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Rodney A. Smolla  
*University of Richmond School of Law*

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# A CALL TO LEADERSHIP: THE FUTURE OF RACE RELATIONS IN VIRGINIA

*Rodney A. Smolla* \*

## I. A CALL TO LEADERSHIP

Let us answer a call to leadership.

Let us answer a summons to build a new future for race relations in this Commonwealth.

There is no more fitting commemoration of the decision fifty years ago in *Brown v. Board of Education*<sup>1</sup> than a renewed commitment today to ensure that the next fifty years will be years of progress and prosperity.

I am optimistic about the future of race relations in Virginia. Mine is a focused optimism, however, tempered by the sober understanding that the promise of the future will be achieved only with seriousness of purpose, bipartisan collaboration, and creative energy. We are capable of that purpose, that collaboration, and that energy. We draw strength from deep reservoirs: from our long-standing commitment to the rule of law, from our legacy of enlightened and inspirational political, legal, and business leadership, and from the essential abiding generosity and goodwill of our people.

The time has come to put these strengths to the service of a higher purpose.

The time has come to organize, to energize, to communicate, to work through conflict and to seek common ground for the common good.

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\* Dean and George E. Allen Professor of Law, University of Richmond School of Law. B.A., 1975, Yale University; J.D., 1978, Duke University.

1. 347 U.S. 483 (1954).

The history of race relations in Virginia is in many respects emblematic of the history of race across America. It is a history inextricably bound up in the history of western culture. Consider the march.

## II. THE MARCH TO EQUALITY

### A. *The Ancients*

Aristotle wrote with brilliant insight about essential attributes of justice and about the ideals of equality and balance in fashioning the rules of law.<sup>2</sup> Yet Aristotle lived in and defended a society built upon a brutal slavery.<sup>3</sup>

### B. *All Men are Created Equal*

Influenced in large part by the wisdom and insights of the ancients, future readers of Aristotle in the new world would write powerfully about the basic rights of man. Virginia's Thomas Jefferson wrote, in words that still stir our souls: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights . . . ."<sup>4</sup> Yet Jefferson owned slaves at Monticello.<sup>5</sup>

### C. *The Constitution and Slavery*

After a courageous victory in the war of independence, our national leaders, many of them sons of Virginia, would forge the

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2. See ARISTOTLE, *POLITICS: BOOKS III AND IV* 58–60 (Richard Robinson trans., Clarendon Press 1995).

3. See ARISTOTLE, *POLITICS: BOOKS I AND II* 5–7 (Trevor J. Saunders trans., Clarendon Press 1995).

It is clear that those constitutions which seek the common advantage are correct and accord with simple right, while those which seek only the advantage of the rulers are all mistaken and perversions of the correct constitutions. For the latter are all masterships, whereas the city is a society of the free.

ARISTOTLE, *supra* note 2, at 21.

4. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

5. See Jon Hanson & David Yosifon, *The Situation: An Introduction to the Situational Character, Critical Realism, Power Economics, and Deep Capture*, 152 U. PA. L. REV. 129, 312 (2003).

Constitution and Bill of Rights,<sup>6</sup> our nation's greatest contribution to world history, creating a brilliant system of checks and balances, and enshrining in a written text our profound commitment to the protection of the basic rights of humankind. Yet that magnificent Constitution was in one awful respect deeply flawed, for it embraced the institution of slavery, prohibiting any end to slavery for a score of years,<sup>7</sup> and cynically counting slaves for representation purposes as three-fifths of a man.<sup>8</sup>

#### D. *John Marshall and Marbury*

John Marshall, who as a young man fought with valor in the American Revolution,<sup>9</sup> settled down after the war to practice law in Richmond, and would have been entirely happy to make the private practice of law his peaceful and contented life.<sup>10</sup> He was summoned to leadership by George Washington, John Adams, and others in the generation of his father, and though with some reluctance, answered that call to leadership, serving his nation as a diplomat, cabinet officer, and ultimately, as Chief Justice of the Supreme Court of the United States.<sup>11</sup> As Chief Justice, our greatest Virginia jurist altered the course of American history, infusing into the concept of the "rule of law" a new resonance. In his historic decision in *Marbury v. Madison*,<sup>12</sup> John Marshall forever altered the American conception of the meaning of the Constitution, of law, of the role of judges, and of the role of lawyers. Insisting that "[i]t is emphatically the province and duty of the judicial department to say what the law is,"<sup>13</sup> John Marshall entrenched in our constitutional tradition the elemental notion that the Supreme Court could strike down a law passed by the legislature if

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6. See JAMES MACGREGOR BURNS & STEWART BURNS, *A PEOPLE'S CHARTER: THE PURSUIT OF RIGHTS IN AMERICA* 56–61 (1991) (detailing Virginian James Madison's role in the proposal and passage of the Bill of Rights); CHRISTOPHER COLLIER & JAMES LINCOLN COLLIER, *DECISION IN PHILADELPHIA: THE CONSTITUTIONAL CONVENTION OF 1787*, at 54–55 (1986) (listing the Virginians at the Constitutional Convention as James Madison, George Washington, George Mason, George Wythe, John Blair, Edmund Randolph, and James McClurg).

