

Charles Duncan on Translating *Brown* into Lasting Social Change

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Based on Charles Duncan's Oral History for the D.C. Circuit Historical Society

The legal field in the 1950s was a battleground for the forces of change, and many of the victories won in that decade reverberated in the years that followed. One such triumph was *Brown v. Board of Education*, declaring segregation in schools unconstitutional – a decision certainly filed under the category of “easier in theory.” Although it represented a huge leap forward for civil rights, myriad difficulties followed in the struggle for its implementation. Charles Duncan worked on the legal team for the second phase of the case, *Brown II*, and bore witness to its role as a watershed event in America’s history.

The overturning of *Plessy v. Ferguson* and the elimination of the “separate but equal” doctrine from the American ideology in *Brown I* left the country lacking in direction. Resistance in the South was both anticipated and met. *Brown II* struggled to solve questions about implementation of desegregation, yet strong-willed opposition battled against this change well into the 1970s. An evaluation of the dynamic between blacks and whites during the time left no question in the eyes of popular opinion: this change was necessary and couldn’t wait for the so-called “gradualism” of shifting race relations so widely promised among southern whites.

Charles Duncan was a partner at the firm Reeves, Robinson, & Duncan in the 1950s. Through his colleague Reeves, he gained entrance into the group of lawyers working on *Brown II*. Every Friday through Sunday afternoon for a period of six months in 1953, the volunteer lawyers would travel up to New York to meet with the NAACP staff, “sit around this big table and hammer out this issue and that issue,” Duncan recalled. The group planned anticipatorily for the 1955 *Brown II* argument.

The saying “hindsight is twenty-twenty” proved to be true in Duncan’s case. Looking back on his time with the legal team, he stated, “I personally don’t think I fully understood the historic significance of the case.” His later observations about the far-reaching effects of the decision are made all the more potent; from the standpoint of a citizen-observer, he witnessed the cultural ripples that an end to state-supported segregation effected.

The *Brown* decision was key not in what it said, but in what it represented. Reflecting on the decision and its aftermath, Duncan posited, “Chances are that I can make an argument that black kids received a better education before *Brown* than they did after.” Irrespective of the law, residential patterns made *de facto* segregation widespread, a trend exacerbated by the perceived vagueness of requiring implementation of the decision “with all deliberate speed.”

The Supreme Court ended state-supported segregation in schools, but then desegregation “immediately applied to everything else,” said Duncan. This also lent momentum to a range of activist causes, including the women’s movement, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and freedom marches. Looking back on the period, Duncan states, “It still amazes me the *Brown* decision was 1954, and the Civil Rights Act, the big one, was not until 1964. There was a ten-year period in there where things were unsettled [...] it was a time of change, let’s put it that way.”

One such battleground for civil rights was fought at Glen Echo Park, an amusement park in a Maryland suburb of Washington D.C. with a pool, carousel, and wooden roller coaster – and at the time, available only for the enjoyment of white people. The attempted desegregation of the metro-area hotspot received much publicity during the late 1950s. Duncan’s wife, Pamela Duncan, had grown up in the nearby Bannockburn neighborhood and picketed at Glen Echo in her teens, while George Lincoln Rockwell and the American Nazi Party clashed against the protests to defend segregation. Charles Duncan argued the case in the Maryland courts. Joe Rauh argued it at the Supreme Court; Duncan would have, but wasn’t permitted to, after joining the U.S. Attorney’s Office. The case was a “smashing 100 percent victory” on appeal. In the Supreme Court, an attorney tried to argue that the plaintiffs couldn’t show state action. Justice Goldberg dismissed this argument outright: in reality, Duncan had proved state action by recounting the actions of a Montgomery County Sheriff who arrested black children on the carousel.

The landmark decision in *Brown* propelled the country towards change but did not guarantee it. A hard-fought decade of civil rights activists clamoring for footholds built up enough momentum to culminate in the Civil Rights Act of 1964, proving that an end to nationally-mandated segregation in schools delivered a much farther-reaching message than just education: it identified the type of country the United States wanted to strive towards in the second half of the 20th century.