BOOK BRIEFS

LAWYERS V. EDUCATORS: BLACK COLLEGES AND DESEGREGATION IN PUBLIC HIGHER EDUCATION. By Jean L. Preer. Westport, CT.: Greenwood Press. 1982. Pp. vii, 278. $29.95.

Lawyers v. Educators: Black Colleges and Desegregation in Public Higher Education traces the evolution of desegregation in southern public higher education beginning with the creation of Negro land-grant colleges, through the National Association for the Advancement of Colored People's campaign against a dual school system. It concludes by focusing on attempts by the NAACP Legal Defense Fund to enforce desegregation under Title VII of the Civil Rights Act of 1964.

Preer matter-of-factly describes the establishment of the Negro land-grant colleges under the Morrill Act of 1890. This Act provided for the distribution of federal funds to colleges that did not discriminate on the basis of race. However, the Morrill Act permitted the maintenance of racially segregated state land-grant colleges, thereby lending federal support to the creation of dual school systems in higher education. Preer points out that due to the Morrill Act of 1890, the doctrine of separate-but-equal in higher education was established six years before *Plessy v. Ferguson*[1] which provided for separate-but-equal transportation facilities. Because the Morrill Act provided that the funds be used only for industrial instruction, and since the funds were never divided equitably between industrial and liberal arts instruction, the effectiveness of black public colleges was stifled.

Lawyers v. Educators begins with the 1930's by giving a detailed account of the NAACP's legal campaign against inequality in public education. In formulating its legal strategy, the NAACP chose not to challenge segregation directly, but instead elected to attack the states' failure to provide equal facilities for black schools pursuant to the separate-but-equal doctrine. This strategy was viewed as an indirect attack on segregation since it was thought that the cost of maintaining a truly equal dual school system would be prohibitive and therefore hasten the termination of school segregation. By chronologically examining various cases, Preer presents a thorough analysis of the shortcomings of the NAACP's plan. The danger of the NAACP basing its argument on the inferiority of black schools was illustrated. As the states moved from just providing for out-of-state scholarships, to the creation of make-shift separate graduate and professional schools, it became much more difficult to prove inequality of educational opportunity. Even when the NAACP directly attacked segregation, as it did in *Brown v. Board of Education of Topeka*,[2] the arguments offered were still based on the inferiority of black schools.

Preer is very critical of the NAACP's strategy because the evidentiary basis of its argument stressed the inherent inferiority of black schools thereby ignoring the educational and cultural contributions made by these

1. 163 U.S. 536 (1896).
2. 347 U.S. 483 (1954).

black institutions. This ambivalence in regard to the black public college is a major focus of the book.

Preer supports the view that black educators, who warned against centering an argument on the inferiority of black public schools, should have been included in the formulation of the litigation strategy. These educators stressed the fact that black colleges produced most of the country's black graduates because of low tuition, flexible admission criteria, and supportive atmosphere available at these institutions. Black educators feared that the NAACP approach would undermine the historical significance of black public colleges since the strategy could result in the elimination of such colleges. They felt that the argument should have centered on the inadequate funding and the limited academic offerings due to legislative determination in the allocation of funds to black public colleges.

Although *Lawyers v. Educators* concedes that a direct attack on segregation would have proved disastrous, the book fails to offer any theories on the difference, if any, the inclusion of the educator's perceptions would have made to the litigation. Nor did Preer address the idea that there was really any practical difference in stating that the black public college is inferior to the white public college and in stating that it lacked financial resources and was limited in its academic scope.

When the NAACP Legal Defense Fund sued the Department of Health, Education and Welfare in *Adams v. Richardson*[3] to enforce desegregation under the Civil Rights Act of 1964, a group of black college presidents submitted an amicus brief. This brief, which opposed the stance of the Legal Defense Fund, asserted that the installation of unitary higher education systems and the discontinuance of racially identifiable black colleges would thwart the educational opportunity of black students. Preer contends that the amicus prevented a decision in *Adams* based on the inferiority of the black college. Preer goes on to draw parallels between the philosophies of black educators in the 1930's and the black college presidents. However, Preer deals only superficially with the social currents of their respective time periods.

The same ambivalence expressed in the 1930's between the equalization of black public schools and the importance of maintaining the racial identity of such schools is still present, but *Lawyers v. Educators* offers little insight into the resolution of the dilemma. This is the major weakness of the book. Preer raises many questions regarding the wisdom of the NAACP's strategy but gives few answers. Although Preer's writing clearly chronicles the legal campaign against segregation, the irresoluteness of the book leaves the reader frustrated.

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3. 356 F. Supp. 92 (D.C. Cir. 1973).

THE FREE BLACK IN URBAN AMERICA: **1800-1850.** By Leonard P. Curry. Chicago Illinois: The University of Chicago Press. 1981. Pp. 346. $25.00.

