

Coming to Terms with Equality and Diversity: America's Ongoing Culture Wars

Wednesday 16 June 2010

by: Cary Fraser, *truthout* | Op-Ed

The recent decision by the Texas School Board of Education to revise the curriculum in the state to reflect a more "conservative" approach to social studies and history has highlighted the ongoing debate about the role of education in American society and culture. The explicit desire by the conservative majority on the Texas School Board to impose an ideological orientation in elementary and secondary education - including a shift of focus away from the civil rights movement and slavery, an emphasis upon ensuring that students be taught that the idea of the separation of church and state is not in the Constitution and promotion of the need to safeguard American sovereignty from threats posed by organizations such as the United Nations - is a barometer of the increasing uncertainty that has overtaken the conservative factions in American society. The election of Barack Obama as the first African-American president, on the basis of a well-executed campaign that demonstrated the increasing electoral influence of multi-ethnic coalitions in American politics, has served as a catalyst for reactionaries of all stripes to seek ways to reverse the movement of American society toward a greater openness and engagement with the wider world, including the diverse communities of color within the country. A recent article in the Wall Street reports that recent statistics suggest that population growth among minority groups in the United States will exceed growth rates among whites in the near future.⁽¹⁾ If that demographic shift takes place, the United States will become a country where there is no single ethnic group or race that will constitute a majority within the population. The promise of greater cultural and ethnic diversity in the American population is a guarantee of the erosion of the white-supremacist ethos that has defined American society over the course of its history.

The already visible shift in America's demographic composition and its sensibility has provoked unease among conservative constituencies made uncomfortable by these changes. Thirty years ago, the election of Ronald Reagan had inspired the conservative resurgence that revitalized the politics of white supremacy in American life. The launching of Reagan's election campaign in 1980 in Philadelphia, Mississippi - the site of the murders of three civil rights workers in 1964 - consolidated the image of the Republican Party as a big tent for conservatives. After the death of Nelson

Rockefeller, the former New York governor and vice president during the Ford administration, who had long represented the pro-civil rights constituency in the Republican Party - the Reagan campaign wholeheartedly embraced Southern conservatives increasingly disenchanted with Jimmy Carter and his willingness during his presidency (1976-80) to follow in Lyndon Johnson's footsteps in opening the political system for communities of color. Thus, the Texas School Board decision should be recognized as part of the long-running backlash among Southern conservatives who were disturbed by the civil rights movement and its success in dismantling the "Jim Crow" regime in American life and politics. The decision to reduce the focus in the Texas curriculum upon issues such as slavery and civil rights speaks to the ambivalence about these issues in both Texan and American history.⁽²⁾ Apparently, for some American conservatives, the bliss of amnesia is best reached through the path of obfuscation in the education system. As the country becomes more diverse in terms of the origins of its many communities, the struggle over the content and structure of the curriculum will intensify as schools are confronted with the need to address the complexity and changing complexion of the country's history and culture.

In fact, many conservatives today articulate a profound desire to preserve the ethos and politics of white supremacy that has defined American life from the founding of the American republic. One way of understanding the emergence of the "birther" movement in 2009, which challenged Obama's birth in Hawaii and the earlier questions about the significance of his middle name, Hussein, as well as the efforts to depict him as a Muslim during the 2008 election campaign, is that many conservatives find it difficult to accept the reality of an African-American as president. The desire of others to "reclaim their government" is but another manifestation of the legacies of slavery and segregation in American life - the idea that African-Americans are inferior to their white compatriots. This sentiment was brilliantly captured by the African-American author, James Baldwin when he wrote in "My Dungeon Shook: Letter to My Nephew on the One Hundredth Anniversary of the Emancipation": "You were born into a society which spelled out with brutal clarity and in as many ways as possible, that you were a worthless human being. You were not expected to aspire to excellence: you were expected to make peace with mediocrity."⁽³⁾ Obama's election victory shattered that illusion and opened the way for Americans of all persuasions to imagine a future in which white supremacist politics could be relegated to history.

However, it would seem that a new front has been opened in the "culture war" between progressive and conservative factions in American life. The search by conservatives for control over the curriculum - even as the level of segregation in the K-12 education system today is suggestive of a return to the era before the *Brown v. Board of Education* decision - is a reminder of America's inability to escape its history of unequal education. While racially segregated public education was deemed to be a violation of the Constitution in 1954, the reality is that the segregation of whites from other sections of the society - in education, in housing, and in other areas of social life - remains a powerful norm in American culture. This contradiction between law and reality on matters of racial segregation makes for schizophrenic debates about education and the advocacy of change, since 1954, has had little significant impact upon the society's capacity to deliver equal access to education for all its citizens.

