

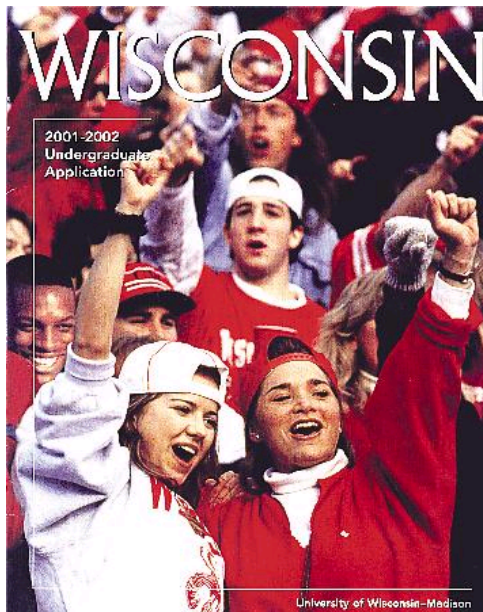
What's Wrong with These Pictures? Race, Narratives of Admission, and the Liberal Self-Representations of Historically White Colleges and Universities

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This Article focuses on the interpretation of several iconic images used to represent racial inclusion at what the sociologist Eduardo Bonilla-Silva has tellingly called “historically white colleges and universities.”¹ All of the images come from schools in the Midwest, and, churlishly enough, a memorial in the law school publishing this Journal comes in for the most extended criticism. In mitigation, I conclude with discussions of my own institution, University of Illinois, whose use of a racist caricature of American Indians to rally its fans now makes it the (pun intended) chief offender among Midwestern universities where race and representation are concerned. However, while brief exploration of the connection between Illinois’s hideous anti-Indian symbolism and its professed racial liberalism ends this paper, the larger focus is on images professedly designed not to entertain fans, but to “admit” students of color into the historically white institutions. The liberal narrative of admission that welcomes students of color to historically white universities comes, the Article argues, at the high price of effacing the exclusionary past and present of such institutions. Thus, the notion recently advanced at Illinois that a racist sports symbol can be put into the service—or somehow has always been in the service—of multiracial education represents not so much a sharp break with the ways the historically white, but confidently liberal, university represents itself as an elaboration of such views.

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1. Conversation with Eduardo Bonilla-Silva, Professor of Sociology, Texas A&M University (Apr. 2004).



University of Wisconsin-Madison
2001-02 Undergraduate Application brochure

We start with an image allowing for straightforward interpretation, at least from a moral point-of-view. At first glance there seems little wrong with this picture of a crowd at a University of Wisconsin-Madison (UW) football game. There sits Diallo Shabazz, smiling broadly, his face bathed in sunshine, in a group of Badger fans made visibly interracial only by his presence. The photograph was so perfect that it graced the covers of 106,000 brochures designed to recruit UW undergraduates. But UW student journalist Anna Gould spotted something wrong, noticing that the sunlight only bathed Shabazz.² Quick checking on the university's own website revealed that two pictures had become one in order to market inclusion in the historically white university.³

2. Daniel J. Flynn, *Wisconsin Doctors Diversity in Application for Students*, ACCURACY IN ACADEMIA (2000), at http://academia.org/campus_reports/2000/october_2000_2.html.

3. The most useful accounts are Bill Walsh, *On Faking Photographs*, MEDIA LITERACY REVIEW, at http://interact.uoregon.edu/medialit/mlr/readings/articles/faking_photos.html (last visited June 4, 2005); *Wisconsin University Inserts Black Student Among Whites in Photo*,

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Original Photo of Diallo Shabazz



Original photo from University of Wisconsin-Madison football game

CNN.COM (Sept. 20, 2000), at <http://archives.cnn.com/2000/US/09/20/photo.fix.ap>; Jennifer Yachnin, *Black and White (and Red All Over)*, COLUM. CHRON. ONLINE, at http://ccchronicle.com/back/2000_fall/2000-10-02/campus5.html (Oct. 2, 2000). Photos are accessible at the website of the Madison Independent Media Center at http://madison.indymedia.org/newswire/display_printable/3559 (last visited June 4, 2005).