7. U.S. CONST., art. I, § 9.

8. U.S. CONST., art. I, § 2, cl. 3.

9. See JEAN EDWARD SMITH, *JOHN MARSHALL: DEFINER OF A NATION* 37–69 (1996).

10. See *id.* at 144–68.

11. *Id.* at 184–85, 265–67, 278–79.

12. 5 U.S. (1 Cranch) 137 (1803).

13. *Id.* at 177.

that law conflicted with the Constitution, the supreme law of the land.<sup>14</sup>

### E. *Dred Scott*

Yet once again, whatever promise lay in *Marbury* for the possibility of racial liberty would wait many generations for its consummation. Without *Marbury* there could have been no *Brown*. But even with *Marbury*, *Brown* was a long time coming. What would come first would be *Dred Scott v. Sandford*,<sup>15</sup> in which, with bitter irony, the Supreme Court would for the first time truly flex the legal muscle that had been developed in *Marbury*, yet flexing that muscle not to promote liberty, but to quash it. It was in *Dred Scott* that the Supreme Court held that in the very nature of things it could not be that our Constitution contemplated the possibility that an African slave or an African slave's American descendants could ever be citizens, could ever be members of the polity, for they were regarded as "beings of an inferior order."<sup>16</sup>

14. *Id.* at 178.

So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply.

*Id.*

15. 60 U.S. (19 How.) 393 (1856).

16. *Id.* at 404-11.

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

*Id.* at 407.

## F. *Emancipation and the Civil War Amendments*

In the wake of *Dred Scott* our nation was plunged into a bloody civil war, with Richmond the capital of the Confederacy. Abraham Lincoln would issue his Emancipation Proclamation, would address the soul of the nation at Gettysburg, and would die at the hands of an assassin. Yet the war did end, and with it slavery, and the Constitution was re-constituted, with the addition of the great civil war amendments: the Thirteenth Amendment abolishing slavery,<sup>17</sup> the Fifteenth Amendment declaring that the right to vote shall not be abridged on account of race,<sup>18</sup> and most importantly, the Fourteenth Amendment, placing into our law the fundamental principle of equality and declaring in simple but ringing terms that no state shall deprive any person of "the equal protection of the laws."<sup>19</sup> Yet again, the lifting potential of these great changes in our law was not matched by a concomitant change in our attitudes or our practices. Despite Lincoln, despite the war, despite the Fourteenth Amendment, neither true freedom nor true equality was yet ready to grow. Instead we grew Jim Crow.

## G. *Jim Crow, the Civil Rights Cases, and Plessy*

Jim Crow laws planted the seeds of racial hate and racial separation in virtually all aspects of American life.<sup>20</sup> When Jim Crow laws were challenged in the Supreme Court, in landmark decisions such as the *Civil Rights Cases*<sup>21</sup> and *Plessy v. Ferguson*,<sup>22</sup> the Court would approve of this legally-sanctioned segregation. In the *Civil Rights Cases*, the Supreme Court held that the guarantee of equal protection in the Fourteenth Amendment did not

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17. U.S. CONST. amend. XIII, § 1 ("Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.")

18. U.S. CONST. amend. XV, § 1 ("The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.")

19. U.S. CONST. amend. XIV, § 1 ("nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws").

20. See *Missouri v. Jenkins*, 515 U.S. 70, 116 (1995) (Thomas, J., concurring). "[L]aws from the Jim Crow era created 'an atmosphere in which . . . private white individuals could justify their bias and prejudice against blacks . . .'" *Id.* (quoting *Jenkins v. Missouri*, 593 F. Supp. 1485, 1503 (W.D. Mo. 1984)).

21. 109 U.S. 3 (1883).

