There Are No Second Class Citizens in America

Penny Willrich, Arizona Summit Law School
The Board of Education of Topeka, Kansas, and its legacy have been quite nostalgic, troubling and introspective. The difficulty of reflection is that it requires one to reach down within the recesses of the subconscious and relive events that were joyous yet painful, a period of triumph yet a period of fear and trepidation. It is with these same feelings in 2004 that I comment on the legacy of a coup d'état that moved civil rights in the United States to the forefront of the world.

From 1960 to 1964, I attended Booker T. Washington Elementary in Arlington, Texas, a school that was designated for children of African descent. I was bused more than 15 miles from my home, passing many schools along the way, to an environment rich in culture, role models and educational excellence. It is because of the influence of my parents, Principal Stevens and teachers—Mrs. Watkins, Mrs. Smith, Mrs. Henderson, Mrs. Davis and Mrs. Echols, all of whom believed that "education was the key to success"—that I was able to make the transition to an "integrated environment."

"Deliberate speed" came in school year 1964-1965. I boarded the same bus with the same bus driver. The classroom did not look much different at Roark Elementary. I received new books, not those stamped "discarded." My goals had not changed; my parents' words, "You are in school to learn," echoed in my ears as I sat in the class.
reading since the age of 4, and during the last year of attending a segregated school I had won the opportunity to represent my school in the J.C. Penney reading contest. To whom was I inferior?

Today, as I read Brown and as I read the words of Judge Frederick Struckmeyer in the Maricopa County trial court decision of Phillips v. Phoenix Union School District, “There are no second class citizens in Arizona,” I realize that the dismantling of the doctrine of “separate but equal” was a courageous act. Though in Brown the “inferiority” theory made the decision palatable, the policy of race separation was never about black inferiority. The Court knew that maintaining segregation was a self-serving, strategic and systematic implantation of the notion of superiority of one group of people over another. The Court knew that black children had been prevented from learning by laws and practices designed to maintain them in a position of lack. Denial of equal access to quality resources such as books, materials and facilities created the aura of inferiority.

where 29 students were white and one was black.

Though the Supreme Court’s opinion said, “Separating the races is usually interpreted as denoting inferiority of the Negro group,” I did not feel inferior. I came into integration as an honor student. How could I be inferior? During the last year of attending a segregated school, I was selected as a second-place essay winner on “What the Declaration of Independence Means to Me”—of course, this was the first year the “all black” school had been allowed to enter the contest. How could I be inferior? I had been a courageous act. Though in Brown the “inferiority” theory made the decision palatable, the policy of race separation was never about black inferiority. The Court knew that maintaining segregation was a self-serving, strategic and systematic implantation of the notion of superiority of one group of people over another. The Court knew that black children had been prevented from learning by laws and practices designed to maintain them in a position of lack. Denial of equal access to quality resources such as books, materials and facilities created the aura of inferiority.

First Black Student Registering at Alabama:
Vivian Malone registers for her classes at the University of Alabama. Governor George Wallace famously blocked the doors of the registration center to stop her from integrating the school.

EVERY GENERATION Class Citizens in America!
Although there was deliberate and choreographed resistance by some school districts, in Arlington, Tarrant County, Texas, my matriculation continued its predestined course of excellence.

I did not understand that a Diaspora had resulted. The African American teachers of Booker T. Washington were displaced. In fact, another African American did not teach me until I attended college. The African American children were dispersed among the several schools to achieve integration. Booker T. Washington, a perfectly good facility, was closed. Integration was just another form of colonialism. I moved from a diverse school environment where I was taught to value the contributions of all people to a system in which all cultural identity was suppressed in lieu of the Eurocentric way of thinking.

There are really only two people whom I remember distinctly from my attendance at integrated public schools in Texas—Mrs. Andrews, my senior civics teacher, who encouraged me to pursue law school, and my senior counselor, who, despite my having been accepted into college, suggested I attend a business school and become a secretary. Two white women with different motives. And I wonder which one held a belief of my inferiority.

I wonder how our country’s civil rights movement would have been affected if America’s top court had said, “There are no second class citizens in America.” This would have been the ultimate mandate of dismantling those artificial, historical constructions designed to keep its citizens separated on the basis of skin color and ancestral origin. I never accepted that the reality of my life was based upon someone else’s concept that I was inferior. With the assistance of a group of diverse people in my life, I have been able to look beyond the pettiness of racism to prepare myself for what was expected of me.

Brown paved the way for me to establish relationships with a diverse group of people who were influential to me as a child and as an adult in my pursuit of education. Brown helped me to realize the value of multicultural bonding in an educational environment. But at the end of each day of attending an integrated school, I returned to my segregated community to be fortified by family, church and community. Eventually, as the concept of equality became a more acceptable way of thinking, my neighborhood began to transform into a more inclusive and diverse environment.

The vestiges of “separate but equal” and the mindset of inferiority have haunted me most of my adult life. It is hard to explain the eeriness of always being the “only” black this or that. It is disconcerting when the assumption is that your achievement is based upon “affirmative action” rather than merit.

I constantly test the waters, for example, when I say, “I work for the Superior Court,” and the assumption is that I am a clerk or bailiff. I am further dismayed that the words “You are so articulate” are expected to be truly accepted as a compliment. It is troubling that I can find no birth records for my paternal or maternal great-great-grandparents, who were transported to Texas as slaves, yet I can locate the slaveholders’ immigration through New York.

After spending the last 18 years trying to shelter my daughter from the cold reality of racism, I have accepted that many pur-
poseful acts of racism and discrimination are based upon ignorance. And I have to remind myself of that when my child comes home to report that derogatory racial names were yelled at her as she walked to the bus stop. What was the purpose? I know that the notion of inferiority is based upon ignorance, not reality. I also know that the normative standard of behavior that would allow such name calling of an innocent child, minding her own business, walking in her own neighborhood, in a free society, was designed to create fear. It was just another reminder of oppression within an assimilated society. Yet the comfort comes in the strength of my daughter being able to ignore the ignorance.

I believe that “all men are created equal” just as I believe that we are all “created in the image and likeness of God.” In order for the United States to move beyond Brown, there has to be a realization that each of us must give up a part of ourselves in exchange for becoming a part of another. We all have to take responsibility for racial injustice and oppression, past and present. We all have to look at reality and come together to effectively challenge any injustice. We have to look at oppression not from the intent of the oppressor but from the impact on the oppressed. We all have a role to play in the quest for reconciliation.

The legacy of Brown today is de facto segregation and society’s failure to fully implement and fund equalization. Our challenge in shaping history for the future is to continue to battle destructive views that marginalize people’s worth. Our challenge is to help America live up to the democratic ideals and to respect differences.

Brown continues to withstand the test of time. Its commemorative recognition reinforces the magnitude of accountability that is imperative in a free society. Brown was a prophetic statement about the rights of every human being: Not just African Americans, not just colored children, but all human beings. There are no second-class citizens in America!}

Hon. Penny L. Willrich is a judge of the Maricopa County Superior Court. This essay represents her personal experiences and reflections.