BROWN AND THE TIMES: 
A RHETORICAL EXEGESIS

By

JASON SCOTT ANDREWS

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This tome is dedicated to Mom,
ἀριστον φίλον ἐμόν.
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Abstract of Thesis Presented to the Graduate School of the University of Florida in Partial Fulfillment of the Degree of Master of Arts in Mass Communication

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By

Jason Scott Andrews

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Chair: Kurt Kent
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This study examines the New York Times’ May 18, 1954, coverage of the landmark Brown v. Board of Education of Topeka Supreme Court decision of the day before outlawing legally mandated segregation in public schools. It takes a rhetorical-critical perspective, an avenue relatively unexplored in journalism research. By grounding the “text” firmly in the fully developed “context” of American segregation in 1954, the study evaluates the rhetorical choices made by the Times in reconstituting its Brown coverage. Formal and material constituents of the coverage work both to the benefit and detriment of the edition’s “suasory potential,” but the single most persuasive constituent here may be a certain Times ethos, founded, in part, on the collected wisdom of others. Finally, the study urges the New York Times of 1954 (and by implication now) to take up the rhetorical mantle bestowed upon it by its readers and rich resources, and assume the inspired voice of those it quotes, for the sake of practical democracy.
CHAPTER 1
HIGH COURT BANS SCHOOL SEGREGATION

The purpose of this study is to abridge the conspicuous gap between rhetoric and newspaper journalism. When as now a 24-hour news cycle, technology, and talking heads encroach on its turf, the steadfast newspaper safeguards its most precious commodity—its words. When a subject is of profound social import, as the May 17, 1954, *Oliver Brown et al. v. Board of Education of Topeka, KS* Supreme Court decision, the defense becomes even more appropriate.

Rhetoric and newspaper journalism are fundamentally related but woefully unacquainted. Hence, the primary concern of this thesis is to illustrate that compatibility. Using the *New York Times* as a celebrated exemplar, and its May 18, 1954, *Brown* school desegregation decision coverage as a specimen, this study proposes to consider the rhetorical constituents and implications of a significant act of newspaper journalism. The study proceeds in several stages. After settling on a precise conception of rhetoric (Chapter 2) and rhetorical criticism (Chapter 3), it will establish solid contexts of *The New York Times*, a significant rhetor (quite literally, he who would use rhetoric) in May, 1954 (Chapter 4), and of American segregation (Chapter 5). Then, in Chapter 6, it grounds a critical reading of the May 18, 1954, *Brown* coverage in the *Times* in light of these contexts, evaluating the rhetorical choices made by the *Times*. Finally, in Chapter 7, it draws conclusions regarding the “suasory potential” of that particular edition of *The New York Times*, as well as implications for the larger contexts of journalism and society.
The Decision

May 17, 2004, marks the Fiftieth Anniversary of the Supreme Court’s landmark decision outlawing legally mandated school segregation. A composite of five separate cases, the Court’s unanimous ruling applied to more than 10 million children in single race schools in twenty-one states and the District of Columbia, roughly 40% of nation’s public school students (Thernstrom & Thernstrom, 1997, p. 98). The next day, Harlem’s Negro newspaper, the Amsterdam News, touted the decision as “the greatest victory for the Negro people since the Emancipation Proclamation” (Patterson, 2001, p. xiv). The day after that, Ralph Ellison wrote in a letter, “[A]nother battle of the Civil War has been won. . . . What a wonderful world of possibilities are unfolded for the children” (Callahan, 1999, pp. 38-39).

The decision was a victory for America, too. Historian Mark Whitman ranks Brown as “probably the most far-reaching and the most morally significant Supreme Court decision in American history” (1993, p. xvi). Legal Scholar J. Harvie Wilkinson III adds, “Very little could have been accomplished in mid-century America without the Supreme Court. . . . Brown may be the most important political, social, and legal event in America’s twentieth-century history” (Wilkinson, 1979, pp. 3, 6).

As may be expected, the ruling was met with an equal share of resistance. Two separate Brown histories concur, “no ruling in the twentieth century was more hotly debated” (Thernstrom & Thernstrom, 1997, p. 97-98; see also Patterson, 2001, p. xiv). Prominent Southern demagogues, like Mississippi State Supreme Court Justice Thomas P. Brady, commemorated the day as “Black Monday” (1991). Propped on old sturdy arguments against intermarriage, some, like Governor Herman Talmadge of Georgia, felt desegregation would surely lead to “the mongrelization of the races” (Patterson, 2001, p.
xix). Bryant Bowles, president of the newly formed National Association for the Advancement of White People, remarked in October of the same year, “My daughters will never attend a school with Negroes so long as there is breath in my body and gunpowder will burn” (Patterson, 2001, p. xix). Nevertheless, this study is not about the range or intensity of response to the decision; neither is it about the days or months after the decision. It is about one particular response one particular day.

**The New York Times**

On May 18, 1954, the day following the Supreme Court’s *Brown v. Board of Education* desegregation ruling, the *New York Times* ran the main headline:

*HIGH COURT BANS SCHOOL SEGREGATION; 9-TO-0 DECISION GRANTS TIME TO COMPLY*

The edition featured four front-page articles, ten pages of news coverage in various formats (pp. 14-23), an unsigned editorial (p. 28), and a signed commentary (p. 28) regarding the decision. Certainly, this was not the first subject *The Times* had treated with multiple stories and pages. But it did mark, perhaps, a change in the journalistic climate. *Brown* historian Peter Irons reports, “Hardly any of the newspapers and magazines through which most whites viewed the world, in the years before television became the leading source of news, took a critical look at segregated schools” (2002, p. 41). *The Times* was not immune to this charge: Irons goes on to specifically indict the *Times*’ sparse coverage of the 1896 *Plessy v. Ferguson* Supreme Court decision upholding segregation on public transportation:

The Court handed down fifty-two rulings that day, and three of these—dealing with the laws of contract, inheritance, and copyright—were reported on the front page of the *New York Times*. The editors relegated the *Plessy* decision to a third-page column on railroad news, between cases on train routes and improvement bonds, . . . [failing to acknowledge] the dissent of Justice John Marshall Harlan, which the *Times* did not consider news fit to print. (p. 28)
At any rate, in the years leading up to the *Brown* decision (1950-1954), the *Times* ran a dozen editorials specifically regarding school segregation; coincidentally, another 31 editorials dealt with segregation in South Africa.

That we mention the *Times’* coverage as a benchmark of journalism is telling. The newspaper has earned a reputation as a model and as an agenda-setter, throughout its history. Two months after Adolph S. Ochs’ 1896 purchase and turnaround of *The Times*, an editorial from *The Minneapolis Sunday Times* confessed,

> The truth is, and we take sincere pleasure in declaring it, that The New York Times is not only managed with unusual ability in its business department but editorially is without a superior in the United States. . . . There is no other journal in the country that approaches more nearly the ideal daily newspaper. (Berger, 1970, p. 123)

By 1951, the Society of the Silurians, made up of twenty-five year veteran New York editors and reporters, cited the *Times* as

> Learned, but not pedantic; objective, but never indifferent; detailed and painstaking, but not dull; powerful, but never oppressive; devoted to truth, but not intolerant; forthright in politics, but rarely partisan; world-wide in vision, coverage and influence, but always American.

> Respected, vigorous, steadily growing in usefulness; clear-eyed observer of social progress; advocate of alert citizenship and conscience in government. (Berger, p. 565)

More recent studies identify the *New York Times’* significant readership. Wiess’s (1974) study found that “What America’s Leaders Read” most in common is the *New York Times*: “It comes closest to being the national newspaper of the elite” (p. 5).

Robinson & Swinehart (1968) found that 50 per cent of the nation’s elites (“professors, journalists, social commentators, business leaders, and political party influentials,” comprising 0.25% of the population) read *The Times*, while no more than 5 per cent of three other audience groups did so (p. 47).
Impetus

The *Times*’ potential for influence demands that we consider how it exerts that influence. If, as James Carey says, “[J]ournalism criticism, properly conceived, is the criticism of language,” (1983, p. 124), the question is best answered through rhetorical inquiry. In the early 1970s, the issue had been raised: “In this era, when the broadcast account of a speech, for example, may have far more impact than the speech itself, it is terribly important that our rhetorical studies at least take media processes into account” (Becker, 1971, p. 29). The 1970 Wingspread Conference of the National Development Project on Rhetoric, in which Becker took part, adopted a “consensus judgment” that

The technology of the twentieth century has created so many new channels and techniques of communication, and the problems confronting contemporary societies are so related to communicative methods and contents that it is imperative that rhetorical studies be broadened to explore communicative procedures and practices not traditionally covered. (Lucaites et al., 1999, p. 10)

The Alliance of Rhetorical Societies, formed in 2003, would virtually repeat the Wingspread mantra in the Preamble to its constitution, found on its website:

The varied disciplinary locales for research and teaching in rhetorical studies has made it difficult for scholars to interact with those outside their typical spheres of affiliation, to establish an awareness among themselves and with others regarding their collective interests, and to shape an inclusive agenda of scholarly activity.

Regrettably, academic boundaries and positivistic leanings have somewhat stagnated the presumed confluence between rhetoric and emerging communications.

Mass media in general and journalism in particular fall comfortably within the domain of rhetoric, and as the next chapter will show, some considerable rhetorical strides have been made across fields in mass communication. Unfortunately, a search of various research websites (Questia, ETD, E-Journals, and First Search) yields comparatively little rhetorical research on journalism, let alone the newspaper subset. The
The present study seeks, first of all, to explore and occupy that territory. It also seeks to illuminate “an unusual situation important in its own right”—here, the New York Times as a significant rhetor (Zarefsky, 1998, p. 25).

A rhetorical perspective adds, quite literally, significance and meaning to current journalism research. By focusing particularly on elements of “interpretive news,” for example, the thesis will answer Daniel’s (2002) call to examine rhetorically news “genres that ethically and effectively blend what journalists now separate as opinion and fact” (p. 518). Ultimately, this thesis will find in the name of rhetoric and democracy a mandate that newspaper journalism, particularly that of the New York Times, assume the high rhetorical position it has been afforded.
CHAPTER 2
REVIEW OF LITERATURE

Rhetoric, part of the trivium of classical Greek education, along with grammar and logic, has enjoyed an illustrious but contested history since its earliest conception around 400 B.C. (Kennedy, 1997, pp. 4-5). Most contemporary media consumers are familiar with its negative connotation, particularly in the political arena, finding it paired with terms like “mere” or “empty.” One scholar defines rhetoric along those lines as “the dissembling, manipulative abuse of linguistic resources for self-serving ends” (Wardy, 1996, p. 56). This slighted reputation, a misapprehension, is also a product of classical times—specifically, of Plato. Certainly we must not regard Plato as infallible, but his take merits consideration in framing an accurate, useful conception of rhetoric. His reflection, together with Aristotle’s subsequent treatment of the subject, represent the classical groundwork against which all other scholars have levied their own definitions of rhetoric. This chapter will develop an accurate, useful conception of rhetoric by considering a dialectic of opinion, from classical and contemporary times. There we will find a locus around which communication scholars may take full advantage of rhetoric’s richness and practicality.

Rhetoric Defined

Many scholars attribute the coinage of the term “rhetoric” to Plato (Kennedy, 1997). He takes up the subject most conspicuously in two major dialogues—Gorgias and Phaedrus. In the first, he indicts Gorgias, the rhetorician, and sophistry in general as deceptive and counter to the noble aims of philosophy, his stock in trade. In the latter, he
continues the argument, but then offers a method by which a “true” art of rhetoric may be attained: first, one must know absolutely everything about the subject on which he would speak; then, he must know the nature of all human souls to whom he would speak; finally he must match the proper speech with the proper soul (*Phaedrus*, trans. 1956, 277C). Only after these labors would a speaker be properly equipped to “influenc[e] the soul through words” (*Phaedrus*, 261B), as he defines rhetoric. That no one might undertake such a feat is his intention, perhaps—that is, until Aristotle, his legendary student, did just that.

Aristotle, in the *Rhetoric*, considered to this day the seminal work in the field, executes Plato’s recipe (as in the *Gorgias*, Plato associates rhetoric with “mere cookery”). After serving up his classic definition of rhetoric as “the ability to see in each case the available means of persuasion” (trans. 1991, 2.1.1), he takes up in three books “absolutely everything” about the subject on which he would speak, in this case rhetoric itself. He delimits three means of persuasion (*ethos*, *pathos*, and *logos*), three species of rhetoric (*deliberative*, *forensic*, and *epideictic*), topics appropriate to each specie (*common* and *special*), two forms such topics may take (*paradigms* and *enthymemes*), credibility in the speaker, emotions in the hearers, and in the third book, a glance at style. It is generally acknowledged that Aristotle had thus “carr[ied] to substantial fulfillment part of the promise of the Platonic *Phaedrus*” (Grimaldi, 1972, p. 33), surpassing it, no doubt, in notoriety.

Welldon, in 1886, celebrated Aristotle’s *Rhetoric* as “being perhaps a solitary instance of a book which not only begins a science but completes it” (Hunt, 1920, p. 33), while W. Rhys Roberts, one of a handful of the *Rhetoric*’s translators, cites the work as
“the most philosophical (or, scientific) work ever composed on the subject” (Aristotle, trans. 1960, p. xii). The *Rhetoric* provides much of the terminology by which the art is discussed even today, regardless of the credence given its ideas. Thonssen and Baird, in their 1948 textbook, declared,

Aristotle’s *Rhetoric* is the true pioneer in the field, the one upon which practically all subsequent treatises rely to a considerable extent. . . . Knowing it, one knows much of what was written on the subject after Aristotle’s time, and is in a favored position to appraise the theory and criticism of public address to this very hour. (Thonssen, Baird, & Baden, 1970, pp. 75, 81)

Aristotle’s treatment attracts as many critics as defenders. Many scholars, for example, question the unity of the three books, noting contradictions in thought and probable lapses of time in authorship. Walzer, Tiffany, and Gross (2000), Sprute (1994), McCabe (1994), Brunschwig (1996), Irwin (1996), and Wardy (1996), among others, have examined such issues of late. Others cite inconsistencies in Aristotle’s approbation of emotional (as opposed to logical) means of persuasion. How, for example, does Aristotle evaluate the rhetorical success of the sophist, as Burke (1973) would of Hitler?

In this case, as many others, a closer reading of the *Rhetoric* reveals Aristotle’s defense:

> [O]ne should be able to argue persuasively on either side of a question, just as in the use of syllogisms, not that we may actually do both (for one should not persuade what is debased) but in order that it may not escape our notice what the real state of the case is and that we ourselves may be able to refute if another uses speech unjustly. (trans. 1991, 1.1.12)

Other critiques of the *Rhetoric* question its applicability to modern times, pointing out advances in psychology, and still others disagree on its scope—whether the work treats rhetorical invention alone, or rhetorical criticism, too. In the next chapter, one recent persuasive argument weighs heavily against all these critiques.

At any rate, if, as Sproule (1988) warns, there is a difference in classical and modern rhetorics, then we would be remiss to not consider contemporary definitions.
Since the 1940s, dame rhetoric has been cast in many roles. One of the most cited contemporary definitions assigns rhetoric the “function of adjusting ideas to people and of people to ideas” (Bryant, 1953, p. 413). A key textbook from the 1940s sees rhetoric as “a means of realizing desirable ends in political action” (Thonssen, Baird, & Baden, 1970, p. 555), a reading equally as precarious. Another scholar from the 1970 Wingspread Conference observes rhetoric “whenever they act on other men by means of a discourse or are acted upon” (Perelman, 1971, p. 119). These conceptions adopt a “transmission” view of communication and do little to salvage rhetoric’s beleaguered reputation. These functions seem sinister and might be of particular interest to scholars of ideology or hegemony.

Those definitions that uplift, if not overreach, the aim of rhetoric boast it “can not only be a way of arguing but can also generate its own way of knowing, its own kind of epistemic processes” (Enos & Lauer, 1998, p. 207), while others call on rhetoric “to interpret and make meaningful what is in the process of happening” (Andrews, 1983, p. 9), giving it the power to catalogue history. Others attach an ethical, if not moral, purpose to rhetoric. Richard Weaver, for example, proposes that rhetoric not only “tries to bring opinion into closer line with the truth which dialectic pursues” (1995/1964, p. 70), but that “at its truest seeks to perfect men by showing them better versions of themselves, links in that chain extending up toward the ideal” (1970/1953, p. 82). Likewise, Farrell (1991) applauds rhetoric’s Burkean dramatic potential as “the performance and enactment of our sense of the appropriate with responsive interested others” (p. 86).

Somewhere between these extremes lie definitions marked by neutrality, vagueness, and a near-unlimited scope. Here, for example, one may witness rhetoric
“whenever an individual must communicate, or chooses to communicate, by word, speech, and gesture in his customary dealings with others” (Wallace, 1971, p. 1). For Kennedy (1984), “discourse is rhetorical insofar as it functions (or seeks to function) as a fitting response to a situation which needs and invites it” (p. 6). Brockriede (1966) holds rhetoric to be “a theory to explain how contemporary man interacts symbolically and purposively with other men” (p. 34).

As we shall see in the course of this study, each of these definitions is compatible with an Aristotelian conception of rhetoric, or any other. Rhetoric may, in fact, perform each of these roles simultaneously. Shades of difference emerge theoretically, but not practically. However, since what we seek is a workable definition possessed of both currency and broad relevance, Brockriede’s may prove to be the most valuable, and will be assumed as we embark. Some assumptions about rhetorical communication, then, need to be laid bare before we consider how rhetoric works.

**Rhetorical Communication**

Most scholars of rhetoric, regardless of their feelings on Aristotle, agree on the complexity of the communication environment in which rhetoric operates. Becker (1971) alludes to a communication “mosaic [that] consists of an immense number of fragments or bits of information on an immense number of topics . . . scattered over time and space and modes of communication” from which an individual must choose relevant pieces of information (p. 33). Ultimately, in the total speaking or writing situation, “effect” is the one aspect over which the rhetor has no direct control. Thus, it must be first acknowledged that

In any dynamic situation, therefore, a particular speech [or writing] is seldom, if ever the sole force operating to produce a certain effect. Instead, it is one of many agencies acting as determinants of change. It functions along with natural forces
and other social instruments in a complex interrelation. (Thonssen, Baird, & Baden, p. 539)

A limited effects model of rhetorical communication need not diminish the significance of rhetoric, if it is “studied as a force in history . . . less because it produces tangible effects than because it alters an ongoing social conversation” (Zarefsky, 1998, p. 29).

This last conception delineates a clear function of rhetoric in the total communication environment. It also signifies rhetoric’s essential role in practical democracy.

**Practical Democracy: Ritual or Transmission?**

Rhetoric as oratory was born in the Greek polis, incidentally the birthplace of democracy. Rhetoric was in fact the manner in which the law and order, as well as entertainment, were sustained in those earliest societies. In our own times where the oral tradition is less and less apparent, scholars like Dewey (1916) and Lippmann (1939) have grappled with how to realize the “Golden Age” of democracy once again. Vague notions of “a marketplace of ideas” and “truth emerging from the forum” do little to firm up the practical nature of democracy.

It seems counterproductive, in conceiving of democracy, to subscribe to what James Carey (1975) calls a “transmission view of communication,” whose end is the dissemination of news and knowledge. Instead, democracy seems to warrant a “ritual view of communication,” calling up terms like “sharing, participation, association, fellowship, and the possession of a common faith . . . the maintenance of society in time . . . the representation of shared beliefs” (p. 6). The ritual view of communication rarely occurs in American culture, Carey writes, “because the concept of culture is such a weak and evanescent notion” there (p. 7).
The pejorative view of rhetoric assumes the form of “transmission” or “persuasion.” Certainly, today’s rhetorical scholars recognize many more functions of rhetoric than one: a rhetorician may, as one collection goes, warn, reassure, report, announce, command, reprimand, predict, admit, suggest, propose, thank, promise, welcome, express regret or sympathy, complain, criticize, exhort, encourage, excuse, justify, or comment (Wallace, 1970, p. 80). But in the final analysis, it may be argued, whether he predicts, exhorts, comments, or the like, the rhetor hopes the “message” will be persuasive—that is that the reader or listener will be persuaded to accept a prediction, act on an exhortation, or internalize the view of the comment. Rhetoric in a “transmission view,” then, has one comprehensive function: persuasion.

This conception resonates with the 2003 Project For Excellence in Journalism edict to journalists, found on the project website, that “[t]he central purpose of journalism is to provide citizens with accurate, reliable information they need to function in a free society.” The statement goes on to highlight some of the favorite clichés on democracy, “citizens having reliable, accurate facts put in a meaningful context . . . a fair and reliable account . . . [t]he truth, over time, emerg[ing] from the forum . . . an ever greater flow of data.” Thus, the provision of information alone, assuming it is persuasive, contributes to “a generally accessible fund of knowledge that has the potential to serve as public knowledge” (Daniel, 2002, p. 514). In this manner, a transmission view of rhetoric carries legitimate social value, in contradistinction to its pejorative reputation, and it may be examined as such fruitfully.

Still, such a notion of rhetoric and democracy is precarious and intangible. The concept is hard to realize beyond the pages of great essays, and hardly recognizes
individual intentions and decisions in the process. Dewey (1916) proposes one rationale, though, which may be more substantial and inclusive: “Men live in a community in virtue of the things which they have in common. What they must have in common . . . are aims, beliefs, aspirations, knowledge—a common understanding. . . . Consensus demands communication” (pp. 5, 6). Thus, democracy is “communicated” between people. How? The answer was clear to the Greeks: through rhetoric, which everywhere operates on the assumption that the topoi (τόποι), or sites, of persuasion are the beliefs and ideas we (rhetor and reader) hold in common. Thus, both rhetoric and democracy find a comfortable home in Carey’s “ritual view” of communication, in “the sacred ceremony which draws persons together in fellowship and commonality” (1975, p. 6). Still, ours is an age and culture of transmission, and we must somehow reconcile Carey’s two views, if we are to benefit fully and practically from rhetoric. Chapter 7 of the present study will speak to that end.

In 1994, Robert Ivie prompted his fellow scholars of rhetoric to remember “the field’s prevailing assumptions about the symbolic transaction of social reality and the discursive formation of political privilege” (p. 382). Consistent with rhetoric, then, is a view of communication as “a symbolic process whereby reality is produced, maintained, repaired, and transformed” (Carey, 1975, p. 10): To study rhetorical communication is to study “the actual social process wherein significant symbolic forms are created, apprehended, and used” (p. 16). Ontologically, the corresponding historical realism dictates that reality is “shaped by a congeries of social, political, cultural, economic, and gender factors” (Guba & Lincoln, 1994, p. 205). Rhetorical criticism, the method of our present study, takes all of these into account in its search for “the ways specific discursive
strategies and textual dynamics shape and reshape the contours of political concepts and ideas” (Jasinski, 1972, p. 74). It remains to discover how rhetoric shapes reality, in particular, the reality of desegregation portrayed on May 18, 1954, in the New York Times.

Rhetorical Reconstitution

In a newspaper, each news story, editorial, or column in some way alters or redefines the social conversation and the individual’s role in it. White (1990), along these lines, suggests “a way of reading a text as rhetorically constitutive: as an act of expression that reconstitutes its own resources of language and in doing so constitutes a community, directly with its reader and indirectly with those others in the world about whom it speaks” (p. 101). First, then, there is a field of “resources of language,” a “range of linguistic usages available to those who would address a historically particular audience as a public . . . [and] argumentative forms that demarcate the symbolic boundaries within which public advocates find themselves flexibly constrained to operate” (Hasian, Condit, & Lucaites, 1996, pp. 326-327; hence, “legal rhetoric” or “Black rhetoric”). From this field of “the available means of persuasion,” to borrow a phrase, the rhetor selects, presumably, that which is most “persuasive,” and then reconstitutes his resources of language (thereby constituting multiple symbolic communities). Thus, for a newspaper or any other rhetor, an act of rhetoric may be seen as an act of “reconstitution.” It is the journalistic act of rhetoric with which this thesis is concerned, for the sake of journalism, rhetoric, and, ultimately, democracy. Each of these will stand to gain theoretical and practical insight from our explication of one such act.
Relevant Literature

Since the 1970s, studies of rhetoric—from rhetorical and communications scholars alike—have examined mass media. Early rhetorical studies of television (Brown, 1969; Berg, 1972) gave way to studies of popular media and culture (Ohlgren & Berk, 1977; Brummett, 1991; Medhurst & Benson, 1991). Of late, rhetorical studies have also taken disciplinary tacks, in public relations (Heath, 1980; Sproule, 1988; Toth & Heath, 1992; Elwood, 1995) and advertising (McKenna, 1999; Gill, 1999). That said, “one might expect rhetoricians and journalists in the academy to be in frequent contact, but they are not” (Daniel, 2002, p. 507). Daniel goes on to cite a number of alternate perspectives from which journalism had been observed: literary, sociological, construction of meaning in society, and the influence of journalism routines and practices on news content.

Rhetoric and journalism have not been so obvious a fit. A recent Web of Science search based on the delimiters “rhetoric AND newspaper” yielded twelve journal articles from 1945 to the present. Of these, five relied on textual elements in the foreign newspaper coverage of some culturally-specific issue: South African newspapers on racial discrimination (Durkheim & Dixon, 2001), Chinese versus Taiwanese newspapers on certain foreign policies (Fang, 2001), Australian newspapers on immunization (Leask & Chapman, 2002), Scottish newspapers on nationalism (Law, 2001), and British newspapers on the Human Genome Project (Nerlich, Dingwall, & Clarke, 2002). Two others undertook longitudinal studies of American newspaper coverage, identifying a “rhetoric of catharsis” on the deaths of JFK, MLK, and RFK (Goldzwig & Sullivan, 1995), and a “rhetoric of fear” of narcotics problems in the 1920s and 1930s (Speaker, 2001). Two others focus on timely, specific issues, as the rhetoric of objectivity in the newspaper coverage of a murder trial (Condit & Selzer, 1985), or dramatic rhetoric in the
Hill-Thomas Senate hearings (Lipari, 1994). Two others examined particularly unique newspapers, the National Woman’s Party newspaper (Lumsden, 1995) and the Pacific Citizen, a Japanese-American newspaper (Ono & Sloop, 1995). These rhetorical studies could serve cultural studies equally as well. The scope of this collection indicates the flexibility of rhetorical analysis, whether it is applied to a particular case or rhetor, to a case over time, or within another culture altogether. The emphasis on international cases also raises the question of an inherent aversion of American communication to critical models.

From time to time, scholars take a critical look at the New York Times, though not necessarily from a rhetorical perspective. Dinsmore (1969) “trace[s] the transformation of The Times from an objective newspaper into one that slants and curves the news and take tendentiously neutral editorial positions toward the Cold War [achieving] considerable editorial effect by selecting and positioning the news” (pp. 14, 25). Caragee (1991) “provide[s] a detailed examination of the symbolic world constructed by the Times” in its coverage of the West German Green Party (p. 5). Most recently, Kohn (2003) seeks to “provid[e] indisputable proof of the passing off of editorial opinion in the form of straight news stories” from 2000-2003, supposing that “[t]his artifice the Times has used to influence public opinion is particularly insidious because it derives it [sic.] power from the paper’s reputation for impartial reporting” (p. 298), though the discussion is severely skewed to the political right. Each of these studies, in fact, is political.

**Research Question**

This thesis offers a rhetorical understanding of the New York Times’ coverage of the Supreme Court ruling on desegregation. Ample impetus exists, given the conspicuous absence of rhetorical studies of journalism, the significance of the Times as a unique
rhetor, and the lack of a practical notion of democracy for journalism and society. In the
next chapter, we will adopt a framework of criticism for the case at hand, to best answer
the research question:

How does *The New York Times* reconstitute its rhetorical resources in its May 18, 1954, coverage of the landmark *Brown v. Board of Education of Topeka, KS*, Supreme Court ruling, and how is the “suasory potential” of the coverage impacted by the implied choices?
Rhetorical studies are critical studies: They always look backwards. Whether expounding a rhetorical theory or analyzing a particular rhetorical act, the scholar of rhetoric asks of discourse, "What happened?" either immediately or in the distant past. Fundamentally, rhetoric is a practical art, and rhetorical criticism, with its attention to "theory in practice," will, at its best, teach us how to use rhetoric; but in the end, the statements made are grounded in history.

**Text and Context**

Zarefsky (1998) alludes to a "continuum of scholarship" between text and context, where greater emphasis is given to one or the other in rhetorical analyses (p. 21). Gronbeck (1975) labels the poles of this continuum *rhetorical criticism* and *rhetorical history*, the former term applied to "intrinsic" analyses which are based "essentially or primarily" on the rhetorical text, the latter being given to "extrinsic" analysis of the rhetorical context (p. 309). By examining the arguments on either end, we may, as before, locate an ideal critical method at the resolution of many suggestions.

**Intrinsic Analysis**

First and foremost in the modern period was Herbert Wichelns’ (1925) oft-quoted statement that strove to distinguish rhetorical criticism from literary criticism, "Rhetoric," he indicates,

is not concerned with permanence, nor yet with beauty. It is concerned with effect. It regards a speech as a communication to a specific audience, and holds its
business to be the analysis and appreciation of the orator’s method of imparting his ideas to his hearers. (1972/1925, p. 54)

Included in the “scheme of a rhetorical study” are

the speaker’s personality as a conditioning factor; the public character of the man—not what he was, but what he was thought to be; a description of the speaker’s audience . . . ; a description of the leading ideas with which he plied his hearers—his topics, the motives to which he appealed, the nature of the proofs he offered . . . ; the relation of the surviving texts to what was actually uttered; the speaker’s mode of arrangement; the speaker’s mode of expression; the speaker’s habit of preparation and his manner of delivery; though the last two are perhaps less significant; style—which corresponds to diction and sentence movement . . . only as one among various means that secure for the speaker ready access to the minds of his auditors; the effect of the discourse on its immediate hearers—in the testimony of witnesses [and] the record of events. (1972/1925, pp. 56-57)

The scheme stands as an ambitious though incomplete checklist of essentially aesthetic rhetorical items. From the list, scholars produced variations on his theme, with varying weights being given to specific items. And yet, despite Wichelns’ efforts to distinguish rhetorical from literary criticism, “[w]hat emerged was another literaturization of rhetoric in which persuasive effect replaced literary merit as the criterion for enshrinement of key rhetorical artisans and textual artifacts in the pantheon of oratory” (Sproule, 1978, p. 476).

Studies in this vein were dubbed “Neo-Aristotelian,” in reference to their copious application of his terminology in exercises in classification. The most notable survey of those rhetorical items, Thonssen and Baird’s Speech Criticism textbook from the late 1940s, took the aesthetic program to the extreme, basically expounding “Aristotle’s Rhetoric for the Everyman.” Baskerville (1953), Hochmuth (1955), Brockriede (1966), and Kennedy (1984) represent a sample of such output. Their classical intentions are well meaning:

One would hope that the ideal is not too fragile to stand the stresses of the stormy present, that it need not be laid away for use in some more tranquil future. One
would think, rather, that when reason and civility are threatened, then is the time to defend, not defer them. (Baskerville, 1971, p. 161)

In their aesthetic examination, these rhetorical studies cluster near the “text” end of Zarefsky’s continuum. Unfortunately, their reliance on standards of “effect” and comparative ranking of only “significant and worthwhile” oratory (Cathcart, 1966, p. 7) limited the agenda of rhetorical critics, thereby attracting critics of their own.

Extrinsic Analysis

Critics of the aesthetic criticism mocked studies that flowed quite freely from the Thonssen and Baird method as “cookie-cutter.” Edwin Black’s (1965) Rhetorical Criticism, the rallying cry for said critics, would indict studies which practiced “the classification of rhetorical discourses into, forensic, deliberative, epideictic; the classification of “proofs” or “means of persuasion” into logical, pathetic, and ethical; the assessment of discourse into the [Ciceronian] categories of invention, arrangement, delivery, and style; and the evaluation of rhetorical discourses in terms of its effects on its immediate audience” (1978/1965, p. 31). Wayne Booth (1983) demanded clarification, not classification. Other invectives held that Aristotle’s psychology was out-dated or that too much attention was being paid to the “texts” themselves and not enough to the contexts in which they were produced. After all, reminds Ernest Wrage, “the techniques of the speakers are often highly individualized and perish with their bones; their ideas live after them” (1947, p. 453).

Critics who would favor “extrinsic” over “intrinsic” aspects of rhetoric basically operate as historians, as Turner (1998) attests. Lloyd Bitzer (1968) unveiled a whole new vocabulary for the field, insisting that the rhetorical “situation” is the proper unit of observation. Unfortunately, Bitzer, like Cathcart (1966), limits the scope of his theory, in
that for him, a rhetorical audience “must be distinguished from a body of mere hearers or readers: [P]roperly speaking, a rhetorical audience consists only of those persons who are capable of being influenced by discourse and of being mediators of change” (1968, p. 8).

The extreme view of rhetorical history finds that no preordained rhetorical theory suffices, that “any explanatory rhetorical paradigm more likely only grows out of what is found in primary source collections and other materials to which those collections lead” (Carpenter, 1998, p. 237, italics in original), rather than the rhetorical text itself. It may be argued that history has more to gain from the efforts of rhetorical historians than rhetoric.

In many cases, we find proponents of “rhetorical history,” having found fault in “Neo-Aristotelian” precepts, using Aristotle’s terminology (see, for example, Duffy & Carpenter, 1997)—ironic, considering their main critiques of the Rhetoric: with the unity of the three books, Aristotle’s intention (whether the work treats rhetorical invention alone, or rhetorical criticism, too), and applicability of his precepts to modern times. A recent persuasive argument stands, perhaps, to address all three critiques.

**Walker’s Thesis**

One manner of reconciling the divide between rhetorical critics may be found in Jeffrey Walker’s (2003) paper presented to the newly formed Alliance of Rhetoric Societies. Therein, he takes a second look at Aristotle’s declamation

"Εστω δὲ ρητορίζῃ δυναμὶς πὲρι ἕκαστον τοῦ θεωρῆσαι τὸ ενδεχόμενον πίθανον"

commonly translated, as we have noted,

“Rhetoric is the faculty of observing the available means of persuasion in any given case.”
Masterfully, Walker takes apart the line piecemeal (pp. 1-4), noting the proper
tenses, voices, and persons often lost in translation. The third-person imperative *estó de rhêtorikê*, for example, implies a stipulative definition “Let rhetoric be,” sometimes
glossed over as “Rhetoric may be defined as” or off-the-mark altogether as “Rhetoric is.”
Here, according to Walker, Aristotle stipulates “a contentious definition, an opening
position, in order to give a particular philosophical account of rhetoric. ‘Let’s say that
rhetoric is a faculty of observing the available means of persuasion — where will that get us?’” (p. 3). Next, the phrase *to endechomenon pithanon* refers not at all to “the available
means of persuasion,” as is usually held. Instead, it literally means “what is admissible,
allowable, or acceptable as persuasive.” The verb *theôrêsai* can be translated as observe,
not use the verb *heuriskein*, ‘to discover or invent?’” Walker reasons, “Aristotle is
stipulatively defining rhetoric not so much as a faculty of invention—of scoping out the
available means of persuasion in any given case—but as a faculty of critical judgment—
of deciding what should earn one’s assent” (p. 3). Moreover, he argues, “if we read
*theôrêsai* simply as ‘to theorize,’ which I think is admissible, we get rhetoric as a kind of
critical theory . . . an effort to account for what makes the persuasive thing persuasive”
(pp. 3-4).

