

ALL  
DELIBERATE  
SPEED

REFLECTIONS ON THE  
FIRST HALF CENTURY OF  
*Brown v. Board of Education*

Charles J. Ogletree, Jr.

HARVARD LAW SCHOOL

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BOOKNOTES  
BRIAN P. LAMB  
C-SPAN AIR DATE  
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Massive resistance  
Southern Manifesto

Brown I

Brown II

HBCU's (103)

Topeka today

"essential racist nature  
of American society"

"The Brown babies"

Your Kobi

"personal motto is  
noblesse oblige"

John Kerry - how  
about Supreme Court

P251 - There are no liberals  
on the court -

center - Souter / Stevens /  
Breyer / Ginsburg

asst prof. Harvard  
1989

769. Charles Ogletree

All Deliberate Speed: Reflections on the First Half-Century  
of Brown v. Board of Education

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b. 1952 hometown - Merced, CA. grad from Harvard Law 1978

50 years later - there is little left to celebrate Stanford 1975

Brown case was 5 different cases - p 4

June 8, 1953 (only decision was 5-4 against Dr. segregationist)

Court ordered cases re-ordered - there was fear

Carl Vignani dies Sept 5, 1953

Earl Warren appointed

2 decisions - all deliberate speed - slow speed then slow

1957 Little Rock Central High School

My grandfather - Big Daddy - family historian - Merced from

My father - truck driver - a gambler Arkansas

Brown I decision May 17, 1954

Brown II " May 31, 1955

father born in Committee, ACLA - activities in Ga. - never

founded H.S. called Ed Hicks

1950 - involved with my mother who was 17 - my grandfather

said he would kill him if didn't marry her

no books at home / no current events @ the table

on welfare - grandmothers read the Bible to us - I spent

time in library - read in moonlight - read every day

"you muggs" - 11 yrs. old on the playground - changed the way

I saw myself going forward.

"good student" tracking system was important

Started high school in 1967

Coach Heflin - black - exposed me to new readings - branch club

in the Promised Land / Uncle Tom's Cabin p 34 Richard Wright's

Native Son

Life guards at both pools were white - I became a life guard

17 years after Brown - black life guard at our pool

elected Student Body Pres.

Stanford - encouraged by my counselor Mrs. Jackson (1971)

of 1500 freshmen 68 blacks

MLK assassination - had a major impact 1968

at Stanford - we organized - elected BSV chairman - César Chávez

opened again black newspaper Real News - first time for hot

shower / own bed etc.

Jungla Davis - 1972 outbreak

We attended his trial - seen to my decision to go to

Law School

Professors William Shockley p 49  
Commencement speaker Daniel Patrick Moynihan  
had our own Black graduation speaker Dr. M. Clair Drake  
It is now a tradition at Stanford started in '75'

Chap 4 - Brown resistance in Boston  
Trip from Compton, CA to Boston - Las Vegas - lost money  
Tulsa - engineering school  
Memphis - Flea bag  
Hotel where James Earl  
Ray shot MLK.

Morgan lawsuit that resulted  
in 25 yrs of busing

Judge A. Arthur Garfinkel - Irish  
friend of JFK. US attorney

US - Federal District judge

Louise Day Hicks - South Boston / Garfinkel known as  
"Dictator"

I arrived in Boston - Harvard '75' -  
Saw movie Paper Chase - inhospitable Harvard

Obnoxious and arrogant students became my close friend  
I couldn't get anything from my Professors - I wanted my money back  
I became involved in helping with legal problems of black folks  
in Boston -

My son Charles born Feb, 1976  
"The Law School" had no bells.

Chap 5 - Copying the Torahs

left H. in '76' moved to D.C. - District of Columbia Public Defender  
Service POD

Admission to practice before Supreme Court (1983)

Father and mother divorced - didn't attend Stanford Grad.  
Father promised to come to swearing in - needed a hat - again  
said he wouldn't come - I learned a lot about him - the hat  
Reunion with his brother after 40 years  
My father and Thurgood Marshall were my heroes.