The circumstances of the merging of the photographs also quickly became clear. Wisconsin's director of undergraduate admissions, Robert Seltzer, had proposed the photograph of the crowd scene in Image Two, featuring all phenotypically white faces as the brochure's cover image.⁴ Paul Barrows, the vice-chancellor for student affairs, later told the *Milwaukee Journal Sentinel* of his reaction to Seltzer's choice: "I said it was unacceptable—get another picture."⁵ Seeking to obey Barrows's instruction to "find something more diverse,"⁶ admissions office staff searched briefly for a suitable photograph and then despaired. The result was the digital insertion of Shabazz.⁷

When the university's newspaper broke the story, reaction was furious. One newspaper headlined, "They Cheated!"⁸ Another featured "a cheat and a lie" in its account.⁹ Calls for firings followed.¹⁰ Bill Walsh, writing in University of Oregon's online *Media Literacy Review*, branded the image as "misleading, deceptive, and simply wrong," an instance of "academic fraud."¹¹ The university swallowed the cost of the brochures and attempted to apprise the 50,000-plus prospective students who had already received the mailing of its fraudulence.¹²

However, UW's administration quickly found fascinating grounds to absolve the school, and to a large extent even Seltzer, of responsibility in the incident. Indeed, it quickly transformed the scandal into an occasion to trumpet the commitment to racial inclusion the university saw itself cherishing. In defending the decision not to discipline those producing the brochure's cover, administrators cited the fact that those bearing responsibility had apologized to Shabazz, who was consistently seen as the sole bearer of race in the photograph, in a way that the white students were not. Moreover, as the director of university publications put it, "Our

4. Walsh, *supra* note 3.

5. Flynn, *supra* note 2.

6. Walsh, *supra* note 3.

7. Flynn, *supra* note 2.

8. Angela Moon, *Cut and Paste Diversity*, BOUNDLESS WEBZINE (2000), at <http://boundless.org/2000/features/a0000338.html>.

9. *Id.*

10. *Id.*

11. Walsh, *supra* note 3.

12. Flynn, *supra* note 2.

intentions were good [even if] our methods were bad.”¹³ This official stance found an echo in Seltzer’s insistence that there “was not an attempt—ever—to mislead, but to show the diversity that exists on campus.”¹⁴ From an exposed position, with Black student enrollment at one in fifty in a state where about one in sixteen residents are African-Americans, and with that enrollment stagnant or declining, the administration nonetheless portrayed itself as the very embodiment of commitment to diversity, with its mistake lying in its well-meaning incaution. University of Idaho, caught later doctoring a photo on its website by replacing two white faces with those of a Black and an Asian student, similarly found no one culpable and held that it acted with good intentions, though poor judgment.¹⁵

Sadly, the most passionate dissections of the University of Wisconsin photo fraud came from the right, allowing the university to confirm its self-representation as somehow a haven in a racist world. Accuracy in Academia reporter Daniel Flynn, for example, blamed the 1998 Madison Plan, a longterm campus diversity initiative, for allegedly creating the climate in which Shabazz found a place in the cover photograph.¹⁶ That the plan was “on everybody’s mind,”¹⁷ plus the allegedly bullying intervention of Vice-Chancellor Barrows, an African-American, gave Flynn a handy explanation for the fakery. On this view, the fraud reflected not the school’s failures to recruit Black students but their passion for doing so, one amounting, all statistics to the contrary, to something like “quotas.”¹⁸ Thus, Marc Levin, heading the conservative American Freedom Center, found Shabazz’s insertion to “symbolize the intellectual

13. Yachnin, *supra* note 3.

14. Flynn, *supra* note 2.

15. The quotations are from Yachnin, *supra* note 3, and Flynn, *supra* note 2, discussing the University of Idaho; for the figures, see Associated Press, *Pressure's on to Recruit Minorities to Universities*, Sept. 23, 2000, available at http://www.thehollandsentinel.net/stories/092300/new_25.html.