Racial segregation is pathological in a society ostensibly based upon human equality, but it is a pathology that has been normalized across the society. The Texas School Board's decision to de-emphasize the focus upon slavery and the civil rights struggle in the curriculum helps to illustrate the workings of that pathology. Segregated education in the United States today perpetuates the inequality of access and the structural patterns of disadvantage that defined the "Jim Crow" era in the 20th century - a depressing reminder that, the more things change, the more they remain the same.⁽⁴⁾ While the civil rights movement of the mid-20th century delegitimized the legal principles that underpinned the Jim Crow order, the culture of segregation remains deeply embedded in the social fabric. Despite its image as a progressive and dynamic society over the course of the 20th century, the legacy of racist beliefs and practices continues to define American life.

For example, in the first half of the 20th century, slavery continued in American society despite its legal abolition after the Civil War.⁽⁵⁾ May 17, 1954, the date of the *Brown v. Board of Education* decision, is seen as a definitive turning point in American history as it brought an end to the constitutional imprimatur that had been given to the *Plessy v. Ferguson* decision of 1896, and provided momentum for the burgeoning challenge to the Jim Crow order. However, the conviction on May 14, 1954 - three days prior to the *Brown* decision - of two brothers from Alabama for holding African-Americans as slaves was an ironic counterpoint to the *Brown* decision.⁽⁶⁾ The continuing evidence of slavery in 1954

was a reminder of the fact that its legacies had yet to be expunged from both custom and culture in America. Thus, it should not be surprising that segregation - outlawed, but still practiced - has followed a similar course in the late 20th and early 21st centuries. In the matter of racial inequality, the United States has yet to find a way to escape its historical legacies and their capacity to shape contemporary politics.

The reactionary impulses that triggered the decision to pursue an overt ideological agenda within the curriculum adopted by the Texas School Board cannot be seen solely as a response to the increasing racial/ethnic diversity of American society. It should also be seen as an expression of the persistent phenomenon explored by Richard Hofstadter in his seminal work - "Anti-Intellectualism in American Life." In that book, published in the early 1960s, Hofstadter argued:

Again and again, but particularly in recent years, it has been noticed that intellect in America is resented as a kind of excellence, as a claim to distinction, as a challenge to egalitarianism, as a quality which almost certainly deprives a man or woman of the common touch. The phenomenon is most impressive in education itself. American education can be praised, not to say defended, on many counts; but I believe ours is the only education system in the world vital segments of which have fallen into the hands of people who joyfully and militantly proclaim their hostility to intellect and their eagerness to identify with children who show the least intellectual promise.⁽⁷⁾

In effect, the effort to suppress the use of the educational process to widen the avenues of cultural and functional literacy among American students is reflective of the anti-intellectual currents that course through American life and which is often manifested as racism and xenophobia in the wider social and political context.

The initiative by the Texas School Board was replicated in Arizona where the governor signed legislation that seeks to prevent the teaching of ethnic studies in the K-12 system in that state. The legislation was actively championed by the state superintendent of public instruction, Tom Horne, who wrote an open letter in June 2007 in which he claimed, "The evidence is overwhelming that ethnic studies in the Tucson Unified School District teaches a kind of ethnic chauvinism that the citizens of Tucson should no longer tolerate."⁽⁸⁾ Horne, a Republican, is reportedly running for the office of state attorney general and his

championship of this issue suggests the way in which the hostility toward exploring the increasing cultural diversity of American society has become a political football in the age of Obama. Anti-Latino sentiment and Republican exploitation of that sentiment for political gains, was also evident in the recent decision by the Republican Governor of Arizona, Jan Brewer, to sign a new immigration enforcement law in that state which has provoked serious concern about increased ethnic profiling of minority Americans by law enforcement agencies.

As in Texas, the fear of ethnic studies in Arizona reflects both the advent of a multi-cultural America and a crude search for political advantage by conservative and reactionary forces in a thinly disguised campaign to reverse that development. According to a spokesman for the Arizona governor: "[she] signed the bill because she believes and the legislation states, that public school students should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people."⁽⁹⁾ Brewer, a Republican, had been elevated to the governor's office by virtue of the decision Janet Napolitano, her predecessor and a Democrat, to accept the appointment as Homeland secretary in the Obama administration in 2009. Brewer will need to run for election on her own account, and her willingness to sign these bills should not be discounted as part of a political strategy to court conservative voters in the effort to return to the governorship in the next election. Among many others who exploited unrest over schooling, were Orval Faubus and George Wallace, who had embraced opposition to school desegregation in election campaigns in Arkansas and Alabama in the wake of the Brown v. Board of Education decision.

