africanisation (policy and principles of the Guinea Democratic Party).* Paris: Présence Africaine.

TransAfrica Forum. (2003). *Withheld international aid, the U.S. weapon of mass disruption: A TransAfrica forum report.* Washington, DC: Author.

Ture, K., & Hamilton, C. (1992). *Black power: The politics of liberation in America.* New York: Vintage.

Tushnet, M. V. (1987). *The NAACP's legal strategy against segregated education, 1925–1950.* Chapel Hill: University of North Carolina Press.

Tushnet, M. V. (1994). *Making civil rights law: Thurgood Marshall and the Supreme Court, 1936–1961.* New York: Oxford University Press.

Van DeBurg, W. (1993). *New day in Babylon: The Black Power Movement and African American culture, 1965–1975.* Chicago: University of Chicago Press.

Wasby, S. L., D'Amato, A. A., & Metrailer, R. (1977). *Desegregation from Brown to Alexander: An exploration of Supreme Court strategies.* Carbondale: Southern Illinois University Press.

Williams, J. (1998). *Thurgood Marshall, American revolutionary.* New York: Times Books/ Random House.

Yee, S. J. (1992). *Black women abolitionists: A study in activism.* Knoxville: University of Tennessee Press.