The Free Black in Urban America: 1800-1850 is a most valuable contribution to the Afro-American history genre. While in recent decades American slavery has become a popular topic for research, the history of the free black population has received fewer scholarly treatments. Leonard P. Curry's book has helped to fill this void.

During the nineteenth century, the lure of urban life worked its unique magic on thousands of Americans regardless of race. Seeking the American Dream, blacks and whites of the nineteenth century strove to develop their economic, social, and educational opportunities in an urban environment. Curry suggests, however, that the harsh realities of pervasive racism greatly inhibited the free black people from realizing the dream. Confronted with discriminatory attitudes and racial practices, urban blacks "were able to grasp but the shadow of the dream."[1]

The product of ten years of exhaustive research, Curry's book examines the dynamics of black urban life in fifteen antebellum cities. His synthesis of data which compares major urban centers, including Charleston, Boston, New York, and Louisville, is an important strength of the manuscript. Among the myriad of aspects of black life explored in the book are: occupations; property ownership; housing distribution; anti-Negro violence; institutional associations; crime; and poverty.

At every conceivable juncture, the author presents insightful analysis of his research findings. Thus, we are not only apprised of how many governmental entities inhibited black economic progress by refusing to license blacks, we also learn why certain officials resorted to such tactics. For example, Curry tells us of a Louisville ordinance which prohibited blacks from operating a grocery store or from selling liquor. Boston regulations denied restaurant licenses to blacks. Washington, D.C. and until 1837, New York, prohibited the issuance of drayage licenses to their black citizens. Curry outlines two primary goals for such restrictions. One was to limit competition between blacks and whites, and the other was designed to discourage additional black migration into urban areas. Southern paranoia over slave rebellions prompted cities such as Charleston and Louisville to deny liquor licenses to free blacks. Officials feared slaves might muster the courage to resist after drinking liquor purchased from free blacks. Beyond restrictive laws, free blacks faced exclusion from most urban services and facilities, segregation in public schools, and disinfranchisement. The nineteenth-century American city was no mecca for the free black population.

In addition, Curry provided an interesting analysis of antebellum urban violence. He theorizes that a combination of high crime rates, heterogeneous inhabitants living in close proximity, and small police units fostered urban violence. As a powerless, outcast group segregated in cities, blacks became easy targets of mob violence. In 1835 for example, white racism manifested itself in violent attacks upon blacks in New Orleans and Washington, D.C. Similarly, Philadelphia, New York, Boston, and Cincinnati

1. L. CURRY, THE FREE BLACK IN URBAN AMERICA: 1800-1850, 243 (1981).

were the loci for race riots during the antebellum era. Typically, white mobs entered the black communities where they often injured, maimed, and killed blacks while destroying homes and property.

The harsh realities of racism and discrimination compelled urban blacks to unite for their mutual survival. Relegated to a status of second-class citizenship by the majority community, free blacks formed urban subcultures. Curry details how blacks established churches, private schools, mutual-aid associations, and businesses. While building and consolidating economic, social, and later political foundations, nineteenth-century free blacks remained ever cognizant of the desperate plight of their brethren in bondage. In addition to organizing antislavery societies and fugitive-assistance networks, Curry informs us that free blacks spread abolitionist doctrines through the use of various media, including essays, speeches, and petitions to Congress. While over three decades separated Reverend Peter William, Jr.'s 1808 oration on the common humanity of all men from the militant call for slave resistance issued by Reverend Henry Highland Garnet in 1843, both speeches shared a strong abolitionist spirit. Likewise, David Walker's Appeal to the Colored Citizens of the World condemning Negro bondage brought him the ire of pro-slavery advocates in the South and in the North.

Curry's appendix and bibliography incorporates approximately forty additional pages. His extensive use of available statistics, including demographical data, on antebellum blacks should prove helpful to researchers in this field.

Leonard P. Curry has written a scholarly, analytical, yet readable book. The subject should be of interest to all who seek a better understanding of the black historical experience in America. A look backward to the nineteenth century provides a unique perspective from which to evaluate the challenges and the promises facing black urban dwellers today. The vast majority of modern inner-city communities with high rates of crime, unemployment, and poverty bear little resemblance to the viable urban enclaves envisioned by nineteenth-century blacks. While twentieth-century urban decay is a problem of both national proportion and national concern, black urban dwellers would do well to share responsibility for the refashioning of their own communities. The nineteenth-century model of progress in spite of adversity is one blueprint for such an endeavor.

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BECOMING A LAWYER: A HUMANISTIC PERSPECTIVE ON LEGAL EDUCATION AND PROFESSIONALISM. By Elizabeth Dvorkin, Jack Himmelstein, and Howard Lesnick. St. Paul, Minnesota: West Publishing Co., 1981. Pp. v, 211. $9.00.

Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism is a book that should be read by every person contemplating a legal career. It is extremely valuable to the first year law student who must make the transition from lay person to legal analyst. As the title suggests, it is one of the few available sources which discusses the humanistic side of legal education and the tensions involved in the process of becoming a lawyer. In their comments, the authors suggest that there is a growing interest in incorporating the humanistic approach into the law school curriculum. Today, some of the leading law schools in the country are only beginning to experiment with this concept.