Chap 9 Jim Crow - 1828 - entertain white crowds \$98

1867 - KKK 1880 - 1930 3,220 blacks lynched in South alone

Informal sun down laws

living "behind the veil" from white - own clubs etc.

National Association of Colored Women Ida B. Wells

ALL

Jehiel Rosenwald  
donate 5000 negro  
school buildings  
in South 1913-1932

Booker T. vs

DELIBERATE

WEB Dubois

Combated white supremacy  
through music

SPEED

Spawned NAACP in 1910

Crises magazine  
Talented Tenth

Harlem Renaissance

1896 - Plessy vs. Ferguson - states could require segregation

1921 Greenwood Section of Tulsa Ok

May 31 - white mob formed in front of jail - national  
Guard called - "go get a nigger"

Chap 7 - Defeating Jim Crow

Charles Hamilton Houston -

ambient  
Harvard Law

Counsel to NAACP - bring suits against graduate and  
professional school  
vice dean of Howard Law "equalization suits"

his strategy - Thurgood Marshall  
brought suits first in upper South - less defiant judges  
Wanted central control for local suits

All suits lay down foundation for Brown  
Salary equalization suits first - went from 50% of white  
to 65% by 1945

1936 - Donald Murray suit forced him into V. of Maryland Law

1938 - Lloyd Gaines - Supreme Court found for him  
at V. of Missouri Law - he disappeared

late 40s - Houston Marshall / NAACP won tags

Sweatt vs. Painter - V. of Texas Law - 100,000 separate school

McLaurin vs. Oklahoma - sit in adjoining room - same school p122

Herrick Bell: interest convergence - only when interest of majority converge with those of the minority will minority achieve its goals.

End of Chapter Chap 18 - Integration Ideal - Solving Reflection:

- ① Brown
- ② Bakke
- ③ Grutter v. Bollinger
- ④ I Have a Dream Speech and assassination
- ⑤ LBJ's commitment to affirmative action
- ⑥ Bush's criticism of Mecklin plan to promote racial preferences
- ⑦ Supreme Court approval of diversity plans
- ⑧ HBCU's close or loose accreditation

[Americans can't be bothered unless it directly affects them]

Chap 11 - Marshall's legacy - 67-91

Did he have to recuse on civil rights cases

P171

74 - Mulliken vs Bradley - white flight to suburbs Detroit's Schools

\* I was amazed at his comfort at telling dirty jokes in Pam and my presence P179

Strongly opposed Death Penalty

In his second decade on Court his role as conscience of the Court disappeared

Tenure for me at Harvard 1993 - With Marshall's death

I lost my greatest role model

Chap 17 Reparations

failure of African Americans to gain equality ① Poverty ② Slavery  
For me - Bay, Indians - 1972 Black National Conventions

Queen Mother Audley Moore - men dominate P281 \*

My first trip to Africa 1973

Met Randall Robinson in early 80's - grad of Harvard Law -  
Served on Board of TransAfrica

Tulsa - Greenwood Section - Dick Rowland created for  
stepping on Sarah Page's foot in an elevator P284

300 Blacks killed - Whites burned 1200 Buildings

Promised reparations - never paid - Tulsa Reparations Council

Feb 2003 - filed complaint 150 survivors - over 87 and  
under 105 - I gave Franklin letters - father of John Hope Franklin

I believe in a trust fund to distribute reparations

ALSO BY CHARLES J. OGLETREE, JR.

*Beyond the Rodney King Story: An Investigation of  
Police Conduct in Minority Communities*

(coauthored with Mary Prosser, Abbe Smith, and William Talley) (1995)

Chap 8 Resistance to Brown <sup>P124</sup> Deep South - delays  
IKE integration  
Southern Manifesto 1955 - Jack Kilpatrick  
Go. Wallace editor of Richmond News Leader  
Gov. Faulkner "interposition"

Southernites would close schools to avoid integration  
Kennedy introduces civil rights bill in 1963 aimed at  
abolishing Jim Crow in public accommodations  
LBJ - became a supporter albeit at times a reluctant one  
1964 - Nixon - curried favor with white voters by  
opposing busing appointed 4 justices  
Milliken vs. Bradley (1974) 1st major move by  
Sup. went against desegregation -

Case meant no desegregation in Detroit.  
It was all about "local control" of schools.