22. 163 U.S. 537 (1896).

prohibit private acts of discrimination.<sup>23</sup> The Court took a similarly restrictive view of the meaning of the Thirteenth Amendment, holding that it was intended primarily to abolish slavery, and not provide for any regime of general cultural or social equality.<sup>24</sup> One of the dominant motifs of the *Civil Rights Cases* was thus the theme that the civil war amendments were designed to protect the legal rights of African Americans, but simply had nothing to do about social rights, and were not intended to make the races like each other, or have any significant associations with one another.<sup>25</sup> These themes were picked up and magnified with vengeance in *Plessy*, in which the Court quoted:

"[i]t would be running the slavery argument into the ground . . . to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business."<sup>26</sup>

The message the Court had for Homer Plessy was that white is white and black is black, and never the twain shall meet.<sup>27</sup>

A statute which implies merely a legal distinction between the white and colored races—a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color—has no tendency to destroy the legal equality of the two races, or reestablish a state of involuntary servitude.<sup>28</sup>

The Court saw its doctrine of separate but equal as almost a law of the universe, something that existed "in the nature of things."<sup>29</sup>

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23. 109 U.S. at 10–11. The *Civil Rights Cases* established the "state action doctrine," which remains to this day a cornerstone of American constitutional law. *Id.* at 11. In defending the Civil Rights Act of 1875, a law that sought to ban discrimination in many of the private spheres of society, such as inns and transportation, the government claimed that Congress had authority to pass the legislation pursuant to the Equal Protection Clause of the Fourteenth Amendment. *Id.* at 9–10. The Supreme Court rejected this proposition. *Id.* at 18–19. The Fourteenth Amendment, the Court reasoned, could not be invoked to support legislation barring discrimination by private actors, as opposed to governmental entities. *Id.* at 11–14. The Fourteenth Amendment, the Court asserted, was aimed only at guaranteeing "the equal protection of the laws" in matters concerning the laws and actions of the state itself, not private individuals or businesses. *Id.* at 11.

24. *Id.* at 20–25.

25. *See id.* at 24–25.

26. *Plessy*, 163 U.S. at 543 (quoting the *Civil Rights Cases*, 109 U.S. at 24–25).

27. *Id.* at 543.

28. *Id.*

29. *Id.* at 544.

In what was the most devastating passage in the *Plessy* opinion, the Court thus declared:

The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other . . . .<sup>30</sup>

*Plessy* and the *Civil Rights Cases* were a terrible setback for the march of equality. At a crucial juncture in American history, in which the country was poised to launch a new era of freedom and equality, the Supreme Court failed us in leadership, instead giving its imprimatur to racial hatred and separation.

### III. THE PROPHETIC VOICE OF JUSTICE HARLAN

One courageous Supreme Court Justice, John Marshall Harlan, rose in counterpoint to the Supreme Court's failures in the *Civil Rights Cases* and *Plessy*.<sup>31</sup> In one of the most famous dissenting opinions in the history of American law, Justice Harlan in *Plessy* spoke directly to the conscience of his fellow Justices, and to the American people.

The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage and holds fast to the principles of constitutional liberty. But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. 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. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is, therefore, to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is

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30. *Id.*

31. See 109 U.S. at 26–62 (Harlan, J., dissenting); *Plessy*, 163 U.S. at 552–64 (Harlan, J., dissenting).



competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.<sup>32</sup>

Justice Harlan insisted that the destinies of blacks and whites in America are indissolubly linked together, and that laws sanctioning separation could only sow seeds of race-hate.

In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott case*. It was adjudged in that case that the descendants of Africans who were imported into this country and sold as slaves were not included nor intended to be included under the word "citizens" in the Constitution, and could not claim any of the rights and privileges which that instrument provided for and secured to citizens of the United States; that at the time of the adoption of the Constitution they were "considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them." The recent amendments of the Constitution, it was supposed, had eradicated these principles from our institutions. But it seems that we have yet, in some of the States, a dominant race—a superior class of citizens, which assumes to regulate the enjoyment of civil rights, common to all citizens, upon the basis of race. The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to defeat the beneficent purposes which the people of the United States had in view when they adopted the recent amendments of the Constitution, by one of which the blacks of this country were made citizens of the United States and of the States in which they respectively reside, and whose privileges and immunities, as citizens, the States are forbidden to abridge. Sixty millions of whites are in no danger from the presence here of eight millions of blacks. The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments, which, in fact, proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens? That, as all will admit, is the real meaning of such legislation as was enacted in Louisiana.<sup>33</sup>

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32. *Plessy*, 163 U.S. at 559 (Harlan, J., dissenting).

