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UNRAVELING THE BOASIAN DISCOURSE: THE RACIAL POLITICS OF "CULTURE" IN SCHOOL DESEGREGATION, 1944–1954

Attorneys for the NAACP Legal Defense and Education Fund effectively used social science to bolster their arguments during their legal campaign to desegregate public schools, culminating with the 1954 United States Supreme Court decision *Brown v. Board of Education*. The author first identifies the role anthropology played in the legal briefs of the NAACP and then explores how it was used. He argues that the NAACP legal team selected components of Boasian anthropology to argue that the environment shaped cultural differences and that there was no valid evidence of any racial inferiority. Although Boas and his students developed a tightly-knit discourse on racial equality and cultural relativity, the author demonstrates how the NAACP unraveled it by jettisoning the idea of cultural relativity and utilizing only that portion which argued there is no basis for making claims about racial inferiority. (Keywords: Franz Boas, Thurgood Marshall, School Desegregation, History of US Anthropology, History of Social Science, African American Culture, NAACP.)

Although anthropology is a very contentious discipline, there are two pillars of contemporary anthropological thought that have remained consistent: one is the idea that human variation is not concordant with social categories of race, and the other is that culture is learned behavior, which is historical and patterned in a way to help people make sense of their everyday lives.

These ideas have a very specific history and can be easily tied to the emergence of Boasian anthropology at Columbia University during the first quarter of the twentieth century. Between World War I and World War II, Franz Boas and his first generation of students intertwined a discourse of race and culture that focused on the environment to explain the plasticity and essential equality of racial groups and the relativity of bounded traditional cultures. Employing aggressive research programs to bolster such ideas, these scholars orchestrated a paradigm shift in the social sciences away from a view that racial traits and tendencies could be ranked from savage to civilized toward an understanding that there was no basis to view cultures or races as savage or civilized, inferior or superior, pathological or normal.

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While physical anthropologists helped shape a national critique of racial determinism, cultural anthropologists like Margaret Mead and Ruth Benedict helped shape a national discourse on culture with stories about the Zuni's oneness with the universe and how people come of age in Samoa (Benedict 1934, Mead 1928). These cultural anthropologists used what they called "salvage ethnography" to illustrate how "simple and exotic" cultures were rational, meaningful, and no better nor worse than complex societies like the United States. These cultural anthropologists often used this approach as a foil to assert how remote peoples were more like than unlike the generation of Americans who read these ethnographic accounts.

Anthropological ideas about culture, however, have a much more complicated history when they pertain specifically to African Americans. Although Boas and his students basically succeeded in challenging arguments about racial inferiority, they were not successful at challenging arguments that labeled the so-called rural folk culture of the Negro as culturally inferior or pathological. This has important implications because it suggests that a sort of division of labor emerged between the sociology of United States minority groups and the anthropology of remote groups, which also included Native Americans.

Between the two world wars, the most influential studies about remote peoples argued that these societies should maintain their unique and "authentic" cultures, and the most influential studies about ethnic immigrants and African Americans argued that they should abandon their cultures and assimilate so-called mainstream culture (Thomas & Znaniecki 1918–1920, Frazier 1939,

Park 1919, Johnson 1934, Benedict 1934, Kenyatta 1938, Goldenweiser 1937, Linton 1923). Stated differently, anthropological arguments about cultural relativism were not transferable to ethnic immigrants and Blacks who were expected to melt in the pot.

In an effort to better understand the complicated history of the culture concept as it applies to Blacks in the US, I will explore how the anthropological concept of culture was passed over by the NAACP when it used social science to argue the landmark *Brown v. Board of Education*, which desegregated public schools. Although historians of anthropology have recognized the role US anthropology played in the legal battles to desegregate public schools, they have tended to overlook the textured processes of how scholars, legal strategists, and political activists employed only particular aspects of Boasian anthropology to fight racial segregation (Stocking 1968; Hyatt 1985, 1990; Beardley 1973; Williams 1996).

Marshall Hyatt (1990), for example, has argued that there is a direct link from Franz Boas' views on race and culture to the 1954 United States Supreme Court judgment in *Brown v. The Topeka, Kansas Board of Education*. Hyatt pointed out that Chief Justice Earl Warren broke precedent by citing Boasian-influenced social science when he delivered the *Brown* opinion, which overturned the 1896 *Plessy v. Ferguson* decision. Actually, Warren cited a few studies that influenced the Court's thinking and summarized them all by saying "and see generally Myrdal, *An American Dilemma*, 1944" (347 US 494-495). Carleton Putnam (1967:70) has also remarked, "This reference, however oblique, was an effective way of saying see generally Boas and his disciples, for Myrdal's *American Dilemma* was Boas from beginning to end." Or was it? With a close reading, the answer is both yes and no. One does see the imprint of Boas' notion that phenotypic characteristics do not elevate one group above the other, but one does not see his concept of culture. I want to re-frame the linkage between Boasian anthropology and *Brown* by demonstrating that, when Earl Warren cited Gunner Myrdal's *American Dilemma*, he accepted the argument presented by the NAACP Legal Defense and Education Fund (LDEF), adopting Boas' notion of race and jettisoning his concept of culture.

The idea that races and cultures were fused and could be ranked and evaluated as savage, barbarian, and civilized waned within the academy when scholars no longer viewed language and culture as the product of racial traits and tendencies. Franz Boas emerged as the

principal architect of its academic demise because he developed research in both cultural and physical anthropology that compelled academics to see race, language, and culture as distinguishable and historically separate processes (Boas 1938[1911], 1940; Herskovits 1953:5; Mintz 1990:xiii).

In cultural anthropology, Boas developed sustained ethnographic research to buttress his claim that scientists could not use their own civilization as an objective measuring device to evaluate the success or failure of other societies. As early as 1887, Boas began to claim that "the main object" of ethnology "should be the dissemination of the fact that civilization is not something absolute, but that it is relative, and that our ideas and conceptions are true only so far as our civilization goes" (1887:589). He developed methods for ethnographic fieldwork where "the student must endeavor to divest himself entirely of opinions and emotions based upon the peculiar social environment into which he is born."

He must adapt his own mind, so far as feasible, to that of the people whom he is studying. The more successful he is in freeing himself from the bias based on the group of ideas that constituted the civilization in which he lives, the more successful he will be in interpreting the beliefs and actions of man (Boas 1901:1).

According to Melville Herskovits, Boas' research and methods laid the foundation for the philosophy of cultural relativism (1953:50).

In addition to cultural anthropology, Boas developed sustained research in physical, or biological, anthropology to refute the claim that "the white race represents the highest type of perfection. . . [and] every deviation from the white type is considered a characteristic feature of a lower type" (1895:302). The methods he developed in physical anthropology demonstrated, with statistical analysis, that the environment caused the variability and plasticity of the phenotypic traits used for racial typologies. "These results are so definite," he reported to the United States Immigration Commission, "that, while heretofore we had the right to assume that human types are stable, all the evidence is now in favor of a great plasticity of human types, and permanence of types in new surroundings appears rather as the exception than as the rule" (1912:5). His biological anthropology allowed him to forge a tenuous, but increasingly powerful, consensus in the academic community that "the existence of any pure race with special endowments is a myth, as is the belief that there are races all of whose members are foredoomed to

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eternal inferiority" (1945:19). During the first decade of the twentieth century, Boas wove physical anthropology and cultural anthropology together to demonstrate that African Americans could not be deemed racially inferior and, like all peoples, they participate in a culture that is historically specific, which must be viewed on its own terms (Boas 1895, 1905, 1974[1906], 1907, 1909a, 1909b, 1910).