Walker’s rereading, in fact, accommodates all critics and theories of rhetoric. It
takes us in the direction of giving historically grounded interpretive accounts of
particular suasory transactions or events, and likewise in the direction of giving a
general account of what makes anything persuasive, or, as Aristotle might say,
what makes enthymemes enthymematic. (2003, pp. 4)

If we accept his thesis, many of the aforementioned critiques of Aristotle’s treatise fall
away. There is no discrepancy of unity between Aristotle’s early stipulative statements
and subsequent treatment. His terminology now represents not only tools for rhetors but his version of how to critically examine the same discourse. Unfortunately, on this count, Walker’s thesis provides nothing new. Plato himself makes clear in the *Phaedrus*:

“Surely a good subject for discussion would be, as we proposed just now, the way to distinguish good writing and speaking from bad” (trans. 1956, 259C). In then presenting his “ideal theory of rhetoric, Plato went far toward establishing critical standards for the art” (Thonssen, Baird, & Baden, 1970, p. 160). Furthermore, scholars recognize that in the *Rhetoric*, “Aristotle would thus carry to substantial fulfillment part of the promise of the Platonic *Phaedrus*” (Grimaldi, 1972, p. 33).

It may be appropriate, then, to speak as Walker of “Aristotelian theory” as “a certain kind of ‘philosophical rhetoric,’ that emerges at certain points, withers, disappears, or gets occluded for long stretches of time, and then enjoys moments of rebirth or renaissance, one of which we happen to be in now” (p. 4). Rather than providing a template by which critics may classify content *ad nauseum*, Aristotle’s *Rhetoric* demonstrates the shape a critical approach to rhetoric might take, in accordance with Plato’s ideal theory of rhetoric: multiple, overlapping dialectics of context from which springs the rhetoric of a text.

**Resolved**

It remains to determine the optimum way to take into account the rhetorical particulars “in each case” by returning to some consensus point on Zarefsky’s continuum, whereby text and context are given equal consideration, “without giving to either a controlling determinancy in the subsequent analysis” (Rosteck, 1998, pp. 472-473). A synthesis of views realizes that “to understand how those symbols and systems of symbols may have ‘suasory potential and persuasive effect,’ we need both rhetorical
criticism’s message-centered focus and rhetorical history’s contextual construction” (Turner, 1998, pp. 2-3). Favoring one or the other gives rhetoric a deterministic, if not positivistic, power that simply is not there in the real world.

A consensus statement of Wingspread conferees recognizes the field’s need to encompass all scholars of rhetoric: “We are arguing that any critic, regardless of the subject of his inquiry, becomes a rhetorical critic when his work centers on suasory potential or persuasive effects, their source, nature, operation, and consequences” (Sloan, Gregg, Nilsen, Rein, Simons, Stelzner, & Zacharias, 1971, p. 221). Hochmuth (1955) reminds us that “[a] concern with history or sociology, indispensable as preliminary aspects of criticism, sometimes obscures the fact that history and criticism serve different purposes” (p. 5).

Rhetorical “critics” and “historians” alike, then, utterly unable to separate text from context, “are concerned above all with what messages do rather than with what they are, and the central office of each is to explicate how rhetorical communication works” (Lucas, p. 20). This dynamism resonates with our definition of rhetoric as “a theory to explain how contemporary man interacts symbolically and purposively with other men.” Ultimately, we seek the how of rhetoric, assuming it to be found somewhere in the interplay between text and context, in “the complex web of interactions among ideas, messages, and men” (Becker, 1971, p. 22).

**Study Parameters**

For this thesis, we assume White’s (1990) model of an act of rhetoric as an act of reconstitution. At least daily, *The New York Times*, responding to various developments in context—the world—reconstitutes its own resources of language, producing in the end a text—a newspaper. Between these definite endpoints in time lies the rhetorical act—the
mechanism of which we seek in this thesis. But, lest this be a blind search for disparate clues, it would be helpful to have a substantial sense of an “act” of communication.

The Four Causes

Karl Wallace (1970) provides one apt model, based, ironically, on the Four Causes of Aristotle, this time from the Physics:

Since we believe that we know a thing only when we can say why it is as it is— which in fact means grasping its primary causes—plainly we must try to achieve this with regard to the way things come into existence and pass away out of it, and all other natural change, so that we may know what their principles are and may refer to these principles in order to explain everything into which we inquire. (trans. 1993, 2.3)

Aristotle’s concern is with how objects or “things” come into being, and he proposes what are commonly referred to as the “Four Causes:” the efficient cause (or “maker” of the thing), the final cause (the “reason” for the thing), the material cause (all that which comprises the thing), and the formal cause (the necessary “shape” of the thing).

Wallace’s concern, and now ours, is the creation of a text, an object real and observable, specifically for “how ideas are caused to materialize in texts” (Rosteck, p. 2). Thus, in our desire to understand an act of rhetoric, or more specifically the “act of reconstitution,” we may speak of a rhetor, an end, the materials, and the form of a rhetorical text, in our case the May 18, 1954, edition of The New York Times.

The functional aptness of Wallace’s model is twofold: first, the original intention of Aristotle is that these categories be exhaustive, though not necessarily exclusive (Wallace, 1970, p. 40), and second, its recognition of concrete endpoints in the act of production supplants some vague notion of a “communication process” (Wallace, 1970, p. 41). These categories are not specific, as no respectable general theory of rhetoric can be. In our own case, for example, we recognize as rhetors individual Times journalists as
well as an ultimate rhetor, *The New York Times*. We recognize multiple ends among stories as well as the overall reality created in their collection. As we attend to rhetorical “materials,” we recognize at least two types: “those that arise from the special nature of the particular occasion, and those generalizations, widely recognized and accepted, that from his storehouse of conceptions the speaker brings to the occasion and applies to it” (Wallace, 1970, p. 85). Formally, the “shape” of the newspaper demands technical consideration of headlines as surely as scrutiny of story types and “frames” (Gitlin, 1980).

Our analysis, ultimately, relies on the assumption that in reconstituting its resources of language, human choices were made, whether on May 17, 1954, or some time after 1896 when Adolph S. Ochs began fine-tuning the fundamentals and personality of *The Times*. These choices determined ultimately the character and uniqueness of each rhetorical act—whether the entire edition of the newspaper, or a particular story, photo, or graph therein—and it is our intention as scholars of rhetoric to understand and evaluate those choices and their contribution to the overall “sua sory potential,” in accordance with contemporary rhetorical theory.

**Sua sory Potential**

The term “sua sory potential” endorsed by the Wingspread Conference is intended to distinguish rhetorical studies (like ours) that consider the rhetor’s creative behavior, from those that consider the “persuasive effect” of a rhetorical act after-the-fact. Let us assume, for the present research purposes, that every purposive “text” (whether, in our case, a news story, editorial, column, or entire newspaper edition) possesses a “sua sory potential” and that this suasory potential is in its fullest, most complete form upon release of the newspaper. Upon its consumption, this potential may be transformed into a
“persuasive effect,” a construct we will not measure in this study. The suasory potential is impacted in some way by many rhetorical choices—that is, reconstituted from all possible resources of language. Our goal is to understand as fully as possible the reconstitutive act, that we may speculate on the impact of those choices on the “suasory potential” of the *Times*’ rhetoric on one important day, May 18, 1954.

**Standards of Quality**

“Understand,” “reading,” “evaluate”—such terms situate rhetoric squarely in the domain of qualitative research and its associated activities analysis, explanation, and interpretation. Rhetoric’s idiographic attention to the particular, rather than the universal, prefers a full understanding of one case to generalizing to some universe of cases. Rhetoric, if we assume it to be powerful, alters contexts in some way for all time. *The Times* of May 17, 1954, is not *The Times* of May 18, 1954, much less 1896. As T.S. Eliot put it,

> The existing monuments form an ideal order among themselves, which is modified by the introduction of the new (the really new) work of art among them. The existing order is complete before the new work arrives; for order to persist after the supervention of novelty, the *whole* existing order must be, if ever so slightly altered; and so the relations, proportions values of each work of art toward the whole are readjusted. (1962/1917, p. 92)

As we scrutinize rhetorical texts, our aim is to interpret that alteration. Thus, we must insist on standards of quality for our research, which no less important in qualitative studies than in the quantitative sort. Gaskell and Bauer (2000), having examined Lincoln and Guba’s research on quality criteria for qualitative research, among other “takes,” propose a taxonomy of six criteria: reflexivity, transparency, saturation, thick description, surprise, and evaluation. Henceforth, these will serve to guide our present rhetorical research.
Reflexivity involves “the decentering of one’s own position” for the sake of “struggling with inconsistencies, both within oneself and among colleagues” (Gaskell & Bauer, 2000, pp. 345, 346). This criterion implies the exposure of researcher biases, both with regard to the immediate subject as well as to rhetoric and communication in general, as Myrdal (1944) would attest: “There is no other device for excluding biases in social sciences than to face the valuations and to introduce them as explicitly stated, specific, and sufficiently concretized value premises” (p. 1043). He goes on to locate such valuations and biases on race on (a) the Scale of “Friendliness” to the Negro, (b) the Scale of “Friendliness” to the South, (c) the Scale of Radicalism-Conservatism, (d) the Scale of Optimism-Pessimism, (e) the Scale of Isolation-Integration, and (f) the Scale of Scientific Integrity (pp. 1036–1040).

That I spent my first twenty years in Alabama, attending an integrated high school in two campuses, “separate but equal,” held over from segregation times—Central High School West for 9th and 10th grades, Central High East for 11th and 12th grades—certainly “colored” my impressions of race, both in terms of the state’s past and the present before me. That in particular I lived in Tuscaloosa, a somewhat liberal “college town” in an otherwise heavily rural state, was impressed early and often by the Presbyterian church, and from 6th grade until graduation attended predominantly black (65%) schools only intensifies the liberal attitude I apply to questions of race, or any other social division. I sympathize with Jenkins’ (1952) moniker “cultural sports,” white Southerners “who are ready not only to accept but to work for racial integration. They are to be found at all class levels and at all ages but particularly among the younger generation” (p. 419).
A way of accounting for transparency is to make clear my position as a researcher. In this particular case, I am most concerned with “how [the newspaper] would be perceived by an audience of near contemporaries” in 1954 rather than, say, its appearance in an Internet archive in 2004 (Kennedy, 1984, p. 4). Simply put, I approach the newspaper as nearly as possible as a reader in 1954 than as a researcher in “the reconstruction of previously held constructions” (Guba & Lincoln, 1994, p. 209). Assuming that position obviously requires considerable historical research—before “reading the paper”—to take account of the state of race in general and segregation in particular in 1954. “Segregation was a fact about my universe,” says Constitutional scholar Walter Dellinger of the period. “[I]t seemed no more ‘right’ or ‘wrong’ than the placement of the planets in the solar system. It simply was” (Thernstrom & Thernstrom, 1997, p. 97). Without a fully developed sense of context, both that of segregation and that of The New York Times, the researcher relies too heavily on his own experience, where, in my case, integration “simply was.” Thus, at their best, our interpretations will be fully warranted historically and sustained through thick description, per Geertz (1973).

Saturation demands “maximizing the variety of unknown representations” of history in the search for accuracy (Gaskell and Bauer, 2000, p. 347)—absolute truth here acknowledged as unattainable. In reconstructing the relevant contexts, or fields of linguistic resources, themes surface that seem crucial to our understanding. More significantly, source themes emerge, in that certain texts are referenced over and over. Gunnar Myrdal’s (1944) An American Dilemma, for example, appears in discussions on 1940s and 1950s presidential policy, social research, and, most importantly, throughout the records of the Brown Supreme Court case. The tome has been cited as “the most
penetrating and important book on our contemporary American civilization that has been written” (Whitman, 1993, p. xxvii) and “[t]he most ambitious study of the place of the Negro in American life” (Franklin, 1956, p. 556). Likewise, Berger’s (1951) history of The Times, though referenced by other histories, deserves perhaps more respect as the “‘official’ book on The Times [which] had to be approved by various members of the Ochs, Sulzberger, and Adler families, as well as by some senior executives” (Talese, 1978, p. 225).

Nonetheless, confirmation of any evidence comes most surely by data triangulation, and this research draws on various formats—quantitative data, court transcripts and records, codes of ethics, editorials, style manuals, memoirs, memos, letters, and the like. Data triangulation, it will soon become apparent, is nowhere more fundamental than in rhetoric. We are limited only by time: in one sense, that given more time, more documentation could be discovered, and in another sense, that “[t]he critic must endeavor to see events in terms of their yet unactualized future, free from all events which were subsequent” (Hochmuth, 1955, p. 22). In the present case, we shall also set lower boundaries on our contexts, by the key Roberts v. City of Boston Massachusetts Supreme Court case on school segregation, and by Adolph Ochs’ takeover of The New York Times, the significance of these dates to be revealed in the following chapters. Gaskell & Bauer (2000) call next for the factor of surprise, “with regard to theoretical or common-sense expectations” (p. 347) as another check on biases. For rhetorical scholar Robert Ivie, this standard means “we must experience the drama of discovering the pattern along with the critic,” that “[t]he essence of rhetoric exists, ironically, in the dramatic presentation of its details rather than as a reduction to abstract principles” (1994,
By approaching the newspaper as a reader, the researcher, as surely as his audience, participate in the “sacred ceremony” of reading the news (Carey, 1975). That orientation as a reader demands, first, a refusal to take up the text of the May 18, 1954, edition without first immersing oneself as nearly as possible in the larger contexts. In other words, we must first map the Times’ “field of linguistic possibilities” in 1954. Hypothetically, my initial reading should mirror the freshness and surprise of the reader on May 18, 1954.

Along the way, of course, we will also discover quite a bit, both surprising and not, about The New York Times and American society in the 1940s and 1950s, perhaps the reason so-called “rhetorical historians” avoid texts. Only then may we embark on the second phase of the research—evaluating The Times’ rhetorical choices in reconstituting its resources, or to borrow Walker’s phrase, “what makes The New York Times The New York Times.”

Finally, we must ensure some measure of validity, though all of the measures above contribute to validity in some way. Additional checks in this case include the review of colleagues (on the thesis committee) and the fundamental moral neutrality of rhetoric itself. Most importantly, however, the presentation of textual material to support the interpretations that are advanced will serve as the best and most direct marker of validity. Presumably, the more contextual information (social, political, cultural, economic, ethnic, and gender antecedents of the studied situation) on which to base interpretations, the more valid an interpretation.

As we have mentioned, neither qualitative research, rhetoric, nor the specific subject matter of this thesis, lend themselves to reliability or generalization. Our research
here is predicated on the interaction of an interpreter and a text. Certainly a newspaper cannot be said to have “one reading,” though that may be the intention of its publisher. At any rate, situating a text in context abhors a reliable scheme or interpretation. For the same reason, our desire to understand fully one rhetorical act diminishes our ability to make general statements about, say, a class of newspapers or events. Nevertheless, “while it is not possible to generalize to other texts for the sake of analysis, it is possible to make normative statements based on the analysis at hand. Good rhetorical analyses frequently do not hesitate to make normative proclamations” (Leach, 2000, p. 219). The shape of those proclamations in this study remains to be seen, whether the analysis “suggest[s] models, norms, or exemplars . . . offer[s] perspective by incongruity on the ordinary cases . . . yield[s] insights that may apply by analogy either to ordinary cases or to other extraordinary cases . . . [or simply] yield[s] a ‘theory of the case:’ a better understanding of an unusual situation important in its own right” (Zarefsky, 1998, p. 25). At any rate, the principal benefactor of those statements and this study is the field of journalism.
CHAPTER 4
THE NEW YORK TIMES

Elmer Davis divides his early history of *The New-York Times*, 1851-1921, into two nameless parts, with 1896 the lone milestone en route. In the period leading up to that year, the *Times* had fallen into disrepair, and was perched perilously close to disrepute.

From Chattanooga, Tennessee, a starry-eyed mid-level publisher, Adolph Ochs, made his case for relief in a May 9, 1896, letter to Spencer Trask, then chairman of the New-York Times Publishing Company:

> I believe I can make [the *Times*] a successful and very profitable business enterprise, and at the same time make it the model American newspaper; a model, high standard daily journal, a model for fairness, cleanliness, independence and enterprise, a welcome, daily visitor in the homes of intelligent and respectable people. (Shepard, 1996, p. 42-43)

These noble aims romanticized the “one fixed purpose” he later confided in a letter to his wife Effie while negotiating the purchase in New York: “to be freed from the thralldom of my creditors” (Berger, 1970, p. 121). Even if economic liberation was his primary goal, he met that early on; such can hardly account for his 40-year reign. On the other hand, his platform of sound business practices, journalistic perfectability—in terms of “fairness, cleanliness, independence, enterprise”—and an intelligent readership was hardly novel, though, “in large degree a reaffirmation of the traditional principles of *The Times*” under its first publisher, Henry J. Raymond (Davis, p. 195). Another *Times* historian, Meyer Berger, concurs Ochs and Raymond “thought alike” (p. 111).
Traditional Principles

Ochs paid homage to Raymond’s legacy and reiterated these principles in the first signed editorial published under his hand, the day after assuming command. The August 19, 1896, editorial makes a good starting point for our considerations, too. As we’ll see, what Davis refers to as “traditional” principles of The Times may be more simply put “Ochsian” and may help to explain Davis’s chronological partition. It reads:

To undertake the management of The New York Times, with its great history for right-doing, and to attempt to keep bright the luster which Henry J. Raymond and George Jones have given it is an extraordinary task. But if a sincere desire to conduct a high-standard newspaper, clean, dignified and trustworthy, requires honesty, watchfulness, earnestness, industry and practical knowledge applied with common sense, I entertain the hope that I can succeed in maintaining the high estimate that thoughtful, pure-minded people have ever had of The New York Times.

It will be my earnest aim that The New York Times give the news, all the news, in concise and attractive form, in language that is parliamentary in good society, and give it as early, if not earlier, than it can be learned through any other reliable medium; to give the news impartially, without fear or favor, regardless of any party, sect or interest involved; to make of the columns of The New York Times a forum for the consideration of all questions of public importance, and to that end to invite intelligent discussion from all shades of opinion.

There will be no radical changes in the personnel of the present efficient staff. Mr. Charles R. Miller, who has so ably for many years presided over the editorial page, will continue to be the editor; nor will there be a departure from the general tone and character and policies pursued with relation to public questions that have distinguished The New York Times as a non-partisan newspaper—unless it be, if possible, to intensify its devotion to the cause of sound money and tariff reform, opposition to wastefulness and peculation in administering public affairs and in its advocacy of the lowest tax consistent with good government, and no more government than is absolutely necessary to protect society, maintain individual and vested rights and assure the free exercise of a sound conscience. (Davis, 1921, pp. 194-195)

Appeals to tradition, an intelligent democratic readership, readability, and timeliness, as well as promises of personnel and editorial continuity were much in the spirit of Raymond’s New-York Times. In fact, the conditions in which each first took
control of the paper were strikingly similar. Forty-five years before, Raymond had appealed to the segment of readers repelled by “the trivialities of The Sun . . . the vulgarity of The Herald . . . [and] the insidious immorality of The Tribune” (Davis, 1921, p. 196), indicting these at the time as “class journals, made up for particular classes of readers” (Shepard, 1996, p. 18). Now in 1896, Ochs too appealed to high standards against the odds of New York’s yellow journals, and he advertised his Times by the promise, “It does not soil the breakfast cloth” (Davis, pp. 195, 224). Most famously, he guaranteed to cover the news free from opinion, “impartially, without fear or favor, regardless of any party, sect or interest” (Talese, 1978, p. 163). Where Raymond specified, ”We shall be Conservative, in all cases where we think Conservatism essential to the public good; and we shall be Radical in everything which may seem to us to require radical treatment, and radical reform” (Shepard, pp. 18-19), Ochs endorsed a generally conservative platform of sound money and limited government. Raymond set the tone for a rational, impersonal editorial style, he lacking “the force of Greeley” and “the stylistic appeal of Bryan” in an age of capitalized words and screaming headlines (Sloan, 2002, p. 310). Ochs ensured editorial consistency by retaining editor Charles Miller, who “on only few occasions got anywhere near the bare-knuckles attitude” (Berger, 1970, p. 424). Even so, both Berger (p. 424) and Talese (p. 163) acknowledge Ochs’s consideration to do away entirely with the editorial page.

Ochs’ first editorial stands as a concise general statement of principles, but can hardly account for any one news story by any one journalist on any given day, especially half a century later in the 1950s. Crucial to our understanding of the New York Times as a
rhetor is some refined sense of “Times policy,” which informs if not guides the individual journalists. “Ideally,” says Warren Breed in his 1955 analysis of news department policy, there would be no problem of either ‘control’ or ‘policy’ on the newspaper in a full democracy. The only controls would be the nature of the event and the reporter’s effective ability to describe it. In practice, we find the publisher does set news policy and, this policy is usually followed by members of his staff. (p. 326)

Policy, for Breed, includes “a more or less consistent orientation throughout the paper,” as well as “motivations, reasons, alternatives, historical developments, and other complicating material. Thus a twilight zone permitting a range of deviation appears” (1955, p. 333). Policy is present but covert in every newspaper (p. 327); and its laundry list of components makes it appropriate to rhetorical examination.

In Breed’s analysis, “policy” is transferred in a number of ways—through other stories a journalist sees in the paper, editorial actions, knowledge of the interests and affiliations of executives, news conferences, house organs, observation of the executive meeting various leaders, or hearing the executive voice an opinion (1955, pp. 328, 329). Surely there are other mechanisms to be discovered (one of the goals of the present research), but Breed’s (1955) analysis is both timely and appropriate to our study in 1954 journalism.

To observe the evolution of Times policy from Ochs to his successor, Arthur Hays Sulzberger, we might itemize a comparison between the two, as opposed to following a standard linear history. Then may we have a fuller understanding of The New York Times as a single rhetor under two sets of hands. For, at mid-century, in the Times lobby, the bust of Adolph Ochs, under golden words, “TO GIVE THE NEWS IMPARTIALLY, WITHOUT FEAR OR FAVOR, REGARDLESS OF ANY PARTY, SECT OR INTEREST INVOLVED,” appears alongside Sulzberger’s telling philosophy, ‘EVERY
DAY IS A FRESH BEGINNING—EVERY MORN IS THE WORLD MADE NEW’ (Berger, 1970, p. 565). In the process of comparison, incidentally, we’ll witness each of Breed’s mechanisms at work.

**Evolution**

Ochs, although thoroughly in control of the *Times* in his later years, so rarely appeared in the newsroom that “each of his visits was an event, a time of quiet stirring and excitement, a turning of heads in unison following his every step along the aisle” (Talese, 1978, p. 159). On his death, April 8, 1935 (Berger, 1970, p. 404), tributes rolled in from President Roosevelt among other leaders, the wires of the Associated Press were silenced for two minutes around the world, offices in his hometown, Chattanooga, Tennessee, closed for a day, and New York City’s flags flew at half-mast (Talese, pp. 180-181). His will left controlling interest in the *Times* in trust to his four grandchildren, and the trusteeship to their parents and his nephew, Julius Ochs Adler (Berger, 1970, p. 406). This tradition of “keeping it in the family,” maintained today, would ensure his family’s interest in the *Times* for years to come, but also the legacy of the public commodity he had created. In his will, he wrote,

> I am satisfied that my executors and trustees, without any recommendations or suggestions from me, will exercise their control to perpetuate The New York Times as an institution charged with a high public duty, and that they will carry forward and render completely effective my endeavor to maintain The New York Times as an independent newspaper, entirely fearless, free of ulterior influence, and unselfishly devoted to the public welfare. (Reston, 1991, p. 121)

Ochs’s nephew, Major General Julius Ochs Adler, met Arthur Hays Sulzberger at officer’s training in 1915 in Plattsburgh, New York. Earlier, Sulzberger had met Ochs’ daughter Iphigene while both were students at Columbia. Now, through Adler, the two commenced a life-long relationship. Ochs massaged this relationship with eyes to his
future successor, and he soon installed Sulzberger and Adler, his future business
manager, in on-the-job training that lasted for seventeen years hence (Berger, 1970, pp.
243-246; Shepard, 1996, p. 71).

Thus, Sulzberger, having “been close to Mr. Ochs . . . seen him in his office and in
his home . . . studied him, admired him,” as well as operating as the Times’ voice in
public talks, clearly understood the gravity of Ochs’ mission on his assuming the position
of President and Publisher in 1935 (Berger, 1970, p. 406). In his first editorial, May 8,
19, 1896, ‘to give the news impartially, without fear or favor’” (Berger, p. 406). On
numerous occasions, Sulzberger paid homage to the skill with which Ochs ran the Times.
On accepting an award at the University of Missouri in May 1930, he praised “Mr. Ochs
[as] the perfect newspaperman.” Specifically, he said,

He possesses an evenness of spirit and a catholicity of interests. He is simple and
direct, able to strip the most difficult problem of its complexities and put his finger
on underlying and motivating facts. The news angle becomes apparent under his
touch. He devours The Times. There is little in it that escapes his attention, in its
news, in its editorial content, or in its physical make-up. (Berger, p. 347)

On the one hand, it might have been burdensome for Sulzberger to aspire, “We
have no wish except to hold high the banner of responsible journalism raised by Mr. Ochs
and held aloft by him until his death ten years ago” (Berger, 1970, p. 476). On the other
hand, it is reported, he privately told editors in 1935 that there would be some changes in
the paper (Berger, p. 405; Talese, 1978, p. 182), but that “[t]here will be no radical
change for at least one year. We don’t want people saying we were waiting for Mr. Ochs
to die” (Berger, p. 407). Still, Times staffer James Reston recalls “solemn portraits of
deceased editors on the walls and some famous yellowing front pages embalmed under
glass” in Sulzberger’s office (1991, p. 120). Hence, to quickly assume that Sulzberger
maintained Ochsian policy wholecloth in his control of the *Times* would be as precarious and shortsighted as to claim arrogant differences. Only by close comparison along several lines may one detect the subtlety of a newspaper changing hands in a changing century.

**Business Practices**

Davis attributes the *Times*’ disrepair in the years leading up to 1896 to the inexperienece of the heirs of George Jones, the bad luck of a financial panic, and the lack of a sound business organization (1921, p. 202). In a September 14, 1897, letter to Spencer Trask, Ochs revealed his plan for the *Times*’ economic recovery: “[T]he New York-Times will only be a success when it is conducted strictly as a newspaper, free from the control and the influence of anyone except those who are wholly occupied in its publication,” citing the newspaper business as one “that is frequently as embarrassed by its friends as it is annoyed by its enemies” (Shepard, 1996, pp. 66-67). Ochs’ plan called foremost for a strict policy of limiting his investments of his own money and Times corporate funds to Government bonds (Berger, 1970, p. 136), a policy adhered to thereafter by Sulzberger (p. 475). When special economic moves were called for, though, as in September 1898’s rate decrease from three cents to one cent, he was fearless in the face of criticism. A year after the price change, the average daily circulation had tripled, from 25,726 to 76,260 (Davis, p. 238).

Economic independence extended to the advertising department as well. In the lean early years, Ochs refused large sums of sorely needed capital in the form of advertising: $33,600 from New York City Board of Aldermen, $150,000 from the New York City government (Davis, 1921, pp. 192, 221). “The Times’ advertising columns are available to legitimate and trustworthy advertisers, subject to censorship for the protection of the reader,” he wrote to one Wall-Streeter in regard to a disputed ad. “[T]he
appearance or non-appearance of advertisements has no influence on the fair and honest presentation of news or its interpretation” (Berger, 1970, p. 330), another philosophy upheld by Sulzberger (p. 475). Under both publishers, the attention remained always on the news, which never played second fiddle to advertising (Berger, p. 446). Both Ochs and Sulzberger, when forced to reduce operating costs, discarded frivolities like the “cheap backstair fiction” of the front-page feuilleton (Berger, p. 113; Davis, p. 208; Talese, 1978, p. 162) and Times by-product publications like The Annalist, Current History, and Mid-Week Pictorial, so as to protect the news side on which its reputation had grown (Berger, p. 407).

Organizational Structure

Ochs installed a “federal” balance of power, separating the News Department, the Business and Advertising departments, and the editorial page of The Times. The separation of authority was united solely by the publisher, distinct from all three, but the “one to point the direction” of the paper (Shepard, 1996, p. 63). Ochs clearly was pre-ordained in this role, while editors Car Van Anda and Charles Miller rounded out the cabinet, executing formidable power in their respective positions. As Ochs’s reign waned, he bred in-house Sulzberger, and other replacements Frederick Birchall, Louis Wiley, Julius Adler, and Charles Finley, to ensure that his legacy remain (Berger, 1970, p. 311).

Adler, after Ochs’ death, elaborated the same structure at a Times labor hearing:

Mr. Sulzberger is publisher, which means that he is in direct charge of all operations. Actually, he gives his more direct attention to the news and editorial departments. My title of manager gives me supervision of the business, circulation, promotion, production, and mechanical departments.

We confer on all matters of paramount policy, on both sides of the business. Naturally, if Mr. Sulzberger’s views would differ from mine, his judgment would prevail. (Berger, p. 347)
Sulzberger maintained an Ochsian omnipresence, preferring to blend in and rely on the wisdom of his executives. Gay Talese recalls Sulzberger to be “by nature a modest man, not a monument builder, [who] preferred making decisions quietly, taking into account the counsel of his colleagues, and then remaining in the background with the other shrine-keepers and paying homage to the departed patriarch” (1978, p. 10). At last, his tendency to be “mildly aloof without seeming directorial” allowed the balance to give way to the power, and there emerged four mildly competitive empires, “little dukedoms, with each duke having his loyal followers and special territory to protect” (Talese, pp. 38-39). These dukes—Edwin James, managing editor from 1932-1951, Charles Merz, the editorial page’s director “on the one hand and on the other hand” of the editorial page, Arthur Krock, the Washington Bureau chief, and Lester Markel, the last word of the popular Sunday edition—rounded out what in 1943 new hire James Reston likened to Gaul (1991, p. 122). Talese surmises that their competition influenced “how a news story was covered, who covered it, how much space it was allotted, where it appeared in the paper” (p. 39). Shepard notes that through it all, Sulzberger sought in earnest to maintain the independence of the News Department (p. 76). In 1953, when Turner Catledge assumed the managing editorship, his “main problem was what to do about the dukes” (Talese, p. 41). Catledge, from the Washington Bureau, preferred the “federal” structure, and he shrewdly reinstated the Ochsian hard power at the top with a coordinated team below.

**Empowerment**

One in so firm command as Ochs might have ruled with an iron fist, but this was not the case. He preferred as the best policy “no policy”—“a reliance of honesty, industry and unhampered judgment” (Davis, 1921, p. 204). The staffers held over simply needed
coordination, enthusiasm, and focus on the welfare of the whole institution (Davis, pp. 205, 207). Sulzberger, on accepting a journalism award from the University of Missouri in May 1930, observed, “I know no person on The Times today who is working for Mr. Ochs. I know 3,500 who are working for The Times” (Berger, 1970, p. 347). An apt manager, Ochs afforded an equal share of respect to each and every employee, whom he always addressed as “Mister” (Berger, p. 114)—the origination of the Times’ practice in second references in its news columns, “except in the cases of criminals and athletes” (Talese, 1978, p. 163).

Sulzberger treated his staff with equal dignity, he being “mortally afraid of abusing personal power” according to James Reston (1991, p. 504). Said Sulzberger,

We believe that trained and skilled papermen and women, such as you have seen here, who have no common denominator other than their Americanism, have the ability to write and evaluate a news story that will be acceptable to most of our readers as an accurate report of what transpired. (Quoted Berger, p. 476)

Times staffers, being such, presumably had demonstrated their capacity as journalists and needed little coaching. Shepard later describes Sulzberger’s insistence on empowerment as “obsessive” (1996, p. 77).

**Personal Liberalism**

To some extent, such empowerment indicated a personal liberalism on the part of both publishers, but this trait extended beyond themselves or the 43rd Street office. Within those confines, of course, the printer was peer to the editor. Moreover, both were economically secure in the Times’ family through even the gravest national crises. A 1932 wage reduction, the first and last for a reluctant Ochs, prompted him to write to Effie near the end of his career, “This wage reduction has hurt me more deeply than anything I can remember in my newspaper career” (Berger, 1970, p. 390). Such
benevolence did not discriminate, even among rivals. On the eve of the World’s destruction, Ochs prepared to raise $5 million (attached to a few technical suggestions) to help its employees continue the newspaper, an idea Pulitzer pooh-poohed and Ochs dropped (Berger, p. 372; Talese, 1978, p. 177). Every Christmas since 1912, the Times’ “Hundred Neediest Cases” fund-raising campaign for exceptionally deserving persons among the city’s poor extended this philosophy further. One anecdote offers a glimpse of the motive behind such beneficence. Berger (pp. 271-272) writes about a reader who had offered to endow the campaign with $1 million, the interest to be spent solely on cases investigated by The Times, rather than by charitable organizations. Ochs refused the endowment, “gently explaining that The Times was a newspaper and not a charitable society,” that the appeal was intended to educate the public on the plight of the city’s unfortunate (p. 272). The Ochsian drive “to educate” would manifest itself again in a February 1933 press release, this time in sage advice rather than money. Of the financial depression touching all, he reflected, “The tragic experience we are having will result in educating the people that care, caution, and conservatism are as necessary in economics as in physical health . . . for the peace and comfort of our children, and this will be full compensation for our tribulations” (Talese, p. 180).

Sulzberger was more distinctly personally (than politically) liberal, as we will see, and in keeping with his times, bolder. For example, Sulzberger assigned an international column in 1937 to Anne O’Hare McCormick, whereas Ochs would not have been so liberal to the column or a woman author. She would soon become the first woman in Times history on the editorial board, as well as the “most honored newspaperwoman in the world” by 1951 (Berger, 1970, p. 424). Sulzberger served on the Governing board of
the American Red Cross, and later as its vice-president (Reston, 1991, p. 115), and was also a Rockefeller Foundation trustee (Berger, p. 469).