The book consists of reflections upon past and present legal education, great literary passages, and personalized commentaries. After reading only a few pages, the reader grows comfortable with the format and experiences a sense of *deja vu*. The passages are from well-known, well-read literary works, and the commentaries describe the experiences of law students, law professors, and attorneys. The commentaries are interesting because they are easily recognizable and down to earth. This seems to be the central theme of the book—reconciling the human side with the developing professional side of the law school experience.

In the beginning, the authors examine the subtle process of the professionalization which occurs during law school. One of the weaknesses of the law school curriculum addressed by the authors is its almost exclusive focus on the development of analytical and advocacy skills, a focus which places great value on precision, logic and creativity. While these skills are vital for the profession, they are not the only ones that lawyers need to have. Without some recognition of humanistic qualities, the law student is learning to function as an automaton within a vacuum. This is harmful because it is not the role that is required of attorneys in the real world. The authors suggest that the law school atmosphere itself minimizes the importance of law students being aware of themselves and others as human beings. They question the quality of legal education in this respect because the very first thing practicing attorneys come face to face with is clients: real people with real problems. Law schools do not adequately prepare law students for this harsh reality.

The authors admonish the law student to take the responsibility for finding meaning for his or her life. When many people first start law school, they go through a difficult period of adjustment. Under the stress of developing their logic and objectivity, students begin to feel that emotions are largely out of place in law school. As a result, students often are forced to suppress their natural human tendency to seek self expression. In fact, legal education actually encourages evasion of the struggle to find meaning. Consequently, many law students and lawyers who are not sure why they are in the field go through the motions without direction, and are bitter about their careers. It is for this very reason that the authors state that it becomes the

students' responsibility for finding meaning for their lives; the law school environment provides no such practical guidance.

Another issue about which the authors express concern is the law school's value system. From the moment first year students walk through the front doors, and even sometimes before that, they are told to strive for certain goals. These goals emphasize earning good grades because "grades will get them everywhere." Good grades will help them acquire a position in the top ten percent of the class which, in turn, will enhance their chances of making law review, another essential. And ultimately, they will be able to practice anywhere they desire. This socialization process which emphasizes grades tends to displace the yearning for knowledge itself. Law instructors, further, are frustrated by students who exhibit this attitude toward learning, and yet, they often reinforce the belief that personal values and social ideals are obstacles to learning the law and becoming a skilled lawyer.[1] This essentially leads students on a straight path toward the kind of work or career they do not want. On the other hand, if law students think about themselves, give deference to their own social values, and respect their own beliefs, it is more likely that when they do go out into the world they will not feel disillusioned.

The authors see the problem of reconciling the real and the ideal as illustrative of one of the major paradoxes of legal education. In law school, ideas are consistently tossed around and most class discussions linger on the abstract. The authors feel that there is a strong need for more integration of ideas and human experiences, and they address this concern throughout the book. As Jack Himmelstein stated in one of his commentaries, ideas to the exclusion of human experience "can deaden a classroom, stifle an institution, rigidify a system, and restrict a life."[2]

Becoming a Lawyer addresses many of the shortcomings of today's legal education, through the experiences of its authors as well as the law students, professors and administrators who worked in collaboration with the authors. The book, however, does not seek to describe a humanistic legal education, nor does it provide criteria for changing the present system. The authors only suggest a direction in which meaningful development can occur.[3] They are only now just beginning to explore the possible implications of the humanistic approach on legal education and the law.

As a first year law student, I have found the book most helpful and very thought provoking. The more I read, the more I thought about my own experiences and the easier it was for me to agree with some of the authors' comments. The book was quite easy to follow, although some of the literary works were difficult to understand. However, there was at least one commentary following every literary passage in which the writer would place the theme of the passage in the context of a real experience, thus making interpretation easier. The very structure of the book introduced so many ideas that the purpose of the book was vivid, but not so complete that there was not room for the reader to reflect and explore those ideas.

1. E. DVORKIN, J. HIMMELSTEIN, and H. LESNICK, BECOMING A LAWYER: A HUMANISTIC PERSPECTIVE ON LEGAL EDUCATION AND PROFESSIONALISM 71 (1981).
2. *Id.* at 149.
3. *Id.* at 3.

Many of the comments addressed in the book were identical to my own suppressed impressions of law school and I was able to relate to the various situations portrayed throughout the book. I was enlightened as to other ways to view my life, both in and outside of law school, which is almost a must. I was previously under the impression that my personality was not suited for law because of my difficulty in thinking in a totally objective fashion. I also had reactions to certain comments made in class which I felt were not appropriate to express because they were probably too emotional. Now I realize that I am experiencing what most students experience. Further, I should follow my own instincts toward the kind of career I would like to have. If for no other reason, the book is well worth reading for the message it has for the legal technician: Be true to oneself.

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