By 1909, Boas had established himself as an important scholar whose vision was congruent with that of political activists fighting for racial equality (Boas and Wissler 1905; Boas 1895, 1907, 1909a, 1909b). He even engaged in a form of intellectual philanthropy — he allowed his name to be placed on the boards of directors and editorial boards of organizations committed to so-called racial uplift and routinely gave permission for his articles to be reprinted or excerpted in their newspapers and periodicals. As a result, he was invited to deliver the opening address at the first annual meeting of the NAACP; he also spoke the following year at the organization's second annual meeting (Beardsley 1973:62, Boas 1910:22). He continued to support and influence the NAACP and its leaders for the next thirty years while they led the political and legal fight for racial equality and desegregation (Baker 1994).

Franz Boas was a small but critical link between two nascent groups who would make profound contributions in the fight for racial equality. The first group consisted of scholars (people such as Otto Klineberg, Ruth Benedict, M.F. Ashley Montagu, and Melville Herskovits) influenced by Columbia's anthropology who orchestrated a paradigmatic shift in the scientific discourse on race by advancing the notion of cultural relativity and refuting ideas of racial inferiority. The second group Boas influenced comprised the intellectuals of the NAACP (people such as W.E.B. Du Bois, Kenneth Clark, Thurgood Marshall, and Walter White) who orchestrated a juridical shift in the legal codification of racial inferiority by tenaciously fighting racial segregation in the courts (Williams 1996). After Boas' death in 1942, the NAACP Legal Defense and Education Fund came together with scientists influenced by Boasian anthropology to overturn *Plessy*; the seeds of this relationship had developed earlier, during the 1920s and 1930s, when African-American intellectuals debated questions of Negro culture in the context of the New Negro Movement, also known as the Harlem Renaissance.¹

DEBATES OVER NEGRO CULTURE

Boas, his students, and his close associates developed a tightly-knit discourse that aligned the theories of

racial equality with notions that cultures were historically specific. African-American intellectuals such as Arthur H. Fauset, Zora N. Hurston, Arthur Schomburg, Carter G. Woodson, and W.E.B. Du Bois accepted and built upon Boas' work to explain the so-called culture of the Negro.² Other scholars such as E. Franklin Frazier, Charles Johnson, Ralph Bunche, and Guy B. Johnson accepted the Boasian notion of racial equality, but they discarded his emphasis on cultural history. This group embraced the sociological view of Negro culture advanced by Robert Park at the University of Chicago.³ Park directly influenced both Frazier and Johnson; they each earned a Ph.D. in sociology under him at the University of Chicago. For analytical purposes, I call the view of the scholars aligned with Park "the cultural legitimacy thesis" and the view of the scholars aligned with Boas "the cultural specificity thesis." I want to illustrate how these two lines of thought emerged and explain why the attorneys for the NAACP followed the Boasian discourse on racial equality but used the Park discourse on Negro culture to support its desegregation cases.

Proponents of the Boas-influenced cultural specificity argument stressed the idea that African-American culture was unique in terms of its historical and cultural continuities. These members of the New Negro movement were groping for a symbolic anchor, other than race, by which to ground an identity. They found it, in part, in Africa (Locke 1968[1925]:262). They attempted to form an ethnic identity centered on the construction of a cultural homeland. These scholars produced studies of folklore, cultural history, and art history in an effort to reclaim, "authenticate," and validate the past as well as to construct a factual foundation for current African-American cultural patterns. Arthur A. Schomburg captured the central feature of this line of thought:

The Negro has been a man without a history because he has been considered a man without a worthy culture. But a new notion of cultural attainment and potentialities of the African stocks has recently come about, partly through the corrective influence of the more scientific study of African institutions and early cultural history (Schomburg 1968[1925]:237).

In a variety of ways, the idea of African culture in America provided an important symbol that tied the West African to the plantation slave to the sharecropping tenant to the urbane and cosmopolitan "New Negro."⁴ Alain Locke acknowledged these linkages but approached them from a somewhat different angle:

But even with the rude transplanting of slavery, that uprooted the technical elements of his former culture, the American Negro brought over an emotional inheritance [and] a deep-seated aesthetic endowment. And with a versatility of a very high order, this offshoot of the African spirit blended itself in with entirely different culture elements and blossomed in strange new forms (Locke 1968[1925]: 254).⁵

In contrast, proponents of the Park-influenced cultural legitimacy approach maintained that Negro culture had progressed far enough *now*, especially among “middle class” Negroes in the North, to take its place among the so-called civilized cultures. However, proponents of this approach were forced to explain what happened to Negroes who never attained the cosmopolitan ways of the New Negro. These scholars, mostly sociologists, assumed that a large percentage of African Americans deviated from American cultural and behavioral standards. Such deviations, the sociologists explained, were inevitable responses to deleterious environmental conditions, racial discrimination, and the heritage of slavery that continued to plague Negro people (Williams 1989:113–148). Perhaps the most notable proponent of this approach was the esteemed black sociologist E. Franklin Frazier. Frazier attempted to explain the “simple Negro folk culture” in terms of an “incomplete assimilation of western culture by the Negro masses.” Frazier argued

... generally when two different cultures come into contact each modifies the other. But in the case of the Negro in America it meant the total destruction of the African social heritage. Therefore in the case of the family group the Negro has not introduced new patterns of behavior, but has failed to conform to patterns about him. The degree of conformity is determined by educational and economic factors as well as by social isolation (Frazier 1927:166).

Other black sociologists even suggested that African Americans left their culture behind in the South and adopted an entirely new one in the North. Charles Johnson asserted that “A new type of Negro is evolving — a city Negro. . . . In ten years, Negroes have been actually transplanted from one culture to another” (Johnson 1968[1925]:285).

To prove deviancy, sociologists cited statistics that compared Blacks to a white standard. Deviations from “the norm” included the high incidence of female-headed households, divorces, and fictive kin relations. These variables were correlated to high incidences of poverty, crime, delinquency, and disease. Together they became indices for so-called deviant behavior.