**Intelligent Readership**

In aiming to distinguish his newspaper from the yellow journals, Ochs in 1896, like Raymond half a century earlier, appealed specifically to “thoughtful, pure-minded people” (Davis, 1921, pp. 194-195). A year later in a letter to Spencer Trask, Ochs celebrated “the reputation it is earning among the thoughtful people of New York . . . cultured and refined people” (Shepard, 1996, pp. 66-67). An October 10, 1898, editorial announcing the two-cent rate decrease assuaged this same clientele: “The Times by no means proposes to offend the taste or forfeit the confidence of the audience it now has, already large, discriminating, and precious to it as lifelong friends,” still refusing to “affront their intelligence and good taste with freaks of typographic display or reckless sensationalism” present in the yellow journals which most loudly criticized the rate decrease (Davis, p. 233). The histories of the Times are replete with anecdotes of encounters with what Berger called “an international Who’s Who . . . Diplomats, scholars, financiers, merchants, scientists, industrialists and leaders in aviation and modern exploration [who] had come to look upon it as the best daily medium of current history” (1970, p. 240). Even before Ochs assumed command of the Times, President Cleveland offered his letter of recommendation (Talese, 1978, p. 161). On one visit to the White House, Ochs, noticing an open New York Times on the desk of President McKinley, was assured by the president’s secretary, “It’s the first newspaper Mr. McKinley reads each morning. It would have been there whether you had come or not” (Berger, p. 137).
Sulzberger echoed Raymond’s and Ochs’ allegiance to this reading segment. In a 1945 speech, he reasoned,

Every newspaper must decide upon the clientele it wishes to cultivate. For our part, we solicit that patronage of intelligent Americans, who desire information rather than entertainment, who want the facts unadorned and who place first their country and the freedoms which it guarantees. (Berger, 1970, p. 476)


Caliber alone, Ochs realized more so than Churchill, would not sustain a newspaper, and the aforementioned rate decrease was very much intended to increase the scope of the *Times*’ readership. Circulation figures steadily increased throughout his term, resistant to any national economic catastrophes. “Undoubtedly,” Davis reported in 1921, “*The New York Times* today approaches the character of a national newspaper more nearly than any other in America” (p. 388), embracing a wide range of opinions on political, social, and economic matters among people who “feel that they have to buy the paper in order to get the news” (p. 260). The endorsement Ochs cherished most, perhaps, came from rival Joseph Pulitzer, editor of *The World*, who confessed, “You may not know that I have The Times sent to me abroad when The World is forbidden, and that most of my news I really receive from your paper. You have a very, very able editorial page’ (Berger, 1970, p. 154).

**Accuracy**

Ochs’ self-penned motto, “All the News That’s Fit to Print,” displayed prominently to this day in the upper left-hand corner of page one, hardly seems to clarify
any Times standards, and many have speculated on breadth of the terms “all” and “fit.”

As asked once what news is unfit to print, Ochs specified concisely, “What’s untrue” (Davis, 1921, p. 200). His insistence on accuracy (not to mention his appreciation of news-gathering technology) was impressed by and on his long tenure on the Associated Press Board of Directors and Executive Committee, making him fit for its directorship in 1903, which he turned down (Berger, 1970, p. 150).

Both major Times’ histories credit the development and prestige of its news department to Car Van Anda, Ochs’ managing editor since 1904 (Davis, 1921, p. 274; Berger, 1970, p. 161). “Propagating one side of the case,” he testified in 1915 before a Senate Committee, “is a privilege we do not permit our correspondents and reporters. They may state the facts, but inferences are to be left to the editorial page, or to the understanding of the reader” (Berger, p. 210). Under Van Anda, distortion would be sacrificed to dullness (Talese, 1978, p. 6). Frederick Birchall, Van Anda’s long time assistant and successor, maintained the same devotion to accuracy, “the only noticeable difference being improved literary style” (Berger, p. 269).

Sulzberger carried forward the Ochsian commitment to accuracy as the fundamental bottom-line. In one speech, he explained,

> Whichever way the cat should jump, we should record it, and we should not allow our excitement about the direction which it takes, or plans to take, to interfere with our primary mission. We believe that you will look after the cat if we inform you promptly, fully and accurately about its movements. . . . We have no temptation to be other than honest. (Berger, 1970, p. 476)

As did Ochs, he insisted quite simply, “We do not crusade in our news columns” (Berger, p. 476). Like Birchall, however, he maintained that improved news-writing style need not contradict this aim, and he pursued that program with vigor (Shepard, 1996, p. 76; Berger, p. 407). Where Ochs had been possessed of unmatched business acumen,
Sulzberger was “a literary man whose papers are filled with poetry and humor and, when needed, adroitly expressed outrage . . . [whose] verse appeared from time to time on the editorial page, whimsically signed ‘A. Aitchess’” (Shepard, p. 73). Under his direction, eventual managing editor Theodore Bernstein published an in-house bulletin, “Winners & Sinners,” listing examples of good and bad work that had appeared recently in the Times, alongside his commentary and pontification on grammatical rules (Talese, 1978, p. 109). The second edition of the Times’ style and usage manual emerged in 1946 under Sulzberger; the first, a much smaller edition, appeared in 1923 (Siegal & Connolly, 1999). Through such “house organs” and “editorial actions,” as Warren Breed calls them, news policy under Sulzberger would be rehearsed and absorbed (1955, p. 329).

**News-gathering Capacity**

In pursuit of the facts, Van Anda, encouraged by Ochs, fostered the capacity of the Times coverage with all new technologies of news transmission, the first wireless press message from Europe to the Times appearing October 18, 1907 (Berger, 1970, p. 165). Though no doubt a competitive move, the aim was less a strategic jump on the latest scoop, and more one to strengthen the day-by-day efficiency on which the Times’ reputation as “St. Peter’s daily ledger” (as Van Anda called it) was founded (Berger, p. 193).

In that same spirit, Sulzberger, in keeping with the fast pace of wartime news and later the advent of radio and television, invested heavily in news technology, with the purchase the Times’ own radio station, WQXR, in 1946 (Berger, 1970, p. 460) as well as development of the Times’ own wirephoto service (Talese, 1978, p. 53; Berger, p. 407). Och’s desire for news “as early, if not earlier, than it can be learned through any other
reliable medium” (Davis, 1921, pp. 194-195), including multiple daily editions, was preserved through Sulzberger’s term.

**Depth of Coverage**

On the one hand, publishing a “paper of record” meant coverage of financial news, market reports, real-estate transactions, court proceedings, and other official, perhaps mundane government activities (Talese, 1978, p. 162). Those inclined to such news referred to the *Times* as the “Business Bible” (Berger, 1970, p. 109), and Raymond, in his day, had emphasized many of the same beats (Shepard, 1996, p. 18). On the other hand, such a charge placed no limit on the extent of coverage possible, and striking examples of *Times* news depth abound.

Ochs, once asked about occasional full pages of crime coverage, normally underemphasized, explained, “When The Times gives a great amount of space to such stories it turns out authentic sociological documents” (Berger, 1970, p. 258). In this light we may view various instances of news depth, as all the *Times* histories display these proudly and frequently. Most notable, perhaps, was the 15 of 24 pages of news following the April 1912 *Titanic* sinking. Davis reveals that other New York editors even wrote *The Times* office expressing “ungrudging admiration” of the edition (1921, pp. 194-195). Van Anda related an intriguing incident on visiting Lord Northcliffe’s *Daily Mail* in London, when its editor opened a desk drawer at his right hand, exposing the April 19, 1912, *Times* edition. He said, “We keep this as an example of the greatest accomplishment in news reporting” (Berger, p. 201).

On the eve of World War I, as official statements emerged from the British, German, French, Russian, Austrian, and Belgian governments, the *Times* published them all in full, as well as arguments by the two sides, and daily analysis by military experts
Thereafter, the first Pulitzer gold medal for “disinterested and meritorious service” by a newspaper was awarded to *The New York Times* in June 1918 “for publishing in full so many official reports, documents, and speeches by European statesmen relating to the progress and conduct of the war” (Davis, p. 365). By this point, such copious presentation of the news had been almost solely a *Times* institution, few other papers yielding the space or interest (Berger, 1970, pp. 346-347). Not content to rest on its laurels, the *Times* treated the June 9, 1919, peace treaty to 62 columns, one-sixth of the entire 48-page issue, while no other newspaper ran it at all. Alongside was coverage of the human-interest side of the peace conference, with “portraits of the statesmen involved and descriptions of the diplomatic shadow-boxing” (Berger, pp. 233-234).

The *Times* had cultivated an intelligent readership “willing to give the time to reading long speeches and long documents, not necessarily because they had superfluous time on their hands,” but because they “would rather have every word available for their own study than accept a summary made by somebody else” (Davis, 1921, p. 365). Milestones in full-text treatment include Mussolini’s 11,000-word speech before the Chamber of Deputies on May 26, 1927, Pope Pius XI’s 12,000-word encyclical on education, and another 16,000-word papal encyclical on divorce, trial marriage, and birth control on January 11, 1930 (Berger, 1970, p. 346).

National news often received multiple datelines to cover variance in national response, such as the Friday, October 25, 1929, stock market crash, or the December 6, 1933, repeal of prohibition, each receiving datelines from Boston, Philadelphia, Cincinnati, Cleveland, Baltimore, San Francisco, Los Angeles, London, and Paris.
Scientific breakthroughs received much the same treatment, due in large part to Ochs’ and Van Anda’s personal fascination. Expeditions in all modes of motion were featured prominently in the *Times*. In 1919, 10 pages were devoted to man’s first westward non-stop crossing of the Atlantic by air (Berger, p. 237), and on Tuesday, June 14, 1927, sixteen full pages covered Lindbergh’s fantastic ride (p. 304). Perhaps the most amusing display of such news depth came January 25, 1925, after a solar eclipse the day before. According to Meyer Berger, Van Anda had hired Dr. W.J. Luyten of Harvard University Observatory to do one of the lead stories from a military plane flying at 15,000 feet; got experts aboard the United States Navy dirigible Los Angeles, which was to fly toward the sun; arranged for complete city coverage, and alerted Times correspondents along the track of totality not only to report the event, but also to watch the behavior of livestock—cows, birds, barnyard fowl, zoo inhabitants—to study their reaction; and positioned R.C.A. engineers in Van Cortland Park to study the effects of totality on both short and long wave radio waves (Berger, p. 267).

Having demonstrated a propensity for “authentic sociological documents,” Ochs cautioned in a 1932 letter to Sulzberger, “Our vocation should be more to inform than interpret” (Shepard, 1996, p. 105). World War Two presented an entirely new complex of events, and Sulzberger, citing “the effect that radio commentators were having” called for more news interpretation on our part because news was growing almost alarmingly complex,” though, he assured, “[t]he changes had to be made without affecting the basic Ochs formula” (Berger, 1970, p. 423). Thus, in the spirit of Ochs, the *Times* printed all the war communiqués, both Allied and Axis (Berger, p. 449), the full text of a 1941 MacArthur speech, 80,000 words of a 346-page Sunday edition (p. 543), 32 columns in
1944 of the European Plan (p. 500), 10 pages on the atom bomb Tuesday, August 7, 1945, and on August 30, the entire 130,000-word Pearl Harbor Investigation Report—the longest text in *Times*’ history, encompassing the equivalent 400 book pages (p. 540). The December 8, 1941, Pearl Harbor coverage, like that of the solar eclipse sixteen years earlier, was generated quite carefully with some sixty assignments, including a sketch on General MacArthur, histories of the bombed ships, pieces on Manila and Pearl Harbor, a story on Japanese finance, a shipping round-up, coverage of the Japanese consulate, a story on canceled Army leaves and recruiting, the Navy Yard in Brooklyn, a look at Japanese newspapers, a radio war-news round-up, as well as stories on police emergency precautions, Mayor LaGuardia’s broadcast to the city, bombardment protection, public drills, airport activities, Army and Navy mobilization, President Roosevelt’s plans, an interview with Secretary of State Cordell Hull, a full summary of the Government’s attempts to work out a non-aggression pact with Japan, and the Japanese answer (Davis, pp. 456-459).

In the 1950s, radio and television dominated spot news, but Turner Catledge, Edwin James’ successor as managing editor in 1951 (Talese, 1978, p. 40), felt confident that newspapers could bring readers more details and could explain the significance of these details more effectively than could television, all the while adhering to Ochsian accuracy. This development in “news analysis,” as such articles would later be marked, was part of Catledge’s motivation behind a strong, centralized copy desk in New York (Talese, p. 208). Coincidentally, he initiated the four o’clock conference in his office each afternoon (Talese, p. 45), an act of centralization intended, as Breed (1955, p. 329)
suggests, to check news treatment. Catledge vested the same policy in his editors, as assistant managing editor Robert Garst revealed:

A race riot, a prison outbreak, a bad slum condition—even a murder—has a social background, deeply rooted perhaps in the customs, traditions, and economic condition of a region or community, but it is there and discoverable. It’s the newspaper’s job, it seems to us, to discover it. (Shepard, 1996, p. 7)

**Editorial Stance**

Traditionally, the *Times* under Raymond had endorsed the Republican candidate for president, until the three elections before Ochs came aboard in 1896, when each time it backed Democrat Grover Cleveland. In 1900, Ochs endorsed McKinley, the first Republican in sixteen years, on his platform of sound money, but supported the Democratic platform thereafter, tending to the southern conservative brand more than old-fashioned Jeffersonian democracy (Shepard, 1996, p. 108). Davis adds the qualification “that [he] was somewhat more independent than Democratic,” always deferring the record of any particular party to the national welfare (1921, p. 248). In a 1931 letter to a reader canceling his subscription over a political position the *Times* had taken, Ochs explained, “The New York Times is not a crusading newspaper. . . . [It] attempts to aid and support those who are charged with the responsibility of government,” regardless of party affiliation (Shepard, p. 69).

On economic issues, *The Times* under Ochs was “frankly and pretty consistently conservative . . . on the whole always to be found on the Right,” according to Davis in 1921 (p. 261), earning it “the distinction of being more thoroughly hated by Communists, Socialists and radicals, to say nothing of pro-Germans and Irish extremists, than any other newspaper in the United States” (p. 260). Only in his final years, angered by the economic conditions of depression, did he discard such economic conservatism for
Roosevelt’s liberal policy in 1932 (Talese, 1978, p. 176). Socially, however, Ochs remained wary of sweeping changes in either legislative or judicial policies, preferring always “to educate” and raise civic consciousness (Davis, p. 268). He reminded Sulzberger, in a 1932 letter, “It has been the policy of The Times to be conservative and cautious and not involve itself in all public clamor for a change” (Shepard, p. 105).

As we previously noted, Ochs was wary of opinions, especially in news columns, and nearly considered a Times free of an editorial page. Davis explained Ochs’s general policy this way:

Since human nature is fallible, it has been found advisable to print all the news and leave to the editorial page the assessment of its relative worth, rather than exercise discrimination at the news desk and suppress everything that fails to accord with the news editor’s judgment of the probabilities. (1921, p. 332)

As one might expect, Ochs sat in at every editorial council (Berger, 1970, p. 118), where he fostered a thorough and vigorous Socratic exchange of ideas. Garet Garrett, on the council in 1916, revealed:

None of us values his mental processes highly, and yet, he has a way of seeing always the other side that stimulates discussion, statement and restatement, and leaves a better product altogether than is approached in his absence. Mr. Miller, when he presides, sees only one side of a thing, and smothers any effort to discuss the other. His mind is closed. It is a better mind than Mr. Ochs’s, and still is, within the limits of its movement. But Mr. Ochs, for his lack of reasoned conviction, is all the more seeing. He can see right and wrong on both sides. He has a tolerance for human nature in the opponent. (Talese, 1978, p. 170)

In 1930, Sulzberger concurred, “He [Ochs] refuses to go with the herd and frequently in editorial council takes what he himself would later admit was an extreme position, solely for the purpose of bringing out in argument all the points that could be made on both sides” (Berger, p. 347). That which emerged successfully from the dialectical exchange made its way to print, unencumbered. Beyond that, as Ochs explained in 1923 to a Washington correspondent of the Buffalo Evening News, “There is an inviolable rule that
no editorial writer shall write an article expressing an opinion that he does not honestly and conscientiously entertain” (Shepard, 1996, p. 105). Berger remembers “how, after Ochs had set forth his impressions of what should be done, he would end by saying: ‘Do as you think best; I was only thinking out loud’” (p. 368). In this same spirit, he gave over of much of the editorial page space to letters from readers, of any and all opinions (Davis, 1921, p. 217; Talese, p. 163).

To ensure consistency in this regard, both Adler and Sulzberger sat in news and editorial conferences—“and still do” according to Berger’s 1951 account (p. 247). On the other hand, the war and new technology presented ample opportunities to respond to rapidly changing world affairs in new ways. In editorials, “[t]he ivory tower atmosphere of the Ochs era” gave way to “more bite” (Berger, p. 525). Under Sulzberger, the Times was “anxious to see wrongs corrected, and we attempt to make our position very clear in such matters on our editorial page” (Berger, p. 476), with little fear of such positions invading the news columns.

Sulzberger, too, considered himself a Democrat, but demonstrated even more willingness to cross party lines in pursuit of good policy. He backed Republicans Wendell Wilkie in 1940 against the judgment of most members of his editorial board, Thomas Dewey in 1948, and Eisenhower in 1952 and 1956 in opposition to his wife, who favored Stevenson (Reston, 1991, p. 124). Such moves solidified the Times’ political independence, it becoming gradually less and less Democratic. Sulzberger even refused to have an editorial page cartoon “on the grounds that a cartoon could never say ‘on the other hand’” (Reston, p. 125). Impending war dominated national political decisions, and the Times’ devotion to the national welfare determined its political endorsements of he
better equipped to guide the nation to ultimate war victory (Berger, 1970, p. 493). Among the causes the *Times* championed under Sulzberger’s watch were freedom of speech and the press, fair trial and equality before the law, civil rights, anti-discrimination laws, anti-lynching and anti-poll-tax legislation, and other Negro rights, ratification of the Child Labor Amendment, the American Indian, fairness to aliens, and a liberal immigration policy (Berger, p. 534). On other social issues, his *Times* helped lead the fight for social security, favored racial equality, and denounced McCarthy (Reston, p. 125).

Early in his tenure, Sulzberger maintained the Ochsian watchful eye on the paper’s editorial views, but he would disclose later:

> When Finley retired and Merz became the editor, things started to change. Up to that time I had read every editorial in proof before it appeared in the paper. After I worked with Charlie and realized how much he and I thought alike, I knew that was no longer necessary. I also knew that if he wished to take a different position from what had already been established, Charlie would tell me about it and consult with me. The result was that I left things very largely to him but as to who was responsible, the answer is that I was and I alone. (Shepard, 1996, pp. 107-108)

Charles Merz, a protégé of Walter Lippmann at the *World*, took over the *Times*’ editorial page in 1938 (Talese, 1978, p. 185) and developed a close relationship with his new publisher. Staffers Berger (1970, p. 257) and Talese (p. 185) attest to the great deal of time the Merz and Sulzberger spent together outside the office, the source of their mutual understanding and loose editorial relationship. Under Merz’s watch, as many as eighty staff members of the *Times* by 1951 were encouraged to write editorials on subjects of which they had special knowledge as business, labor, art, theatre, or music (Berger, p. 535), in keeping with the *Times* spirit of empowerment.

**The Washington Bureau**

Davis, in his 1921 *Times* history, remarked, “Perhaps there should be special mention of the Washington correspondence of *The Times*, which is probably not only
more voluminous, but more impartial, than that of any other paper” (p. 379). More importantly, most of the Brown articles originated in the capitol city. As we have already seen, the Washington bureau in the Sulzberger years approached the status of a private principality, with Arthur Krock its duke (Talese, 1978, p. 19). At the same time, the bureau may be considered a microcosm of the larger Times institution: Many of the same policy mechanisms (per Breed, 1955) we have observed thus far may be seen operating in the Washington Bureau in a finer form. The bureau, as the Times itself, spawned its own successor to Krock, James Reston in 1953, as well as the Times’ new managing editor, Turner Catledge in 1951. In fact, in the manner we observed the transfer and evolution of Times’ policy from Ochs to Sulzberger, we may observe an analogous relationship between Krock and Reston, broadening and enhancing our understanding of Times policy—that is, what makes The New York Times The New York Times.

**Personalities**

Krock came into the Times’ family in 1927, and there can be no doubt his rise to prominence in Washington did not escape the attention of Ochs. In a 1938 essay, Krock dubbed Ochs “a genius of the first rank” (Krock, p. 27). Talese claims that Krock had more in common with Ochs than Sulzberger: “Krock seemed part of the Ochs era. Krock and Ochs were regally remote, politically conservative; they were self-made men, confident and vain and hardened by experiences that Sulzberger never had” (Talese, 1978, p. 187). Krock’s column, taken up in April 1933, had been highly contested by Ochs, still fearful of the opinions the paper already carried (Reston, 1991, p. 202; Berger, 1970, p. 424). By 1938, he was awarded his second Pulitzer Prize, which he attributed to “familiarity with the great national game of politics . . . laboriously acquired over the long years” (Krock, p. 6). Certainly, Sulzberger had little need to tinker with Krock’s
success in Washington. As Talese put it, “As much as any Timesman was irreplaceable anywhere, Krock was irreplaceable in Washington” (p. 188).

The great national game of politics, he explained the year he won his second Pulitzer, was based foremost on “individuals and their human nature. They were still there when I went back to Washington in 1932. There they remain. Mr. Hoover does not like Mr. Roosevelt and never did” (Krock, 1938, p. 7). In 1938, and later in 1950, Krock secured exclusive interviews with Roosevelt and Truman, the first given by Truman to any journalist—in both cases, he had theretofore been critical of administration policies (Talese, 1978, p. 126; Berger, 1970, p. 54). According to James Reston, Roosevelt “denounced him regularly as ‘that Tory Krock-pot,’” while Secretary of State Dean Rusk recalled that soon after taking office, “he had a message from Krock saying that ‘if I wished to call on them, he would be glad to receive me’” (Reston, 1991, p. 202). Such proximity and presence placed Krock alongside other luminaries of Washington journalism, including Walter Lippmann, David Lawrence of U.S. News and World Report, and Frank Kent of the Baltimore Sun (Reston, p. 202). More importantly, it reflected on his staff, observing their executive as he meets various leaders, as Breed (p. 329) puts it.

In fact, Krock urged the same close political interaction on his Washington staff. In 1938, he admonished,

[I]t is, therefore, only a small part of the newspaperman’s duty to relate what happens on the floor and in meetings of the delegations and of the committees. He knows that in hotel rooms and over telephone wires the great decisions are made. He knows who are the masters of the milling, uninformed delegates, and who represent these masters if they are not on the ground. By keeping account of whom they see, and learning from them or their agents what they are doing, he follows the drift of the convention to its close. All, all is the doing of man and man. (Krock, 1938, p. 11)
By 1951, that staff numbered seventeen all of whom, according to Berger, “maintain
close contact with the great and the near great who are major news sources. A few mingle
socially with Government officials, and some of the best stories develop over after-dinner
coffee and cigars” (Berger, 1970, pp. 544-545). James Reston, one such staffer, reports
the entire staff to have been enamored of Krock, calling him “A.K., but not in his
presence” (Reston, 1991, p. 130).

In 1942, Reston had worked under *Times* historian Elmer Davis, then head of the
new Office of War Information, at the U.S. Embassy in London (Reston, 1991, p. 106). A
year later, he was employed by Sulzberger as a personal assistant, for help with speeches
and other “postwar problems of the *Times*,” passing on to Sulzberger observations and
suggestions in an effort to “prepare for the future” (Reston, pp. 122, 114). As Breed
might predict, Reston confessed, “I learned many things in Arthur Hays Sulzberger’s
office. . . . [H]e placed before me by his example an ideal of human decency and
responsibility. He agreed that it was the duty of the press to expose corruption, but he was
more interested in education than in investigation” (p. 124). Such lessons reflect our
analysis of Sulzberger thus far, and may be comfortably considered to be significant to
Reston, as well. Talese, in fact, claims that eventually, “Reston’s whole stance seemed so
intertwined with *The Times*, his idealism and character so in keeping with the concepts
endorsed by the Sulzbergers, that to question James Reston would be to question *The
Times* itself” (1978, p. 22). Talese refers to what we have heretofore referred to as *Times*
policy.

In 1944, Reston assumed a reporting position in Krock’s Washington bureau,
soon becoming “the young star of Krock’s staff” and winning his own Pulitzer (Talese,
1978, p. 18). If there was to be another “star,” it would be future managing editor whom Turner Catledge, whom Talese dubs “the most ambitious member of [Krock’s] team” (p. 41). Krock and Catledge’s working relationship would henceforth be characterized as “in their mannered ways, rivals” (Talese, p. 42).

When in 1953 he was offered the editorship of the *Washington Post*’s editorial page, it became necessary that Krock relinquish his throne to Reston (Talese, 1978, p. 18). Krock was incidentally nearing retirement, and, in the Ochsian act of strategic planning, Krock found in Reston not only a worthy successor, but also a safekeeper of the Bureau’s independence, based on his proximity and mutual understanding with the publisher. Further, Krock would maintain an Ochsian presence in the Bureau, as well as his “Washington” column (Talese, p. 19). On transferring power, Krock wrote to Reston, “I have known many of the reporters of my time who were called great. I have worked against some of them, and unworthily directed the services of others, but in my opinion, none has been your superior,” inspiring Reston to “work harder than ever before to justify this unexpected move” (Reston, 1991, p. 199).

**News**

The Washington news operation under Krock ran much the way it did in New York in the 1930s and 1940s, efficient but generally unsupervised. Reston recalls only two meetings of the whole staff under Krock, “the day he took the job and the day he gave it up” (1991, p. 202). Instead, reporters were empowered with a basic set of principles. For Krock (1938, p. 15), this meant:

> Our obligations are merely these, in deciding whether to go into print with information: Is it true? Has it been legitimately acquired? Is it fit to print—public property or a private matter? These satisfactorily settled, the facts are ready for their bath of printer’s ink.
As Ochs, Krock held “the reporter must operate at his peak, factually, without color save that of description, free of comment and bias” (Krock, p. 27). James Reston, fresh from the publisher’s office in 1944, thus, “soon ran in to trouble” (Reston, 1991, p. 129). At that point, Reston felt he had the assurance of Sulzberger, that in Washington he would be free to write interpretive articles, unbeknownst to Krock. At best, Krock conceded interpretation could be done in the weekday papers but only with permission (Reston, p. 130). This fundamental debate continued, and Reston confessed it never to have been resolved, though the two were amicable in most other respects (Reston, p. 135). Perhaps more significantly, the issue illustrated for Reston what, based on our analysis so far, may seem inevitable: “the depth of the conflict between the old Times tradition and the new interpretive journalism imposed on the newspapers after radio and television became the first purveyors of the news” (Reston, 1991, pp. 131-132). His colleague Turner Catledge, it may be remembered, carried the Ochsian mantra of objectivity to New York.

Another point of difference between Krock and Reston emerged in the day-to-day operation of the Washington Bureau. Under Reston, the bureau “had a staff meeting almost every working day on the theory that the sum of our brains and legs was necessary to outthink and outnumber the Herald Tribune” (Reston, p. 202). At such meetings, says Reston,

[W]e specialized in amateur speculation. By imagining that we were running the State Department, we would guess that the secretary of state would have to react to the latest outrage of the Soviet government, so we would call up officials at State on the assumption that they had already reacted. We were often wrong, but it was remarkable how many times our guesses were right and how often we got ahead of the competition by this device. (p. 205)
This dialectical exchange, in the method of Ochs, involved all the specialists
Reston had appointed to cover certain areas of government. On Mondays, for example, as
the Supreme Court handed down decisions, staffer Tony Lewis would summarize them
all, rather than focus on a few, a treatment applauded even by Justice Felix Frankfurter,
who once called Reston at home to commend the effort: “I can’t believe what that young
man achieved,” he said. “There aren’t two justices of the Court who have such a grasp on
these cases” (Reston, 1991, p. 204). It was Reston’s personal relationship with
Frankfurter, in fact, that partly inspired the dialectical dynamics of the office meetings.
“Every writer on public affairs, [Frankfurter] insisted, should have somebody around the
office who knew his weaknesses and could challenge his judgments before these were
inflicted on a long-suffering public,” Reston recalls (p. 173). Thereafter, he employed
“the clerk system” of regularly soliciting the input of his colleagues in the Washington
Bureau.

Reston also practiced the Ochsian intra-office congeniality, knowing each staffer
personally, as well as his sense of empowerment in the guarantee of space and bylines
(Talese, 1978, p. 22). As with Ochs, only a “few general assumptions” were in place in
Washington, namely a competitive timeliness, a preference for understatement to
overstatement, and an avoidance of certain terms like “unprecedented” and “universally”
(Reston, pp. 205-206). He also recalls Carroll, his Washington editor, “especially hat[ing]
breathless, or as he called them, ‘Christ how the wind blew’ stories” (p. 205).

Columns

Both Krock and Reston wrote columns in the 1950s, many appearing together in
the same edition. For Krock, columns differed from news, in that the latter must be
factual, without color, and bias-free. “But elsewhere in the paper,” he maintained, “must
be the stuff of his eyes, his ears and his legs. Otherwise the products are mere essays or rewritings of history and encyclopedia—interesting and well done, maybe, but not first rate journalism” (1938, p. 27). In his column, Krock invoked his conservative Southern Democrat philosophy—defending states’ rights against the New Deal and other liberal measures (Talese, 1978, pp. 186-187)—as well as his devotion to the personalities and “all the roguery of politics” (Reston, 1991, p. 133). Reston characterizes Krock’s style as “dignified and convoluted,” imitating “the stylish but complicated prose of the nineteenth-century British historians and essayists, which explained his dignified, subtle, and often mystifying and interminable sentences” (p. 133). Talese detects “an undercoating of acid between the lines” (p. 186).

Reston took up his first column, “A New Yorker at Large,” in 1934 at the Associated Press (1991, p. 50). These “thunderbolts,” as he described them (Reston, p. 45), afforded their writer an opportunity to “blow off two or three times a week about how to save the human race,” but at their best were intended to be a useful public service, the columnist a “self-appointed legman” in Washington writing a letter to the absent friend (Reston, p. 368). Therein, he pontificated the Calvinist ideals of his Scottish parents as well as the ideals of America, “leading no doubt,” in his own words, “to many hard and insensitive judgments” (Reston, p. xi). President Eisenhower once asked, “Who the hell does Reston think he is, telling me how to run the country?” (Talese, 1978, p. 9).

The American ideals Reston subscribed to were Hamiltonian, in that he echoed Lippmann’s distrust of the American electoral process and the judgment of the people, preferring a strong executive government advised by the intellectual elites, a la Ochs. In his memoir, he cites Lippmann, saying “The public can produce only muddle when it
meddles,” and that a modern nation could not be built by “Georgia crackers, poverty-stricken, Negroes, the homeless and helpless of the great cities. They make a governing class essential” (Reston, 1991, pp. 140, 142). Like Ochs, he felt confident that public discourse would improve, that the increasingly rapid distribution of news would produce, in turn, “a more enlightened electorate and a stronger sense of citizenship,” that “the only way to preserve democracy is to raise hell about its shortcomings” (Reston, pp. 268, 271). As if to distinguish himself from Krock, he remarked, “the more I saw of the federal system in action the more I admired it, but the more I saw of what was called ‘the great game of politics,’ the less I liked it” (Reston, p. 260). Through it all, Talese found his column to be “never cynical and always readable. . . . He communicated hope” (1978, p. 9).

Collectively

Together, these personalities represent The New York Times. They represent the crux, though certainly not all, of those who have made or sustain Times policy. (Some of these would become individual rhetors in the May 18, 1954, Brown coverage.) In the context of any newspaper, one might assume the publisher to have the greatest influence on the choices made, rhetorical or otherwise, and we have seen two strong publishers, one the Times’ very soul. On the other hand, we have seen the idiosyncrasies of distinct personalities shape the Times’ intra-office dynamics and news and editorial treatment, in keeping with the Times’ spirit of empowerment. At times, the specter of Ochs hovers overhead; at others, the challenges of war. At any rate, what we have here observed may be considered that which the most informed and loyal Times’ reader may have come to expect from the journal by May 18, 1954. Still, it represents only a portion of the context an informed critic of the same edition would need to consider. In fact, it is “the case” at
hand—the *Brown* decision, and the significant events leading up to that moment—we now develop.
CHAPTER 5
AMERICAN SEGREGATION

Marie Hochmuth, in 1955, cautioned, “The critic must endeavor to see events in terms of their yet unactualized future, free from all events which were subsequent” (p. 22). The corollary to this removes the lower bound on context, giving rise to the question, “How far might one look back?” Segregation as an institution was most conspicuous in the first half of the twentieth century, but evidence suggests its existence well before the American Civil War. Though the critic needs a full and rounded understanding of the immediate context on which he would speculate, namely public school segregation in 1954, it becomes requisite that he make every effort to grasp underlying motivations and conditions from whence that context sprung, which as one might imagine, requires looking going a bit farther back. Without trying to weigh in on the entirely separate field of elucidating causes to the Civil War, our study nonetheless begins there.

The Nineteenth Century

The Southern economy prior to the Civil War was wholly agricultural and depended in large measure on “that region’s most valuable commodity—human chattel” (Cottrol, Diamond, & Ware, 2003, p. 18). To some extent, the institution was recognized by the federal government, as in 1850, Congress enacted a fugitive slave law, whereby runaway slaves, and in some cases misidentified freemen, may be returned to their slave state of origin (Cottrol et al., p. 22). In the North, where commerce and manufacturing thrived “and the doctrines of Romanticism liberalized men’s social viewpoints” (Knox, 1947, p. 271), the Negro could not be transacted, separated from his family, or legally
made to work without compensation, and was relatively free to organize, yet still
“understood his ‘place’” through legal and extra-legal codes resembling segregation
(Woodward, 1974, p. 28). According to Woodward, the farther west the Negro went in
the free states the harsher he found such proscription, Indiana, Illinois, and Oregon
encoding constitutional provisions restricting Negro admission at their borders (p. 28).
The controversial 1857 *Dred Scott v. Sanford* decision which denied citizenship to the
appellant, firmed up the national feeling that “[t]he Negro has no rights which the white
man is bound to respect” (Cottrol et al., p. 22). In 1858, soon-to-be president Abraham
Lincoln expressed the sentiment this way:

> A universal feeling, whether well or ill-founded, can not be safely disregarded. We
can not, then, make them equals . . . I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races [applause]—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people, and I will say in addition to this that there is a physical difference between the black and white races which I believe will for ever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. (Woodward, p. 21)

**A Freedom of Sorts**

The 1863 Emancipation Proclamation freed the slaves, but only those in seceded
states; it would be another two years before the Thirteenth Amendment freed slaves
nationwide (Cottrol et al., p. 23). After emancipation, many Negroes migrated to cities
North and South in repugnance of their former existence, but most remained in Southern
rural areas, war-torn and wounded, according to historian John Hope Franklin (1956, p.
308). Franklin surmises,

> The abandoned lands, the want of food and clothing, the thousands of displaced persons, and the absence of an organized civil authority to cope with the emergency
merely suggest the nature of the suffering. The extent of it among both Negroes and whites can scarcely be imagined. (p. 302)

Freedom alone, without economic backing, left most Negroes no alternative but “to submit to their old masters” (Franklin, 1956, p. 319). At the close of the war, many freedmen gathered in conventions, in pursuit of change and betterment of their conditions (p. 302). What effect these had on former slaveholders is unknown, but according to Franklin, their greatest concern remained controlling the Negro, fearing uprising and vengeance (p. 299). Various “Black Codes” were thus instituted, restricting public meetings, imposing curfews, and prohibiting black ownership of firearms, and the system of slavery would be replaced by one of labor contracts enforced by prison for vagrancy (Cottrol et al., 2003, p. 23). Cottrol argues that these Codes played a major role in the spurring Republican passage of the Fourteenth Amendment (p. 23).