16. Flynn, *supra* note 2.

17. *Id.*

18. *Id.*

dishonesty of racial-preference programs” in an article titled “Sacrificing Truth for Diversity.”¹⁹

In such a context, the hard issues regarding the ways in which the digitalized diversity of the photograph reflected the fact of UW’s inability to transform itself from being, and thinking as, an historically white university get easily lost. Take, for example, the claim of those involved that, as the Associated Press put it, “[t]hey couldn’t find an authentic picture of diversity,”²⁰ and therefore spliced one into existence. That such a claim could co-exist with the school’s self-representations as embodying inclusion presents a fascinating paradox. But in fact neither of the generalizations capture reality. Indeed, when Jana Thompson, president of UW’s Black Student Union, heard of the claim that suitable photos did not exist, she reminded reporters that her office was a floor above the admissions office and the designers could have simply “asked us for the pictures.”²¹

That university decision-makers could imagine a campus plausibly without documentable interracial contacts—that they would not have simply gone to Thompson’s office—advertises the extent to which they imagine the campus from the point-of-view of its overwhelmingly white majority. “Students of color,” as a 1997 report from the Association of American Colleges and Universities explains, are shown by survey research to “interact more with dominant students than the reverse.”²² Despite folklore regarding Black students self-segregating at cafeteria tables, a recent University of Michigan study found them almost three times (and Latinos almost four times) more likely than white students to frequently eat in interracial groups.²³ In fact, despite staff complaints that there “weren’t any other [integrated] photographs available,”²⁴ the very

19. Marc Levin, *Sacrificing Truth for Diversity*, INSIGHT ON THE NEWS (Jan. 28, 2002), at <http://insightmag.com/news/2002/02/18/faircomment/sacrificing.truth.for.diversity-69993.shtml>.

20. Associated Press, *supra* note 15.

21. Flynn, *supra* note 2.

22. MELANIE E. L. BUSH, *BREAKING THE CODE OF GOOD INTENTIONS: EVERYDAY FORMS OF WHITENESS* (2004).

23. *Id.* at 145.

24. Flynn, *supra* note 2.

picture from which they pirated Shabazz's image had him sitting among white students. However, to have used that image, with Shabazz centered and with his as the only fully recognizable face, would have asked the historically white university to represent itself very differently from the chosen cover, which instead added one African-American face to a sea of white ones.

Indeed one question worth asking is whether such multiracial marketing actually imagines itself appealing mainly to prospective students of color or to liberal and not-so-liberal white students and parents who associate a degree of multiracial presence with a successful college and with one that cannot be charged with racism. The political scientist Melissa Harris-Lacewell's provocative recent work views the sudden visibility of Black faces at Republican party conventions as being designed less to "increase the share of African American votes," which would require substantive change, than to "signal to white moderate voters that the party is not racist."²⁵ Student-of-color activists at some elite colleges have already begun to ask and act on questions of whether advertising diversity represents attempts to reach diverse applicants or to market diversity to whites.²⁶ They have attempted to exercise systematic control over how the institution uses photographs of them.²⁷

25. Melissa Harris-Lacewell, *Are Blacks Really Returning to the Party of Lincoln?*, CHI. TRIB., Sept. 2, 2002, at 15. I am particularly indebted to student activists at Macalester College for conversations on this issue in the summer of 2004.