These supposed deviations or pathologies were seen as the result of turbulent and radical changes within the Negro’s social structure, beginning with the break from Africa, then enslavement, later plantation tenancy, and finally urban life in the Northern and Southern cities. Such rapid changes, they argued, coupled with virulent racism, inhibited the development of normative patterns that would *allow* Negroes to assimilate Western culture (see Johnson 1922, 1968[1925]; Frazier 1939:125–145, 1932; Blackwell and Janowitz 1974:57–117; Scott 1997:19–40). Although these scholars challenged disciplined specific boundaries, supporters of cultural specificity arguments generally aligned themselves with cultural anthropology — specifically the Columbia school in New York City — and articulated these ideas primarily during the New Negro movement of the 1920s. Meanwhile, supporters of cultural legitimacy arguments were closely aligned with sociology — specifically the Chicago school. These arguments eventually eclipsed those from New York and came to be articulated by scholars at Howard University during the depression of the 1930s (cf. Matthews 1989).⁶

THE HOWARD UNIVERSITY/G. MYRDAL CONNECTION

Howard University emerged as an important center for the study of the Negro during the New Deal era. The core of Howard’s faculty included E. Franklin Frazier in sociology, Abram L. Harris in economics, Rayford Logan and John Hope Franklin in history, Ralph Bunche in political science, Charles Thompson in education, as well as Charles Hamilton Houston and William Hastie in law (Jackson 1990:104–105, Kirby 1980:202). Melville Herskovits, one of Boas’ most celebrated students, was also an instructor at Howard during this time; however, he was marginalized within the Howard circle because of his emphasis on African cultural continuities in the Americas (Herskovits 1958[1941]:2–5). During this period, Howard’s faculty advanced a multi-disciplinary discourse on race relations that demonstrated how economic and environmental processes prevented most Negroes from fully assimilating a “legitimate culture.” They used Park’s assimilation model which posited that African Americans go through four phases of social evolution: competition, conflict, accommodation, and finally, assimilation. Park’s 1930s version of evolutionary stages (which mirrored earlier ideas of savagery, barbarism, and civilization) saturated the Howard circle and affirmed its obstinate position on assimilation. The model underpinned *An American Dilemma*, and also became the basis for the legal strategy later used for

Brown (Ross 1991:348-349, 358-361; Jackson 1990:95; Williams 1989:113-149; Matthews 1977:39).

Howard University's social scientists could not accept the cultural specificity thesis with regard to African-American culture because it implied that the cultural patterns of African Americans were slow to change and, ostensibly, not reversible. In a speech to the Harlem Council of Social Agencies, Frazier publicly rebuked Herskovits by asserting:

. . . if whites came to believe that the Negro's social behavior was rooted in African culture, they would lose whatever sense of guilt they had for keeping the Negro down. Negro crime, for example, could be explained away as an 'Africanism' rather than as due to inadequate police and court protection (Frazier cited in Myrdal 1964[1944]:1242).

Gunnar Myrdal employed ideas similar to Frazier's in *An American Dilemma* (1964[1944]). Sponsored by the Carnegie Corporation, he conducted a massive research project which culminated in a watershed study of US race relations (Jackson 1990:194, Mintz 1990:xv). As Director of the project, Myrdal hired researchers to write book-length memoranda on an array of topics that he could synthesize for the final report. Melville Herskovits was invited to write one of these memoranda, which was immediately published in 1941 in its entirety as *Myth of the Negro Past* (1958[1941]). Although Herskovits' book emerged as one of his most widely-distributed monographs, Myrdal never intended to use it. Guy B. Johnson, who helped to assemble Myrdal's team, suggested that it was much more important to make Herskovits feel like a participant "than to get what he was actually going to contribute to the study" (Jackson 1990:110).

E. Franklin Frazier and Ralph Bunche each submitted a memorandum, and together they shaped the entire study. Bunche was hired as a permanent staff member for the project and was Myrdal's closest American advisor. Frazier was also an important advisor to Myrdal and responsible for giving the manuscript of *An American Dilemma* final approval (Myrdal 1964[1944]:lix, Jackson 1990:123).

Myrdal employed Frazier's argument that all Negroes could obtain a culture as "legitimate" as Whites; however, he articulated the notion that "the simple folk culture of the Negro" was pathological with more force than Frazier. In the following passage, Myrdal vividly painted African-American culture as pathological and demonstrated his logical disdain for Boasian notions of cultural relativity.

In practically all its divergences, American Negro culture is not something independent of general American culture. It is a distorted development, or a pathological condition, of the general American Culture. The instability of the Negro family, the inadequacy of educational facilities for Negroes, the emotionalism in the Negro church, the insufficiency and unwholesomeness of Negro recreational activity, the plethora of Negro sociable organizations, the narrowness of interests of the average Negro, the provincialism of his political speculation, the high Negro crime rate, the cultivation of the arts to the neglect of other fields, superstition, personality difficulties, and other characteristics traits are mainly forms of social pathology which for the most part, are created by the caste pressure.

This can be said positively: *we assume that it is to the advantage of American Negroes as individuals and as a group to become assimilated into American culture, to acquire the traits held in esteem by the dominant white Americans* (Myrdal 1964[1944]:928-929, original emphasis).

So, what was the specific role played by anthropology in *An American Dilemma*, and subsequently in the *Brown* decision? Boasian anthropology established the only common denominator in studies of African American race, culture, and society during the 1920s and 1930s. It was the anchor for the consensus that there was no proof that any group possessed hereditary differences in intelligence or temperament, and that historical and environmental factors — cultural factors — resulted in the behavioral and performance differences among racial groups (Williams 1989:59-80; Myrdal 1964[1944]:90-91, cxx-cxxii). The members of the Howard circle took the tightly-knit Boasian discourse and separated within it the theories of racial equality from notions of historical specificity and cultural relativism. They appropriated Boas' assumption that there was no proof of racial inferiority but discarded his stress on culture as a marker of group differences. Therefore, while all the studies conducted by these scholars shared Boas' theory on racial equality, his idea of culture was just one of many.⁷

While Myrdal incorporated the discussions of class/caste articulated by Allison Davis and John Dollard, and used Klineberg's work extensively, he dropped the Herskovits/Boas notion of culture altogether. Myrdal also rejected the perspectives of Du Bois and Woodson.⁸

Although Myrdal did not value Herskovits' writings on culture, he nevertheless praised Herskovits' work on Negro anthropometry (Myrdal 1964[1944]:133,753). He explained that "it is the merit of Professor Melville J. Herskovits that he has finally ap-

proached this problem [of racial character] directly" (Myrdal 1964[1944]:132). Myrdal needed to establish a premise that Negroes were not mentally or physically inferior to Whites in order to make a successful case for assimilation. The evidence he provided was Herskovits' anthropometric studies, M.F. Ashley Montagu's studies of characteristics of the Negro population, Otto Klineberg's work on I.Q. scores, and W. Montague Cobb's applied anthropology. All of these scientists were closely associated with Boas (Myrdal 1964[1944]: cii-cxxii,150).⁹

THE MYRDAL/LDEF CONNECTION

An American Dilemma won instant and wide acclaim when it was published in 1944. Myrdal's theme was not only palatable but timely. Frederick Keppel, the President of the Carnegie Corporation, recognized that the timing of this watershed study was indeed fortunate because World War II significantly changed United States race relations (Franklin 1974:440, Mintz 1990:xvi). In the book's forward Keppel wrote:

When the Trustees of the Carnegie Corporation asked for the preparation of this report in 1937, no one (except possibly Adolf Hitler) could have foreseen that it would be made public at a day when the place of the Negro in our American life would be the subject of greatly heightened interest in the United States. . . . the eyes of men of all races the world over are turned upon us to see how the people of the most powerful of the United Nations are dealing *at home* with a major problem of race relations (Myrdal 1964[1944]:i, original emphasis).

Myrdal sketched a simple theme that quelled the anxiety many Americans felt when they considered the parallels of state-sponsored racism in the US and in Nazi Germany.