The 14th Amendment, ratified in July 1868, guaranteed all citizens “equal protection of the laws,” free from discrimination. Specifically, Section I of the Amendment read,

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Prosise & Smith, 2001, p. 608)

Democratic opponents of the act argued that it would force associations between black and white, even permit interracial marriage (Cottrol et al., 2003, p. 24). Nonetheless, it was only part of the much larger Reconstruction of the South, “a regime more difficult to bear than defeat,” according to John Hope Franklin (1956, p. 311).
Reconstruction

In several ways, the South was turned on its head in the Reconstruction years following the Civil War. Legally, Southern state constitutions were to be rewritten, and while most Southerners were to be disfranchised, Negroes and loyal whites would enjoy the vote. Each constitutional convention, moreover, contained Negro members, yielding up the most progressive legislation the South had ever known (Franklin, 1956, pp. 311, 316). Republican industrialists from the North, with an eye to the new Southern market, descended where the law had slackened. Claims against “carpetbagging” were not understated, Franklin claims, as “economic revolution, not Reconstruction” set a policy tone where “[t]ariff legislation was more important than civil rights [and] railroad subsidies were more important than the suffrage” (p. 318).

To this end was established the Freedmen’s Bureau, created in 1865 to aid freedmen with supplies, medical services, schools, help with business contracts, and in some cases, the lease or sale of abandoned lands (Franklin, 1956, p. 303). Their largest contribution was to the cause of education and the creation of various schools for freedmen. In many cases, the act was a collaboration of resources between the Freedmen’s Bureau’s Federal funds, Northern philanthropic and religious organizations, including the American Missionary Association, the Baptists, Methodists, Presbyterians, and Episcopalians, and the freedmen themselves (Franklin, p. 304). Knox reports that 4,329 such schools were established by 1868, the Bureau contributing three-and-a-half million dollars, philanthropies, one-and-a-half million dollars, and freedmen themselves, eight hundred-thousand dollars of the $5,879,922 spent (Knox, 1947, p. 274). Among colleges established were Howard University, Hampton Institute, St. Augustine’s
College, Atlanta University, Fisk University, Storer College, and Biddle Memorial Institute, now Johnson C. Smith University (Franklin, p. 304).

On the other hand, the same era saw the creation of several primarily white institutions, as well, including Vanderbilt University, Johns Hopkins University, Leland Stanford University, and the University of Chicago. As Franklin put it, “It was an age of philanthropy” (1956, p. 378). Moreover, the motivations of these benevolent organizations and Northern industrialists were called in to question and seen as an effort to solidify the Republican party in the South, especially among Negro voters. Specifically, the Union League recruited these new Republicans, needing only to remind them which was the party of Abraham Lincoln and deliverance (Franklin, pp. 321-322). Thus, the Freedmen’s Bureau was met with resistance, both in the North, where it was deemed expensive, and in the South where there was serious objection to federal interference (Franklin, p. 303).

Negro Education

To this point, slaves had no formal education, as by 1835 it had become a crime to teach a slave to read in every slave-holding state (Knox, 1947, p. 272). Many slaveholders feared “enlightenment” would lead to rebellion (Knox, p. 272). For others, ignorance ensured a more docile labor force—as one Virginia newspaper warned, “When they learn to spell dog and cat they throw away the hoe” (Thernstrom & Thernstrom, 1997, p. 39). Other slaveholders were impelled by the desire to keep separate white girls and mischievous Negro boys (Irons, 2002, p. 13). Finally, others simply saw no need to educate racially “inferior” blacks in literature, foreign languages, or advanced mathematics (Irons, p. 13).
Such views would be approbated in the 1849 *Roberts v. City of Boston*, 59 Mass. 198 (1849) case before the Massachusetts Supreme Court. That court found that the segregation of schools was a matter left to the “just grounds of reason and experience” of the Boston city school board, not the courts. While acknowledging “that this maintenance of separate schools tends to deepen and perpetuate the odious distinction of caste, founded in a deep-rooted prejudice in public opinion,” the Court nonetheless maintained, “This prejudice, if it exists, is not created by law; and probably cannot be changed by law” (Cottrol et al., 2003, p. 17). The decision was cited as a precedent in myriad cases thereafter, including *State of Ohio v. McCann*, 21 Ohio St. 210 (1871), *Ward v. Flood*, 48 Cal. 36 (1874), *Bertonneau v. New Orleans*, 3 Woods 177, Fed. Cases 1 361 (1878), *Cory v. Carter*, 48 Ind. 337 (1879), *King v. Gallagher*, 93 N.Y. 438 (1883), and *Lehew v. Brummell*, 15 S.W. 765 (1890) (Irons, 2002, pp. 19-23). Each of these cases upheld states’ right to manage their schools as best seen fit to “promote the interest of all” (Irons, p. 19). The last three cited even went on to declare school segregation as “favors to the races designated” (Irons, p. 22) or “a regulation to their great advantage” (p. 23).

Now, however, in the Reconstruction, no rebel state was to be readmitted to the union without repealing laws forbidding Negro education (Knox, 1947, p. 272). In addition, the increase in government spending on education would come largely from taxes on the ex-slaveholding planter class, as they owned more taxable wealth (Margo, 1990, p. 34). Wealthy and middle-class white parents and school administrators insisted, as did the superintendent of schools of Tipton County, Tennessee, “[T]he negro should bear the burden of his own education” (Margo, pp. 36-37). All the while hostilities were being galvanized, Negroes were taking advantage of their new opportunities for
education. Franklin claims that for many, education was “the greatest single opportunity to escape the increasing proscriptions and indignities that a renascent South was heaping upon the Negroes” (1956, p. 377).

**Redemption**

With pressure from Republican industrialists, the Federal government, and three constitutional amendments, opposition in the South found little leverage, save subtle forms of Negro disfranchisement, like poll taxes and literacy tests (Thernstrom & Thernstrom, 1997, p. 30). To ensure illiterate whites were not excluded, various “grandfather clauses” were amended, where such whites may vote, literally, if their grandfather had (Thernstrom & Thernstrom, p. 31). The Negro vote was devastated: In Louisiana, the percentage of eligible male Negro voters fell from 93 to three percent, and to two percent in Alabama (Thernstrom & Thernstrom, p. 31). In other cases, polling places were set at a distance from Negro communities, with closed roads and ferries between them (Franklin, 1956, p. 329). To enforce such measures, organized whites patrolled polling places and generally harassed Negroes as the Knights of the White Camelia, the Constitutional Union Guards, the Pale Faces, the White Brotherhood, the Council of Safety, the ’76 Association, and the Knights of the Ku Klux Klan, as well as Regulators, Jayhawkers, and the Black Horse Cavalry in other parts of the country (Franklin, pp. 322-323). Only in 1915 did the Supreme Court weigh in on such obstructive measures (Thernstrom & Thernstrom, p. 31).

Reconstruction had fomented in different ways “the beginning of a harsh policy toward the South” (Franklin, 1956, p. 301). Nevertheless, the Southern effort to disfranchise the Negro eventually reestablished Democratic control over the South, and in 1877 Reconstruction came to an end, in the “Compromise” or “Stolen Election” of 1876.
Republican Rutherford Hayes secured a one-vote victory when a Democratic member of the commission counting the electoral votes in the disputed election suddenly resigned, after Hayes had promised “kind consideration” on the South (Irons, 2002, pp. 11-12). The South had been “redeemed.”

**Jump Jim Crow**

Historian Peter Irons marks the Redemption of 1877 as the point at which the institution of slavery was replaced by the Jim Crow system of segregation (2002, p. 12). C. Vann Woodward maintains that the Redeemers merely retained the existing segregation practices without expanding its reach, though he acknowledges inconsistencies between and within states (1974, pp. 31, 33). John Hope Franklin identifies the first Jim Crow laws in 1875 in Tennessee trains, depots, and wharves and South Carolina’s outlawing in 1883 of the Civil Rights Acts of 1875 (1956, p. 338). Woodward quotes Sir George Campbell of the British parliament, on visiting the South, remarking

[T]he humblest black rides with the proudest white on terms of perfect equality, and without the smallest symptom of malice or dislike on either side. I was, I confess, surprised to see how completely this is the case; even an English Radical is a little taken aback at first. (1974, p. 37)

Franklin, on the other hand, points out that as early as 1879, thousands of Negroes had left Mississippi, Louisiana, Alabama, and Georgia going North and West, that “there was a veritable stampede to Kansas” (p. 392). At the 1885 International Exposition in New Orleans, one might observe “white and colored people mingled freely, talking and looking at what was of common interest,” according to Woodward (p. 42). As a result, there seems to be no consensus on the true state of race relation in these post-
Reconstruction years. Having cited evidence of amicability between the races in this period, Woodward finally confesses,

> It would certainly be preposterous to leave the impression that any evidence I have submitted indicates a golden age of race relations in the period between Redemption and complete segregation. On the contrary, the evidence of race conflict and violence, brutality, and exploitation in this very period is overwhelming. (p. 43)

Whatever the local status, the Jim Crow system existed, and has been attributed to various causes. Woodward maintains, “conflict of some kind was unavoidable so long as there remained any contact between the races whatever” (1974, p. 44). For others, the phobia about sexual relations between black males and white females remained ample reason to separate the races, though Thernstrom and Thernstrom point out the hypocrisy of such logic: “[U]nder slavery many white masters took advantage of their female slaves, who were powerless to say no. After Emancipation, it was not uncommon for white men to have black mistresses” (1997, p. 42). Others identified the root of Jim Crow as a lower-class white attitude, as a Negro periodical in North Carolina found in 1890: “The best people of the South do not demand this separate car business . . . this whole thing is but a pandering to the lower instincts of the worst class of whites in the South” (Woodward, p. 50). Finally, it is suggested that the relaxation of Northern opposition and Southern liberalism gave rise to Jim Crow legislation (Woodward, p. 69).

**Political Wrangling**

The division of political power in the South at the time was pronounced and decisive, as it had been in securing Southern Redemption. Woodward identifies three competing philosophies: the conservatives (as the Democrats came to be known in the South), Populist radicals, and outright liberals (1974, p. 45). Regarding race, the conservative acknowledged the Negro’s subordinate role, but denied that subordinates
were to be ostracized (Woodward, pp. 47-48). Hoping to tap into Negro discontent over Republican withdrawal from Reconstruction, conservative Democrats “courted, flattered, ‘mistered,’ and honored” Negro voters, yet realized little gain (Woodward, p. 59).

Southern Populists favored “an equalitarianism of want and poverty, the kinship of a common grievance and a common oppressor” (Woodward, 1974, p. 61). The movement’s foremost leader, Tom Watson, would argue:

[T]he colored tenant . . . is in the same boat with the white tenant, the colored laborer with the white laborer . . . [T]he accident of color can make no difference in the interests of farmers, croppers, and laborers . . . [I]f you stand up for your rights and for your manhood, if you stand shoulder to shoulder with us in this fight . . . [We will] wipe out the color line and put every man on his citizenship irrespective of color. (Woodward, p. 63)

The Negro and white populist campaigner alike spoke from the same platforms to audiences of both races, and both had their places on official party tickets (Woodward, p. 65). Franklin reports that there were even instances of alliances formed between the Populists and the remnants of the old Republican organizations (1956, p. 333), yet by 1896, the movement would fold under the weight of such alliances (p. 334).

Strangely, the liberal element in the South was more inclined to sectional reconciliation between the North and the South than the plight of the Negro. To them, the Negro was cause to such differences. Liberals would defend the Southern view of the Negro’s “innate inferiority, shiftlessness, and hopeless unfitness for full participation in the white man’s civilization,” in the pages of Nation, Harper’s Weekly, the North American Review, and the Atlantic Monthly, all in the name of reconciliation (Woodward, 1974, p. 70).

The bi-racial partnership of Populism shortly began to dissolve in much the same frustration, the Southern conservative element having laid into the Negro vote sufficiently
to undo the movement (Woodward, 1974, p. 80). Thus, as in the case of the liberals, it became much easier for the Populist to blame the Negro for their dwindling support and eventual defeat and conciliation with conservative Democrats (Woodward, p. 81). The Negro, through such political wrangling, stood to lose the most.

**Separate But Equal**

Two other major developments occurred before the turn of the century that would bolster the growing cause of white supremacy in the South. In 1891, a “Citizens Committee to Test the Constitutionality of the Separate Car Law” was formed in New Orleans, under the general direction of Louis Martinet, a prominent black lawyer and doctor. Homer Adolph Plessy, refusing to move from a East Louisiana Railway Company train car designated for white passengers, was arrested June 7, 1892 (Margo, 1990, pp. 68-69). The subsequent case brought the issues of equality and segregation to the attention of the United States Supreme Court in *Plessy v. Ferguson*, 163 US 537 (1896), which ruled 7-1 that it lacked the power to impose racial integration, only affirm equality in a “separate but equal” system (Irons, 2002, p. 25). Incidentally, the Court found precedents in each of the aforementioned 1849-1890 cases that cited *Roberts v. City of Boston* (Irons, p. 25). Justice Henry Brown, in the Majority Opinion, held that, “[l]egislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences,” relying instead on the “liberty [of state lawmakers] to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order” (Woodward, 1974, p. 14; Irons, p. 26). These arguments would be crucial to the development of segregation well into the twentieth century.
As surely, the arguments set forth in the case’s lone dissent—that of Justice John Marshall Harlan—would resurface. He insisted that the 13th and 14th Amendments “removed the race line from our governmental systems,” no longer allowing “any public authority to know the race of those entitled to be protected in the enjoyment” (Woodward, 1974, p. 15; Irons, 2002, p. 28). In oft-cited words, he argued, “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful” (Whitman, 1993, pp. 16-17). Consequently, the Plessy decision was derided by one legal scholar as “a compound of bad logic, bad history, bad sociology, and bad constitutional law” (Margo, 1990, pp. 68-69). Nevertheless, its doctrine, “separate but equal,” remained in effect for decades to come, applying legal sanction to all acts of segregation.

A Bloody Shirt

Before the turn of the century, the United States, under Republican leadership, would embark on “imperialistic adventures” in the Pacific and the Caribbean, encompassing “a varied assortment of inferior races, which, of course, could not be allowed to vote,” according to The Nation magazine (Woodward, 1974, p. 72). Southern Democrats immediately recognized the double standard, and their arguments gained strength. Thus South Carolina Senator “Pitchfork” Ben Tillman boasted,

No Republican leader, not even Governor Roosevelt, will now dare to wave the bloody shirt and preach a crusade against the South’s treatment of the Negro. The North has a bloody shirt of its own. Many thousands of them have been made into shrouds for murdered Filipinos, done to death because they were fighting for liberty. (Woodward, p. 73)

The state’s other senator, John J. McLaurin, responded by thanking Senator Hoar of Massachusetts “for his complete announcement of the divine right of the Caucasian to
govern the inferior races,” a position which “most amply vindicated the South” (Woodward, p. 73). For all the turmoil it fomented, Jim Crow seemed to be approbated by the United States’ own policy.

**The Twentieth Century**

If the cause of white supremacy was a regional problem to this point, the turn of the century brought the notion to the national conversation in several ways. Certainly Jim Crow was in full operation by this point, the Negro novelist Charles W. Chestnutt lamenting in 1903, “[T]he rights of the Negroes are at a lower ebb than at any time during the thirty-five years of their freedom, and the race prejudice more intense and uncompromising” (Woodward, 1974, p. 96). “God Almighty drew the color line and it cannot be obliterated,” argued the *Richmond Times* in 1900 in defense of separation (Woodward, p. 96). Still others urged the deportation of Negroes, as did the Charleston *News and Courier* in 1906: “Separation of the races is the only radical solution of the Negro problem in this country . . . There is no room for them here” (Woodward, p. 96). From this movement sprung Marcus Garvey and his Universal Negro Improvement Association, who urged Negro pride in their African ancestry by fleeing America, returning to Africa, and establishing a country of their own in Liberia (Franklin, 1956, p. 481). At any rate, the exodus never fully materialized.

By 1913, residential ordinances, first in Louisville, Baltimore, Richmond, and Atlanta (Franklin, 1956, p. 429), restricted the choice of Negroes to poor neighborhoods, but such laws never humiliated quite like other instances of segregation. New Orleans segregated its prostitutes in separate districts, and in Atlanta, Jim Crow Bibles were used in the courts for Negro litigants (Woodward, 1974, p. 102). A Florida law required that
school textbooks used by one race were to be stored separately from those used by the other race (Margo, 1990, p. 70; Woodward, p. 102). In fact, by this point the only facet of Negro life not impacted by Jim Crow laws, according to C. Vann Woodward, was air travel, a service generally unused by Negroes anyway (p. 102). Thernstrom and Thernstrom (1997), among others, point to variability in Jim Crow laws from place to place, much as Woodward had earlier described during Restoration, and declare such inconsistency to be one of segregation’s worst aspects (p. 44). Cottrol, et al. (2003) charges that “[a]t its zenith this system of segregation would turn Negroes into a group of American untouchables,” calling the system one of “caste” (p. 28).

**Folkways**

Those who instituted the Jim Crow system sought affirmation in the new doctrine of Social Darwinism. Sociologist William Graham Sumner’s 1907 *Folkways*, credited with the lion’s share of the doctrine’s growth, argued, “legislation cannot make mores . . . stateways cannot change folkways” that were “uniform, universal in the group, imperative, and invariable” (Woodward, 1974, p. 103). This and works by Sumner protégés, such as Franklin Henry Giddings and William McDougall, came to represent the dominant American social theory of the early twentieth century, bolstering the cause of states’ rights to white supremacy (Woodward, p. 103). The doctrine would be accepted among a range of professionals, including biologists, sociologists, anthropologists, historians, journalists, and novelists (Woodward, p. 74). Sumner’s logic would survive even decades later. In January 1944’s *Atlantic Monthly*, David Cohn of Mississippi argues,

> It is William Graham Sumner’s dictum that you cannot change the mores of a people by law, and since social segregation of the races is the most deep-seated and
pervasive of the Southern mores, it is evident that he who attempts to change it by law runs risks of incalculable gravity . . . [even] civil war. (Woodward, p. 104)

**Taking Sides**

The social ramifications of this new view would be felt in all areas of life, but particularly in education. In 1893, a U.S. Bureau of Education report stated, “[T]he colored race is only capable of receiving and profiting by an elementary education, which costs comparatively much less than that suitable for the white race in its more advanced stages of civilizations” (Margo, 1990, p. 44). Many feel that no one capitulated to that view more than Booker T. Washington. At his famous “Atlanta Compromise” address to the 1895 Atlanta Exposition, he reasoned, “I believe in industrial education, which tends to make the Negro lose himself in his job. He does not then have so much opportunity to become bitter” (Irons, 2002, p. 30). Many could not support his endorsement of segregation: “In all things that are purely social we can be as separate as the five fingers, yet one as the hand in all things essential to mutual progress” (Franklin, 1956, p. 385). Washington was also criticized for his purely economic path to Negro advancement, he conceding “white men will vote funds for Negro education just in proportion to their belief in the value of that education” (Irons, p. 31). His most outspoken opponent in this regard was W.E.B. DuBois, who argued in 1903’s “The Talented Tenth,” “If we make money the object of man-training, we shall develop money-makers but not necessarily men” (Franklin, p. 388).

DuBois urged full recognition of the Negro, and he and other Negro leaders would gather on Lincoln’s birthday in 1909, calling on “all believers in democracy to join in a National conference for the discussion of present evils, the voicing of protests, and the renewal of the struggle for civil and political liberty” (Franklin, 1956, p. 438). Jane
Addams, William Dean Howells, and John Dewey, among others, would create a permanent organization, the National Association for the Advancement of Colored People (NAACP), which pledged to work for the abolition of segregation, the complete enfranchisement of the Negro, and the enforcement of the Fourteenth and Fifteenth Amendments (Franklin, p. 439). As a majority in America favored Washington’s capitulatory tone, the presence of Dr. DuBois on the staff, as well as the organization’s journal *Crisis*, which he edited, branded the NAACP as radical (Franklin, p. 339).

Around this time, in 1912, Democrat Woodrow Wilson was elected President, and reviews of his service to race are mixed. Cottrol, Diamond, and Ware (2003, p. 39) identify Wilson as a champion of segregation, strengthening its hold on the federal civil service and armed services. Franklin claims Wilson’s first Congress to have received “the greatest flood of bills proposing discriminatory legislation against Negroes that has ever been introduced into an American Congress” (1956; pp. 445-446). Woodward, on the other hand, speaks highly of “the striking success” of Wilson’s progressive reforms, crediting their “vigor” to progressive Southern cabinet members and congressional leaders (1974; p. 92). To be sure, President Wilson led a country at war; but when in 1917, Emmet J. Scott, a Negro, was appointed Special Assistant to the Secretary of War, many feel it was only a response to German propaganda over American-style discrimination (Franklin, p. 449).

For the Negro on American soil, little was changing for the better. Moreover, segregation was generally a national problem by then. Those in the North who did not form their impressions from the realism of the Muckrakers, whom attacked “urban blight” and “numerous other urgent conditions” (Franklin, 1956, p. 431), might have been
impressed by Thomas Dixon’s racist novel *The Clansmen*, or D.W. Griffith’s 1915 film *Birth of a Nation*, based on the Dixon novel (Cottrol et al., 2003, p. 36; Woodward, 1974, p. 86). Romanticized by this view and prevalent social theories of Negro inferiority, the Ku Klux Klan enjoyed a revival that same year of more than 100,000 knights, declaring itself against Negroes, Japanese and other Orientals, Roman Catholics, Jews, and all foreign-born persons (Franklin, p. 471). Cells flourished in several New England States, as well as New York, Indiana, Illinois, Michigan, and other Northern and Midwestern states (Franklin, p. 471). In 1919, more than 70 Negroes were lynched, James Weldon Johnson declaring it “The Red Summer” (Franklin, p. 472). Even returning Negro soldiers, having just tasted and fought for democracy overseas, were lynched, some still in uniform (Woodward, p. 114). Where there was not lynching, there flared riots; Both Franklin (p. 435) and Woodward (p. 114) observe these practices to be as vicious and nearly as prevalent in the North as in the South. American cities at the time saw some 25 riots, in Springfield, Illinois; Longview, Texas; Tulsa, Oklahoma; Elaine, Arkansas; Knoxville, Tennessee; and Chicago, among others (Franklin, p. 473, Woodward, p. 114).

**A Great Migration**

Negroes sought relief from this treatment much as they had during Reconstruction—through migration and education. Stories of returning Negro soldiers being lynched in the South contradicted accounts from New York City, which “seemed never to tire of the apparently endless parade of troops, both black and white, that proceeded almost immediately from their ships to make the triumphal march up Fifth Avenue” (Franklin, 1956, p. 469). Northern and western cities were viewed as “promised lands” and scores of Negroes (as well as whites) made their way there. Most scholars point to the availability of war-time labor positions, though some figure the move was
inspired more by the 1910-1916 boll weevil invasion and destruction of the Southern cotton economy (Reddick, 1947, p. 294; see also Knox, 1947). Margo claims that the North was not prepared for the Negro influx, faced with deplorable conditions and high rents in migrant neighborhoods, as well as its own brand of racial etiquette (1990, p. 114; Myrdal, 1944, p. 196). Regardless, the migration happened and was supported by the National Urban League, created in 1911 to assist and point out opportunities for newly arrived Negroes, with branches in Chicago, Detroit, Cleveland, St. Louis, Philadelphia, and Pittsburgh (Franklin, pp. 441, 465). More importantly, such organization and a relatively more democratic way of urban living inspired a “stimulation of self-respect and racial cohesiveness” among the displaced Negroes (Franklin, p. 476).

**New Negro Movement**

From such organization emerged another display of Negro strength. The “Harlem Renaissance,” or “New Negro Movement,” as Franklin (1956, p. 490) prefers, was born of this first Great Migration, which, according to Margo’s data analysis, “drew its ranks disproportionately from the better-educated segments of the black population” (1990, pp. 49, 112). This Negro literary and artistic awakening of the 1920s and 1930s, which saw the emergence of writers and poets James Wheldon Johnson, Jean Toomer, Countee Cullen, and Langston Hughes, saw an creative explosion in other artistic forms, too. Through music and theater, Negroes found their voice, as Paul Robeson, who, in 1924’s production of Eugene O’Neill’s *All God’s Chillun Got Wings*, marked the first time a Negro had taken a principal role opposite a white woman, a performance free from aftershock (Franklin, pp. 495-498). Not only had New York City long been the center of intellectual and cultural life of Negro America, “Ever since Bert Williams and George Walker reached New York in 1896 and introduced their highly successful vaudeville
team, Negroes had furnished a considerable portion of New York’s entertainment” (p. 499). John Hope Franklin deems 1921’s *Shuffle Along*, “the most brilliant New York had ever witnessed” (p. 495). It was also in New York where T. Thomas Fortune edited his militant *New York Age*, and soon, other Negro leaders made their way to America’s epicenter, eager to enjoy the benefits of urbanization (Franklin, pp. 492-493). Several Negro journals emerged from this period, such as DuBois’s *Phylon, A Journal of Race and Culture*, from of Atlanta University, and the *Journal of Negro Education*, begun in 1931 at Howard University. Its summer edition, a yearbook, became one of the most important sources of information on the historical, sociological, and educational aspects of Negro life, according to Franklin (p. 547).

Besides accomplished literature, celebrated today, the New Negro Movement also aroused sympathy and support among white intellectuals and philanthropists (Woodward, 1974, p. 125). Major periodicals in the New York area, like *Survey Graphic, Current History, The Modern Quarterly, The Nation, The New Masses*, and *The American Mercury*, published Negro thought in multiple formats (Franklin, 1956, p. 497). As surely, there was specific attention being paid to Negro education by both races, to the extent that Myrdal, in 1944, appraising this period, suggested, “The intellectual energy spent on the Negro problem in America should, if concentrated in a single direction, have moved mountains” (p. 27).

Just as during Reconstruction, Negroes saw in education a means to relief of their own power. In the South, conditions remained deplorable for Negro students, the United States Bureau of Education reported in 1917, though the situation was worse in the Deep South than the Upper South, and in more heavily black counties (Margo, 1990, p. 19).
The black-to-white ratio of per pupil expenditures in Alabama, for example, was 0.19, while in Maryland, 0.46. The same measure for heavily Negro-populated counties (50-75% of the population) was 0.14, and 0.58 in counties with a lighter Negro density (10-25% of the population) (Margo, p. 19). Miller (1952) reports the same discrepancy not to have existed in the North and West, where traditionally schools were open to all, tax-supported, utilitarian to a high degree, adaptable to frontier conditions and locally controlled (pp. 285-286).

As more and more Negroes left the South for urban centers, it would present unforeseen problems to the South. Businessmen and community leaders alike were afraid of losing their clientele and their communities (Myrdal, 1944, p. 196). Also, the potential economic benefits of a better-educated Negro labor force would be lost on the South (Margo, 1990, p. 47). Many, including the United States Department of Education reasoned, “With good schools . . . there will be less incentive for the country people to crowd into cities and towns to educate their children” (Margo, p. 48). Genuine push-pull mechanisms were at work on the Negro.

Thus, not unlike Reconstruction, this period saw the establishment of many Negro schools, with the assistance of philanthropic foundations. The Julius Rosenwald Fund (1913-1932) alone aided in construction of more than 5,000 Negro school buildings in 15 Southern states, accounting for more than 30% of all Negro schools in the South (Franklin, 1956, pp. 535-536). Again, though, because 64% of the $28 million came from tax funds, 15% was contributed by the Rosenwald Fund, 4% by interested white persons, and 17% by Negroes themselves (Franklin, p. 535), it was viewed by many as an exercise
in self-interest all around, as opposed to a case of genuine liberalism (Margo, 1990, p. 47).

A New Deal

Much of the political landscape in the 1930s resembled the political wrangling that had marked the 1880s and 1890s. As then, the Negro political segment often determined political outcomes, only this time, their voices would be heard. When in 1928, Herbert Hoover was elected on behalf of a strong Republican showing among the white South, the time had come for the Negro to cut ties with the party of Lincoln, given the Republican willingness to alienate the Negro vote in pursuit of political advantage over the Democrats (Franklin, 1956, p. 514). In the next election, of all the groups that switched to the Democratic party, none moved as dramatically as the Negroes, 76% of whom voted for Roosevelt (Thernstrom & Thernstrom, 1997, p. 65). The dawn of such a move, incidentally, emerged from New York City (Franklin, p. 516).

In the midst of the Great Depression, the great majority of both races in the South, beset by common financial strife, joined the same political party. The new liberal administration appeared to be genuinely concerned with the plight of all depressed, Negro and white (Woodward, 1974, p. 118), but evidence exists on either side. For Franklin, Roosevelt’s program captured the imagination of Negroes as it did most Americans, “his fireside chats [giving] many a feeling of belonging that they had never experienced before” (Franklin, 1956, p. 516). Moreover, Roosevelt associated frequently with Negro visitors, institutions, and organizations (p. 516). The first lady was even more outspoken in this regard, and when she was photographed being escorted by two R.O.T.C. cadets on a visit to Howard University, much stirring ensued: Negroes celebrated the demonstration of equalitarianism of the White House, while Southern
whites circulated the picture to show the willingness of the administration to deal with Negroes (Franklin, p. 517). At any rate, Roosevelt’s cabinet featured several Negro members, earning it the moniker “the Black Cabinet” (Franklin, p. 519).

Roosevelt’s programs received mixed reviews from the Negro community. Some, like the FSA (Farm Security Administration), allowed thousands of Negroes their first ability to purchase land (Franklin, 1956, p. 524). Under the PWA (Public Works Administration), Negro hospitals and other public buildings were constructed, while the WPA (Works Progress Administration) provided material relief and some employment, and was surpassed only by agriculture and domestic service jobs as sources of income for the Negro population (Franklin, p. 526). Under Roosevelt’s Executive Order 8802, the Fair Employment Practices Committee was established to hear complaints of discrimination and take “appropriate steps to redress grievances” (Thernstrom & Thernstrom, 1997, p. 72).

On the other hand, critics point to the failure of some New Deal programs. The CCC (Civilian Conservation Corps) provided much student work, but maintained a strict policy of segregation (Franklin, 1956, p. 526). AAA (Agricultural Adjustment Administration) grants often dissipated or were misappropriated (Franklin, p. 523). The Social Security Act of 1935 excluded agricultural and domestic service workers from its benefits, thus benefiting only one-third of American Negroes (Talese, 1978, p. 64; Franklin, p. 526). The NRA (National Industrial Recovery Act) intention to raise wages had the perverse effect of removing the incentive to hire black workers who would accept lower wages than whites, eliminating by one estimate 500,000 Negro jobs—making it, in the view of the black press, the “Negro Removal Act” (Thernstrom & Thernstrom, 1997,
p. 64; Franklin, p. 523). Some attribute the shortcomings of such relief programs to the strong support Roosevelt received from conservative Southern Democrats, and, in fact, in 1937, Roosevelt opposed an anti-lynching bill (Thernstrom & Thernstrom, p. 67).

Regardless of such criticisms, it is generally agreed that the era in which Roosevelt was able to enact such legislation was marked by a tone of Negro tolerance and liberalism that would not be lost on Negro voters to the Democratic party. National tolerance, on the eve of a second World War, would take on an international presence and urgency, and heat was applied, once more, to the South (Woodward, 1974, pp. 118-119).

**An American Dilemma**

Thernstrom and Thernstrom (1997, p. 70), claim, of the period 1940-1950,

It is not an overstatement to say that no ethnic group in American history has ever improved its position so dramatically in so short a period, though it must be said in the same breath that no other group had so far to go.

Professor of Economics Robert Margo provides a statistical analysis to the same effect, finding “[s]ignificant gains in relative black status since World War Two, as measured by the black-to-white earnings ratio” in “contrast with a period of little change between the turn of the century and the eve of World War Two” (1990, p. 1). To appreciate such changes, it becomes necessary to have in mind a firm sense the Negro’s general status in this period. By far, the most substantial look at such conditions came in Gunnar Myrdal’s 1944 survey, *An American Dilemma*, a 1400-page tome which came to be considered the definitive treatise on the Negro’s past, present, and future. The limit to the insight that may be gleaned from such work is one of time alone.

Myrdal’s first page reads, “There is a ‘Negro problem’ in the United States and most Americans are aware of it” (1944, p. xlv), specifying “When we say that there is a Negro *problem* in America, what we mean is that the Americans are worried about it. It is
on their minds and on their consciences” (p. 26). If this was not the case, it certainly would be after consulting *An American Dilemma*, wherein Myrdal, among other tasks, details the “thousand and one precepts, etiquettes, taboos, and disabilities” in the nation, but particularly in the South, all with “a common purpose: to express the subordinate status of the Negro people and the exalted position of the whites” (p. 66).

Myrdal found that,

Except for a small minority enjoying upper or middle class status, the masses of American Negroes, in the rural South and in the segregated slum quarters in Southern cities, are destitute. They own little property; even their household goods are mostly inadequate and dilapidated. Their incomes are not only low but irregular. (p. 205)

In spite of the claim, Negro gains were realized in this period—economically, if not socially. Thernstrom and Thernstrom (1997) report that in 1940, some 87 per cent of black families were in poverty, but that within a decade, the rate would fall by 17 per cent, and in the 1950s, down to 39 per cent (p. 83). They also provide that in the 1940s, the earnings of the average black man, adjusted for inflation, rose 75%, and in the 1950s, another 45% (pp. 81-82), and that the earnings of white men grew at half that rate in the same decades (p. 82). Gains were realized in employment as well. Where almost three-quarters of a million black families were tenants or sharecroppers in the South in 1930, by 1950, barely half that figure existed (p. 65). Fair Employment Practices Commissions (FEPCs) were established in eleven states and twenty-eight cities in the North between 1945 and 1951 (Patterson, 2001, p. 2). Some 42 per cent of people polled nationwide in 1944 felt “Negroes should have as good a chance as white people to get any kind of job” (Thernstrom & Thernstrom, p. 73).

On the other hand, in the South, segregation persisted in most work and social situations. Negroes were not allowed in libraries, public parks, roller skating rinks,
bowling alleys, municipal swimming pools, public tennis courts, hospitals, motels, hotels, and most conspicuously, restaurants (Thernstrom & Thernstrom, 1997, pp. 41-44. Gunnar Myrdal attested in 1944 that “segregation is now becoming so complete that the white Southerner practically never sees a Negro except as his servant and in other standardized and formalized caste situations” (p. 41).

Where there was trouble between the races, the Negro was afforded little protection from the police or the courts (Myrdal, 1944, p. 530). “[U]nless a white man acquires a reputation for being mean and unjust,” Myrdal found, “his occasional violation of a Negro’s legal rights is felt to be justified or—at most—‘his own business’” (p. 530). Negro-on-Negro crime was dismissed altogether. One Mississippi newspaper editor likened it to “dog chewing on dog and the white people are not interested in the matter. Only another dead nigger—that’s all” (Thernstrom & Thernstrom, p. 48). Nine Southern states by 1944 employed a total of six black police officers, with comparably low statistics for attorneys and judges (Myrdal, p. 543).