In many ways, the current initiatives in Texas and Arizona reflect the long-standing discomfort among conservatives with the changes unleashed by the Brown decision, particularly its affirmation of the equality of citizenship as the cornerstone of the American constitutional project. According to the decision:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. **It is the very foundation of good citizenship.** Today it is a principal instrument in awakening the child to cultural

values, in preparing him for later professional training and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.⁽¹⁰⁾ [Emphasis added.]

Brown eviscerated the idea of white supremacy, which had defined American constitutional life since the founding of the country, and opened the way for America to reconceive itself as a society in which the tyranny of a racial majority could be moderated by the affirmation of equality for ethnic and racial minorities in the society. In asserting the link between education and "good citizenship," the Supreme Court had also asserted the importance of education as a fundamental right that should "be available to all on equal terms." It was a bold step in the direction of restructuring American society. As a relatively rare unanimous decision by the Supreme Court, it would be difficult for any successor court to overturn the Brown decision and, as a consequence, conservatives have had to seek alternative strategies to find ways of reversing the consequences of the 1954 decision, if not the decision itself.

Today, Brown is looked upon as, at best, a decision that offered change, but which has failed to deliver on that promise. However, it may be important to recognize that in making a radical break with the ideological cornerstone of American life and law - white supremacy - Brown served as a catalyst for the civil rights movement and the culture wars that have shaped American life since 1954. The reverberations of that decision continue to affect the Supreme Court and, for the retired Supreme Court Justice David Souter, the Brown decision has provided a basis for his apparent repudiation of the doctrine of "original intent" that has been championed by conservatives who opposed the influence and legitimacy that the Brown decision continues to exercise in American jurisprudence and political life.⁽¹¹⁾

The debates over "original intent" as constitutional doctrine gained increased currency in 1987 when Ronald Reagan nominated the well-known Robert Bork, a member of the United States Court of Appeals for the District of Columbia, to a seat on the US Supreme Court. Bork was seen as an appointment that would both secure a conservative majority on the Supreme Court and contribute to the legacy of Reagan as the architect of the conservative resurgence that sought to redefine

American life and politics. In a 1985 speech at the University of San Diego Law School, Bork had asserted:

I intend to speak to the question of whether a judge should consider himself or herself bound by the original intentions of those who framed, proposed and ratified the Constitution. I think the judge is so bound. I want to demonstrate that original intent is the only basis for constitutional decision and I wish to meet objections that have been made to that proposition.(12)

Given the commitment to slavery embodied in the 1787 Constitution, it was remarkable indication of the quality of American intellectual life that, two decades after the passage of the Civil Rights and Voting Rights Acts and more than a century after the end of the Civil War in 1865, a sitting judge felt comfortable advocating that the "original intention" of the Americans founders provided solid ground from which to adjudicate cases coming before the courts in the late 20th century. Reagan's nomination of Bork in 1987, in the bicentennial year of the original Constitution, was perhaps tribute to the nostalgia revealed by the judge in his desire to validate the wisdom of the founders.

In his Harvard address, Souter indicated that he was going to address "a particular sort of criticism that is frequently aimed at the more controversial Supreme Court decisions: criticism that the court is making up the law, that the court is announcing constitutional rules that cannot be found in the Constitution and that the court is engaging in activism to extend civil liberties." Arguing that the Constitution is a complex document containing "values that may well exist in tension with each other, not in harmony" Souter said the "explicit terms of the Constitution, ... can create a conflict of approved values and the explicit terms of the Constitution do not resolve that conflict when it arises." In Souter's view: "The court has to decide which of our approved desires has the better claim, right here, right now ... So much for the notion that all constitutional law lies there in the Constitution waiting for a judge to read it fairly." Souter then explored the significance of the Brown decision and its repudiation of the Plessy v. Ferguson decision of 1896 that had given sanction to the "separate but equal" formula that underpinned the Jim Crow order in 20th century America. For Souter, the 1954 decision was based upon the recognition by the judges that "the record of enforced segregation ... carried only one possible meaning: It expressed a judgment of inherent inferiority on the part of the minority race. The judges who understood the meaning

that was apparent in 1954 would have violated their oaths to uphold the Constitution if they had not held the segregation mandate unconstitutional" - unlike the court majority in 1896 which had argued that segregated railcars were not "a badge of inferiority."(13)

Souter's defense of the Brown decision in 2010 is a remarkable statement about the unresolved tensions about racial equality, and the persistence of debates about the logic and culture of white supremacist thought in contemporary American life. As Texas and Arizona also illustrate, the conservative search for a return to a "lily-white" America remains a powerful force that will continue to shape American political debates as the society becomes increasingly multi-ethnic and culturally pluralistic. Race and racism remain defining features of an American landscape shaped by the politics of uncertainty.