Though our study includes economic, social, and political race relations, at the bottom our problem is the moral dilemma of the American — the conflict between his moral valuations on various levels of consciousness and generality. The 'American Dilemma,' . . . is the ever-raging conflict between, on the one hand, the valuations preserved on the general plane which we shall call the "American Creed," . . . and, on the other hand, the valuations on specific planes of individual and groups living, where personal and local interest; economic, social, and sexual jealousies [exist] (Myrdal: 1964[1944]:lxxi, original emphasis).

Myrdal's sociology appealed greatly to the American public because he constructed the Negro problem as a moral dilemma for Whites and as a formidable task for

Blacks who would have to work themselves out of poverty. Yet, Myrdal raised the stakes: white Americans either had to embrace the American ideal of equality or be forced to confront the rising tide of black militancy and dishonor the lives lost in WWII for freedom and democracy.

National newspapers and magazines such as *The New Republic*, *Time*, *Life*, *Saturday Review*, *New York Herald Tribune*, *World Telegram*, and the *Chicago Tribune* endorsed Myrdal's theme by printing articles and reviews with headlines such as "Race Riots or Race Unity: Which Will it Be," "Dr. Myrdal's Treatment of The Negro Problem And Modern Democracy Is A 'Must' Book," "Democracy's Chance: The Negro Problem," and "Comprehensive Study Of The Negro Problem: Scholar Predicts War Will Change Outlook Of Negroes By Making Them Feel Entitled To Share In American Ideals Of Equality." *An American Dilemma* effectively reshaped the discussion of race and culture in the United States for the next fifteen years. It became a guide for an array of social policies, a standard text in university curricula, and a dominant reference in nearly every forum on race relations (Southern 1987:71-125).¹⁰ Although Myrdal provided little new information and few novel insights to those of most serious scholars of race relations, the NAACP was pleased with the book's public reception because it validated and certified its long struggle for racial equality. The legal arm of the NAACP began to see it as solid and well-respected evidence with which to overturn *Plessy*.

From its inception in 1909, the NAACP legally challenged residential segregation, segregation in public schools and universities, disfranchisement, and wage disparities. In 1939 the Legal Defense and Education Fund (LDEF) was established as a separate, tax-exempt organization, and the board appointed Charles Hamilton Houston, Dean of Howard Law School, as its director. Hamilton immediately hired Thurgood Marshall, his former student, to assist him. The organization was soon under the direction of Thurgood Marshall, and William Hastie and James Nabrit, both professors at Howard Law School, emerged as key members. Marshall highlighted the difficult priorities: "Without the ballot you've got no goddamned citizenship, no status, no power, in this country. But without the chance to get an education you have no capacity to use the ballot effectively" (Rowan 1993:129). By 1948, the LDEF chose to focus its limited resources on a campaign to desegregate public schools (Tushnet 1987:82-138).

The LDEF could not rely solely on legal precedent

to win its cases, so the attorneys decided to employ their own form of sociological jurisprudence by employing the most authoritative science available: it presented *An American Dilemma* as "Exhibit A" (Tushnet 1987:19, Jackson 1990:95). The sociological argument of the LDEF became more attractive with the public's praise for *An American Dilemma* and the mounting need for better US race relations as the Cold War eclipsed World War II. As a result of growing Cold War tensions, the executive branch of the federal government began to recognize the geopolitical benefits of creating the appearance of improved race relations.

The attorneys for LDEF seized the moment to convince the United States Department of Justice to support the NAACP with an *amicus curiae* (friend of the court) brief. During World War II, the Justice Department had refused to support the LDEF's successful argument to end the Texas white primary in *Smith v. Allwright* (1944). After the war, US Attorney General Tom Clark supported the LDEF argument to strike down the enforcement of home owners' restrictive covenants with an *amicus* brief in *Shelley v. Kraemer* (1948). This dramatic shift on Jim Crow statutes by the executive branch was essential to the success of the ensuing school desegregation campaign. The government subsequently submitted *amicus* briefs in support of the LDEF for each desegregation case that followed *Shelley* (Baker 1992:800, Kluger 1976: 233-238). President Harry Truman was ultimately responsible for the executive branch's new support of civil rights issues. After Franklin D. Roosevelt's death, Truman had moved quickly to ferret out Communists in the federal government, and he moved as quickly to secure civil rights for people of color by commissioning the President's Committee on Civil Rights. Both efforts were launched in 1947. Truman was up for election in 1948 and campaigned on an anti-communist, pro civil-rights platform.

That same year, the LDEF argued the class action suit *Shelley v. Kraemer* before the Supreme Court. The case addressed restrictive covenants, which were "private agreements to exclude persons of a designated race or color from the use or occupancy of real estate for residential purposes." The court found that restrictive covenants by themselves "do not violate the Fourteenth Amendment; but it is violative of the equal protection clause of the Fourteenth Amendment for state courts to enforce them" (344 US 1). The LDEF was successful in convincing Truman's Attorney General, Tom Clark, to direct his Solicitor General to file a brief as *amicus curiae*. Tom Clark, however, was no risk-taking radical. Indeed, he was a leading

advocate of the loyalty-test program for government employees and compiled the first so-called pink-list of alleged communist sympathizers. Clark's brief underscored his fear and loathing of everything considered un-American. The Justice Department's brief concluded that the overcrowded and demeaning ghettos promoted by the covenants "cannot be reconciled with the spirit of mutual tolerance and respect for the dignity and rights of the individual which give vitality to our democratic way of life" (Kluger 1976:253). The Court ultimately agreed with the arguments presented by the NAACP and the Justice Department (344 US 23).

To argue *Shelley*, the NAACP implemented two strategies that it would continue to use effectively in the school desegregation cases. The first was to solicit briefs of *amicus curiae* from prominent and powerful organizations as well as from the Justice Department. The second was to buttress its legal arguments with prevailing social science, and other data, as well as selective statistics in Brandeis briefs. Although the court did not consider the sociological data in *Shelley*, there is no doubt that it took note of the briefs submitted by various organizations and the Justice Department (Allen 1992:781, Kluger 1976:250-255, *Shelley v. Kraemer* 344 US 1 (1948)).

After *Shelley*, the LDEF launched a direct attack on *Plessy* by arguing that segregation was *per se* unconstitutional. The time was right to attempt to overturn the separate-but-equal doctrine (Thompson 1950:430). Two events worked in tandem to allow the LDEF to use the rhetoric of assimilation strategically by exploiting fears cultivated by the Cold War to outmaneuver both the judicial and the executive branches. First, a broad consensus had formed affirming the Howard circle's cultural legitimacy thesis by the early 1950s, as a result of the press and the federal government force-feeding *An American Dilemma* to the American public. Second, the federal government and the press began to criticize everything considered "un-American."¹² These dynamics allowed the attorneys for the LDEF to take advantage of the scholarship produced by their former colleagues from Howard to fashion their approach and to influence the prevailing views of people in circles of power — if an assimilationist approach proved effective, they would use it (Carter 1980:27). The LDEF made the case that Jim-Crow segregation itself was un-American by couching its arguments for equality and justice within a discourse that emphasized the assimilation of American culture and values. Additionally, they argued that segregation denied African Americans the

opportunity to embrace true American values, which implied that African Americans would embrace un-American values if they were not educated in desegregated schools. During the late 1940s and early 1950s, the LDEF slowly won desegregation cases involving public graduate and professional schools in the South. It eventually turned to public grade school desegregation, and it was that litigation which culminated in 1954 with *Brown*. While the LDEF jettisoned the cultural specificity argument, they effectively argued that classifying “the races” based on “biological differences” was anthropologically indefensible. The way members of the LDEF selectively cited anthropological texts and, even more selectively, chose anthropologists to put on the witness stand proved critical to their successful protracted litigation.