In the area of education, Franklin found, “For the last two generations the bulk of Negro children have attended impoverished, small, short-term schools with pronounced inadequacies in every phase of the educational program” (1956, p. 534). While most schools were physically inadequate, in as many as 203 counties in 1938-1939, schools simply stopped short of high school, and in another 87 counties, schools stopped at primary education (Thernstrom & Thernstrom, 1997, p. 38). Moreover, fully one-third of all Negro teachers in the same period had no high school diploma (Thernstrom & Thernstrom, p. 38). Expenditures per pupil in the South were less than half the national average, and as little as one-thirteenth the amount spent per white pupil in the same areas
(Thernstrom & Thernstrom, p. 37). To be sure, Negroes saw educational improvements, particularly as they migrated to urban centers, where there was more taxable wealth to spend on education (Franklin, 1956, p. 534).

Perhaps the American institution most asserted to represent democratic ideals of liberty and equality is education, and the desire for tasting such democracy may serve to explain the relief Negroes sought in it during the Reconstruction and again in the 1920s and 1930s in education. It was the determination of most Negroes to effect desegregated schools, they being “the logical, legitimate offspring of a democratic culture,” historian Lawrence Reddick noted:

Its father and mother are the Declaration of Independence and the Constitution of the United States. To continue the figure, the separate school, in those places where it is not legal, therefore is not only a paradox and a contradiction but the bastard child of the old whore, race prejudice. (1947, p. 300)

All of America, not Negroes alone, stood to gain from desegregated schools: “Let us not forget that white students and teachers have much to learn from their contacts with their Negro students and fellow teachers. They, too, need to learn to live in One World” (Reddick, p. 300).

Negroes, too, Myrdal assured, “are under the spell of the great national suggestion” (1944, p. 4), and they gave ample voice to Myrdal’s observation. For James Wheldon Johnson, “The race question involves the saving of black America’s body and white America’s soul” (1934, p. 318). Elsewhere, Johnson revealed that “the dwarfing, warping, distorting influence which operates upon each and every coloured man in the United States [is that . . . ] He is forced to take his outlook on all things, not from the view-point of a citizen, or a man, or even a human being, but from the view-point of a coloured man” (1927, p. 21).
Myrdal presents a compelling synopsis of Jim Crow segregation, whereby degrees of white liberalism regarding such practices may be rank-ordered:

The relative significance attached to each of those measures is dependent upon their degree of expediency or necessity—in the view of white people—as means of upholding the ban on ‘intermarriage.’ In this rank order, (1) the ban on intermarriage and other sex relations involving white women and colored men takes precedence before everything else. It is the end for which the other restrictions are arranged as means. Thereafter follow: (2) all sorts of taboos and etiquettes in personal contacts; (3) segregation in schools and churches; (4) segregation in hotels, restaurants, and theaters, and other public places where people meet socially; (5) segregation in public conveyances; (6) discrimination in public services; and finally, inequality in (7) politics, (8) justice and (9) breadwinning and relief. The degree of liberalism on racial matters in the white South can be designated mainly by the point on this rank order where a man stops because he believes further segregation and discrimination are not necessary to prevent “intermarriage.” (Whitman, 1993, pp. 25-26)

The more notable concept of Myrdal’s, however, is the notion alluded to in the title of his treatise, *An American Dilemma*. In his words,

*The ‘American Dilemma,’ referred to in the title of this book, is the ever-raging conflict between, on the one hand, the valuations preserved on the general plane which we shall call the ‘American Creed,’ where the American thinks, talks, and acts under the influence of high national and Christian precepts, and, on the other hand, the valuations on specific planes of individual and group living, where personal and local interests; economic, social, and sexual jealousies; considerations of community prestige and conformity; group prejudice against particular persons or types of people; and all sorts of miscellaneous wants, impulses, and habits dominate his outlook.* (1944, p. xlvii, italics in original)

The Carnegie Corporation, the sponsor of his study, perhaps could detect the presence of such a double standard, insisting for their research on Myrdal, a Swedish economist, “someone ‘in a nonimperialistic country with no background of domination of one race over another’ who, presumably ‘would approach the situation with an entirely fresh mind’” (Myrdal, p. xviii). Implied in Myrdal’s statement is the presence of an overall American Creed: “When the American Creed is once detected, the cacophony becomes a melody,” he observes, noting that the United States, more than any other
Western country, has “the most explicitly expressed system of general ideals in reference to human interrelations” most noticeably in “high-sounding generalities in all written or spoken addresses to the American public” (Myrdal, p. 1). For practical purposes the main norms of the American Creed, based primarily on the Declaration of Independence, are the beliefs in equality and in the rights to liberty, the rights to liberty being derived from equality (Myrdal, p. 8). The status afforded the Negro in America represented for Myrdal, “nothing more and nothing less than a century-long lag of public morals” (p. 24). Professor Reddick extends Myrdal’s “dilemma” to include labor, women, the foreign-born, and the Negro (1947, p. 291), but he was not the only one to observe the discrepancy. Communist propaganda had exposed to the world American discrimination and injustice to discredit capitalism and democracy, an effort causing “genuine and practical embarrassment to the State Department” (Woodward, 1974, pp. 130, 133) and the nation (Cottrol et al., 2003, p. 99; Jenkins, 1952, p. 414). Both Franklin (1956, p. 565) and Woodward (pp. 133, 135) describe Roosevelt’s June 1941 Executive Order 8802, halting discrimination in employment of workers in defense industries or government, and the appointment of numbers of Negroes to posts in the Foreign Service of the Department, as a response to such pressure. As late as 1952, such Communist claims would emerge, when the Soviet ambassador denounced, in the murder of black suspect in Groveland, Florida, the same American dilemma.

As world war did break out, Negroes took up the issue. The Pittsburgh Courier, the nation’s largest Negro newspaper, waged a “Double-V” campaign—victory at home over discrimination as well as abroad over Axis powers (Franklin, 1956, p. 581). “Our war is not against Hitler in Europe, but against the Hitlers in America,” wrote columnist
George Schuyler in the same paper. “Our war is not to defend democracy, but to get a democracy we never had” (Thernstrom & Thernstrom, 1997, p. 70). The NAACP’s journal, *Crisis*, echoed the indignation (Thernstrom & Thernstrom, p. 70), though, according to John Hope Franklin, no publication favored rising Socialism, Negroes being “among the earliest and most energetic” Americans to condemn the fascism in Europe (p. 561). Those who fought overseas did so in Jim Crow units; even then, most of those troops were relegated to labor duties rather than actual combat (Thernstrom & Thernstrom, p. 71).

**Another Great Migration**

The Second World War, as the First, spurred a second Great Migration of Negroes from South to North, country to city, many in pursuit of labor jobs the war provided. Negro newspapers, like the *Chicago Defender*, encouraged Negroes to join in “The Flight Out of Egypt,” even printing the lyrics of songs like “Bound for the Promised Land” and “Going into Canaan” (Thernstrom & Thernstrom, 1997, p. 55). Chicago would be one of a handful of urban centers that stood to gain numbers, and in the 1940s, the Negro populations of Chicago, Detroit, New York, and Los Angeles each grew by more than 100,000, while cities like Baltimore, Newark, Cleveland, Philadelphia, St. Louis, and Washington, D.C., gained from 30,000 to 90,000 (Irons, 2002, p. 39). The Negro urban presence was most pronounced in New York City, which alone claimed 16.9 per cent of all Negroes living in the North and the West. If the Negroes of Chicago, Philadelphia, Detroit, Cleveland, and Pittsburgh were added to those of New York, the proportion rises to 47.2 per cent (Myrdal, 1944, p. 183). All told, four times as many Negroes migrated during the Second Great Migration than in the First (Thernstrom & Thernstrom, p. 80).
Several appraisals exist of the difference in Negro treatment between the North and the South. Myrdal found the Negro problem to be “always present though relatively quiescent” (1944, p. 27), adding, “social segregation and discrimination is equally true in the North and in the South, though in this respect, as in all others, there is more segregation and discrimination in the South, and thus the phenomenon is easier to observe” (Whitman, 1993, p. 22). To be sure, Negroes were shut out of “white” neighborhoods, restaurants, beaches, and some schools, though not through the “elaborate code” of racial etiquette found in the South (Thernstrom & Thernstrom, pp. 53, 56). Mays alluded to “the legal segregation of the Negro in the South and . . . the traditional segregation of the Negro in the North” (1950, p. 420), \emph{de jure} and \emph{de facto} in legal terms (Patterson, 2001, p. xx). Thernstrom & Thernstrom provide poll data corroborating such views: Where 57 per cent of Northerners felt in 1942 “There should not be ‘separate sections for Negroes on streetcars and buses’,,” only four per cent of Southerners agreed (1997, p. 141). While 42 per cent of Northerners agreed the same year “[It] Would not make a difference to them if a Negro with the same income and education as you moved into your block,” 12 percent of Southerners felt so (1997, p. 141). Myrdal attributes regional differences to a more rapid tempo of life, constant changes, and the feeling of progress in the North, all of which would push the Negro problem into the background (1944, p. 45). “The whole caste system has big holes in the North,” he notes (p. 46). Zora Neale Hurston, in her autobiography, claims, “[T]he North adds the insult of insincerity to its coldness” (Patterson, 2001, p. 8). Lawrence Reddick alludes to “[t]he rude shock that comes with the discovery, upon an actual visit, if that is possible, that Canaan is not quite Canaan,” but, he adds, “it is a grave error to surrender to that sentiment and
conclude as did one clergyman that ‘when it comes to the treatment of the Negro, the only difference between the North and the South is the weather”’ (1947, p. 290).

For its shortcomings, the North still provided opportunities for advancement unforeseen in the South, of which Reddick (1947, p. 290) enumerates the following:

1. The law is on the Negro side in his fight for equal rights;
2. The Negro is not disfranchised;
3. There is no pro-slavery, ‘lost cause,’ ‘terrible Reconstruction days’ tradition;
4. The general social and intellectual development is comparatively higher.

Though the Northerner preferred to be separate from the Negro, he saw little need to subordinate him, being relatively indifferent, “[a]nd this is precisely the way the Northern Negro feels about the average white Northerner” (Reddick, p. 296).

The urbanization of the Negro afforded him an increasing presence, and in turn, the power of the Negro vote became ever more striking. Eighty-seven per cent of those who had migrated settled in states holding together three-quarters of the electoral votes (New York, New Jersey, Pennsylvania, Ohio, Illinois, Michigan, and California) (Thernstrom & Thernstrom, 1997, p. 89). While well under one hundred thousand Negroes voted in the 1940 election, over a million cast their ballot in 1952 (Thernstrom & Thernstrom, p. 89). Even in the South, it may be noted, Negroes voted in this period to a greater extent than ever before (Jenkins, 1952, p. 418). The Democratic party would stand to gain most from this voting bloc, a complete reversal from a hundred years earlier (Woodward, 1974, p. 129).

To Secure These Rights

The first benefactor of that political turnaround was Harry Truman, in whose presidency Negroes found a sympathetic ear. He had won the 1948 election, in spite of the breakaway of Southern Democrats, or Dixiecrats, under Strom Thurmond, who
abhorred the increasingly liberal stance of the Democratic party (Thernstrom & Thernstrom, 1997, p. 92). As president, Truman created various commissions to report on social conditions, such as 1946’s Commission on Higher Education, which reported the following year that “there will be no fundamental correction of the total condition until segregation legislation is repealed” (Woodward, 1974, p. 135). 1947 saw the creation of the Committee on Civil Rights, which also called for the elimination of segregation from American life (Woodward, p. 136), citing in its report To Secure These Rights, “incontrovertible evidence . . . that an environment favorable to civil rights is fostered whenever groups are permitted to live and work together” (Patterson, 2001, p. xiv). Out of such commissions emerged a barrage of civil rights legislation, including the enactment of Fair Employment Practices Commission (F.E.P.C) laws, the outlawing of poll taxes and lynching, the elimination of segregation in interstate transportation, a law to enforce fairness in elections, the establishment of a permanent civil-rights commission, an executive order to end discrimination in federal employment as well as segregation in the armed services (Woodward, 1974, p. 126). Such legislation was generally unpopular in the South, enough so, eventually, to take four states of the lower South out of the Democratic party altogether (Woodward, p. 136). Jackie Robinson’s 1947 move from the Kansas City Monarchs in the Negro Leagues to the Brooklyn Dodgers in what had been the previously all-white National League symbolized the presence of new opportunities for Negro equality and provided the impetus for further change (Cottrol et al., 2003, p. 97).

The increased organization of the Negro in urban centers during this period materialized legally, as well. The NAACP, the group most responsible for effecting legal
change in Negro causes, grew threefold in number of local branches, and ninefold in membership in the years from 1940 to 1946 (Thernstrom & Thernstrom, 1997, p. 90). As a result, the courts, chiefly but not exclusively the federal ones, began taking on racial questions, rather frequently ruling in favor of the advancement of the Negro (Franklin, 1956, p. 591). One Supreme Court ruling, *Smith v. Allwright* (1944), forced states to allow blacks to vote in primary elections (Patterson, 2001, p. 3). *Morgan v. Virginia* in 1946 saw the same court outlaw segregation on interstate transportation, and in 1948, restrictive housing covenants excluding Negroes from “white” neighborhoods met the same fate in *Shelley v. Kraemer* in 1948 (Woodward, 1974, pp. 141-142).

The upward movement of the Negro signified another trend, which Myrdal observed in 1944: “It is evident, however, that for a long time the Negro protest has been rising. This trend became sharply accentuated during the First World War. The present War will, in all probability, increase their discontent with their status in America,” warning elsewhere that “not since Reconstruction has there been more reason to anticipate fundamental changes in American race relations, changes which will involve a development toward the American ideals” (p. 26, xix; italics in original). Other agencies like the Church, both Negro and white, became involved in matters of race, issuing statements and adopting policies urging the elimination of segregation and discrimination (Myrdal, p. 11; Franklin, 1956, p. 595). By 1952, Jenkins further observed in the South the presence of “‘cultural sports’ if you will, who are ready not only to accept but to work for racial integration. They are to be found at all class levels and at all ages but particularly among the younger generation” (p. 419).
On the other hand, the same spirit of reform did not receive the same urgency in the presidency policy of Republican Dwight Eisenhower, who demonstrated instead a preference for state over federal action (Woodward, 1974, p. 138). “Certain things are not best handled by punitive or compulsory federal law,” he once remarked, echoing the Sumnerian thesis of half a century before: “I don’t believe you can change the hearts of men with laws or decisions” (Woodward, p. 139). The Negro still impacted party politics, though, as Arthur Krock pointed out in the *New York Times* August 10, 1952 (p. E3). Then, the Democratic party evinced much the same right-left split on race issues it had during the late 1800s. Moreover, candidate Adlai Stevenson’s nomination of Senator John J. Sparkman of Alabama as his running-mate triggered protest among Negro voters. Prior to Eisenhower’s election in 1952, a representative group of Negro churchmen had announced their satisfaction with his “plans to champion so-called civil rights,” an endorsement that was sure to diminish the disaffected Southern Democratic support for Eisenhower. As Krock put it, “The presidential nominees of the quarreling bands must soon pluck over-all strategies from these beds of party nettles. And vital to each strategy is the choice—for concentrated campaigning—of the voting areas which, barring a landslide, can produce victory or defeat” (p. E3). Despite Eisenhower’s relative indifference while in office, the increasing Negro presence would usher in a concerted drive for legal reparations to the American Dilemma, particularly in the field of education, the site of his betterment to this point.

**The Fight For Desegregated Schools**

Each summer edition of the *Journal of Negro Education* was designated as a yearbook, focusing on a specific, timely issue in Negro education. In 1947, the journal’s contributors commented on “The Availability of Education in the Negro Separate
School.” Therein, editor Charles Thompson argued, based on employment statistics of white versus Negro doctors, dentists, pharmacists, lawyers, social workers, and engineers, “On the whole Negroes have had only about one-fourth the educational opportunity afforded to whites in the same school systems, as indicated by the product turned out,” but that “relatively no progress has been made in the direction of equalization of transportation of pupils to school, or in the provision of capital equipment” (1947, pp. 264, 265, 267). He acknowledged gains in Negro teachers’ salaries and in graduate education (pp. 267, 268), but pressed on, “that we could and should begin now in the graduate and professional fields, gradually working down to lower levels. . . . a sensible sort of gradualism” (p. 268). Both Franklin (1956, p. 540) and Woodward recognized the trends in graduate education, the latter providing that by 1953, Negroes had been successfully enrolled in 23 publicly supported colleges in Southern or border states at the graduate level, and in 10 at the undergraduate level, “[a]ll this [being] done without violence or serious resistance” (1974, p. 145). Woodward adds that no such integration had yet taken place in the five states of the lower South (p. 145).

As in the mid-1800s, many in the South still felt that ”Education causes the Negro to seek political equality because political leads to social equality and social equality leads to intermarriage,” as one prominent Alabama attorney put it in 1946 (Thernstrom & Thernstrom, 1997, p. 39). A poll in 1942 supported the position, a mere two per cent of Southerners agreeing “White students and negro students should go to the same schools” (Thernstrom & Thernstrom, p. 18). Now, at the 1952 Journal for Negro Education conference, Harry Ashmore, executive editor for the Arkansas Gazette, described the current Southern conservative position:
[T]he white southerner’s willingness to see the Negro advance in the field of education does not extend, except in the case of a small minority, to acceptance of the fact that he might do so side by side with white children and under the same roof. This I believe to be the attitude of the average white Southerner—even though I recognize even as I use the term how dangerous an oversimplification it could be. (pp. 252-253)

In Sumnerian fashion, he stated to the conferees, “I only suggest that what we are dealing with finally is a state of mind which is, and is likely to continue to be, beyond the reach of any court order” (p. 255).

In the North, the same 1942 poll found 40 per cent of Northerners supporting mixed schools (Thernstrom & Thernstrom, 1997, p. 18). There, as Reddick noted, “the concentration of Negroes in particular neighborhoods makes predominantly Negro schools quite ‘natural’” (1947, p. 297). Still, asked why they chose to move North, participants in both Great Migrations often pointed to the greater educational opportunities for their children (Thernstrom & Thernstrom, p. 62). For Howard University President Benjamin Mays, segregation in both regions was equally detrimental to the morale of Negro children, “who grow to manhood accepting the system, in which case they aspire to limited, racial standards; or they grow up with bitterness in their minds” (1950, p. 420).

By the 1950 Journal of Negro Education conference, participants adopted a tone of restless urgency and, in some cases, internal disagreement (Jenkins, 1952, p. 415). W.G. Daniel, a professor of education at Howard University, exhorted the Negro, within the bounds of law, to “find legal means for challenging any law which is unjust. Where restrictions are removed they must learn to take advantage of every opportunity” (1950, p. 391). Where Daniel urged that “caution must be exercised in holding schools responsible for a large measure of social change” (p. 394), another conferee in 1950 held
that the school “is expected to take over a large part of the training of the maturing individual,” recommending instead an concentrated emphasis on the Negro’s proud ancestry and history (Brown, p. 384). Others, like Miller, argued for substantial improvements in Negro separate schools, questioning “whether in a mixed school the same number of Negro students would have been able to participate,” he urging, as did Booker T. Washington, support for “vocational schools which will prepare them for work which they can do and for which there is employment opportunity” (Miller, 1952, p. 289, 291).

Many of the same arguments, most in favor of outright desegregation, could be found in the Negro press, whose presence had increased steadily following World War Two, many created from of the lack of coverage afforded the Negro in the white press at the time (Franklin, 1956, p. 550). Myrdal (1944, p. 37), Mays (1950, p. 425), Franklin (1956, p. 550), and Woodward (1974, p. 86) would identify a trend among the white press to report on Negro crime, but little else, though Mays would observe, in 1950, “the white press is coming to the support of the Negro press…[and] even in the deep south is beginning to present the news of the Negroes in a fair and impartial manner” (p. 425). NAACP attorney Thurgood Marshall would credit “wide newspaper coverage and discussion in the daily press, the weekly magazine, the professional magazines and college newspapers” with “play[ing] a large part in making it possible for the Negro students to be admitted without incident, to have no trouble while in school, and to encourage other public and private colleges and universities to open their doors to qualified Negroes” (1952, p. 326). Marshall, at that time Chief Counsel for the NAACP,
would be one of many NAACP players to bring the case of desegregation through an arduous path to the Supreme Court.

The NAACP

Established in 1909, the NAACP fought most of its battles in court, first in cases of lynching and transportation discrimination. By 1929, the association’s main target would be educational segregation (Irons, 2002, p. 30). Two distinct phases may be observed in the organization’s strategy. The first demanded equalization of Negro schools with their white counterparts, on the assumption that the cost of such efforts would be unbearable to local school systems, forcing them to abandon the dual system (Whitman, 1993, p. xx; Irons, p. 51). The second strategy attacked segregation head-on, as violative of the Fourteenth Amendment, aiming first at graduate education, the property of a state rather than a local community (Whitman, 1993, p. xxi; Irons, p. 53). Those precedents would create a trickle-down effect, eventually ending segregation in all schools, and then society at large (Marshall, 1952, p. 326). Given the restless urgency afoot, the second strategy would earn the assent of the NAACP. As Jenkins would express it, “So far as Negro leadership is concerned, the doctrine of ‘separate and equal’ facilities is dead as an objective or as a satisfactory solution” (1952, p. 420).

From this point on, the fight to end segregation in public schools would enter the legal arena, from which it would not reemerge until the Brown decision in 1954. Within those legal sessions occurred a unique dialectic, in two respects. First, the back-and-forth of the legal system, through briefs, opinions, and dissents, presents the most obvious contemporary manifestation of Greco-Roman dialectic deemed by Plato and Aristotle as the crucial first step of rhetoric. The NAACP, itself a legal body, functioned by way of dialectic. Alfred Kelly, who helped Chief Counsel Marshall draft responses to the Court’s
questions, revealed that “[his] role, it appeared, was to challenge him repeatedly, to fight and quarrel with him, attack his history and constitutional law as unsound, and so on” (Whitman, 1993, p. 224). Moreover, these same arguments that would appear within the courtrooms would be the very same arguments—regional, political, economic, historical, educational, psychological, and social—that had been levied for the past one hundred years, of which we have sufficient acquaintance at this point.

Hence, the remainder of this chapter documents and analyzes court briefs, oral arguments, and legal history of the Brown fight, commencing in 1950. The references that follow rely in large measure to Mark Whitman’s (1993) impressive collection, with commentary, of the Brown court record, including preliminary cases, from 1950-1954. The main arguments, or premises, which we have mostly already seen, are indicated by a theme in italics, as ”social consequences.” The same arguments are referenced, for the remainder of this chapter only, like so: (Brown, p. 67). In these instances, the reference cited is to the case in which an argument occurred, whether a lower court or Supreme Court case, and the page in Whitman’s (1993) record on which the reference occurs. All other references will be indicated normally. To further appreciate the evolution of these arguments, we consider in tandem the New York Times as a participant in the dialectical exchange, as manifested in their editorial comments and columns. Given more time, we may have profited equally from a review of the concurrent news treatment, but such is not available to this study. Nevertheless, the ensuing arguments, opinions, and commentary are precisely and exquisitely rhetorical.

**Legal Action, Round One: The Graduate Schools**

One June 5, 1950, the Supreme Court laid the foundation for the toppling of segregated schools. In two separate cases, *Sweatt v. Painter*, 339 US 629 (1950) and
McLaurin v. Oklahoma State Regents, 339 US 637 (1950), the Court ruled in favor of their Negro plaintiffs. In the former, a Negro petitioner asked for admission to the University of Texas Law School, arguing his education in a separate Negro law school to be unequal. In the latter, a 68 year-old doctoral candidate, George McLaurin, asked for equal treatment in the University of Oklahoma Graduate School, where he was separated from his class in an anteroom, with similar discriminate arrangements in the library and cafeteria (Patterson, 2001, p. 3).

In those two cases, the NAACP had invoked arguments (Whitman, 1993, pp. 28-32):

1. against states’ rights to make race a legislative classification;

2. that segregation is *per se* unequal, quoting Truman’s *To Secure These Rights* that “not even the most mathematically precise equality of segregated institutions can properly be considered equality under the law;”

3. based on evidence of psychological consequences, that feelings of prejudice are developed in youth, not birth, and that in a segregated system, this “imposes a badge of inferiority upon the segregated group;”

4. of social consequences, that the segregated society will reflect the same inferiority, quoting Myrdal’s *An American Dilemma* (1944, p. 643):

> Segregation and discrimination have had material and moral effects on whites, too. Booker T. Washington’s famous remark, that the white man could not hold the Negro in the gutter without getting in there himself, has been corroborated by many white Southern and Northern observers . . . Even the ambition of Southern whites is stifled partly because, without rising far, it is so easy to remain ‘superior’ to the held-down Negroes;

and

5. of the social consequences to democracy, which suffers if all are not equally equipped through education “to live intelligently as well as productively.

Though the two cases involved different petitions, one for school admission, the other for equal treatment, the Supreme Court entered onto the record these general arguments (Whitman, 1993, pp. 33-35):
1. in terms of physical equality, the University of Texas Law School was “superior” (Sweatt);

2. in terms of intangible equality, the University of Texas Law School and the white students at the University of Oklahoma possesse[d] to a far greater degree those qualities which are incapable of objective measurement but which make for greatness in a law school. Such qualities, to name a few, include reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions and prestige. It is difficult to believe that one who had a free choice between these law schools would consider the question close (Sweatt);

3. of the social consequences in denying the petitioner the ability to obtain an advanced degree in education,

   to become, by definition, a leader and trainer of others. Those who will come under his guidance and influence must be directly affected by the education he receives. Their own education and development will necessarily suffer to the extent that his training is unequal to that of his classmates (McLaurin);

and

4. that the equal protection clause of the Fourteenth Amendment requires Sweatt’s admission to the University of Texas Law School, and that discrimination against McLaurin desist.

These arguments would be among the earliest leveled against the “American Dilemma” of segregation in education and would reemerge in variations, and among others, in the NAACP public school segregation cases to come.

*The New York Times* responded to the decisions the next day, June 6, 1950, in an editorial, “Separate But Equal” (p. 28), offering a realistic, if not pessimistic, defense of Sumner’s thesis, that the decisions “will not of themselves change folkways overnight … [that t]here are, sad to say, more or less subtle ways of achieving [segregation].” The editorial approved the decision as “good,” but suggested that the responsibility for the implementation of desegregation fall to “the more liberal elements in the Southern states to see to it as well as they can that the broadening out of human rights is accomplished
with as little friction as possible,” implying an supposed danger in desegregation. Two years later in the 1952 Journal of Negro Education yearbook, Thurgood Marshall would report “that in each university case the local white student bodies have openly shown their willingness to accept Negro students. Despite dire predictions of horrible catastrophes by die-hard state officials, the admission of qualified Negroes has been smooth and without incident” (p. 320).

In the next eight months, as the NAACP began arguing public school segregation cases in the lower courts, the New York Times would comment on segregated schools four more times. The September 10, 1950, editorial (p. 144), “At Jefferson’s University,” would acknowledge the relatively smooth transition Marshall later observe, calling graduate school integration an “important step in the abolition of segregation,” but then suggesting that the idea was not the Court’s, but “was persuasive to thoughtful Americans of both races long before the courts began to write their anti-segregation decisions.” The same editorial goes on to salute Thomas Jefferson’s University of Virginia’s appropriate move in the face of communist challenges to American racial policies.

Two months later, a November 8, 1950 editorial (p. 27), “Negroes at College,” continued to celebrate successful, smooth integration, observing “a perceptible change in atmosphere,” particularly “the shifting climate of Southern opinion,” where integration “is beginning to be accepted, grudgingly perhaps, as normal.” The editorial acknowledges at the end the issue to be “not only in the South, by the way.” Only now did the Times acknowledge, “[t]he most important single factor in this process has been, of course, the decisions of the Supreme Court.”
New Years Day, 1951, would witness another editorial (p. 152), “Carolina’s Decisive Case,” wherein the Times, much as in the case of the University of Virginia, observed the University of North Carolina to be “in a position to accept the court decision with grace,” noting, “It has been a tower of enlightenment in the South. For decades books have been coming from its press that have spread understanding of interracial perplexities and promoted tolerance.” It should be observed, though, that these two upper South universities were located in a relatively more tolerant section of the South.

The final Times editorial to address school segregation in this period, January 28, 1951’s “Democracy Is Color-blind” (p. E8), applauded the National Association For Colored Graduate Nurses, which had terminated its own existence, feeling the need for such an organization to promote the interests of Negro nurses to have passed. The editorial then contrasted “this pleasant report” with reports of a major appropriations bill in the Georgia Legislature, which specified that no state funds could be used for educational purposes unless a particular institution enforced segregation, and a challenge to desegregation from South Carolina Governor Byrnes. Having previously not addressed these Deep South states editorially, this editorial lamented “And so it goes. There is progress, but it is slow,” replacing an earlier tone of optimism with one of cynicism.

**Legal Action Round II: The Lower Courts**

Around this time, the NAACP had undertaken the five district court cases that would eventually form the composite Supreme Court case, *Oliver Brown et al. v. Board of Education of Topeka, KS*. Each case occurred in a different region of the country, and each exhibited different local conditions and considerations (Irons, 2002, p. 134). *Briggs v. Elliot* opened in Clarendon County, South Carolina, more than 70 percent black but governed entirely by whites. *Davis v. County School Board of Prince Edward County*
took place in Prince Edward County, Virginia, closely balanced in race, with a substantial number of black farmers who owned their land. *Belton v. Gebhart*, in New Castle County, Delaware, occurred in the most northerly of the seventeen states that imposed school segregation. *Brown v. Board of Education of Topeka*, in Kansas, segregated only a few hundred of its quarter-million public school students in four elementary schools. Finally, *Bolling v. Sharpe*, in the nation’s capital, whose Negro residents were more educated and affluent than many southern whites, was a different type of case altogether. Segregation would be outlawed in the District of Columbia with the others, but that case would be argued separately as a “Due Process” case, the District of Columbia being under Congressional, rather than state, jurisdiction (Irons, p. 144). As such, it is lightly regarded in histories and reviews of the overall Supreme Court case. Therefore, it will be sparingly addressed from this point on, though implications from the other cases may be drawn where lapses exist.

Because of such different regional conditions, various arguments were leveled on either side in these lower court cases, some carried over from the earlier graduate school cases, others germane to the cases at hand. The best way to sift through such arguments would be to examine the opinions handed down in each case, presuming the arguments contained therein to be the most persuasive to each judge. Moreover, these opinions would form the basis for the briefs later submitted to the Supreme Court.

**The Psycho-Social Arguments**

First, it is essential to consider an exegesis of the psychological and sociological arguments in these lower court cases, as in all five, such testimony was taken from professionals in those fields—in support of both sides. This testimony, we will see, would play a significant role in the judicial opinions to be examined.
In all but one case (*Brown*), Dr. Kenneth Clark testified on behalf of the NAACP. The director, with his wife Mamie, of a Manhattan center for treatment of children with personality disturbances, Clark had also been a part of Gunnar Myrdal’s research team ten years earlier (Whitman, 1993, pp. 48-49; Patterson, 2001, p. 43). Thus, he was fairly well known in academic circles (Patterson, p. 43). The psychological research, on which he testified, involved experiments with Negro and white dolls, identical in every respect save skin color, which he presented to Negro children in the sites of each case, asking the following questions, in order: “Show me the doll that you like best or that you’d like to play with,” “Show me the doll that is the ‘nice’ doll,” “Show me the doll that looks ‘bad’,” followed by “Give me the doll that looks like a white child,” ”Give me the doll that looks like the colored child,” and “Give me the doll that looks like you” (Whitman, 1993, pp. 49-50). In the *Briggs* case, as an example, eleven of sixteen children chose the brown doll as the “bad,” consistent with Clark’s results elsewhere, which he interpreted to mean “that the Negro child accepts as early as six, seven or eight the negative stereotypes about his own group,” and that “a fundamental effect of segregation is basic confusion in the individuals and their concepts about themselves conflicting in their self images,” producing as a *psychological consequence*, the imposition of a “badge of inferiority” on the Negro (Whitman, pp. 49, 50). On cross-examination, the defense would argue that Dr. Clark did not examine any white children in Clarendon County (Whitman, p. 51).

Such would be the pattern of psychological and sociological testimony in this and the other cases, and a barrage of professionals, on behalf of the NAACP, would add the following arguments:
1. that segregation has negative psychological consequences on intellectual and educational development (Davis, Whitman, p. 64; Brown, p. 60);

2. that educational segregation has psychological consequences on white children as well (Davis, p. 62);

3. that because it has legal sanction, such segregation supports and strengthens racial prejudice (Davis, p. 63, 70; Brown, p. 60);

4. that irreparable damage is caused to children exposed to segregated education for 10 or 12 years (Davis, p. 63; Brown, p. 61);

5. that such segregation has sociological consequences, in that the affected Negro:

   is more likely to be apathetic, or, perhaps in some rare cases, rebellious. He is less capable of cooperative, effective collaboration in the solution of his problems realistically, and, furthermore he presents to the white person the characteristic picture of the so-called Negro stereotype of an individual who brings on himself the prejudice of the majority white group (Davis, Whitman, p. 65; Brown, p. 67);

   and

6. that the school as an institution is essential for promoting citizenship in a democratic society (Davis, p. 66; Brown, p. 67, p. 71).

Rebuttals to such testimony would come in two forms. First, law review journals issued their opinions on the validity of the NAACP’s findings. The Yale Law Journal, for example, argued in 1952, “The unhealthy symptoms revealed by the doll tests cannot, however, be traced with certainty to educational segregation” (Whitman, 1993, p. 55). Next, the professional testimony would be directly countered—in one case, Davis v. Prince Edward County in Virginia, whereby the state would summon professional witnesses of its own (Whitman, 1993, p. 73), whose arguments on behalf of the case for segregated schools may be summarized as follows:

1. that states’ rights allow for segregation in, for example, Virginia (Whitman, p. 74, 77);

2. that one social consequence of desegregation would be the mass movement of “an indeterminable, but probably large, number” of white students from public to private schools—“and there simply aren’t enough” (p. 74);
3. that a further social consequence would be “extremely great pressure to abandon the present commendable program of providing . . . much better schools for the Negroes” through equalization efforts (p. 75);

4. that the psychological consequences cited by the NAACP witnesses are based on flawed research, because a proper study would be “extremely difficult to perform,” requiring the scientific rigor of validity and reliability (p. 76);

5. that legal sanction has no bearing on the way segregation is received (p. 79);

6. that in other “separate” school arrangements (boy/girl, Catholic/Jewish, etc), no psychological consequences have been observed (p. 80);

7. that the Negro would receive positive psychological consequences in the equal, segregated school, that, as one witness put it;

[H]e would be more likely to develop pride in himself as a Negro, which I think we would all like to see him do—to develop his own potentialities, his sense of duty, his sense of art, his sense of histrionics. The same witness said of such potential, I would like to see it happen. I think it would be poetic justice. They would develop their sense of dramatic art, and music, which they seem to have a talent for—athletics—and they would say, ‘We prefer to remain as a Negro group.’ (p. 82);

and

8. a corollary to the last, that negative social consequences of “animosities, disturbances, resentments, hostilities, and inferiorities” would develop in a mixed school (p. 83).