33. *Id.* at 559-60 (Harlan, J., dissenting) (quoting *Dred Scot v. Sandford*, 60 U.S. (19

Justice Harlan thus spoke the truth to a people in denial. His opinion was at once prophetic and apocalyptic. The darkest impulses of humanity at its worst had infected the American character. The nation would never prosper until it had rid itself of this disease. Speaking to the heart of the country, Justice Harlan admonished that a regime of racial degradation was contrary to our national boasts of democracy and freedom. The myth of separate but equal was but a thin disguise.

We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow-citizens, our equals before the law. The thin disguise of "equal" accommodations for passengers in railroad coaches will not mislead any one, nor atone for the wrong this day done.<sup>34</sup>

#### IV. THE *BROWN* DECISIONS

##### A. *The Great Victory in Brown I*

If racial supremacy and separation won the battle in *Plessy*, they did not ultimately win the war. Justice Harlan's prophecy would one day be fulfilled. Through the courage and indomitable will of many great Americans, including the extraordinary contributions of many great Virginians, the regime of *Plessy v. Ferguson* was finally brought down in 1954 with *Brown v. Board of Education* ("*Brown I*").<sup>35</sup> The Supreme Court in *Brown I* repudiated *Plessy* and its doctrine of separate but equal,<sup>36</sup> and set in motion yet another American revolution.

##### B. *Brown II and All Deliberate Slowness*

Once again, however, the wheel took a full turn forward and a half turn back. In *Brown v. Board of Education* ("*Brown II*")<sup>37</sup> the

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How.) 393, 404–05 (1856)).

34. *Id.* at 562 (Harlan, J., dissenting).

35. 347 U.S. 483 (1954) ("*Brown I*").

36. *Id.* at 495.

37. 349 U.S. 294 (1955) ("*Brown II*").

Supreme Court diluted the moral force of its ruling in *Brown I* by announcing that the desegregation of American schools should not take place immediately, but rather with all deliberate speed.<sup>38</sup> This would be used as cover throughout the country for a regime of massive resistance, a regime that could boast Richmond as its intellectual capital—the same city that was once the capital of the Confederacy. All deliberate speed would become all deliberate slowness.<sup>39</sup>

Yet the wheel did not stop turning. There were enlightened leaders in Richmond, and around the state and nation. Lewis Powell and Oliver Hill in Richmond would forge an alliance.<sup>40</sup> The Supreme Court would jettison all deliberate speed and insist on the dismantling of the system of segregated schools *now*, a dismantling that was to be thorough and unremitting, “root and branch.”<sup>41</sup>

## V. NEW STRUGGLES

New struggles would emerge. The simple moral injunctions that discrimination and separation were wrong and no longer to be tolerated would give way to the more difficult and complicated moral and legal struggle over remedies such as affirmative action. Virginia would again play a pivotal historic role. In *City of Rich-*

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38. *Id.* at 301 (“[T]he cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.”).

39. *See, e.g., Freeman v. Pitts*, 503 U.S. 467 (1992).

DCSS' initial response to the mandate of *Brown II* was an all too familiar one. Interpreting ‘all deliberate speed’ as giving latitude to delay steps to desegregate, DCSS took no positive action toward desegregation until the 1966–1967 school year, when it did nothing more than adopt a freedom of choice transfer plan. Some black students chose to attend former *de jure* white schools, but the plan had no significant effect on the former *de jure* black schools.

*Id.* at 472.

40. *See* JOHN C. JEFFRIES, JR., JUSTICE LEWIS F. POWELL, JR. 158–59 (1994) (detailing Powell and Hill's relationship during the desegregation of the Richmond school district).

41. *Green v. County School Bd.*, 391 U.S. 430, 437–38 (1968). The Court held that adoption of a freedom of choice plan does not, by itself, satisfy a school district's mandatory responsibility to eliminate all vestiges of a dual system. *Id.* at 440. Green was a turning point in the law, in which the Court stated that “[t]he time for mere ‘deliberate speed’ has run out.” *Id.* at 438 (quoting *Griffin v. County School Bd.*, 377 U.S. 218, 234 (1964)).

mond v. J.A. Croson Co.,<sup>42</sup> arising from an affirmative action plan adopted by the city of Richmond, the Supreme Court would strike down mechanical quota-style forms of affirmative action.<sup>43</sup> In counter-balance to *Croson*, however, was the decision in *Regents of the University of California v. Bakke*.<sup>44</sup> Justice Lewis Powell, who had led the Richmond School Board,<sup>45</sup> would craft the influential swing opinion in *Bakke*, the first landmark affirmative action decision in the context of university education.<sup>46</sup> Powell's opinion would finally be endorsed by a majority of the Supreme Court decades later in its historic rulings in the University of Michigan cases, *Grutter v. Bollinger*<sup>47</sup> and *Gratz v. Bollinger*.<sup>48</sup>

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42. 488 U.S. 469 (1989).