ANTHROPOLOGY AND THE SCHOOL DESEGREGATION CASES

After World War II, African Americans were attending college in record numbers. Armed with the G.I. Bill, many veterans pursued college and advanced studies. Black universities were overcrowded and turned away thousands of qualified applicants. However, the large state universities in the South refused to accept African-American applicants. The NAACP filed three suits that were eventually argued before the Supreme Court: *Sipuel v. Oklahoma State Board of Regents* 332 US 631 (1948), *Sweatt v. Painter* 399 US 629 (1950), and *McLaurin v. Oklahoma State Regents for Higher Education* 399 US 637 (1950). Although these were three separate cases, they became intertwined, and two were argued before the Supreme Court on the same day. Each case concerned the admission of exceptionally qualified African Americans to a state-supported law or graduate school in the South. *Sipuel* was the first case argued, and the Court did not write an opinion announcing its decision. The Court merely issued an unsigned *per curiam* order compelling the state of Oklahoma to provide Ada Sipuel with a legal education “in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group” (332 US 633 [1948]). To comply, the Oklahoma Board of Regents hired three law teachers and set up a law school in a room in the state capital building (Kluger 1976:259). Thurgood Marshall was left with two cases to execute the plan. In the *McLaurin* case, a sixty-eight year-old graduate student was admitted to the school but was forced to occupy special “reserved for colored” areas cordoned off in the library, cafeteria, and class rooms.

In the *Sweatt* case, the state had just allocated \$3,000,000 to create a “first-class” university for African Americans rather than admit black students to the law school in Austin.

The LDEF strategy was honed to precision. They solicited briefs as *amicus curiae*, put anthropologists and law school professors on the stand, and crafted powerful Brandeis briefs. They argued that there was no basis to classify the races as separate and no basis for the segregation of people based on racial inferiority. Additionally, they argued that “intangibles” must be considered in any determination of separate-but-equal facilities. Employing the same tactics as *Shelley*, the NAACP encouraged the Justice Department to submit a brief to support its case.

In addition to the Justice Department, the NAACP received briefs in support of their cases from the American Federation of Teachers, the American Veterans Committee, the Congress of Industrial Organizations, the Japanese American Citizens League, the American Civil Liberties Union, the Committee of Law Teachers Against Segregation in Legal Education, and the American Jewish Congress. The brief filed by the American Jewish Congress (AJC) evoked the similarities between state-sponsored racism in Nazi Germany and the United States. The AJC, of which Thurgood Marshall and Charles Houston were advisory board members, filed a riveting amicus brief for *Sweatt*:

The discriminatory effect of such legally sanctioned inequality can be demonstrated by reference to recent tragic history. The Nazis understood it fully when they imposed on Jews the wearing of the Yellow Star of David. *Polizeiverordnung über die Kennzeichnung der Juden vom 1. September 1942*, RGBI, I.S. 547, *ausgeg. am 5. IX. 1941* (Maslow and Polier 1948:14).¹³

The AJC explicitly cited *An American Dilemma* to outline various arguments, frequently stating with authority “According to Myrdal. . .” (Maslow and Polier 1950:7).

The brief filed by the LDEF for *McLaurin* was theoretically more rigorous than the one filed for *Shelley*. It was underpinned exclusively with the works of Myrdal and his associates. For example, the list of authorities included John Dollard, Arnold Rose, and Robert Park. Myrdal had relied on each for specific aspects of his study. The citations that drew directly from the Howard University circle came from E. Franklin Frazier, Ralph Bunche, Charles Thompson, and Kenneth Clark. Thompson was the Dean of Howard Graduate School, editor of the *Journal of Negro Education*, and a consultant for Myrdal’s project.

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Kenneth Clark went to Howard University as an undergraduate in the early 1930s, at the same time Thurgood Marshall was attending Howard Law School. Clark completed his Ph.D. in psychology at Columbia University and was also a member of Myrdal's research staff. The research and testimony of Kenneth Clark and Mamie Clark (who also was a social psychologist) proved critical to the success of the public school desegregation cases (Carter, Hall, and Marshall 1949:iv-vii).

The anthropologists whom Robert Carter and Thurgood Marshall chose to include in their bibliography shows that the LDEF mirrored the Howard circle's use of Boasian anthropology. The LDEF only cited anthropological publications on race that demonstrated there was no scientific proof of group hereditary differences in intelligence or temperament and concluded that environmental factors could explain the differences among racial groups. The LDEF did not cite anthropological publications that demonstrated that cultures were historical or functional, adaptive or cognitive. The bibliography of the brief included *Man's Most Dangerous Myth — The Fallacy of Race* by M.F. Ashley-Montagu (1942) who was a physical anthropologist, a student of Boas, and a contributor to Myrdal's project. The other anthropologist was Robert Redfield who was a social anthropologist from University of Chicago. Although not directly associated with the Myrdal study, Redfield was a program director at the Carnegie Institute. The LDEF included three publications by Otto Klineberg who was a social psychologist at Columbia University. Klineberg worked closely with Boas and pursued "research in the border-land field between psychology and ethnology" (Klineberg to Boas 02/16/1929).¹⁴ Klineberg was yet another advisor to Myrdal and wrote a monograph for his study. Klineberg drew heavily from Boasian anthropology and investigated cultural differences in relation to differences in I.Q. scores. The LDEF quoted Klineberg's *Negro Intelligence and Selective Migration* (1935), which concluded that "length of residence in a favorable environment plays an important part in the intellectual level of the Negro children" (1935:61).¹⁵ The LDEF brief did not include Herskovits, Ruth Benedict, or any other cultural anthropologist. The LDEF made a calculated decision not to include the work of former students of Boas who were cultural anthropologists. For example, William Maslow, the director of the Commission on Law and Social Action of the American Jewish Congress, wrote to Thurgood Marshall to inform him of Ruth Benedict's work. He also suggested "that Ruth Benedict would

make a good witness" for the Texas case (Maslow to Marshall 04/28/1947).¹⁶ Thurgood Marshall ignored the information. Marshall only wanted to use anthropologists who would testify that no scientific basis existed to classify the races and that African Americans were not inferior to white Americans. Apparently, Marshall did not want anthropologists to expound on the virtues of African-American culture. He expressed this position when he outlined the LDEF's strategy for the Heman Sweatt case. Marshall explained that he was only "contemplating putting on anthropologists to show that there is no difference between folks" (Marshall to Hastie 04/03/1947).¹⁷ Thurgood Marshall selected Robert Redfield to testify in *Sweatt*. Undoubtedly, the primary reasons for selecting Redfield were his knowledge of the law and his credentials. Redfield received a law degree and then a Ph.D. in social anthropology from the University of Chicago. He also served as Dean of Social Sciences at University of Chicago and as Chair of the Department of Anthropology.