These psychological and social findings would, be at best, sparingly alluded to in the decisions of the district court judges in each of these cases, but they would resurface in substantial ways in the Supreme Court.

Here, in the lower courts, however, the final decisions against the NAACP in four these five cases (all but Belton v. Gebhart) would turn on the following amalgam of arguments:

1. against the precedents of McLaurin and Sweatt, to these judges fundamentally different from the cases at hand (Briggs, Whitman, p. 94);

2. in favor of the precedence of seventy-five years of segregation policy:
It is hardly reasonable to suppose that legislative bodies over so wide a territory, including the Congress of the United States, and great judges of high courts have knowingly defied the Constitution for so long a period or that they have acted in ignorance of the meaning of its provisions (Briggs, p. 95);

3. in favor of states’ rights to formulate legislative policy “in realistic approach to the situations to which it is to be applied” (Briggs, p. 94; also Davis, p. 98);

4. that the jurisdiction of such a decision is legislative, not judicial (Briggs, p. 4);

5. that the jurisdiction of such policy falls not to the district courts, but to the Supreme Court. The Belton court, the only one to uphold the NAACP’s petition, reasoned, “The application of Constitutional principles is often distasteful to some citizens, but that is one reason for Constitutional guarantees. The principles override transitory passions” (Belton, p. 102); and

6. that equalization of educational facilities for Negro students is a sufficient remedy, “all the relief that they can reasonably ask” (Briggs, pp. 95, 96; also Davis, p. 99).

In all but the Belton v. Gebhart case, the plaintiffs were denied their petitions. In the Belton case, the inequality of Negro schools was acknowledged, with the intention that the matter be formally settled in the Supreme Court. In a press statement following the decision in that case, NAACP counsel Thurgood Marshall claimed, “This is the first real victory in our campaign to destroy segregation of American pupils in elementary and high schools” (Irons, 2002, p. 116).

Here forms the balance of the court findings in favor of the NAACP cases (including those from a dissent in the Briggs case):

1. in Delaware, inequality was found in Negro schools (Belton, p. 102);

2. that states rights do not allow for racial classifications (Briggs, p. 96);

3. that segregation is per se inequality, it being more important “to strike at the cause of the infection and not merely at the symptoms of the disease” (Briggs, pp. 97-98);

4. that the social consequences of segregation are grave “at this time when our
national leaders are called upon to show the world that our democracy means what it says” (Briggs, p. 98);

5. that equalization is insufficient, and Negro admission to the superior schools is warranted (Belton, p. 103);

6. that the immediate afforded by the Constitution demands immediate remedy (Belton, p. 103; Briggs, p. 96); and

7. Perhaps the most important development in favor of the NAACP was the Brown court’s Finding of Facts, particularly “Fact IV,” that the psychological consequences presented in court—“a badge of inferiority,” the detriment to intellectual development, and the heightened impression of legal sanction are acknowledged (pp. 100-101).

Legal Action, Round III: The Supreme Court

The composite case that was heard before the Supreme Court Oliver Brown et al. v. Board of Education of Topeka, 347 U.S. 483 (1954), more so than the lower court cases, involved a barrage of legal tactics and strategies that are less germane to the issue of segregation, and more to the judicial system itself, the attorneys on either side citing previous judicial errors and laundry lists of precedent cases in their arguments. Though the cases were argued separately, we may as before amalgamate the arguments on either side, recognizing many of them to be restatements of the earlier arguments. It is nevertheless critical to note their evolution in the process. Moreover, their reoccurrence indicates their significance in the “reconstitution” of the ultimate case against segregated schools, as surely as their significance in the dialectic of segregation we have here reviewed.

Generally, the NACCP argued:

1. that states’ rights do not allow for racial classifications, and that “[t]he Fourteenth Amendment was adopted for the express purpose of bringing that ‘way of life’ to an end” (Davis, p. 154; also Brown, p. 120-121; also Briggs, p. 136);

2. that the psychological consequences of inferiority found to exist in
McLaurin and Sweat are displayed in the present cases, referring to the lower court’s “Fact IV” (Brown, p. 123; Briggs, p. 135);

3. that the other psychological consequences presented in the lower court cases may be summarized in an attachment to all five case briefs, entitled “The Effects of Segregation and the Consequences of Desegregation: A Social Science Statement” (p. 125), and that the opinions therein are shared by “a large majority (90%) of social scientists who replied to a questionnaire concerning the probable effects of enforced segregation under conditions of equal facilities,” adding the caveat, “The problem with which we have here attempted to deal is admittedly on the frontiers of scientific knowledge. Inevitably . . . differences of opinion [are] of a relatively minor order” (pp. 124-125);

4. that effective equalization would require Court involvement in supervising the daily operation of the public schools (Briggs, p. 136; Davis, p. 155); and

5. that immediate protection be offered now, in the form of admission to the superior schools (Briggs, p. 137; Davis, p. 155; Belton, p. 159).

The appellees, or defense representing the segregated school systems in each case, generally argued:

1. that states’ rights allow for segregation, as in Virginia “to prevent violence and reduce resentment” (Davis, p. 151);

2. that where equalization is present, sufficient remedy is provided (Brown, p. 125);

3. that the precedent of the Plessy case applies “to any social situation wherein the two races are brought in contact” (Brown, p. 126);

4. that the psychological consequences statements in “Fact IV” are couched only in broad and general language; it makes no specific or particular reference to any of the appellants,” and that “[t]here is no specific finding that segregation has had a personal detrimental effect upon any of the appellants” (Brown, p. 127);

5. that the jurisdiction of segregation policies is legislative, not judicial (Briggs, p. 138);

6. that the psychological consequences revealed were not scientifically rigorous, that “At most, there is a conflict. The social traditions of half the nation should not be overthrown on such surmise and speculation” (Davis, p. 151; also Briggs, p. 138);

7. that there are positive social consequences in mixed schools, ironically
quoting out of context W.E.B. DuBois from a *Journal of Negro Education* article, that “theoretically, the Negro needs neither segregated schools nor mixed schools. What he needs is education” (*Briggs*, p. 141); and

8. that the negative *social consequences* of desegregation, including private schooling, would hurt Negroes more (*Davis*, p. 152).

After the cases were introduced, the Supreme Court would take up deliberation only three days later. A day before that, December 14, 1952, the *New York Times* would treat the occasion in triplicate: “The Nation,” from the Washington Bureau, a column from Arthur Krock, and education editor Benjamin Fine’s “Education in Review.” “The Nation” (p. E1), framed a historical review of the Fourteenth Amendment, around which the case would turn, as well as “the main arguments advanced by the two sides,” in terms of subheads “Civil Rights,” “Effects of Segregation,” and “Effects of Ending Segregation.” The column went on to predict, somewhat cynically, that “If the court takes a stand at all, observers feel, it will lie somewhere between these two extremes” of upholding and outlawing “the separate but equal” doctrine. Krock, in “Issue of Segregation Is Clearly Drawn” (p. E3), discussed the historicity of the case as “the most acute political, social and constitutional issue growing out of the race problem in this country since the Dred Scott decision in 1857 . . . [an event which] led directly to the election of Lincoln as President in 1860, and the War Between the States.” Having observed the briefs, Krock then predicted four possible outcomes to the *Brown* case, though acknowledging the actual decision to be far off. Finally, Fine (p. E9), pointed out the psychological tack the cases were taking, pointing out the NAACP statement attached to the briefs, then speculating on what impact desegregation might have on the South.

As it turns out, Fine was nearest reality in his assessment. The justices on December 13 were roughly evenly divided, by one count 5-4, another 6-3, in favor of
outlawing segregation, according to notes by Justices Jackson, Burton, Clark, and Douglas (Whitman, 1993, p. 167). The hesitation was generally with regard to possible Southern reaction. In what amounted to ordering another round of arguments, to take place in the next judicial term, Justice Frankfurter drafted and ordered in June of 1953 a set of five questions to be researched and answered by both sides, as well as the Attorney General of the United States, who would presumably be impartial towards the matter (Whitman, pp. 173-174; Irons, 2002, p. 135). The five questions tipped the Court’s hand. Briefly, they sought the intent of the framers of the Fourteenth Amendment (whether or not they had considered segregation in education), whose jurisdiction it was to settle such a case, and, assuming that segregation was outlawed, the manner in which the decree and the subsequent adjustment should proceed.

A week later, on June 14, 1953, the New York Times editorialized on the reargument order. In “The Paradox of Segregation,” the Times pointed out the gravity of Myrdal’s dilemma. By ordering a reargument, the Court “said to the nation that faces the perplexities of segregation and the paradox it poses in our democracy that on this question as it applies to the public schools there is no doctrine of infallibility available” (p. E10). The editorial recognized “change in race relations in the South, where the Negro population is concentrated, has been swift in recent years” and credited the most significant gains to “voluntary steps the South has taken,” not “the compulsion of the courts.” “A climate of growing tolerance,” said the Times, “suggests that, whatever the decision of the court may be democracy has nothing to fear from more democracy.”

Three months later before the reargument would occur, Chief Justice Vinson suddenly died of a heart attack, and soon thereafter, President Eisenhower would appoint
a new Chief Justice, Earl Warren. Some speculated this appointment would tip the scales in favor of the NAACP once reargument began.

Whitman (1993) speculates that on reargument, the NAACP’s change of tenor and tack to attack segregation directly, much in the increasingly restless spirit of the time, was “prompted in part to be sure by the immersion in Reconstruction history” (p. 244). The NAACP answered the first two questions: the separate but equal doctrine was “unsupported by reason, contrary to the intent of the framers, and out of tune with present notions of constitutional rights” (Whitman, pp. 252-253). For the remaining questions, the NAACP maintained that the Fourteenth Amendment demanded immediate protection—Negro admission to white schools. Conceding administrative delays, the NAACP suggested the beginning of the next school year to be sufficient time for such remedies (Whitman, pp. 268-269). Regarding the predicted social consequences of integration, the NAACP stated flatly, “Obviously this Court will not be deterred by threats of unlawful action” (Whitman, p. 270).

The United States’ brief was prepared by Philip Elman, an acquaintance of Justice Frankfurter’s, who revealed in a 1987 *Harvard Law Review* article that before the reargument was ordered, “If the issue was inescapably presented in yes-or-no terms, [Justice Frankfurter] could not count five votes on the Court to overrule *Plessy* (Whitman, 1993, p. 273). Prosise and Smith (2001, p. 606) notes that the Supreme Court had generally “chosen to speak with unanimity when its ruling causes a sea change in the law or affects the operation of other branches of the government.” Additionally, Elman reveals that Frankfurter wanted a ruling that came with the approval of both the Democratic Truman and Republican Eisenhower administrations (Whitman, p. 273). It
might be noted here that of the nine judges, five were Roosevelt appointees—Hugo
Black, Stanley Reed, Felix Frankfurter, William Douglas, and Robert Jackson—while the
remaining four had been appointed by President Truman—Fred Vinson, Harold Burton,
Tom Clark, Sherman Minton (Whitman, pp. 109-111). With the appointment of Earl
Warren by President Eisenhower, a single Republican sat as Chief Justice. The same
eight judges, incidentally, had unanimously decided the _McLaurin_ and _Sweatt_ cases
(Whitman, pp. 111-112).

The Supplemental Brief for the United States argued:

1. that the _social consequences_ of segregation, particularly in Washington,
   D.C., were embarrassing and “furnishes grist for the Communist propaganda mills, and it
   raises doubts even among friendly nations as to the intensity of our devotion to the
democratic faith” (Irons, 2002, p. 136). The brief quoted Truman’s 1947 _To Secure These
   Rights_ report: “Foreign officials are often mistaken for American Negroes and refused
   food, lodging and entertainment” (Irons, p. 136);

2. that _states’ rights_ allow for “a pragmatic approach [to desegregation] based
   on a knowledge of local conditions and problems can determine what is best in a
   particular place (Whitman, pp. 262-263);

3. that the _jurisdiction_ of the implementation of desegregation falls to “the
   appropriate court of first instance,” or the original lower court from which the case came;

4. that _immediate protection_ requires implementation be “as expeditiously as
   the circumstances permit; . . . [and that] a period of one year be allowed from receipt of
   this Court’s mandate” (p. 263).

In oral arguments, the United States acknowledged that in their own opinion,
“constitutional rights are found to have been violated” in these cases (p. 264).

In late 1953, roughly a month after the reargument session, the _New York Times_
would address the issue thrice more before the Supreme Court’s final ruling. On
November 22, 1953, Washington correspondent L.A. Huston, in an article “Segregation
Arguments Put Before High Court” (p. E4), revisited the political ramifications of an
Eisenhower endorsement for desegregation on which Krock had speculated two years ago before Eisenhower was elected President. Now in office, “How Mr. Brownell [an Eisenhower cabinet member] will get off the horns of this dilemma is a matter of considerable speculation in Washington,” reports Huston. On December 13, 1953, “The Nation” (p. E1) reproduced two paragraphs of a June 13, 1886, Times’ article covering the Thirty-Ninth Congress’s adoption of what later became the Fourteenth Amendment, followed by a review of the current “rearguments” presented to the Supreme Court, “For Segregation” and “Against Segregation.” Finally, December 27, 1953, saw Benjamin Fine’s “Education in Review” (p. E7) speculates not on the decision yet to emerge, but on the reaction of the South, posing the notion, “It is difficult, of course, to think of this country without public schools, but that is a possibility in some parts of the nation.” These same journalists, incidentally, would receive the Brown assignments.

Unanimity

In framing its final decision, the general view of the Supreme Court was stated by Chief Justice Warren: “How we do it is important . . . [M]y instincts and feelings lead me to say that . . . we should abolish the practice of segregation in the public schools—but in a tolerant way” (Whitman, 1993, p. 280). Only Justice Stanley Reed was opposed to Warren’s position, and even into April, was reported to have been drafting a dissent (Whitman, p. 282). Eventually, Warren told Reed, “Stan, you’re all by yourself in this now. You’ve got to decide whether it’s really the best thing for this country,” and Reed concurred (Whitman, p. 283). Chief Justice Warren delivered the opinion the morning of May 17, 1954, and it is reported that nowhere in the ruling does the word “unanimous” appear, but that Warren inserted it on reading the opinion (Irons, 2002, p. 163). The arguments on which the opinion ultimately turned are:
1. that the research efforts intended to shed light on the formulation of the Fourteenth Amendment, “[a]t best . . . are inconclusive,” and that “[w]hat others in Congress and the state legislature had in mind cannot be determined with any degree of certainty;” that further, the conditions under which the Amendment was framed were entirely different. Moreover, “[i]n the South, the movement toward free common schools, supported by general taxation, had not yet taken hold” and “in the North, the conditions of public education did not approximate those existing today;”

2. that the precedence of the Plessy doctrine of “separate but equal” had remained in force because the issue of the constitutionality of segregation had not been raised. The opinion said, in all six cases that had appeared before the Supreme Court involving the “separate but equal” doctrine in public education since the Plessy case, “the validity of the doctrine itself was not challenged;”

3. that equalization of tangible factors in the segregated schools has no bearing on their decision;

4. that equal protection can only be measured by today’s standards, “in the light of [public education’s] full development and its present place in American life throughout the Nation;”

5. that the social consequences of education make it “perhaps the most important function of state and local governments,” as “the very foundation of good citizenship . . . [and] a principle instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment;”

6. that intangible factors, "those qualities which are incapable of objective measurement but which make for greatness in a law school" (here quoting the McLaurin decision) are as applicable in the grade and high school setting. Moreover, the psychological consequences testified to in the lower court cases are recognized, that “[w]hatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority.” At this point, the opinion refers to Footnote 11, reproduced below, on which the Court would base its psycho-social considerations:

that, in light of the above, the segregation is *per se* unequal, a doctrine captured in the opinion’s most notable line: “Separate educational facilities are inherently unequal,” in violation of the *equal protection* clause of the Fourteenth Amendment.

Essentially, the *Plessy* ruling had been overturned by the uppermost body of justice in the country. As for implementation, decrees and remedies in a class action case, the Court found, “presents problems of considerable complexity.” The cases were thus “restored to the docket, and the parties are requested to present further argument . . . It is so ordered.” The Court had kept its hands relatively clean, in order to avoid potential backlash to an about-face in its own doctrines. But the Court had risen, unanimously and without another opinion, to the crucial step of declaring segregation’s unconstitutionality, ending one hundred years of legal sanction since 1849’s *Roberts v. City of Boston.*
CHAPTER 6
MAY 18, 1954: A CLOSE READING

In the previous two chapters, we have established to some extent the “realm of legitimate discourse,” or, for Aristotle, possible topoi—“sites of persuasion,” or even, “premises”—available to the Times on the issue of the Supreme Court’s May 17, 1954, decision (though surely there are others). We may even be able to predict the Times’ response, given the contextual richness we now share as informed readers. But that is not our task. Let us enter, you and I, into the sacred ritual, taking up the New York Times, on this day, May 18, 1954, a Tuesday. It looks as if they have finally outlawed “separate but equal”—right there, front page.

Page One

That space reserved for the most important news of the day merits its own brief consideration, it being first and thus fundamentally indicative of news “significance”—but also, for the general tone it sets for the rest of the Brown coverage.

Page One, Formally

Of thirteen page one news stories, four are dedicated to the Brown decision, two of these occupying the coveted upper right hand corner reserved for the day’s most important items (See Appendix for the Brown coverage in full.) Earlier, the Times’ first three columns on the left carried the big news of the day, followed generally by foreign news, national news, city news, and a short dispatch from Brooklyn, but by 1954 the right had become the prominent corner (Shepard, 1996, p. 19). Rightmost on May 18, Washington correspondent Luther A. Huston in “1896 RULING UPSET: ‘Separate but
Equal’ Held Out of Place in Education” reports the most significant “straight news” aspects of the Court’s decision. In column five, John N. Popham from Chattanooga, Tennessee, documents the relatively subdued tone in the “South’s” reaction, in “REACTION OF SOUTH: ‘Breathing Spell’ for Adjustment Tempers Region’s Feelings”—though not without discrepancies, we will see. These two tombstones flank the page’s sole photograph, a two-column shot of three lawyers representing the appellants (that is, Negro students) jovially celebrating the decision on the steps of the Supreme Court building, the partial phrase “EQUAL JUSTICE UNDER” aptly framing the scene. The other two Brown stories fill out the two rightmost columns of the page, to the bottom.

Of the remaining nine stories, five pertain to Communist matters, regarding the suspension of the McCarthy hearing, the appearance of Communist arms in Guatemala, the Soviet occupation of Vienna, and peace settlements in Indo-China (two stories). The significance of Communist issues to the Times’ news agenda is recognized in two other ways, as well. Most obvious, the McCarthy story has earned the third of the Times’ traditional three-line front page head, albeit in mixed-case lettering: “McCarthy Hearing Off a Week as Eisenhower Bars Report.” The main head above announces the Brown
decision in two lines, all-capitalized:

**HIGH COURT BANS SCHOOL SEGREGATION; 9-TO-0 DECISION GRANTS TIME TO COMPLY**

Before and during World War Two, many Times’ front page heads dedicated all three lines to the main story of the day, particularly in matters of war, and each was all-capitalized. The ongoing McCarthy storyline had captured many front page headlines in this period. As James Reston observes,
Many newspapers condemned him [McCarthy] on their editorial pages but gave him plenty of space on the front pages, which had more effect on public opinion. … His charges may not have made sense, but they made headlines and they sold a lot of papers. (1991, p. 216)

On this day, McCarthy split the bill with the historic Brown ruling.

The significance of Communism to the 1954 news agenda can also be found in the lowest-positioned of the four page one Brown stories: “'Voice’ Speaks in 34 Languages To Flash Court Ruling to World.” This story reports on the timely (“Within an hour”) Voice of America broadcast of news of the Brown decision to sites around the world. Though the transmission was translated into thirty-four languages, only thirteen countries, each a Communist nation, are indicated in the roll call (complete with times) of broadcasts, which runs over on page 15. Furthermore, the lead to the story only specifies “Eastern Europe.” Incidentally, page 15 is devoted otherwise to the full text of the Court’s decision, and a photograph of the lineup of justices, lending a commensurable level of “officiality” to the Voice of America (VOA) story. In the jump on page 15, it is revealed that supplementary “background material” in the VOA broadcasts included “a history of the steady advancement of the Negro in the United States in the economic and political fields,” along with “commentary” to explain why certain parts of the United States have had segregation in public schools and others have not. They point up the fact that the issue was settled by law under democratic processes rather than by mob rule or dictatorial fiat.

If there was any doubt the effort was intended to counter Communist propaganda, the article then reveals, “Both the background broadcasts and the commentaries receive top priority on the Voice’s programs. They will be beamed possibly for several days, particularly to Russian satellites and Communist China.” The “Communist” theme, not the concern of the Voice of America alone, would resonate throughout the Times edition.
After all, Myrdal had pointed out during the war, “There is a disturbing racial angle to the Second World War, and to the planning for a world order after the War, for which the United States is bound to assume a great responsibility” (1944, p. 517).

The fourth Brown story, “RULING TO FIGURE IN ’54 CAMPAIGN: Decision Tied to Eisenhower—Russell Leads Southerners in Criticism of Court,” positioned under the photograph, finds Washington correspondent William S. White covering the reaction of Congress to the decision, as well as the “profound political implications . . . [which] became clear at once.” The story, primarily a reaction piece, suffers some of the same faults as Popham’s Southern reaction story, to be noted in the section below.

Of the page’s remaining four stories, two originate in New York City, covering the city’s municipal college Board of Education search for a Chair, and two defeated city tax proposals, while the final two stories report on national court cases, one in New Jersey and another in Washington, D.C. These are assumed to be the most important city and national news items of the day, but are unrelated to any other story on the page, or the study at hand.

By way of the main head and photograph, the reader’s eyes are naturally drawn to the right half of the page where the Brown items are located. Likewise, the reader of a newspaper in English is prompted to read from top to bottom. That being the case, these four news stories (among thirty-eight) on the Brown decision are not only the most significant, in accord with Times’ policy, but they are perceived that way as well. Thus, the reader is formally presented the Brown decision foremost as a matter historic, Southern, and political, not only in reading the headlines and subheads, but also based on the material in these stories.
Page One, Materially

The Huston article, “1896 RULING UPSET,” captures the main “straight news” aspects of the case. Other articles in the edition duplicate much of the same information, but not in a single story. A second subhead directs the reader to page 15 for a full-text rendering of the Court’s ruling, making that page, perhaps, the second most important of the Brown coverage. The article is written in plain-style, a classical rhetorical term discussed below in the section on “Style”—essentially, it refers to “everyday language” in our own parlance. The information presented is accurate, according to the record of our context, detailing, in order, the Court’s unanimity, that twenty-one states and the District of Columbia are affected (though not identifying these), the restoration of the case to the docket to hear arguments of implementation, the 1896 Plessy v. Ferguson decision thus overturned, that four separate cases had been consolidated, and key quotations from the ruling. The story jumps to a single column on page 14, buried among five other long columns, and contains additional pertinent details, but these are lost on the reader who prefers to read page one fully before proceeding. As a result, the details “missed” include quotations from the Fourteenth and Fifth Amendments central to this case, a list of the seventeen states practicing full segregation in their public schools, that two sessions comprised the hearing, and a play-by-play rendering of the Court’s reading. Again, these details would be duplicated in other stories, and thus might not be lamented in their relegation. It may be for the better, as such inconspicuous positioning “buries” Huston’s brief lapse into opinion. Near the end of the article, page 15, Huston specifies “The Supreme Court adopted two of the main premises” of the appellants’ case, though there were surely others indicated in the case and the ruling; he also indicates “[t]wo principal
surprises”—the Court’s unanimity, and the appearance of Justice Robert Jackson, expected to be in absentia due to illness.

John Popham’s “REACTION OF SOUTH” article (p. 1) presumes to cover a substantial beat—“the South.” The article collates brief articles from Times’ correspondents in nineteen states, but not until page twenty, where the story continues, and takes up most of the page. Back on page one, in paragraph three, Popham selects comments of “Southern leaders of both races in political, educational and community service fields” from “a wide range,” leaving the reader to wonder whether the views of Southern leaders can be representative of the blanket designation “SOUTH.” He delineates that range as: “Some spoke bitter words that verged on defiance. Others ranged from sharp disagreement to predictions of peaceful and successful adjustment in accord with the ruling,” presenting a rather one-sided scale. The dedicated reader will discover on page 20 more reactions tending toward “peaceful and successful adjustment” than the former grim classifications, assuming the reader makes it that far. “Three of the most illustrative viewpoints” for Popham come from South Carolina Governor James F. Byrnes, Georgia Governor Herman Talmadge, and spokesman Harold Fleming of the Southern Regional Council, “the most effective interracial organization in the South.” An informed New York Times reader in 1954 might know that the former two were perhaps the most “vicious,” (Myrdal, 1944, p. 468), most outspoken Southern leaders on the issue. James Nabrit, on hearing Arkansas Gazette editor Harry Ashmore’s talk on the Southern conservative position regarding school segregation at the 1952 conference for the Journal of Negro Education, even referred in his own talk to Ashmore as a representative of the “Talmadge Group” (p. 421). Governor Byrnes’ response, to
Popham’s credit, is carefully balanced, he being both “shocked” as well as “urg[ing] all of our people, white and colored, to exercise restraint and preserve order.” Unfortunately, the response of Talmadge, who “repeatedly has vowed ‘there will never be mixed schools while I am Governor,’” is revealed on page one in this foreshortened manner: “. . . has warned that school integration would lead to ‘blood-.” The rest of the quotation, “shed,” follows on page 20, but the sense the reader gets of the page one portion, though perhaps not intentionally contrived or inaccurate, is editorially dramatic. On page 20, for those who arrive, it is revealed under the same “REACTION OF SOUTH” head in a subhead that “‘Georgians Will Fight,’” another snappy selection from a larger Talmadge quotation, rather than a summary of Georgian views. After that, Popham reports, “Governor Talmadge made no statement of any plan to call for a special session of the Legislature to act on a recently adopted resolution to do away with public schools in Georgia if segregation was ruled unlawful,” a status hardly productive of “blood” or “bloodshed.” (In fact, we will learn in an inconspicuous page 22 article, “Anti-Bias Trends Listed In Survey,” that nothing approaching violent bloodshed has been the case where desegregation has already taken place. Thus, we have conflicting propositions within the same edition.)

In addition, the Southern Regional Council, while no doubt effective, was hardly the “most” so, as Popham claims. The NAACP had argued school desegregation cases for at least four years before, including all five of the current cases, and countless other cases in defense of Negro causes since 1909. Gunnar Myrdal found the group “without question the most important agency for the Negroes in their struggle against caste” (1944, p. 819). It is unclear why the Times would not appropriately feature NAACP efforts. Its
leadership (though not membership) is both intellectual and interracial, reflecting to some
degree the *Times*’ readership. Also, the NAACP is headquartered in New York City
(Myrdal, p. 820), making for ready access. Nevertheless, it may be the case that the
group’s misattributed “radicalism” was uncomfortable to a *Times* so clearly opposed to
Communism. At any rate, the NAACP was not recognized on the first page, and only
briefly alluded to in a few inner news stories.

Finally, Harold Fleming’s response is carried, if not lost, to page 20. Before his
view is revealed, though, he is introduced in this way: “Mr. Fleming’s organization on
April 10 received from the Fund for the Republic, an independent agency established by
the Ford Foundation, a grant of $240,000 to assist it in bettering the South’s race
relations.” The description seems out place in a “REACTION OF SOUTH” article,
overextending the diminished, self-interested role of Northern philanthropy, we have seen
from the Reconstruction through the 1950s. The article then provides no insight into the
Southern Regional Council’s program. As one might suspect, Fleming applauded the
decision, and Popham recognizes such in ample quotations. In one, Fleming entertains
hope for a smooth transition, “[i]f the demagogues can be curbed,” and while it is not
within Popham’s latitude to address Byrnes and Talmadge in that manner, he could not
claim to be unaware of their recognition in the South as such in selecting the “most
illustative” responses. While the qualifier “most illustrative” admittedly does not
promise “typical” Southern responses, the relationship of those selected to the blanket
statement “REACTION OF SOUTH” is editorially selective and inaccurate.
The remainder of the Popham article spans all eight columns of page 20, detailing “comments and reactions from states affected by the Supreme Court’s decision,” separated by subheadings. Beforehand, Popham loosely summarizes the results:

For the most part the border states seemed to be taking the court decision with calmness. . . . It was in the Deep South that the expressions of bitterness and recommendations from lower political levels for immediate legislative action to thwart the Supreme Court ruling were heard.

Afterwards, the reader must determine himself the mechanism by which the briefs are ordered: South Carolina, North Carolina, Texas, Maryland, Kansas, Tennessee, Missouri, Arkansas, Alabama, Kentucky, Virginia, West Virginia, Georgia, Louisiana, Mississippi, Delaware, Florida, Oklahoma, Arizona. The order would not be of much concern, until the reader learns that most of the briefs read generally the same, inspiring one, perhaps, to move on, due to redundance and monotony. If that is the case, an opinion formed on the basis of the first few would be generally inaccurate, as they feature some of the more “bitter” comments, while those near the end are among the most liberal. Such a presentation, though, is consistent with the misleading tone of the article, and it might be added, the lone picture around which the page 20 article wraps is a split image of, who better, Governors Byrnes and Talmadge, under the catch-all heading “Southern Leaders Comment on Segregation Decision.”

In the last Brown article on page one, William S. White of the Washington bureau points up the political implications of the decision for the upcoming mid-term Congressional elections of 1954. The story stands as perhaps the most singularly interpretive story in the edition. It is not clear how “[i]t became clear at once—and by both parties was accepted in private as inevitable—that the court’s action would figure importantly in the coming Congressional election campaigns,” especially when
“[p]ublicly, however, the Republicans and the non-Southern Democrats, on the whole maintained silence.” The implications are drawn from White’s observations of “[t]he Southerners, all angry or sorrowing in one degree or another, [who] were quickly articulate and split among themselves into three factions,” though the categories he assigns could hardly be verified. The first, “by all the indications not a large one,” would be represented by Senator James O. Eastland of Mississippi, perhaps the third triumvir of Southern demagoguery, along with Talmadge and Byrnes. Eastland, in the only quotation that makes the cut before the story jumps to page 20, says, “The South will not abide by nor obey this legislative decision by a political court.” The second Southern group, completely bereft of quotation, nevertheless “began to threaten efforts to force an alteration of its views.”

White’s interpretation to this point, were it founded on concrete distinctions, would be still undermined by the generalization found in the third head, “Russell Leads Southerners in Criticism of Court,” the statement referring to all Southerners (rather than even “Southern members of Congress”); the same South may be summarized as “all angry or sorrowing.” The degrees of conflict White intends to identify have coalesced to one—between a defiant South and all others. What is lost in the jump to page 20 is the “third and more moderate group” who would disagree but accept the decision. Relegating this group’s view to the jump is suspect, especially considering this position “appeared to be the more generally backed of the three Southern positions,” though the second group, led by Senator Russell, is so indicated in the story’s third headline. Furthermore, the third group had been the very one the Times had, earlier in a June 6, 1950, editorial (“Separate But Equal,” p. 28) vested with the responsibility for smooth implementation of
desegregation, charging “the more liberal elements in the Southern states to see to it as well as they can that the broadening out of human rights is accomplished with as little friction as possible.” In another editorial, from June 14, 1953 (“The Paradox of Segregation,” p. E10), the Times had already recognized “change in race relations in the South, where the Negro population is concentrated, has been swift in recent years” and had even credited the most significant Negro gains to “voluntary steps the South has taken,” not “the compulsion of the courts,” and that in the South, “a climate of growing tolerance … suggests that, whatever the decision of the court may be democracy has nothing to fear from more democracy.”

Counter to the generalizations he has offered, White finally confesses, “there had not been time tonight to arrive at anything approaching full inquiry among the whole run of the Southerners,” and later, “[t]onight, nothing resembling any all-Southern position of resistance to the court’s finding had been raised.” A more full sample of reaction would have enhanced the accuracy of White’s statements; here scrutiny is sacrificed to timeliness. White’s interpretations, though signed, are not identified as such and the edition predates the Times’ “News Analysis” designation.

For reasons we have stated, page one represents a microcosm of the entire edition, and much of that which is rhetorically sound and that which is faulty there may be found throughout the twelve pages of Brown coverage. Their presence on page one, however, makes them the most significant points of the entire Brown coverage on May 18, 1954.

The Rest of the Story

For the remainder of the coverage, we will, under the guidance of Wallace’s taxonomy, scrutinize these and other significant rhetorical aspects in the entire Brown
coverage, all the while considering the particular contributions individual stories and parts of stories make to the suasory potential of the coverage. In this chapter we will take up formal and material aspects of the coverage, while in the next, the rhetor and his end.

**Formal Constituents**

Aristotle specifies most famously in the *Rhetoric* the three modes, or “species,” of persuasion, “for some are in the character of the speaker, and some in disposing the listener in some way, and some in the argument itself” (trans. 1991, 1.2.3), ethos (ἡθος), pathos (πάθος), and logos (λόγος), respectively. The simplicity of this designation has been contested throughout its lifetime, but nonetheless it has undeniably remained. If nothing else, it serves adequately as terminology. For example, the text of the newspaper we approach represents the *logos*, containing “the argument itself” and the bases for this chapter’s critical reading. That text may be considered, per Wallace (1970), both formally and materially.

**Story types**

The copious news coverage characteristic of Ochs’ *Times* was evident on May 18, 1954, too, in no less than thirty-seven news stories and two editorial columns, one signed by Arthur Krock, another unsigned. The news portion of the edition takes one of five story types: straight news, reaction, background, interpretation, and triviality. As previously indicated, the Huston article on page one captures the essential straight news aspects of the *Brown* coverage. The same article points to the full text of the *Brown* decision on page 15. An additional article collects editorial excerpts from newspapers around the country, thus straddling the line between a news account of contemporary opinions, and an editorial by selection; it is probably better considered as the latter.
Beyond these, there are few other straight news stories, most of the remainder falling into one of the other four categories.

The largest share of articles captures timely reaction to the decision. Reaction is garnered from state governors (“Reaction of South,” pp. 1, 20), school leaders (“School Leaders Applaud Decision,” p. 14), Savannah Rotarians (“Decision is Applauded By Savannah Rotarians,” p. 14), American Federation of Labor Chief George Meany (“A.F.L. Chief Hails Court,” p. 14), *Atlanta Constitution* editor Ralph McGill (“Ruling Called No Surprise,” p. 14), the NAACP (“N.A.A.C.P. Sets Advanced Goals,” p. 16), historians (“Historians Laud Court’s Decision,” p. 17), two Negroes in Washington, D.C. (“Capital’s Negroes Slow in Reacting,” p. 18), the National Association for the Advancement of White People (“Group to Advance Whites Spurred in Bias Ruling,” p. 18), miscellaneous other professors (“Court Said To End ‘A Sense of Guilt’,” p. 18), and, finally, legal scholars (“Experts Approve Timetable on Bias,” p. 18). These articles dominate the first half of the coverage, and might thus be considered the most significant “angle” of the coverage.