Chap 9 <sup>P135</sup> Marshall - through the courts  
M. L. King - through non-violent protests  
Montgomery bus boycott because of Rosa Parks 1955  
Aug 28, 1963 I Have a Dream speech  
1965 - march from Selma to Montgomery - protest voting practices  
My parents never utter Thurgood Marshall's name but  
Dr. King became household name  
You say - both strategies were correct and necessary  
Privately Marshall would express disapproval of King

BOOKNOTES  
2004-05-09

Frontispiece: Thurgood Marshall and other lawyers, including William Coleman, Oliver Hill, and Constance Baker Motley, celebrating May 17, 1954, *Brown v. Board of Education* victory.

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## Chap 10 Bakke p148

Harvard's reputation for liberalism

When Charles arrived @ H. in 78' - 50 to 60 blacks a yr. (Law)  
applied to 11 and school

78' second rejection letter from UC Davis for med school  
he was 34

Bakke wins in CA Supreme Ct. 61 -

V of CA @ Davis appealed to S.C.

A. Cox - tried to reg V of Cal.

Wade McCree - Solicitor for Calif  
Marshfield believed that Bakke was beginning of end of his  
efforts to meet the promise of Brown.

## Chap 16

Boston today - schools 86% non-white

white flight

Alternative schools - Prot Moran began Algebra Project in  
Cambridge

Duke Ellington School of the Arts - D.C.

My wife and I help start Benjamin Banneker Charter School

Banneker and Jefferson p 268

Building Educated Leaders for Life (BELL)

work with local Cambridge kids - to inspire them  
to excellence - this done by Harvard Law School Black  
Law Student Community Affairs Committee.

"Black Butterflies" p 270 - Bell Foundation founded  
Earl Martin Prosen  
Made me Chairman 1992 - tutorial organization

## Chap 15 Michigan Cases

John Payton - lawyer argued for blacks in Michigan case

I was invited to S.C. by Meyer - daughter Kashida  
of NYU law school there to protest p 241

O'Connor - Stanford Board of Trustees

Chair - UDC board of trustees

5 to 4 - Court upheld Mich. Law School's  
affirmative action plan

Affirmative action must be limited in time - Court  
expects it no longer than 25 years

## ABOUT THE AUTHOR

Charles J. Ogletree, Jr., the Harvard Law School Jesse Climenko Professor of Law and Vice Dean for the Clinical Programs, is a prominent legal theorist who has made an international reputation by taking a hard look at complex issues of law and by working to secure the rights guaranteed by the Constitution for everyone equally under the law. He is the coauthor of the award-winning book *Beyond the Rodney King Story: An Investigation of Police Conduct in Minority Communities* (1995) and frequently contributes to many publications. In 2002, Professor Ogletree contributed a chapter entitled "The Rehnquist Revolution in Criminal Procedure," which appears in *The Rehnquist Court: Judicial Activism on the Right* (Herman Schwartz, ed., 2002). He has also published a number of law review articles concerning the 1921 Tulsa race riot reparations case on which he is currently working. In 2003, he was selected by *Savoy* magazine as one of the 100 Most Influential Blacks in America, and, along with Thurgood Marshall, A. Leon Higginbotham, Jr., and Constance Baker Motley, he was selected by *Black Enterprise* magazine as one of the legal legends among America's top black lawyers. He lives in Cambridge, Massachusetts, with his wife Pamela, and attends St. Paul AME Church.

Scalia's dissent in *Guttes* - separate minority only  
student organizations p 247

25 years - O'Connor - a call to arms  
Thomas endorses need for HBCU's - separate environment  
doesn't use full quote of Douglass