Robert Redfield proved to be an important and indefatigable expert witness during the five days of argument in the District Court of Travis County, Texas. Redfield's testimony also proved critical four years later when the case reached the Supreme Court. In the original "petition and brief" filed at the Supreme Court, Redfield's testimony was the authority cited in section (b) "The Unreasonableness of Compulsory Racial Segregation in Public Legal Education" (Durham et al. 1948:9). It was also cited in the brief filed for *McLaurin* (Carter, Hall, and Marshall 1949:vii). On the stand in Texas, Redfield presented, with force and candor, the scientific studies that established that African Americans were not inferior. Thurgood Marshall told the court that Redfield's testimony that "there is no rational basis for the classification" of race was pertinent to the way the judges construed the Fourteenth Amendment. Actually, he stated that Redfield's testimony falls "flat in the teeth of the Fourteenth Amendment" (Transcript of Record *Sweatt v. Painter* 399 US 629 (1950):192 [here on TR]). Marshall continued:

Q. Dr. Redfield, are there any recognizable differences between Negro and white students on the question of their intellectual capacity? . . .

A. We got something of a lesson there. We who have been working in the field in which we began with a rather general presumption among our common educators that inherent differences in intellectual ability[,] of capacity to learn[,] existed between negroes and whites, and have slowly, but I think very

convincingly, been compelled to come to the opposite conclusion, in the course of long history, special research in the field. . . . The conclusion, then, to which I come, is differences in intellectual capacity or inability to learn have not been shown to exist as between negroes and whites, and further, that the results make it very probable that if such differences are later shown to exist, they will not prove to be significant for any educational policy or practice (TR:193-194).

The Attorney General tried to put in doubt Redfield's authority by quoting the *Encyclopedia Britannica*, but Redfield provided a different set of sources.

Q. Do you recognize the Encyclopedia Britannica and the articles on such subjects as an authority in the field?

A. No, I do not.

Q. You do not?

A. No, sir. . .

Q. Could you give us some of the authorities that you think we would be justified in taking as authorities on the subject you have testified to us about?

A. Franz Boes [*sic.*], Ruth Benedict, Ashley Montague [*sic.*], Otto Klineberg. Is that enough (TR:204-205).¹⁸

The testimony of Redfield and the specific research that the LDEF referenced in its briefs for these cases confirms the vital role anthropology played in the juridical interpretations of race in the early 1950s. The Supreme Court did not completely overturn the separate-but-equal doctrine but reversed the lower court's decisions and desegregated state graduate and professional schools. The NAACP won a major victory and dealt an irreparable blow to Jim Crow.¹⁹

The role of anthropology in the *Brown* decision was essentially the same as it was in the graduate and professional school cases. The key expert witness was Kenneth B. Clark. Kenneth and Mamie Clark's innovative but controversial doll tests and their unprecedented testimony were critical to the LDEF's arguments in *Brown* (Thomas 1989). The Clarks also premised their testimony upon anthropological theories that African Americans were not racially inferior (Lightfoot 1980:5, Friedman 1969:13).

In the argument of *Brown*, Robert Carter expressed that the social science testimony and briefs were at the "heart of our case." The heart of the case, then, was an "Appendix to Appellants' Briefs" entitled *The Effects of Segregation on the Consequences of Desegregation: A Social Science Statement*. The introduction read:

The following statement was drafted and signed by some of the foremost authorities in sociology, anthropology,

psychology and psychiatry who have worked in the area of American race relations. It represents a consensus of social scientists. . .

The statement drew explicitly from Myrdal's theme and thesis, and *An American Dilemma* was the first reference cited. Although the brief dealt mostly with the psychological impact of segregation, the anthropological discourse on race was specifically employed to argue the idea of racial equality.

Behind this question is the assumption, which is examined below, that the presently segregated groups actually are inferior intellectually.

The available scientific evidence indicates that much, perhaps all, of the observable differences among various racial and national groups may be adequately explained in terms of environmental differences. It has been found, for instance, that the differences between the average intelligence test scores of Negro and white children decreases, and the overlap of the distributions increases, proportionately to the number of years that the Negro children have lived in the North. . . . It seems clear, therefore, that fears based on the assumption of innate racial differences in intelligence are not well founded (Carter, Marshall, and Robinson 1952:12).

This was the unraveled thread of race in Boas' discourse on race and culture; the LDEF conclusion mirrored conclusion Boas had reached after studying the cephalic indexes of immigrants some forty years earlier. Prior to World War I, the aggregate racial-group difference of cephalic indexes was used like IQ score gaps among the races after the war. For African Americans, each was used to demonstrate the group's putative racial inferiority. Boas helped to put the death knell in theories built upon the cephalic index when he concluded in *Changes in Bodily Form of Descendants of Immigrants* that:

It appears in those cases that contain many individuals whose parents have been residents of America for a long time that the influence of American environment upon the descendants of immigrants increases with the time that the immigrants have lived in this country (1912:7).

Most of the justices found the social science evidence compelling.²⁰ Earl Warren was able to craft a unanimous decision to put an end to the disingenuous doctrine of separate-but-equal as it pertained to public school education.

The Court was obliged to present a rational explanation for its judicial interpretation. Since the framers of the Fourteenth Amendment did not explicitly

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delineate whether or not the amendment was intended to abolish segregation in the public schools, the Court charged both sides with finding what historical evidence was available to suggest whether the framers of the Fourteenth Amendment “contemplated or did not contemplate, understood or did not understand, that it would abolish segregation in public schools” (345 US 972).

The Court could not rely on history to explain its judicial interpretation because it proved inconclusive. The only other rationale to use was the argument evinced by the current social science. To construe the Fourteenth Amendment, Earl Warren stated that the Court “cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written” (347 US 492). He then documented how the Supreme Court used social science as a rationale for establishing a new juridical construction of race.

To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. . . . Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority.¹¹ Any language in *Plessy v. Ferguson* contrary to this finding is rejected. We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal (347 US 494-495).

In this passage, Earl Warren included “footnote 11” to provide the authority and rationale for overturning *Plessy*. Cited in the footnote were, among others, Kenneth B. Clark and E. Franklin Frazier. It concluded “and see generally Myrdal, *An American Dilemma* (1944).” While this decision was technically weak, it was a powerful symbolic victory. *Brown* did change the way the state imposed racial categories in the United States, and it was a clarion call for the Civil Rights movement. The following year, Rosa Parks refused to give up her seat on the bus, and her community, led by Dr. Martin Luther King, Jr., launched the Montgomery bus strike.

MORE QUESTIONS THAN ANSWERS

I want to emphasize that my analytical framework, separating the Boas-influenced cultural specificity thesis from the Park-influenced cultural legitimacy thesis, was done to help illustrate how Myrdal and the NAACP used Robert Park’s interpretation of African-

American culture and Boas’ research on race during the 1940s and 1950s.²¹ Thurgood Marshall and Robert Carter were governed more by the political implications than the logical implications of each discourse. This is often the case, however, when explosive politics or high-stake campaigns turn on theorizing the notoriously slippery concepts of race and culture.