The second type of news story—background articles, folos, situationers, and sidebars—are generally atechnical, as Aristotle would say, in that the information therein is not “invented” by the journalist, but is, in this case, merely collected, or “demonstrated.” These articles report pay scale differences between white and Negro teachers (“Pay Scales Compared,” p. 14), the Negro proportion of school enrollment (“Negro Pupils Fourth of Total,” p. 14), the racial makeup of Washington, D.C. (“50 Figures in Capital Show 34% Nonwhites,” p. 15), the president who appointed each Supreme Court justice (“5 of 9 Justices Named By President Roosevelt,” p. 15), the
lawyers for both sides (“Eminent Lawyers Fought Out Case,” p. 17), the basic arguments on both sides of the case, including the United States’ own supplemental brief (“Arguments In Case Ran A Wide Gamut,” p. 23), and a historical summary of notable events, amendments, laws, and court battles leading up to the Supreme Court decision (“High Court Test Was Lost in 1849,” p. 23). These articles rely on accurate, if insufficient, information indicated by the context in Chapter Five.

Other information of this type is sprinkled within stories in the edition, in very brief references to the Southern argument against racial intermarriage (“Group to Advance Whites Spurred by Bias Ruling,” p. 18), the original dissent of Justice John Marshall Harlan (“Experts Approve Timetable on Bias,” p. 18), and the pioneering work of Gunnar Myrdal and Kenneth Clark (“Anti-Bias Trends Listed In Survey,” p. 22). Only the astute reader, though, may find and identify these bits of information as real and contemporary issues—even a contemporary Southern fear of intermarriage (Cottrol et al., 2003, p. 24). Thus, the significance of this information is undetectable and negligible.

Other background articles on pages 21-23 report results of a Times survey of states, including data from state school officials, giving currency to details of “a situation long simmering [that] will suddenly emerge as the subject of discussion and attention” (Mencher, p. 73). Under the banners “40% of Public School Pupils in U.S. Are In Areas Where Laws Require Segregation,” “South Has Made Big Gains In Improving Educational Facilities For Negroes Since ’45,” and “Negro Has Trod a Century-Long Road in His Legislative and Legal Battles for Equality,” these articles detail state policies on segregated education, per-pupil expenditures, capital outlays, Negro school enrollment, and teacher’s salaries (“Nearly 11 Million Know Color Line,” p. 21),
improved standards in Negro education by per-pupil expenditures, capital outlays, and teacher’s salaries (“Teachers Salaries And Standards Are Up,” p. 22), improved Negro school enrollment (“Negro Attendance Ratio Rises,” p. 22), and state policies in the four states that permit segregated education (“4 States Permit Separate Schools,” p. 23). Along the same lines, pictorial representations of the same information display the state policies on a map of the United States (“Segregation Pattern,” p. 21), in a table of state population, student enrollment, teachers, schools, per-pupil expenditures and capital outlay—though the last two columns are mislabeled (“Detailed Breakdown on the Extent of School Segregation in U.S.,” p. 21), and a handful of bar graphs detailing longitudinal data, 1940-1952, on teacher salaries (“Salaries of Teachers,” p. 21), residential breakdowns (“The White-Negro Gap is Greater in Rural Areas,” p. 22), teacher training (“Training of Teachers,” p. 22), per-pupil expenditures (“Current Expenditures Per Pupil,” p. 23), capital outlays (“Capital Outlays Per Pupil,” p. 23), and library book holdings (“School Library Books Per Pupil,” p. 23). Inexplicably, each of the graphs has a mysterious heading, “12 States,” “8 States,” or “9 States.” The meaning of these designations is completely unclear, especially since they appear within a single story addressing Washington, District of Columbia, alone. Even if such placement results from the matter of filling the news hole, the information in these graphs is essentially nullified by these errors.

At any rate, this information sounds redundant because it simply is. As many as four full pages (pages 20-23) duplicate the same information over and over. Such duplication may be fundamental to newspaper journalism, particularly directed to the reader who “doesn’t read it all.” What is secured by consistency from page to page,
though, is lost to boredom. Rather than ensuring the reader come across the information at some point in the edition, such a treatment nullifies the balance of those articles once their redundancy is realized. The presence of pictorial (map, graphs, table) representations alongside textual treatment is well-intended, but might be presented in a more attention-sustaining way—perhaps as a single large table with textual highlights—rather than subheads Alabama, Arkansas, and so on, recurring on every page. Such a presentation would also eliminate any skepticism manifested in those “lists” we have seen that are arranged haphazardly or selectively, and not alphabetically by state.

A few articles in the *Brown* coverage provide overt instances of interpretation—as, for example, James Reston’s analysis of the psycho-social arguments within the Court’s decision (“A Sociological Decision,” p. 14). We might expect him, from what we have heard of him, to identify the moral significance of the decision with a Calvinist pen, but his column simply assembles the “sociological” parts of the decision, interspersing those with the occasional lapses into technical explanation, but little further.

Interpretation may also be found in an analysis of the five questions posed by the Court for reargument (“‘How’ and ‘When’ Remain As Issues,” p. 14), of the fate of Negro teachers and schools (“School Bias Issue Has Complexities,” p. 22; “Changeover Will Cost Millions But Schools Will Be Improved,” p. 23), and finally, of inconsistencies in regional segregation patterns (“Varied Impact Is Indicated In Bias Ruling, Based on Population Patterns in the South,” p. 22). These are not the only instances of interpretation—only those that are the clear focus of the article.

As with the background information, scattered within some of the news stories are brief moments of interpretation. James Loftus, for example, speculates on the effect of
the decision on Negro employment in Washington, D.C. (“Capital’s Negroes Slow In Reacting,” p. 18). Another story, examining the equalization efforts of segregated states, states early on, “The seventeen states and the District of Columbia that mandated segregation are deeply concerned with the inferior status of their Negro and secondary schools” (“Teachers Salaries and Standards Are Up,” p. 22). Such a notion is supported perhaps by statistics, but is not evident and even disqualified in some communities, according to context. A historical article (“High Court Test Was Lost in 1849,” p. 23) analyzes a handful of key events in the Negro struggle for equality, summarizing precariously, “History records setbacks as well as advances, but in the main, it has been a story of progress.”

Trouble arises from the fact that only two of these “briefly interpretive” articles, those by Reston and Loftus, are signed; others are dangerously anonymous “Special to the New York Times” pieces. Moreover, many of the interpretations offered would not be clear for decades to come, indicated by the caveats of historians, who refuse to claim to fully understand all the determinants of the same issues. The two identified reporters, Reston and Loftus produce the more “objective” conclusions, perhaps having more fully adopted such journalistic fundamentals than the “Special” correspondents. The non-attributed interpretations are assumed to represent the views of the New York Times itself, and thus the risk is magnified.

The remaining news stories in the Brown coverage might be characterized as “shirttail” articles, though a few fail to rise above triviality. Mencher included unusualness as one of his news values, “[e]vents that deviate sharply from the expected” (p. 72). In the present case, such events include Dr. Ralph J. Bunche’s near loss of $35 withdrawn at
a bank, in hasty excitement on hearing of the decision (“Bunche Nearly Loses $35 After News of Decision,” p. 14), the election of Mr. Julian D. Steele as the first Negro moderator of the Massachusetts Congregational Christian Conference (“Negro Gets Church Office,” p. 14), and the presence of Attorney General Herbert Brownell, Solicitor General Simon E. Sobeloff, Mrs. Warren (wife of the Chief Justice), and former Secretary of State Dean Acheson at the Court’s reading of the decision (“Brownell and Acheson in Court for Decision,” p. 17). These articles add little to, if not trivialize, the larger conversation at hand.

**Characteristic headlines**

The *New York Times*’ characteristic multi-font, multi-head format here marks the Brown coverage. Most of the articles feature a two-tiered headline, though articles on pages one and 21-23 are treated with banners, each of which has been noted above. In each news story, the headlines capture the essence of the lead, declining in generality from the main head through the lead. The structure is Ochsian, Elmer Davis revealing,

> The Times in its headlines tries, and its conductors hope with a fair degree of success, to be fair and accurate; to pack the substance of the story, without prejudice, into the four or five words which may be all of the story that some readers will ever read. (1921, p. 364)

The dispassionate tone and impartiality of *Times*’ news treatment is evident here, as well. The headlines of reaction pieces identify respondents and the crux of their assessment: for example, “N.A.A.C.P. Sets Advanced Goals: Officials Say They Will Drive For End of Residential and Job Discrimination” (p. 16), “Historians Laud Court’s Decision: Ruling Boon To Democratic Principles Upon Which U.S. Was Founded, They Say” (p. 17), “Court Said To End ‘A Sense Of Guilt’: Virginia School Head Asserts U.S. Prestige Will Rise as a Result of Anti-Bias Ruling” (p. 18), “Experts Approve Timetable
on Bias: Delay ‘Will Relieve Anxiety,’ Yale Dean Says—Court ‘Had to Make the Law’” (p. 18). Considering that “that opening sentence helps to shape the viewer’s perception of the news account, just as the headline helps to determine how the reader will approach the news story below” (Hulteng & Nelson, 1983, p. 22), the formal structure in these instances would indeed be helpful to the sporadic readers Davis identifies.

Other headline combinations, however, over-generalize the story content below. On page one, we have observed the inaccurate representation in the headline, “Reaction Of South: ‘Breathing Spell’ for Adjustment Temper’s Region’s Feelings,” while state governors alone react to the decision. Similarly, “School Leaders Applaud Decision: Foresee Few Difficulties—Southerners Say Time Will Be Needed for Adjustment” (p. 14) seems to address the same general block of Southerners in the third headline, but in fact the story reports the reaction of a handful of teachers. Elsewhere, “Capital’s Negroes Slow in Reacting: Cab Driver-Preacher Quotes Bible on Equality—Police Expect Quiet to Prevail” (p. 18) heads an article based on the views of only two Capital Negroes—a cab driver and an unidentified “young woman.” Back on page one, “Ruling to Figure in ’54 Campaign: Decision Tied to Eisenhower—Russell leads Southerners in Criticism of Court” misrepresents the Southerners, as we have seen, as well as Eisenhower, who had little if anything to do with the decision, he once saying, “I don’t believe you can change the hearts of men with laws or decisions” (Woodward, 1974, p. 139). Such unsubstantiated generalization surfaces within news articles as well, but the crime is more conspicuous and egregious in headlines, particularly those on page one, “the four or five words which may be all of the story that some readers will ever read” (Davis, 1921, p. 364). It represents, perhaps, the single aspect of the Brown coverage most violate of the
American Society of Newspaper Editor’s Canons of Journalism, which specifies under the heading “Sincerity, Truthfulness, and Accuracy,” “Headlines should be fully warranted by the contents of the articles which they surmount” (American Society of Newspaper Editors, 1960, p. 624).

Other headlines mislead by omission. James Reston, for example, claims the Brown ruling to be, “A Sociological Decision: Court Founded Its Segregation Ruling on Hearts and Minds Rather Than Laws.” Certainly the decision turned on several sociological and psychological aspects, but these represent only a portion of the Court’s logic. Another article—“High Court Test Was Lost in 1849: Lincoln’s 1863 Emancipation Proclamation Was First Big Success in Long Drive: U.S. Amendments Cited: 13th, 14th and 15th the Key Steps That Paved the Way—Judicial Rulings Aided” (p. 23) attributes the success of the Negro’s achievement to a few key events, but a fuller consideration of the context indicates a wide gamut of determinants to Negro victory. The information promised in the third headline of another article—“Rural Sections, in Particular, Lack Funds to Carry Out Programs They Want” (p. 22)—simply does not appear, unless the headline refers to the bar graph at the bottom of the page. Generally speaking, though, the multi-tiered headlines of the Brown stories reflect the content below.

Subheads, the more compact headings within longer stories, are more suspect in their generalization and selectivity. Taken out of context in or in the brief glance of the sporadic Times reader, subheads like “Defeatist Attitude Seen” (“A Sociological Decision,” p. 14), “Georgians Will Fight” (“Reaction Of South,” p. 14), “Associated With Eisenhower,” (“Ruling to Figure in ’54 Campaign,” p. 20), and “Pupils To Have An Option” (“Schools In Capital Prepared for Segregation Ban,” p. 23), as examples, each
mislead or misrepresent the surrounding material they summarize. Even the full text of the Court’s decision is interrupted occasionally by these subheads, certainly not present in the transcript: “Postwar Sources Inconclusive,” “Half Century of Cases,” “A Function of Government,” and “Court Vacated Judgment,” for example. Though unintended, the Times leads and in some cases misleads the reader, particularly those who may depend heavily on headlines, leads, and subheads for the gist of the article. Of course, that many of these items appear in page one stories and their jumps amplifies the risk.

Photographs

One final matter of the Times’ formal presentation to consider is nine Brown photographs. Some photos, for example, of three Brown lawyers celebrating on the Court steps (p. 1), the lineup of justices (p. 15), a few N.A.A.C.P. leaders in session (p. 16), or Governors Byrnes and Talmadge (p. 20), best serve history by documenting some of the key players, though not, it should be observed, the most prominent. Other photos, for example, of students in a Negro school, one candidly “off-task,” staring deep into the camera (p. 21), Negro students in front of their school, books in hand (p. 22) and at recess (p. 22), the poignant juxtaposition of adjacent “separate but equal” schools (p. 23), and former Negro plaintiffs Spottswood Bolling and Gardner Bishop casting long shadows on the same Court steps (p. 23), rely on emotionally “disposing the reader in some way,” pathos to Aristotle. The suasive potential is heightened by some cutlines and captions, as in quotations from the decision (p. 21), or the fact that the aforementioned Negro school pictured was “considered one of the finest in the U.S.” (p. 22), or the quotations of Governors Talmadge and Byrnes, “shocked” and willing to “fight for their rights” (p. 20). While there may not be said to be a particular intended emotional response to be established in the reader through these pictures, certain emotions are registered. The
Times reader feels empathy toward these Negro students in particular: they account for
the only representation of “average” Negroes in the edition. As a result, any opinion to be
formed broadly of Negro students may necessarily arise from the pathetic appeal of these
pictures.

At the same time, Governors Byrnes and Talmadge are photographed having
recently publicly addressed their constituents, stoic and supremely well-dressed (p. 27).
We are told these are “Southern Leaders,” and here they serve to personify, though
inaccurately, the state reactions surrounding the picture. That role is suspect, and
establishes a fundamental conflict between these and the Negro students. Danger lies in
tempering the emotional reaction of Times readers by adjudicating that conflict in the
banner “South Has Made Big Gains In Improving Educational Facilities for Negroes
Since ’45” (p. 27). Here, pictures and their summary cutlines and captions serve more
than a mere illustrative role.

Material Constituents

The specific ideas within each article constitute the material aspects of the
coverage’s suasive potential. These elements are subject to the closest critical
examination, in an effort to determine the role and mechanism of logical persuasion of
the coverage. In a primary sense, this implies consideration of rhetorical “virtues of
style”—correctness, clarity, ornamentation, and propriety (Rowe, 1997, pp. 121-157).
Journalism, an act of writing, is incidentally marked by similar “news values”—clarity,
impact, prominence, proximity, and unusualness (Mencher, 2003, pp. 64-87). Moreover,
both rhetoric and newspaper journalism share, as indicated by such lists, a deference of
“style” to “the argument itself.”
Style

Aristotle relegates his treatment of style to Book III of the Rhetoric and often in scholarship, it is considered separately or not at all. Since Wichelns’ 1925 admonition that “Rhetoric is not concerned with permanence nor beauty,” recitation and classification of tropes and figures has been contested as a legitimate form of criticism, enhancing our understanding, perhaps, but failing to account for suasory potential.

Joli Jensen (2003) points up “distinctions between ‘emotion’ and ‘reason’ [in newspaper journalism], with superiority automatically granted to that form of journalism that apparently appeals to reason because it does not appeal to emotion” (p. 131). In this regard, says Pauly, “Since the 1920s, the Times has been regarded as the intellectually and morally superior model insofar as it embodies the objective, nonpartisan, dispassionate expertise valued by its business and professional readers” (2003, p. 25). If there is a New York Times style per se in 1954, it may characterized as rational, dispassionate, and based primarily on the quotations of authoritative sources. In fact, among all news stories, only two delayed leads appear: in Loftus’ “Capital Negroes Slow in Reacting” (p. 18)—“‘There ought to be dancing in the streets,’ said the young Negro mother. But there was none.”—and in the “Bunche Nearly Loses $35 After News of Decision” (p. 14) article—“The Supreme Court’s anti-segregation ruling today made Dr. Ralph J. Bunche a happy man but it almost cost him $35.”

Quite simply, there is little “ornamentation” in the Brown coverage, which in rhetoric “functions to please the listeners, thus making them attentive and disposed to believe the listener” (Rowe, 1997, p. 124). In a newspaper, however, that very lack bestows the credibility, or ethos, to which Pauly and Jensen refer. As such, it is related to the fourth rhetorical virtue of style, propriety, whereby “different speakers, occasions,
types of speeches, and parts within a speech require different kinds or levels of stylistic intensity . . . the plain, the medium, & the grand” (Rowe, pp. 154-155). This convenient means of comparing styles, rather than a set of firm designations, appropriates the plain style, for example, “to (a) narrative or proof, (b) teaching or demonstrating, (c) a respectful and disinterested demeanor, (d) avoidance of metaphors or highly figurative expression” (Rowe, p. 156), making it well-suited to the *New York Times*.

The first two virtues of rhetorical style—*correctness*, in terms of grammar, and *clarity*, the “immediate apprehension of the speaker’s remarks, even by inattentive readers or listeners” (Rowe, 1997, pp. 122-123)—seem to be more characteristic of *Times* news coverage. Certainly that had been the case under Ochs and Van Anda, who, it will be remembered, sacrificed style to accuracy. Grammar, simplicity of expression, sentence length, everyday language, coherence, and a logical story structure, marks of clarity according to Mencher (2003, p. 58), presumably would be checked at the copy desk. In this particular edition, there are few grammatical errors (though one glaring tabular error on page 21, where the last two columns are switched). The sentence structure and flow of the articles are dispassionate at best, and boring at worst, particularly where information has been duplicated from other articles, as we have noted.

When one considers that Sulzberger was “a literary man” (Shepard, 1996, p. 73), one might expect a bit of flair, but it is not there. Gay Talese reports that during the 1950s, “it was imperative that *The Times* tighten its writing style. The paper could no longer financially afford to print lengthy stories about relatively minor news events” (1978, p. 209). Too, Sulzberger had employed Bernstein and his in-house organ, “Winners and Sinners,” as an additional check. Of course, most of the *Brown* stories
emerged from the somewhat independent Washington Bureau, under new chief James Reston, perhaps a little green to the new role and Krock’s news-writing policy, which insisted, in the spirit of Ochs, “The reporter must operate at his peak, factually, without color save that of description, free of comment and bias” (Krock, 1938, p. 27).

Idea and arguments

The information in the *Brown* news articles is often presented in fundamental terms of conflict (Mencher, 2003, p. 71), for James Carey, “a portrayal of the contending forces in the world” (1975, p. 8). Disagreements exist, for example, between Attorneys John W. Davis (for the states) and Thurgood Marshall (for the Negroes)—though we know there were a large number of lawyers on either side—in “‘How’ and ‘When’ Remain As Issues” (p. 14) and “Arguments in Case Ran A Wide Gamut” (p. 23), as well as between whites and non-whites (“‘50 Figures in Capital Show 34% Nonwhites,” p. 15), and between and among members of Congress (“Ruling To Figure in ’54 Campaign,” p. 1). The last particular conflict, though treated in a page one story, is not thoroughly discussed in the *Brown* coverage, given the dirty but crucial politics we have seen in context. Hardly does the edition reference Reconstruction or early Nineteenth Century politics, the Republican role in the current national conversation, or, most importantly, the Negro’s reputation as a political bargaining chip (Woodward, 1974, p. 136). Myrdal (pp. 430-431) might have predicted the *Times*’ lack of thoroughness, pointing out in 1944,

In the North . . . the Negro has nowhere and never been a political issue of primary and lasting importance—except in so far as he has constituted an issue in national politics. The issue has, then, always been the Negro’s status in the South or, earlier, the South’s struggle to widen the area over which its concept of the Negro would prevail.
If we take up Mencher’s convenient “Layers of Truth,” we may make more specific statements regarding the presence of each in the Brown coverage. Layer I, “source-originated material,” including handouts, press conferences, speeches, and statements, perform a significant role in the coverage, indicated by the full text treatment on page 15 of the complete decision, an examination of the Court’s “Five Questions” (“‘How’ and ‘Why’ Remain As Issues,” p. 14), and in listings of lawyers (“Eminent Lawyers Fought Out Case,” p. 17) and justice appointments (“5 of 9 Justices Named By President Roosevelt,” p. 15). Suprisingly, only two articles came off a news wire: the full text of the decision and Ralph McGill’s reaction from London.

The majority of the coverage involved Mencher’s Layer II truths, those formed by “reportorial enterprise” including verifying material, background, and reporter’s observations. Most of this type of information is culled from a Times-conducted survey of states, of reaction and state data, and is designated Special to the New York Times or not at all. The data are then split into distinctive “angles,” marked by coherence but also redundancy. Elsewhere, unnamed journalists and editors generalize the data into headlines and leads, as well as graphs, tables, and maps.

The other significant Layer II information in the Brown coverage is the reaction of various “leading authorities.” Leading educators, legal scholars, lawyers, non-profit groups, and members of Congress are quoted copiously, often issuing variations of the same remarks. Rhetorical themes which emerge from these reactions include: (a) that few difficulties would be encountered in desegregation, (b) that difficulties would be encountered in desegregation, (c) that desegregation would benefit society as a whole, not just Negroes, (d) that the decision was logical and expected, (e) that the decision was
historic, (f) that true American democracy had been upheld in the decision, and (g) that 
the time allowed for desegregation is a good idea. These propositions would resonate 
throughout the edition—being repeated nearly verbatim in the unsigned editorial—and 
form the rhetorical substance of examples and enthymemes, two key rhetorical 
mechanisms to be addressed.

Finally, Mencher’s Layer III truths, which arise from “interpretation and 
explanation,” point up the significance, impact, causes, and consequences of the decision 
(2003, p. 248). James Carey specifies: “Explanation demands that the journalist not only 
retell an event but account for it. Such accounting normally takes one of four forms: 
determining motives, elucidating causes, predicting consequences, or estimating 
significance” (1986, p. 166). In this edition, we have noted, James Reston analyzes the 
psycho-social aspects of the decision (“A Sociological Decision,” p. 14), representing the 
only attention paid to such a critical aspect of the larger context of segregation and the 
Court’s decision. Legal scholars Cottrol, Diamond, and Ware here acknowledge, “Judges 
are perhaps particularly susceptible to elite opinion, particularly elite opinion clothed in 
academic and scientific respectability” (2003, p. 80). It seemed evident in this Court’s 
decision, too.

Joseph Loftus, on page 18, speculates “Capital Negroes Slow in Reacting,” while 
William S. White analyzes the reaction of state governors, finding border states calm and 
Deep South states bitter (“Reaction of South,” p. 20). Elsewhere, an unnamed reporter 
attributes inconsistencies in segregation policies to the “flourish” of “great plantations” in 
the Lowland South, compared to the Upland South’s industrial centers where “Negroes 
are fewer and local traditions have different roots” (“Varied Impact Is Indicated In Bias
Ruling, Based On Population Patterns in the South,” p. 22). Robert Margo, we may remember, did identify the Jim Crow “situation [to be] worse in the Deep South than the Upper South, and in more heavily black counties” (1990, p. 19), but refused himself to attribute a reason. Other sporadic interpretations have been noted, but these, the most significant ones are generally signed, and so by experienced Washington correspondents, as recommended by the Canons of Journalism.

Since Ochs’ time, interpretation through inundation had earned a respectable reputation for the *Times*. Ochs referred to instances of copious presentation as “authentic sociological documents” (Berger, 1970, p. 258), and the May 18, 1954, edition is no exception. Now, Sulzberger, too, called for “more news interpretation on our part because news was growing almost alarmingly complex,” though, he reasoned, “[t]he changes had to be made without affecting the basic Ochs formula” (Berger, p. 423).

Thus, in the May 18 edition, few opinions are found and these have been noted. The coverage stands mostly in accordance with the ASNE’s Canons of Journalism—“sound practice makes clear distinction between news reports and expressions of opinion. News reports should be free from opinion or bias of any kind” (American Society of Newspaper Editors, 1960, p. 624). Moreover, the information is for the most part historically accurate, again, per the Canons—“By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control or failure to obtain command of these essential qualities” (p. 624). Though the edition predates the “News Analysis” designation of interpretation, Catledge’s (in New York) and Reston’s (in Washington, D.C.) daily four-o-clock news meeting may have here served as the best check on interpretation and opinions.
Nevertheless, interpretations may be also found here cloaked in the guise of Layer I and II material. The article on page 15, for example, that indicates the president who appointed each justice, serves no other role than to indicate the political leanings of the Court. Elsewhere, an unnamed journalist in “Arguments in Case Ran A Wide Gamut” (p. 23), reduces the arguments on each side of the case to two for the NAACP and five for the States. The actual arguments, easily accessible to a 1954 journalist in five different court briefs, number a dozen or so arguments on either side, as seen in context. Such reductionism is convenient, but it misrepresents the information promised in the head—“a wide gamut.” In addition, the critical position of the United States, whose arguments were, perhaps, the most persuasive on reargument, is almost wholly ignored, though equally as accessible to the journalist. Such a reduced presentation misrepresents the fundamental dynamics of the case, presented throughout the edition as a “two-sided” conflict.

Next, page 19’s “Editorial Excerpts From the Nation’s Press on Segregation Ruling” may be best viewed as a straight news story of the nation’s reaction—the themes are familiar by this point. The views are relatively balanced between newspapers, but still they are selected, pocked with ellipses, and then arranged under subheads (“Segregated States,” “Nonsegregated States,” “College Papers,” and finally, four “Negro Papers”). Another news tidbit, “Negro Attendance Ratio Rises,” is buried and unsigned at the bottom of page 22. The story attributes that premise to a “drop in infant mortality rate,” interpretation at its most conspicuous and most inexplicable—what are we to make of it? Thus, Layer I and II “truths” in the Brown coverage are no less suspect than Layer III “truths;” this information is shaped by “omission, differential selection and preferential
placement, such as ‘featuring’ a pro-policy item, ‘burying’ an anti-policy story on an inside page” (Breed, 1955, p. 327).

Fundamentally, editorial comments are Layer III truths, and in this edition, two columns are printed, one unsigned (“‘All God’s Chillun’, p. 28), the other by Arthur Krock (“A Milestone in More Ways Than One,” p. 28). Both columns maintain the independence for which the Canons of Journalism calls, not “knowingly depart[ing] from truth” (Schramm, p. 624). In fact, the views posited in the unsigned editorial are precisely those rhetorical themes acknowledged throughout the paper. Clearly, the Times here bolsters and justifies its own editorial stance and interpretations, by echoing the themes and quotations of the authority figures. Where the National Conference of Editorial Writers declared in 1933 that the “‘chief duty’ of editorial writers is to ‘provide the information and guidance toward sound judgments that are essential to the functioning of a democracy,’ [and that] editorial writers ‘should present facts honestly and fully . . . draw fair conclusions from the stated facts . . . [and] have the courage of well-founded convictions,’” (Sloan, Watts, & Sloan, 1992, p. 5), here the Times has opted to take the safe route, merely reiterating voices of authority. The well-established Ochsian conservative aversion to “sweeping changes” in either legislative or judicial policies (Davis, 1921, p. 268) is evident, the Times here sympathizing with the gradualism of the Court’s decision. While Berger (1951, p. 525) notes “more bite” in Sulzberger’s editorials, the reader on May 18 does not.

Only in Krock’s column, in fact, do novel editorial ideas occur, such as in his surprise to “a familiar prophesy having been that there would be nine opinions written and a close division among the Justices.” The context, of course, reveals that the Court
sought unanimity early on, but only the legal scholar might be privy to such information. Next, Krock signifies the historicity and “the roguery” of politics behind the decision, noting “Stanley Reed and William O. Douglas as examples of this historic union.” Otherwise, Krock takes an expected conservative approach to the issue, urging States to exercise their right to “many months to survey the acute problem.” Not overtly declaring a Sumnerian sentiment, he does nevertheless maintain at the end of the column, “The problem will not instantly disappear,” given a fear of “incalculable consequences.” This opinion—that serious risks might be encountered in desegregation—actually represents a minority opinion among the countless hopeful authorities interviewed.

Readership

Before finally examining specific mechanisms of rhetoric present in the *Brown* coverage, it serves us well to recall the audience for which this edition of the *Times* is intended. Consideration of *Times*’ policy since Ochs reveals a special regard for intelligent opinion-makers as its primary readership. Weiss’ (1974) study of the *Times*, as well as the studies of Robinson & Swinehart (1968, p. 47) and Schramm & White (1949, pp. 150-157), indicates that reading of the *Times*’ news and editorial columns is positively related to age, education, and income. In fact, the *Times* may represent one instance where “the dilemma of the crucial yet elusive public, as old as democracy” simply does not appear (Daniel, 2002, p. 507). Among that readership are found presidents, diplomats, scholars, financiers, merchants, scientists, industrialists, and explorers. Sulzberger, too, “solicit[ed] that patronage of intelligent Americans, who desire information rather than entertainment, who want the facts unadorned and who place first their country and the freedoms which it guarantees” (Berger, 1970, p. 476). Thus, while this segment may not represent the full readership of the *Times*, it does
represent the most significant and intriguing from a practical sense. In focusing on this segment of readership, we may observe the presence of enthymemes and paradigms, Aristotle’s progeny in the Rhetoric and the means of persuasion among an equivalent class of individuals in Ancient Greece and Rome, the polis.

**Rhetorical mechanisms**

Early in the Rhetoric, Aristotle reveals, “All speakers produce logical persuasion by means of paradigms or enthymemes and nothing other than these,” specifying:

> To show on the basis of many similar instances that something is so is in dialectic induction, in rhetoric παράδειγμα [“example”]; but to show that if some premises are true, something else beyond them [the conclusion] results from these because they are true, either universally or for the most part, in dialectic is called syllogism and in rhetoric enthymeme. (trans. 1991, 1.2.8-9)

Even if we assume that rhetoric, given its illustrious development since Aristotle, is not limited to these two mechanisms, they serve a critical role in *Times* news and editorial presentation. As we will see, the *Times* may in fact serve, in our contemporary society, the most pure function of rhetoric, in an ancient Greek sense.

**Paradigms**

Paradigms, or “examples,” says Aristotle, are particularly well suited to “deliberative rhetoric,” that which speaks to matters in the future (trans. 1991, 3.17.5). The device may be used, of course, in any act of rhetoric, but matters of the future stand to benefit most from examples drawn from the past. Examples are actualities drawn from history:

> [I]t is the thing already possessed in experience and so it is the property of everyone through the sharing of a common past. Through examples, the rhetorician appeals to matters that everybody has in a sense participated in . . . [and] the audience is expected to be moved by their historicity. (Weaver, 1995/1964, pp. 63-64)
Thus, when we are told on page twenty-two of the *Times* that “A study of communities where desegregation has come about shows that generally it has been accomplished peacefully despite deeply rooted prejudices,” according to an recent article in The Journal of Social Issues, we are induced to feel reasonably confident the same will occur in the present case (“Anti-Bias Trends Listed In Survey,” p. 22). Or, when William S. White claims on page one, “Ruling To Figure In ’54 Campaign,” the informed reader may hearken back to a context where since Reconstruction, the Negro has been central to American politics. Regrettably, in this article, we are provided with little examination of this role—thus the reader without such historical knowledge is not thoroughly convinced that this is the case.

When James Reston tells us on page 14 the Court’s ruling was “A Sociological Decision,” he astutely follows up the claim with examples of the psycho-social arguments we have examined in context, to explain how “[t]he court’s opinion read more like an expert paper on sociology than a Supreme Court opinion.” His claim, by the end of the article, is thus substantiated. On the other hand, when the reader is presented on page 19 with “Editorial Excerpts From the Nation’s Press on Segregation Ruling,” he is confronted with examples from around the country, carefully arranged under subheadings “Segregated States,” “Nonsegregated States,” “College Papers,” and “Negro papers.” The latter two categories are woefully underrepresented, but this may not the weakest aspect of the article. Only a brief heading adorns the article: “Following are editorial comments of the country’s newspapers.” Once the reader takes up the collection, he may be impressed by the breadth of views, or, frankly, he may not know what to make of the collection. A brief summary, carefully crafted for accuracy, might have enhanced the
suasory potential of the piece, Aristotle points out: “Thus, too, when they [examples] are first, it is necessary to supply many of them [but] when they are mentioned at the end one is sufficient; for even a single trustworthy witness is useful” (trans. 1991, 2.20.9), or, as George Kennedy puts it, “[I]t is usually more effective to state the conclusion first and then support it with examples” (Aristotle, trans. 1991, p. 181).

The paradigms here take many news forms. The banners which span pages 22-23 announce “South Has Made Big Gains In Improving Educational Facilities for Negroes Since ’45: Negro Has Trod a Century-Long Road in His Legislative and Legal Battles for Equality,” and those claims are substantiated in at least three ways. Stories capture state survey data (“Teacher Salaries and Standards Up,” p. 22), born no doubt of history, as well as through straight history (“High Court Test Was Lost in 1849,” p. 23). In addition to these, graphical representations—a table (p. 21) and a handful of bar graphs (pp. 22-23)—show the improvements between, regrettably, only two iterations, 1940 and 1952. The pictorial representations are most visually appealing and straightforward in their propositions, while, as we have noted, the news stories tend to redundancy and tedium. The inverted pyramid story structure, thus, appropriately accommodates paradigms, assuming the summary heads and lead to be accurate and “warranted.”

**Enthymemes**

The second rhetorical mechanism that may be observed in the May 18, 1954, edition, enthymemes, are dialectical syllogisms, logical arguments whereby at least one of the premises is omitted, assumed to be held or subscribed to by the reader. They operate when “the audience views a conclusion as required by the premises it subscribes to” (Bitzer, 1959, p. 405). These premises are the ideals, rules, practices, and conventions of political, moral, religious, and economic life held by the reader (Wallace, 1970, p. 85).
These provide the sites of commonality on which any appeal, in this case the Times’, may turn to be accepted. These sites of commonality—topoi to Aristotle—are the very items to which Dewey refers in his model of democracy: “Men live in a community in virtue of the things which they have in common. What they must have in common . . . are aims, beliefs, aspirations, knowledge—a common understanding. . . . Consensus demands communication” (1919, pp. 5, 6).

Formally, “A complete enthymeme is constructed of (1) an observation, (2) a generalization, and (3) and inference. An enthymeme may be abbreviated and, when it is, it is usually the generalization which is omitted as a commonly accepted fact” (Harper, p. 306). Here is the classic example:

Socrates is a man; therefore he is mortal.

He who would speak such an enthymeme would assume the listener to understand the generalization, that

Man is mortal.

