



SEARCH THE SITE:

Advanced Search
Site Map

SECTIONS:

Front Page
Today's News
Information Technology
Teaching
Publishing
Money
Government & Politics
Community Colleges
Science
Students
Athletics
International
People
Events
The Chronicle Review
Jobs

FEATURES:

Colloquy
Colloquy Live
Magazines & Journals
New Grant Competitions
Facts & Figures
Issues in Depth
Site Sampler

CHRONICLE IN PRINT:

This Week's Issue
Back Issues
Related Materials

SERVICES:

About The Chronicle
How to Contact Us
How to Register
How to Subscribe
Subscriber Services
Change Your User Name
Change Your Password
Forgot Your Password?
How to Advertise
Press Inquiries




THE CHRONICLE OF HIGHER EDUCATION

The Chronicle Review

From the issue dated April 2, 2004

The Flawed Compromise of 'All Deliberate Speed'

By CHARLES J. OGLETREE JR.

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The *Brown* decision, coming at a time of great racial inequality in America, marked a critical effort by the Supreme Court to send to the country a strong message: that legalized racial inequality in America would no longer be tolerated. The court's decision, stemming from a careful examination of our history of slavery and Jim Crow segregation, held that disparities in public-education opportunities that were based on the race of America's children had to end. The court sent this message to all the stakeholders in America, including Congress, the president, and the general public. At the same time, its decision, though unanimous, contained a critical compromise, which I argue undermined the broad purposes of the campaign to end racial segregation immediately and comprehensively. While ordering the end of segregation, given its corrosive effects on black children, the court removed much of the force of its decision by allowing proponents of segregation to end it through a process of "all deliberate speed." This compromise left the decision flawed from the beginning. Over the past 50 years, the attempt to integrate the public-education system and to achieve racial equality in other areas has been resisted and openly defied, by policy makers and the public, to the detriment of the laudable aim of achieving racial equality in America.

In the end, I reach the sad conclusion that the important goal of full equality in education following slavery and Jim Crow segregation was compromised from the beginning and that 50 years after *Brown* there is little left to celebrate. W.E.B. Du Bois reminded us that "the problem of the 20th century is the problem of the color line," but I maintain that, by refusing to acknowledge this country's history and to repair the harm done, we have allowed the problem of the color line to carry over into the 21st century. We need to examine our own individual resistance to full racial inequality, if we are to achieve true racial justice and equality in America. It is not enough for me to celebrate my good fortune in America in the half-century since *Brown*, if a significant number of African-Americans were left behind during this period.

We must address the problems of inequality and, in many respects, resegregation in America that the "all deliberate speed" approach to racial equality has left unsolved and replace that approach with an unequivocal commitment -- at the highest levels of government, in private industry, and in our personal lives -- to full racial equality, and we must do it now. We cannot afford to wait another 50 years to confront the problems described in *Brown*.

Charles J. Ogletree Jr. is a professor of law and vice dean for clinical programs at Harvard University Law School. Adapted from All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education, published this month by W.W. Norton & Company.

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