Although I only focus on how Boas’ work was used, this narrative is complicated (and made more interesting) by the fact that Boas’ professional and personal positions supported the NAACP and Negro assimilation (Williams 1996:5; Boas 1905:87, 1910:25). Boas went well beyond supporting African-American cultural assimilation to advocacy of miscegenation, explaining how “the negro problem will not disappear in America until the negro blood has been so much diluted that it will no longer be recognized just as anti-Semitism will not disappear until the vestige of the Jew as a Jew has disappeared” (Boas 1921:395). Of course, this narrative could get even more complicated were I to begin interrogating the way Boas deployed his Jewish identity (see Frank 1997, Liss 1997).

Herskovits’ personal views also complicate this narrative. Although he was committed to his research that documented African cultural patterns in the Americas, he remained ambivalent about how it could be used and interpreted by individuals, groups, or governments. As Walter Jackson noted, “Herskovits realized that the concept of ‘cultural pattern’ had both radical and conservative implications” (Jackson 1986:100). Herskovits was a consistent supporter of desegregation, but his views on the “tenacity” of cultural patterns resulted in a quiet pessimism about the eventual success of legislation and court decisions (Jackson 1986:100). Of course, proponents of segregation routinely argued that the federal government cannot use legislation to change longstanding folkways.

It appears that Herskovit’s pessimism and ambivalence and Frazier and Marshall’s assessments were well-founded. At the same time the NAACP was using sociology’s cultural legitimacy thesis to help end segregation, their South African counterparts, the South African Native National Congress (now the ANC), were using anthropology’s cultural specificity thesis to help implement territorial separation in an equitable and mutually advantageous way (Frederickson 1995:101). Although it was never equitable, Saul DuBow has demonstrated that the influence of what he calls the “Boasian school” in South Africa “generated a specifically anthropological concept of culture which was distinctly *relativistic* (1995:159, emphasis

original). As a result of this Boasian concept of culture, he argues, "a popular notion of 'culture' came to serve as a credible linguistic peg upon which the segregationist compromise was hung" (DuBow 1995:159). George Fredrickson succinctly elaborates the compromise involved in setting up areas as "native reserves."

The beauty of this scheme was that it seemed to offer something to almost everybody. To whites in general it gave privileged access to the approximately 90 percent of the country that they already controlled, which included the best farmlands and richest mineral deposits. To white employers it offered a migratory labor force that did not have to be paid a family wage because, in theory at least, African workers' families could still be supported in part from agricultural activities in the reserves. To African chiefs and their traditionalist followers, it offered a chance to preserve ancestral ways and some measure of their pre-conquest authority and autonomy. Indeed it seemed to be a recognition of the enduring importance of their ethnic identities, and cultures (Fredrickson 1995:101).

The relationship between British anthropology and indirect rule in African colonies is well-known, but more research needs to be done to analyze the relationship between American anthropology and systems of apartheid in South Africa. One thing is certain, Frazier's fear of Herskovits' research was tenable.

The racial politics of Park's cultural legitimacy thesis, as articulated by E. Franklin Frazier, are well documented. Although it did not support forms of apartheid, his thesis still supports the idea of personal responsibility tied to what many believe are punitive welfare policies. Myrdal was only the first of many to use E. Franklin Frazier's work to support an appealing notion for some people that African Americans routinely engage in pathological behavior. In his controversial "report," *The Negro Family: The Case For National Action* (1965), Daniel Patrick Moynihan cited Frazier's work to assert that African-American culture amounted to a "tangle of pathology." This line of thought has been used continuously to inscribe and describe a so-called culture of poverty whose victims fail to comply with Moynihan's vision of assimilation, as outlined in *Beyond the Melting Pot* (Glazer and Moynihan 1963:50, see also Kelley 1997:1-13, Elkins 1959, Clark 1965, c.f. Platt 1991:112). More recently, William Julius Wilson has revisited the Moynihan report to help explain his idea about the "ghetto related behavior" of the United States underclass. His thesis is virtually identical to the cultural legitimacy thesis

articulated by the Howard Circle seventy years ago (Wilson 1996:172).

What can we learn from understanding why the political dynamics of the Cold War silenced anthropological notions of culture in the US but not abroad? Understanding the limited role anthropology has played in major political movements in the US helps us demystify why anthropology is often portrayed as being at a "crossroads" as the millennium approaches. As with the Boasian discourse on race during the 1930s, anthropological ideas are selectively appropriated by chief proponents of the most salient discourses that shape public culture, domestic and foreign policy, and the law. Although anthropological ideas loom large within public discussions ranging from multiculturalism to census categories, for numerous and complicated reasons anthropologists are often absent from influencing or tempering these debates (Harrison 1995).

Anthropologists have continued to embrace and advance Boas' critique of racial categories, but scholarly critiques have not successfully curbed the political force of "scientific" ideas of racial inferiority. This was confirmed by the meteoric sales of the *Bell Curve: Intelligence and Class Structure in American Society* by Charles Murray and the late Richard J. Herrnstein (1994). They boldly argued that crime, poverty, welfare dependency, and other so-called social/cultural pathologies are directly linked to low IQ, that IQ is predominantly inherited, and that the black-white gap in IQ scores is due primarily to inferior genes. While Murray and Herrnstein suggested that the environment may also be a factor, they state: "If a culture of poverty is at work, it seems to have influence primarily among women who are of low intelligence" (Herrnstein and Murray 1994:191). They simply concluded, "putting it all together, success and failure in the American economy and all that goes with it, are increasingly a matter of the genes that people inherit" (Herrnstein and Murray 1994:91, original emphasis).

This historical narrative, perhaps, raises more questions than it answers. What does it tell us about history or power? What ideas does it present about culture? What is the relationship between social science, jurisprudence, and social policy? How does it help us answer historical and contemporary questions about law and legitimacy for a nation constructed in the image of a democratic ideal but characterized by the divisive and explosive politics of race, culture, authenticity, and traditional values? Why does

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or used to serve immediate needs or specific ends? These questions are not easily answered. By exploring the interdependent histories of anthropology and US racial formation, one can begin to identify how the discipline has been, and continues to be, an interlocutor between the racial politics of culture and the cultural politics of race.

Notes

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1. Although Boas was a critical link, W.E.B. Du Bois was a much more formidable link who actually worked intimately with both groups of scholars. He also wrote prolifically on both issues of race and culture. It was actually Du Bois who ushered Boas into the circles of black activists (Baker 1994, Harrison 1992). For a compelling discussion about Boas' influence upon the New Negro movement, see George Hutchinson's chapter entitled "The Americanization of 'Race' and 'Culture'" (1995:62-78). For a compelling discussion of Du Bois influence on anthropology, see Faye Harrison's article entitled: "The Du Boisian Legacy in Anthropology" (1992).

2. "Accepted" may not be the right word choice to describe these New Negro intellectuals' use of Boas' scholarship. The right word may be appropriated, but that word employs a negative connotation which is not necessarily warranted.