Unfortunately, enthymemes are not so conspicuously clear as this famous example from the Rhetoric. In this edition of the Times, we are confronted with a number of enthymemes. Their most obvious manifestations are the “glittering generalities” uttered by authority figures, in both news stories and editorials: (a) that few difficulties would be encountered in desegregation, (b) that difficulties would be encountered in desegregation, (c) that desegregation would benefit society as a whole, not just Negroes, (d) that the decision was logical and expected, (e) that the decision was historic, (f) that true American democracy had been upheld in the decision, and (g) that the time allowed for desegregation is a good idea.
Each of these may be regarded as a conclusion to an enthymeme. These “conclusions” emerge from individually and collectively held values, ideals, rules, and practices by scholars and professionals, very nearly the same values, ideals, rules, and practices of the *Times*’ business and professional readers. Aristotle points out the significance of this segment of readers:

> [O]ne should not speak on the basis of all opinions but of those held by an identified group, for example, either the judges [audience] or those whom they respect and the fact that what is said seems true should be clear to all or most people. (trans. 1991, 2.22.3)

“Thus,” says Aristotle, ”one should guess what sort of assumptions people have and then speak in general terms consistent with these views” (trans. 1991, 2.21.15).

Many people in 1954, for example, were taken with discussion of burgeoning Communism throughout the world, particularly the Communist propaganda leveled against American segregation practices, and the “embarrassment” to which Woodward (1974, pp. 130, 133) and Cottrol et al. (2003, p. 99) refer. So, when Harold Taylor, president of Sarah Lawrence College, notes of the Court’s decision, “the United States means what it says about human rights” (“School Leaders Applaud Decision,” p. 14), he implicitly refers to the “dilemma” on the minds of *Times*’ readers. Likewise, in the same article, “This decision will open the way to relieving millions of white Americans of a sense of guilt which we have had carried in us … when practicing equality,” will particularly resonate with the *Times* reader (to whom Myrdal refers) who may have actually internalized the “American Dilemma” within their own value systems.

Enthymemes predicting a smooth transition for desegregation would be more persuasive to a *Times* reader in the South than he in the North, especially if we assume Myrdal’s 1944 assessment, that “fundamentally the prestige of law was rising in the
South and people were becoming more law-abiding. These changes were related to a general rise in the education of the Southerners and to their fuller participation in the larger American culture” (p. 999). For the Southerner, Myrdal’s statement would represent the kind of generalization left unexpressed in an enthymeme. However, for the Northerner unaware of Myrdal’s observation, the latter predictions of trouble in the South might be more persuasive.

On page 28, we are told in the unsigned editorial that the “Supreme Court took a long and careful time to arrive at the unanimous decision,” but that “the decision reached was inevitable in the year 1954 regardless of what might have been the case in 1868, when the Fourteenth Amendment was adopted, or in 1896, when the ‘separate but equal’ doctrine was laid down in the case of Plessy v. Ferguson.” Our enthymeme here, that “the decision reached was inevitable in the year 1954,” is especially persuasive to the Times reader in 1954, because even in 1944, “[t]he popular beliefs rationalizing caste in America are no longer intellectually respectable” (Myrdal, p. 1003). The deduction follows logically from “the main norms of the American Creed, based primarily on the Declaration of Independence [which are] . . . the beliefs in equality and in the rights to liberty, the rights to liberty derived from equality” (Myrdal, 1944, p. 8). The “suppression” of such explanation “flatters the vanity of those to whom one speaks by leaving something to their intelligence and, in abridging the statement, makes it stronger and more lively” (Antoine Arnauld, “The Port Royal Logic,” 1664, Quoted Aristotle, trans. 1991, p. 297).

The “Editorial Excerpts” on page 19 collect a page-full of enthymemes, albeit formed by other rhetors. In a single article, however, the reader is bombarded by the
glittering generalities, not unlike he may be in a political speech. If he reads all the excerpts, he is ultimately unsure what to feel. Aristotle here warns us: “Enthymemes should be mixed in and not spoken continuously; otherwise, they get in each other’s way. (There is a limit to how much an audience can take)” (trans. 1991, 3.17.6).

Aristotle is quite specific in his preference between these two rhetorical mechanisms, paradigms and enthymemes: “If one does not have a supply of enthymemes, one should use paradigms as demonstration [proof]; for persuasion [then] depends on them. But if there are enthymemes, paradigms should be used as witnesses, [as] a supplement to the enthymemes” (trans. 1991, 2.20.9). The reason for Aristotle’s preference may be the ease with which enthymemes are formed (certainly more so than spotted), since they mirror a conversational tone, or “everyday language.” One rhetorician of old, Antoine Arnauld, points out:

[W]hat makes these [full-blown syllogisms] types of arguments so rare in ordinary life; because, even without reflecting on it, one avoids that which causes boredom, and one contents oneself with what is absolutely necessary to make oneself understood. … Enthymemes are thus the ordinary way in which men express their reasoning, while suppressing the proposition they judge to be easily supplied. (Aristotle, trans. 1991, p. 298)

**Representation**

The converse of the fluid persuasion of an intelligent, professional readership, whether by example or enthymeme, is that the same arguments would be considerably less persuasive to, say, a “Capital Negro,” particularly when few “average” Negroes are recognized in the edition. Thus, the cab driver-preacher, who may speak for many “average Negroes” in saying, “When you have to wait like this there is a possibility of the people doubting,” would neither hold the same value premises as the president of Sarah Lawrence College, nor attach the same value to the United States’ international
reputation. As Myrdal reveals, “World politics and the color issue are, in the final analysis, of secondary importance to American Negroes, except as avenues for the expression of dissatisfaction” (1944, p. 1006). The *Times*’ copious data, part of the vernacular (and thus premises) of the business and professional reader, might seem equally as stilted to the cab driver.

That inconsistency (in appealing to professional but not “average” readers) is, in fact, the most persuasive aspect of the *Times’* Brown coverage and its greatest flaw. The professional reader may hardly recognize the lack of representation, but what are lost in the omission are rich viewpoints. Consider the cab driver’s insight (p. 18):

> You don’t know what it means to be bound, then to be free. You ever take a chicken and tie his legs overnight? Then untie him in the morning. You know what he’ll do? He won’t move. You have to give him a push?

Presumably, the professional reader has not tied a chicken’s legs overnight; he thus suffers from the lack of a paradigm, and the underlying analogy and perspective necessary for enthymematic persuasion. Essentially he is not persuaded, where the cab driver-reader might be.

Perhaps more egregious, failing to critically examine the position of the “average Negro” ignores information which may be crucial in forming well-rounded opinions and policies, such as Myrdal’s point that

> Except for a small minority enjoying upper or middle class status, the masses of American Negroes, in the rural South and in the segregated slum quarters in Southern cities, are destitute. They own little property; even their household goods are mostly inadequate and dilapidated. Their incomes are not only low but irregular. (1944, p. 205)

This information is crucial. Beyond that, there is missing insight. The response of the Negro church to the decision, for example, would capture a perspective both significant and representative, given its role in American Negro history.
The responsibility the *Times* has toward its readers is upheld, but that to the public welfare is not. *Proximity*, that “events are geographically or emotionally close” (Mencher, 2003, p. 70) to the *Times*’ readers, may here be adequately served, but portions of the full *impact* of an “event . . . likely to affect many people” (p. 69) have been neglected. In addition, only three stories would originate outside Washington—in Chattanooga, Savannah, and London—the latter two simply catching up on Savannah Rotarians and Ralph McGill on vacation. Such sparse consideration of the decision’s impact on the North and other states is particularly troubling, if we consider Myrdal’s remarks that

> [I]n the North there is actually much unawareness on the part of white people of the extent of social discrimination against Negroes. It has been a common experience of [Myrdal] to witness how white Northerners are surprised and shocked when they hear about such things, and how they are moved to feel that something ought to be done to stop it. . . . In this situation one of the main difficulties for the Negroes in the North is simply lack of publicity. It is convenient for the Northerners’ good conscience to forget about the Negro. (1944, p. 602)

Overall, the Sulzbergerian preference for news “depth” in this edition stands in marked contrast to earlier Ochsian news “breadth.”
CHAPTER 7
THE NEW YORKTIMES IN AMERICAN SOCIETY

Having examined the Brown coverage—that is, having read our text in context—we are in a better position to understand how the New York Times as a rhetor reconstituted its symbolic resources on May 18, 1954. To make statements about the New York Times, though, we must first acknowledge its multiple voices.

Multiple Rhetors

As noted, seven journalists received bylines for their Brown reporting. Three grace page one—Luther Huston, John Popham, and William White. Benjamin Fine and James Reston appear on page 14, Joseph Loftus and Peter Kihss on page 18, and finally, Bess Furman on page 23. Arthur Krock takes up his “In the Nation” column on the editorial page (p. 28). The remaining articles are either marked “Special to The New York Times,” or not at all; only two pieces came off a news wire. Who, then, is the rhetor?

Fundamentally, the journalist identified is responsible for the content below; thus, the majority of the Brown coverage is the rhetoric of the Times itself. Where there is a byline, the reader might expect to find the bulk of interpretation. We have poked ample holes in the Popham (p. 1) and Loftus (p. 18) articles for their conjectures. Yet, we might defer to their better judgment (and, of course, their editors’), since these writers might have been highly regarded with an established reputation. Based on our context (Chapter 4), these names are not particularly striking. With the Times, however, the reader “might even go along with the expression of opinion, on the ground that the writer’s background
qualified him to offer it . . . that interpretation should be left to those who have
demonstrated their competence and earned seniority” (Hulteng & Nelson, 1983, pp. 34-
35). Considering no newspaper staff had won more Pulitzer Prizes in Journalism (Lewis,
2001, p. x), we might grant credence, perhaps undue, to “a member” of that staff.

From the names we have encountered with frequency in the Times’ histories—
Huston, Fine, Reston, Krock—the stories are remarkably balanced and resourceful, the
most “objective,” if we may assign the term. As such, they set the higher standard for
Ochsian Times news coverage. Even though “[s]taffers with ‘star’ status can transgress
policy more easily than cubs,” so much so that “A New York Times staffer said he
doubted that any copy reader on the paper would dare change a word of the copy of
Meyer Berger, the star feature writer” (Breed, 1955, p. 334), we find few lapses in the
news judgment and treatment of these writers. Or, perhaps, they have achieved a level of
skill at wordplay so fine that their interpretations are transparent to even a considered
eye. Aristotle, here again, exhorts, “authors should compose without being noticed and
should seem not to speak artificially but naturally” (trans. 1991, 3.2.4).

The most conspicuous interpretations, in fact, appear without bylines in this
edition, whether in a collection of editorial reaction, or in an analysis of the Court’s five
questions, or in statistical comparisons, both graphically and textually. In these cases, we
must attribute the ideas to the Times itself, to its news policy, and some influence from
the editors. Ultimately, we locate the source of the news policy, per Breed (1955), at the
publisher. Here we will find the credibility against which unmarked interpretations of the
news may be levied.
Breed (1955) teaches us a number of ways *Times* policy may be manifested and transferred to individual journalists, and we have seen examples of each in this case (pp. 328-329). When Adolph Ochs prefers “no policy,” that is in fact his policy: “a reliance of honesty, industry and unhampered judgment” (Davis, 1921, p. 204). We have observed the sense of empowerment bestowed on each *Times* writer, under Ochs and Sulzberger. We have seen Ochs suspicious of opinion and zealous for accuracy, and his successor, though less emphatic, pledge to uphold the company motto. We have seen the breadth with which Ochs would approach a story, and the depth to which Sulzberger would go. These themes alone account for much of the *Times* policy, and with few exceptions, the *Brown* coverage meets these standards. The manner in which Ochs’s “no policy” would be maintained after his reign enhances our appreciation of its simple efficiency.

Ochs’s presence was still fresh on the minds of *Times* staff in 1954, particularly among its company-bred editors. In his will, Ochs had delivered to them a severe ultimatum:

> I am satisfied that my executors and trustees, without any recommendations or suggestions from me, will exercise their control to perpetuate *The New York Times* as an institution charged with a high public duty, and that they will carry forward and render completely effective my endeavor to maintain *The New York Times* as an independent newspaper, entirely fearless, free of ulterior influence, and unselfishly devoted to the public welfare. (Reston, 1991, p. 121)

He had set the standard, and emblazoned the same on his successor, Arthur Sulzberger, the latter having “been close to Mr. Ochs . . . seen him in his office and in his home . . . studied him, admired him.” Moreover, Sulzberger rehearsed the Ochsian precepts frequently as the *Times*’ voice in public appearances. Clearly, Ochs had strategically endowed his “institution,” as both he and Sulzberger would call the *Times*. 
As surely as Ochs had stroked his own legacy, he, a Conservative, preserved all
tradition, including that of Raymond before him. Ochs had paid homage to his mentor in
1896 much as Sulzberger had done in 1935. Raymond, like Ochs, had brought his Times
up from the muck of other New York journals. His editorial tone was cautious, reserved,
and impartial, and the “Miller-Ogden” style would be well-suited to Ochs’s preference
for rational, dispassionate tones (Berger, 1970, p. 424). Ochs had, in fact, retained
Charles Miller and the majority of Raymond’s staff, promising “nor will there be a
departure from the general tone and character and policies pursued with relation to public
questions that have distinguished The New York Times as a non-partisan newspaper”
(Davis, 1921, pp. 194-195). To Ochs’s tripartite list of policies, we might then add
“reverence for tradition.”

It would be preposterous to assume Ochs’s the final word, especially in 1954.
After his term with the Times, we have observed a decentralization of the Times
operation, and the establishment of “dukedoms.” For Shepard, “The publisher may
establish the voice, but the editor bestows the vocabulary” (1996, p. 91). So we have seen
Arthur Krock jockey for independence in his own column, against the will of Ochs, but at
the same time, we have observed Krock and Ochs to both be “regally remote, politically
conservative . . . self-made men, confident and vain and hardened by experiences that
Sulzberger never had” (Talese, 1978, p. 187). We have witnessed comparable levels of
respect bestowed upon the two by their staff.

Later, we have seen James Reston apprenticing with Sulzberger, as intimately or
more, as Sulzberger had with Ochs. After, he became Krock’s star in Washington, worthy
of its successorship, but encumbered by the Krock-Ochsian distaste for interpretation
Now in command in 1954, “Reston’s whole stance seemed so intertwined with *The Times*, his idealism and character so in keeping with the concepts endorsed by the Sulzbergers, that to question James Reston would be to question *The Times* itself” (Talese, p. 22).

Reston and Krock, however, ran things differently, Reston holding a daily four o’clock news meeting where Krock would not (Reston, 1991, p. 202). Moreover, Washington’s other star, Turner Catledge, the *Times*’ new managing editor, would centralize the news operation in the manner of Ochs and Reston. Catledge and Reston would become amicable rivals between New York and Washington, much as Ochs and Krock had. Thus, Krock saw Reston’s proximity to the publisher as a sure means to maintaining the bureau’s independence. What emerges from the dialectic of relationships in 1954 is a strong, but independence-minded *Times* family. The “institution” in 1954 is tinged with a relatively insignificant, but noticeable “conflict between the old *Times* tradition and the new interpretive journalism imposed on the newspapers after radio and television” (Reston, pp. 131-132).

**A New York Times Ethos**

Perhaps these divisions would impact the *Times*’ news coverage, but it is hardly detectable in the May 18, 1954, edition, the general tone being Ochsian, the coverage itself Sulzbergerian. The larger rhetorical force appears to be the reputation the *Times* has established for itself as an institution, as “[u]ndoubtedly . . . a national newspaper more nearly than any other in America” (Davis, 1921, p. 388). After all, this had been the explicit goal of Ochs while negotiating its purchase:

> I believe I can make [the *Times*] a successful and very profitable business enterprise, and at the same time make it the model American newspaper; a model, high standard daily journal, a model for fairness, cleanliness, independence and
enterprise, a welcome, daily visitor in the homes of intelligent and respectable people. (Shepard, 1996, pp. 42-43)

As the standard bearer for American journalism, the Times not only sets the national news agenda, but it also “provides audiences with models for action and feelings, with ways to size up situations,” according to communications scholar James Carey (1983, pp. 129-130). To substitute the words of a rhetorical scholar, the Times offers up “the performance and enactment of [its] sense of the appropriate with responsive interested others” (Farrell, 1991, p. 86).

The standard to which these scholars refer corresponds to the Times’ ethos, or credibility. Aristotle specified the constituents of ethos (which may be translated as “character” and related to “ethical”) to be practical wisdom (phronesis), virtue (arête), and good will (eunoia)” (trans. 1991, 2.1.5). We might credit Ochs with having bestowed each of these on the Times, and so it is here conceded—but this cannot account fully for our particular act of reconstitution. Specifically, for example, we have observed in the May 18 Brown coverage a preponderance of statements from authority figures in key professional fields. The “business and professional readers” to whom the Times caters (Pauly, 2003, p. 25), mirror in many ways these authorities—leading educators, legal scholars, lawyers, non-profit groups, and members of Congress. As such, their reactions, insights, and interpretations presumably would be the most persuasive arguments among the readership Ochs and Sulzberger had cultivated. The rhetorical themes the authorities maintain are founded on the same premises and logic subscribed to by the intelligent, opinion-making reader. Through this commonality, the authority (perhaps a reader of the Times himself) and the Times itself is bestowed with a persuasive credibility, or ethos, by the reader of the Times. The news value prominence, found in “events involving well-
known people or institutions” (Mencher, 2003, p. 70), carries suasory potential for all readers, but particularly those possessed of their own prominence. It is through their practical wisdom that the Times’ own ethos is bolstered.

The enthymemes and propositions we have encountered have generally been in the best interest of the entire country, even if in 1954 this meant news coverage intended mainly to counter Communist propaganda. According to Aristotle, the “general statement[s] about preferences,” or “glittering generalities,” which emerge from the enthymemes in this case “make the speaker seem to have a good character,” or ethos (trans. 1991, 2.21.15-16). In this case, the Times has generally left such statements to the authorities, making enthymemes less of a rhetorical factor in this particular edition.

Here in the Times, whether an editor summarizes a headline or lead from the reactions of “leading educators” or calls a four o’clock news meeting, the first devotion is to accuracy. It is through its Ochsian adherence to accuracy that the Times garners its highest-ranked journalistic ethos, and this ethos is its greatest rhetorical asset. The Society of the Silurians recognized in the Times “those standards which have made your name synonymous with accuracy, objectivity and character in the newspaper world” (Berger, p. 565).

If the notion of ethos is still intangible, we may consider that for ancient rhetoricians, that which was unethical, or sophistic, was rhetoric “in support of a position before that position has been adjudicated with reference to the whole universe of discourse” (Weaver, 1995/1964, pp. 81-82). In other words, as Plato first insisted in the Phaedrus, ideas must pass the rigor of dialectical exchange before they may be used to
persuade. For our study, we locate that exchange in the conflict of a news story, or the four-o-clock news meeting, but not at the copy desk alone.

**The Ends of Journalism**

To this point, we have considered formal and material aspects of the *Brown* coverage, as well as the *Times*’ own ethos, as constituents of the rhetorical act. All that remains, per Wallace (1970), is consideration of the rhetor’s end. Without proximity to the original journalists, this constituent represents the most speculative of the rhetorical act. We are aware of multiple news “purposes,” particularly in an edition as motley as the May 18 *Times*. Ultimately, we cannot know the intention of the *Times* in 1954, much less the intention of an individual journalist (though this may be less so in a more contemporary case). We may be better served adopting the generic end with which we started—of “constitut[ing] a community, directly with its reader and indirectly with those others in the world about whom it speaks” (White, 1990, p. 101)—to evaluate how “a discourse alters an ongoing social conversation,” perhaps the most any newspaper can hope to achieve. With that in mind, let us take up a brief dialectic on the ends of journalistic rhetoric. Along the way, we will return to Carey’s (1975) “ritual” and “transmission” views of communication, considering which of these “communities” the *New York Times* better serves.

In the *Brown* coverage, the *Times* has reconstituted its unique resources into what Adolph Ochs identified as an “authentic sociological document” (Berger, 1970, p. 258). At its weakest, the coverage over-summarizes ideas of wide impact; at its best, it offers a fine and timely “record” of events and voices. We see in the conflicts and excerpts “opposing ideas,” in the spirit of true dialectic. It is not a pure dialectic, for we have seen
unrepresented voices. But, as William James has pointed out, we do not think purely dialectically anyway:

We patch and tinker more than we renew. The novelty soaks in; it stains the ancient mass; but it is tinged by what absorbs it . . . it happens relatively seldom that the new fact is added raw. More usually it is embedded cooked, as one might say, or stewed down in the sauce of the old. (Mechling & Mechling, 2003, p. 83)

Acknowledging that does not free the publisher from his responsibility to all relevant parties. Nonetheless, the Times does offer up a depth of voices, at least among its class of readers. “And because the purpose of the confrontation [of dialectic] is to discern the truth,” says Walter Lippmann in The Public Philosophy, “there are rules of evidence and of parliamentary procedure, there are codes of fair dealing and fair comment, by which a loyal man will consider himself bound when he exercises the right to publish opinions” (Nilsen, 1958, p. 240). Indeed, it has been the aim of this research to uncover some of those “rules” and “codes.”

It is not coincidental that the dialectic with which we are presented on May 18 is that of scholars, lawyers, and educators—rational thinkers and readers of a rational newspaper. Since Plato, the method of dialectic was employed in all matters of speculation, but particularly science. Richard Weaver attributes “rational and soulless discourse,” like that we may read in this edition of the Times, to modern science. He reasons, “[d]ialectic must be recognized as a counterpart in expression of language of the activity of science. We can affirm this, despite certain differences between them, because they are both rational and they are both neutral” (1995/1964, p. 56). Because of this, he continues, “If we define dialectic in its pure form, we are compelled to say that it is indifferent to truth, or at least that its truth is something contained in its own operation . . . . dialectic alone in the social realm is subversive” (1995/1964, pp. 56-57). He indicts
dialectic as “antisocial because his [the dialectician’s] discriminations are apart from the organic feeling of the community for what goes on” (1995/1964, p. 65).

If, for the Times’ particular readership of “opinion-makers,” “news reports become the basic data for forming judgments about public affairs” (Roshco, 1975, p. 121), then we can say in this edition the Times has significantly contributed to a “generally accessible fund of knowledge” (Daniel, 2002, p. 514), even if disproportionately. The Hutchins Commission in 1947 demanded no more: “The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility” (Commission on Freedom of the Press, 1960, p. 623); nor did the Canons of Journalism in effect in 1954 ask for more: “We recommend that the agencies of mass communication accept the responsibilities of common carriers of information and discussion” (American Society of Newspaper Editors, 1960, p. 614). Mencher (2003) identifies this transmission view of journalism as “public service journalism, a journalism that meets the needs of people by supplying them with the information essential to rational decision making” (p. xi). Catering to a “strong public,” distinguished by Daniel from a “weak” public of spectators (2002, pp. 509-510), the Times might, with Walter Lippmann or Alexander Hamilton, feel

[W]e may expect too much from citizens. Specialists handle many tasks quite well on our behalf, and a democratic spirit now widely infuses the procedures and culture of the United States. If our institutions work well, being a ‘monitorial citizen’ may be enough. (Pauly, 2003, p. 27)

But, the Canons of Journalism go further: “To its [a newspaper’s] opportunities as a chronicle are indissolubly linked its obligations as teacher and interpreter” (American Society of Newspaper Editors, 1960, p. 623). We have seen analysis and interpretation in
this edition, in several forms. We have also seen it sporadically placed, or cloaked in the guise of data. We acknowledge interpretive journalism to have been in its earliest stages in 1954, and we have seen anxiety created by the Ochsian insistence on the *Times’* “objectivity.” But, in the main, the brand of interpretation preferred here is “how the terms and propositions which he uses are related,” not “tell[ing] man what he must do” (Weaver, 1995/1964, p. 64). We may assume both publishers to have felt the latter task not necessary, particularly given their sense of empowerment of their own staff. The “ritual view” of the *New York Times* includes a tightly-knit family and a tightly-knit readership, a celebration of commonality which makes for smooth and easy persuasion. Moreover, as Meyer (2003) points out,

> If one medium can create an identity in our heads as a source that is trustworthy and has our best interests at heart, we’ll keep going back to it. Such an identity is very much like a monopoly, because it’s too much trouble to find out who else we can trust. (p. 17)

On the other hand, true democracy seeks full participation, and we would be remiss not to consider the *Times’* role in American society at large. We have seen the *Times* referred to as a “national” paper, and we have heard Ochs, in his first *Times* editorial, dedicate his newspaper to the whole of society: “to make of the columns of *The New York Times* a forum for the consideration of all questions of public importance, and to that end to invite intelligent discussion from all shades of opinion.” But, we have also considered the diminished suasory potential of the *Brown* coverage on someone other than that professional, our “Capital Negro” as the most accessible example.

Hence, the *Times* rhetorically fails the larger society through an under-representation of viewpoints, a lack of analysis and interpretation, and a too heavy reliance on conflict, or dialectic, alone. The “average reader” may in fact want to be told
what to do, or at least what to make of such a dizzying presentation. The social motives and implications of an event are part of the larger “truth” to which any journal adheres, but are spare here. Carey (1986) laments,

How and why are the most problematic aspects of American journalism: the dark continent and invisible landscape. Why and how are what we most want to get out of a news story and are least likely to receive or what we must in most cases supply ourselves. (p. 149)

Given its resources, its integrity by way of ethos, and its strong sense of tradition, there may be none better than the Times to move journalism out of the realm of “rational, soulless” dialectic, where ideas may be misrepresented, misconstrued, or misunderstood. It is poised in 1954 to take up its mantle as a respected rhetor, for, as John Dewey exhorts,

If a man is burdened with an idea, he not only desires to express it; he ought to express it. He owes it to his conscience and the common good. The indispensable function of expressing ideas is one of obligation—to the community and also to something beyond the community, let us say to truth. (Quoted in Mencher, 2003, p. 642)

In 1954, there is perhaps no journal better equipped than the New York Times to assume that responsibility as a rhetor. A Free and Responsible Press had, in 1947, granted the right: “we recommend the repeal of legislation prohibiting expressions in favor of revolutionary changes in our institutions where there is no clear and present danger that violence will result from the expressions” (Commission on Freedom of the Press, 1960, p. 614). The Times need not go so far as to adopt a mantra of World publisher Joseph Pulitzer:

Above knowledge, and above news, above intelligence, the heart and soul of a newspaper lie in its moral sense, in its courage, its integrity, its humanity, its sympathy for the oppressed, its dependence, its devotion to the public welfare, its anxiety to render public service. (Mencher, 2003, p. 621)
The statement does, however, capture the essence of what the *Times* as a rhetorical animal lacks. Even if rhetoric is lumped in a “transmission” view of communication, it may by practiced “ethically” with ease, by adhering to Plato’s program of “dialectic before rhetoric,” as we have tried to do here. Certainly, rhetoric involves a ritual of “commonality” to be most effective. The *Times* holds a virtual monopoly on its particular readership, and when accurate, has both the rhetorical authority and resources to tell its reader exactly what to do.

**Limitations of the Study**

The limitations of any qualitative study are apparent in this one, and we have acknowledged many of these in Chapter 3. In the end, we are left with interpretations of interpretations. We have attempted to ground those interpretations as critically as possible, triangulating a number of key sources to arrive at the closest approximation to accuracy, to inform ourselves with a comparable amount of information as the *Times* itself might have been privy to in 1954. We have employed some theoretical flexibility, but are ever drawn back to Aristotle when naming our constituents. Like the *Times*, we have made many choices in our reconstitution of the rhetorical act, though we have not tried to over-determine the act itself. Any different choice may be closer to reality, but not within one reader’s interpretation (i.e., ours). Moreover, our evaluations here may not pertain to the next day’s *Times*.

As with any historical project, time has been our greatest foe. With more of it, we might have encountered more voices and more primacy in those voices—who wrote that editorial, anyway? We may, in our reconstruction of context, come across a staffer from the period to confirm some of the conjectures we have made. We may have additionally considered the *Times’* news coverage leading up to May 18, or the coverage of other
1954 New York newspapers. We may have extended our scope of the rhetorical act to consider the actual reader response, yielding up a “full-bodied critique [that] encompasses all aspects of the textual cycle, the circuit of production, textuality, and reception” (Rosteck, 1999, p. 14), though such studies are rare, given the size of the task.

But, like Aristotle in the Rhetoric, we have sufficiently demonstrated the method. One need not reconstruct elaborate contexts where there is already special knowledge. The Brown scholar would, perhaps, have more to say than I on the matter; I, on the other hand would have nothing to say without some of that knowledge. The one possessed of a certain or special knowledge is surely the best to speak on it—hence the persuasive utility of the talking head in television news. The scholar of certain knowledge is likewise the one best to adjudicate the rhetoric of that subject, and then explain it.

We may also have taken a deeper look at Aristotle’s theory, or selected another rhetorical theory altogether. Southern liberalism, for which I stand, “has aristocratic traditions,” according to Myrdal (1944, p. 473). In this research, I have been instinctively attracted to the “big names” in each field examined. Into my “stew,” I have added John Hope Franklin, C. Vann Woodward, Gunnar Myrdal, John Marshall Harlan, Thurgood Marshall, Kenneth Clark, Felix Frankfurter, Franklin Roosevelt, Harry Truman, Adolph Ochs, Arthur Sulzberger, James Reston, not to mention rhetoricians over all posterity, with the hope that through their collective wisdom, some kernel of “truth” may actually emerge from the dialectic. I take seriously Myrdal’s claim that Southern liberalism’s “main weakness lies in its lack of mass support. If it wants to see its ideals progressively realized, it simply must get its message out from the conference rooms and college lecture halls to the people on the farms and in the shops” (p. 473). On the other hand, I
believe with conviction that great thinkers, given the means, make great rhetors. And, as Kennedy points out, there is a timely quality to classical thinking: “It is not clear to me that modern technology has altered the basic structures or techniques of rhetoric, whether theoretical or applied. It has not, you might say, rewired our rhetorical hardware” (Kennedy, 1999, p. 57). To this end, we may now appreciate the role of rhetoric, for here lies the very practicality missing in such noble congresses.

Finally, if we bear in mind our original task, that “any critic, regardless of the subject of his inquiry, becomes a rhetorical critic when his work centers on suasory potential or persuasive effects, their source, nature, operation, and consequences” (Sloan et al., 1971, p. 221), we may feel reasonably comfortable we have spoken to these ends. We have examined the suasory potential in Mencher’s (2003) “news values”—clarity, conflict, impact, prominence, proximity, unusuality (pp. 64-87). We now understand more so “what makes The New York Times The New York Times,” and can identify some of its rhetorical strengths and weaknesses: the fluid persuasion possible through correctness and clarity, and the contingent persuasion of the Times’ brand of prominence, proximity, and unusuality. We have also seen the tentative tack the Times has taken to ornamentation in preferring the fundamental journalistic “plain-style” throughout the coverage. The Times persuades not by tropes and figures, but by ethos.

Moreover, we now also understand more so the Brown decision, and can appreciate its significance on its Fiftieth Anniversary, it strenuous development, and the wide range of rhetoric uttered in its name. We are in a apt position, too, to evaluate other Brown rhetoric in other media.
Future Considerations

By one count, we have, in this study, altered the social conversations of race, journalism, rhetoric, jurisprudence, and history. Mass communication, in any medium, has and continues to stand to gain from a rhetorical perspective. But no conversation of rhetoric in academia may take place without acknowledging an institutional structure that eschews “crossing boundaries.” The Alliance of Rhetorical Societies was formed in 2003 from that very necessity, recognizing in a statement on its website:

The varied disciplinary locales for research and teaching in rhetorical studies has made it difficult for scholars to interact with those outside their typical spheres of affiliation, to establish an awareness among themselves and with others regarding their collective interests, and to shape an inclusive agenda of scholarly activity.

Still, awareness is job number one, and rhetoric, just as sociology and astronomy, has entertained periods of flourish. The fragmentary nature of society is as present now as in the 1960s and 1970s when last rhetoric surged. More importantly, the mass media of late have become the message, as McLuhan said it would.

Rhetoric stands as the first to gain from “interpretive turns” in academia. It appears where communication does. Public relations and advertising have examined the rhetorical implications of their fields. Journalism stands equally prepared to receive rhetoric’s insights. A Free and Responsible Press recommended as early as 1947 “that existing schools of journalism exploit the total resources of their universities to the end that their students may obtain the broadest and most liberal training” (Commission on Freedom of the Press, 1960, p. 615).

Burgeoning interdisciplinary avenues, like studies of ideology/hegemony and cultural studies, have also aligned themselves with rhetoric. Rosteck (1999, p. 4) asks, “Is cultural studies just rhetorical analysis applied to nontraditional practices?” That may be
the case. Where Condit (1999, p. 168) contrasts the historical emphasis of rhetoric to the presentist view of cultural studies, no one would suppose that rhetoric is not ever-present. We may just as easily “capitalize on immediate observations of rhetors,” says Sproule (1988, p. 478). Examination of institutional rhetors, like the Times, affords a penetrating perspective on ideology. Feminist scholars may focus on rhetoric’s clear and practical political potential. Generally, any scholar interested in gaining “insight into the life of an era as well as into the mind of a man” (Wrage, 1947, pp. 455-456) may take safe harbor in a rhetorical perspective.

If, as Professor Wrage asserts, “a speech is an agency of its time, one whose surviving record provides a repository of themes and their elaboration” (1947, p. 455), there is much we stand to gain from a rhetorical text. Rhetoric’s legacy in the academy, from classical times, attests to this fact. Its slighted reputation now knocks hard at the door of positivism. Preeminent rhetorical scholar Wayne Booth encouraged his colleagues:

We rhetoricians need to wake up the world to the universal reliance on what we are studying, and to the fact that innumerable scholars in other fields are studying rhetorical matters, often without even realizing their kinship with all of us. (2003, p. 5)

This may be a formidable task, but acknowledging so does not eliminate the need. There is added urgency in our own time, fifty years after Brown.

**Coda**

In 1993, Professor Kenneth Clark reflected on his own efforts in helping secure desegregation for public schools. Tragically, he said,

I am forced to face the likely possibility that the United States will never rid itself of racism and reach true integration. I look back and shudder at how naïve we all were in our belief in the steady progress racial minorities would make through programs of litigation and education. . . . While I very much hope for the
emergence of a revived civil rights movement with innovative programs and dedicated leaders, I am forced to recognize that my life has, in fact, been a series of glorious defeats. (Patterson, 2001, p. xxix)

By May 1954, he had achieved his primary goal, but forty years later, took a near Sumnerian tone to the matter. If Sumner is right, that on our most critical social issues, folkways are overly strong, it becomes even more pertinent that we scrutinize and capitalize on the means by which the “soul is influenced,” rhetoric. Else, Clark’s work and others becomes “meaningless” and lost, like Tuesday’s paper.
LIST OF REFERENCES


BIOGRAPHICAL SKETCH

The author was born in 1976 in Tuscaloosa, Alabama. He enjoyed a healthy public education and entered in 1993 the University of Alabama, home of the Beloved Tide. Sojourns in engineering and math led him in 1996 to the shores of Lake Ansley C. Moore at St. Andrews College in Laurinburg, North Carolina. Here he took up liberal arts and living, earning degrees in creative writing and mathematics. In the next millennium, he contemplated ideas new and ancient at the University of Florida, en route to the Master of Arts in Mass Communication degree.