43. *Id.* at 486, 499–506.

44. 438 U.S. 265 (1978).

45. Powell was appointed to the Richmond School Board in 1950 and served as chairman from 1952–60. See JEFFRIES, *supra* note 40, at 124, 131–82.

46. *Bakke*, 438 U.S. at 269.

47. 539 U.S. 306 (2003). In a case with dramatic implications for American society and equal protection jurisprudence, the Supreme Court upheld in *Grutter*, by a 5–4 vote, a ruling by the Sixth Circuit that the University of Michigan Law School's use of race in admissions to obtain the educational benefits that flow from a diverse student body was constitutional under application of the strict scrutiny test. *Id.* at 334. A majority of Justices endorsed the view that the pursuit of student body diversity is a compelling state interest that may justify using race in university admissions. *Id.* at 327–43. At the same time, however, the Justices rejected as unconstitutional a university's attempt to enroll a "critical mass" of minority students merely to assure the presence of some specified percentage of a racial or ethnic group. *Id.* at 335–37. The Court held, nonetheless, that a narrowly tailored admissions program ("flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight") is constitutional. *Id.* at 334 (quoting *Bakke*, 438 U.S. at 317). The touchstone, the Court held, was that the program ensures that each applicant is evaluated as an individual, and that race or ethnicity not be the defining feature of the evaluation of the application. *Id.* at 337.

48. 539 U.S. 244 (2003). In a companion to *Grutter*, the Court in *Gratz* held that the University of Michigan's College of Literature, Science, and the Arts' use of racial preferences in undergraduate admissions violated the Equal Protection Clause of the Fourteenth Amendment. *Id.* at 250–51. Michigan's undergraduate admissions system used a selection method, in which every applicant from an "under represented" racial or ethnic minority group was automatically awarded twenty points of the 100 needed to guarantee admission. *Id.* at 255. The Court held that an admissions policy such as Michigan's, that in its view considered race exclusively, was unconstitutional. *Id.* at 275–76. Michigan's twenty point distribution system, the Court reasoned, "ha[d] the effect of making 'the factor of race . . . decisive' for virtually every minimally qualified underrepresented minority applicant." *Id.* at 272 (quoting *Bakke*, 438 U.S. at 317).

## VI. LET US CONSTRUCT A FUTURE HISTORY

Our task in this state and throughout the nation, when it comes to race, is to construct a future history. To construct that future history, what our state and our nation need *today* is leadership. We need leadership at our universities, in our courts, in our professions, in our businesses, in our political and civic institutions. We need leaders who are not afraid to lead.

Inspired leadership is not the exclusive province of any race, any political party, or of any ideological view. We treat with equal admiration the magnificent qualities of leadership exhibited by Americans as diverse as Franklin Delano Roosevelt, Martin Luther King, and Ronald Wilson Reagan. Such giants may have had different political agendas or different views on specific matters of public policy, but they shared many core values and defining qualities and we will do well never to stop learning from them.

I believe in leaders who are not afraid. Franklin Roosevelt was not, warning us that we have nothing to fear but fear itself. Ronald Reagan was not, with his indefatigable optimism.

I believe in leaders who are not afraid to dream. Martin Luther King was not.

I believe in leaders with the courage and inspiration to appeal to the best sides of our nature.

I believe in leaders with the creativity and doggedness to help the community conceive a vision, build consensus behind it, and carry out its execution.

Reform begins at home. We must treat as a sacred obligation the task of assisting our city, our state, our legal profession, and our nation, to devise creative and constructive solutions to the challenges that face us all. As Justice Harlan prophesized, our destinies are indissolubly linked together.<sup>49</sup> For us to prosper together we must invest in education, invest in our system of justice, and invest in the infrastructure that serves our human capital. Our task is to ensure that a reflection on the sixtieth or seventy-fifth anniversary of *Brown* will describe a better history than the fiftieth anniversary, just as the fiftieth is better than that painted on the twenty-fifth.

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49. See *supra* Part III.

As lawyers, as Richmonders, as citizens of Virginia, we may be justly proud of the profound contributions that many from our Commonwealth have played in the struggle for racial justice. The history has not always been admirable. For each turn of the wheel forward there have been half turns and sometimes full turns back, but on the whole the wheel has moved us toward the ideal of a racially tolerant and just society.

We must rededicate ourselves to that goal.

Each in our own way, according to our own political and spiritual lights, must seek to break down the barriers that divide and build the bridges that unite.

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