3. Park did not consider cultural history important. He maintained "that the Negro, when he landed in the United States, left behind him almost everything but his dark complexion and his tropical temperament. It is very difficult to find in the South today anything that can be traced directly back to Africa" (1919:116). Boas, on the other hand, viewed African-American culture in terms of that "peculiar amalgamation of African and European tradition which is so important for understanding historically the character of American Negro life, with its strong African background in the West Indies, the importance of which diminishes with increasing distance from the south" (1978[1936]:x).

4. Akhil Gupta and James Ferguson (1992:11) have explained that "'homeland' in this way remains one of

the most powerful and unifying symbols for mobile and displaced peoples, though the relation to homeland may be very differently constructed in different settings."

5. Locke eventually shifts on this view. In 1942, he criticized Herskovits' work on African cultural continuities. He stated that "if white people come to believe that Negroes have a strong African heritage they would think that Negroes could not assimilate"(Locke 1942:84). Interestingly, Herskovits shifts on this view, too. Herskovits was one of the few white scholars who contributed an essay to Locke's *New Negro* (1968[1925]). In his essay, Herskovits suggested that the black community is "essentially not different from any other American community. . . [it is] a case of complete acculturation" (1968[1925]:360). Herskovits later developed a completely different understanding about how elements of African cultures and certain African cultural patterns were articulated in the Americas; he sought to demonstrate how African elements and patterns were retained in the Americas in the form of music and art, social structure and family life, religion and speech patterns.

6. There were influential scholars who did not follow either path explicitly, especially St. Clair Drake, who, along with Horace Cayton, wrote *Black Metropolis* (1993[1945]), which combined sociological and anthropological methods and theory.

7. During this period, various research groups with distinct methodologies explored African-American culture and social structure. Most social scientists viewed African cultures in the Americas as a variant of some sort of "national" culture while some argued that Blacks, especially in the rural south, had a distinct folk culture with African influences. As I have already mentioned, there was the Chicago School of sociology and its more radical variant, the Howard University circle. There was also Donald Young's comparative analysis of minority groups, Howard Odum's southern sociology, John Dollard's "caste and class" approach, W.E.B. Du Bois' interdisciplinary studies of black society and culture, Carter G. Woodson's Negro history movement, and Charles S. Johnson's more liberal variant of Chicago sociology (Jackson 1990:95). Finally, there was Otto Klineberg's social/cultural psychology approach to studying racial differences (Klineberg 1931, 1934, 1935) and Hortense Powdermaker's functional structural studies of southern culture (Powdermaker 1993[1939]).

8. This may explain why Myrdal belittled the value of Black History. Myrdal characterized Carter G. Woodson's efforts to promote Negro History Week as propaganda and indicted Herskovits as an accomplice,

(Klineberg 1931, 1934, 1935) and Hortense Powdermaker's functional structural studies of southern culture (Powdermaker 1993[1939]).

8. This may explain why Myrdal belittled the value of Black History. Myrdal characterized Carter G. Woodson's efforts to promote Negro History Week as propaganda and indicted Herskovits as an accomplice, stating "One white anthropologist, Melville J. Herskovits, has recently rendered yeoman service to the Negro History propagandists. . . and has written a general book to glorify African culture generally and show how it has survived in the American negro community" (Myrdal 1964[1944]:753). Myrdal and Herskovits argued so intensely over these issues that Ralph Bunche jokingly remarked "those boys just can't break down—they don't know how to relax" (Jackson 1990:108).

9. Lesley M. Rankin-Hill and Michael Blakey demonstrate how W. Montague Cobb and Franz Boas were committed to similar issues, but they did not work closely together (Rankin-Hill and Blakey 1994).

10. The book was not embraced uniformly around the country, and many southern politicians and their constituents disagreed with its findings. For entirely different reasons, a number of intellectuals such as Carter G. Woodson, Melville Herskovits, and Herbert Aptheker also denounced its findings. However, both groups had little impact on the public's reception.

11. Named after Louis Brandeis who first used sociological jurisprudence in 1908, it is a method of preparing a legal brief that reports statistics and other sociological evidence.

12. Emblematic of the way Cold War fears of communism and Civil Rights were often conflated was this editorial written in the *New York Times* on January 15, 1948. It was entitled "Equal Rights in Education."

If the United States is to stand before the world as an exemplar of equality of rights, if it is to urge with integrity the acceptance by the rest of the world of the tenets and practices of a democratic society, then it would be well if we set our own record straight. It seems to us that the language of the Fourteenth Amendment must be tortured out of common meaning to make segregation practices in education anything except unconstitutional.

13. Here they are citing Nazi Legislation, translated as: The police ordinance to mark to the Jews (author's translation).

14. The Professional Correspondence of Franz Boas, the American Philosophical Association, Philadelphia, Pennsylvania.

15. This conclusion mirrored Boas' conclusion in *Changes in Bodily Form of Descendants of Immigrants* (1912). It was also recited almost verbatim in the brief which the NAACP LDEF filed for *Brown*.

16. NAACP Papers: Group II, Box 206, File: *Sweatt v. Painter* Legal Papers and Background. NAACP Papers, Manuscript Division of the Library of Congress, Washington, D.C..

17. NAACP Papers: Group II, Box 205, File: *Sweatt v. Painter* Correspondence. NAACP Papers, Manuscript Division of the Library of Congress, Washington, D.C..

18. After Redfield finished his testimony, the Courtroom began to become crowded. The bailiff began to racially segregate the court room to make room for more white people. The NAACP was already sitting on the Negro side, but when the bailiff asked Redfield to move he refused. The refusal was grounds for contempt of court.

19. Prior to the Supreme Court decision in the university cases, the LDEF had begun its campaign in the lower courts to desegregate public school districts. With great aplomb the LDEF executed its formula of packing briefs with social science, putting expert witnesses on the stand in the lower courts, and soliciting briefs as *amici curiae* from influential organizations and the United States government. By the end of 1952, the LDEF successfully appealed three public school district desegregation cases to the Supreme Court. The cases came from Kansas, South Carolina, and Virginia. In addition, the Court granted two writs of *certiorari* for desegregation cases in Delaware and the District of Columbia. These five cases comprised the class action suit that the LDEF first argued in the Supreme Court on December 9, 1952; the Court wrote its final decision four years later without any mechanism to force its compliance.

20. Associate Justice Felix Frankfurter was skeptical of the evidence. Frankfurter, an early proponent of sociological jurisprudence, an early member of the NAACP legal committee, and the mentor of Charlie Houston, began to tear the heart out of its case. In the first argument of *Brown*, Frankfurter questioned:

If a man says three yards, and I have measured it, and it is three yards, there it is. . . . But if a man tells you [what is] inside of your brain and mine, and how we function, that is not a measurement, and there you are. . . [this may bring the Court to] a domain which I do not yet regard as science in the sense of mathematical certainty. . . . I simply know its character (Friedman

1969:172-173).

Frankfurter indeed knew its character. He knew how a totally different social science was used in a similar fashion within a totally different social and political context. In 1908, his mentor, Louis Brandeis, "proved" the inferiority of women by using the prevailing social science (the original Brandeis brief). He knew that times may change and a new scientific discourse may shape public policy.

21. For a discussion about the role of Boas in anthropology and the development of the culture concept, see Stocking (1968); for a discussion about the role of Park in sociology and the development of the race-relations cycle, see Matthews (1977).

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