26. Harris-Lacewell, *supra* note 25.

27. *Id.*



Walter Moran Farmer plaque,
Washington University School of Law



Phoebe Wilson Couzins, Walter Moran Farmer plaques,
Washington University School of Law

The case of Washington University School of Law's plaque honoring Walter Moran Farmer presents nothing like the fraud at Wisconsin but it bespeaks some the same tropes in liberal self-representation by historically white universities and carries some of the same costs in short-circuiting self-reflection and consideration of redress. The plaque memorializes Farmer alongside Phoebe Wilson Couzins. In Couzins's case the school justifiably honors not only her

but also itself, as the first such institution to admit women. Farmer's own early date of graduation would imply a similarly advanced position by Washington University where the education of Black lawyers is concerned, especially by upper South and Midwestern standards. Indeed the text makes it clear that there was much pioneering for Farmer to do:

Walter Moran Farmer was the first African American to graduate from the School of Law. He overcame the challenges and obstacles of being the first black student in the school and received his LL.B. degree cum laude in 1889. Farmer played an important role in St. Louis and in Missouri. He was the first black lawyer to argue before the Supreme Court of Missouri in 1893 and one of the first to argue a case, **Duncan V. [sic] Missouri** (1894) before the U.S. Supreme Court. He was later appointed Special Commissioner to try cases in the Circuit Court of St. Louis. Throughout his life he exhibited deep concern for the plight of African Americans. He was an active member of the NAACP. He also played a leadership role nationally, having served as a delegate to the Republican National Convention three times.

While generally accurate as to his career, this sketch of Farmer's life elides a good deal of unpleasantness, especially regarding the past of the law school and the university. On one level the plaque is literally wrong: Farmer was not the school's first African-American student. That honor went to Hale G. Parker, who attended from 1881 to 1883. Parker, the child of an ex-slave, apparently worked as a schoolteacher and perhaps a principal as he attended law school. He failed to graduate because his average grade missed meeting the minimum standard by less than a percentage point. A 1916 effort by classmates to lobby the law school dean and the university's chancellor to retroactively award the degree emphasized Parker's work schedule and his subsequent achievements in St. Louis and Chicago.²⁸ But Parker's advocates would also have known of flexible

28. See HIS PROMISED LAND: THE AUTOBIOGRAPHY OF JOHN P. PARKER, FORMER SLAVE AND CONDUCTOR ON THE UNDERGROUND RAILROAD 11–12 (Stuart Seely Sprague ed., 1996); CANDACE O'CONNOR, BEGINNING A GREAT WORK: WASHINGTON UNIVERSITY IN ST. LOUIS,

arrangements to retake exams in the late nineteenth century and might have remembered that one of their 1883 peers saw his degree only delayed, but not denied, despite spectacularly plagiarizing his thesis from the published writings of Oliver Wendell Holmes.²⁹

The chancellor's unwillingness to act favorably in Parker's case almost certainly stemmed from more than a reluctance to dredge up details of an academic cold case three decades after the fact. Those decades had seen a sea change in the university's attitude toward Jim Crow. In the 1880s, when Parker and then Farmer entered, the Law School's dean responded to questions regarding race and fair treatment by reassuring Farmer: "I write at once to say that you will be welcome. No distinction is made on account of color, and one young man of color has gone [through] our session since I came here six years ago."³⁰ After Farmer's graduation at least two more African-American law students matriculated, with admissions occurring as late as 1896, long after 1892 protests by white parents and students over the inclusion of African-American students at the Manual Training School connected with the university. However, by 1906 the university's chancellor not only drew the color line starkly but also retroactively, contradicting living memories by holding that "negroes ha[d] never been admitted to Washington University."³¹ Ralph E. Morrow, the historian and former provost who wrote the massive *Washington University in St. Louis: A History*, suggests that such an official stance perhaps "took liberties with history for the sake of emphasis."³² In any case, to have reversed itself in the case of Parker would have required the university's acknowledging of a race of students that had been both barred—Washington University's

1853–2003, at 46–47 (2003). All Chancellor's files at Washington University are closed to researchers without permission of the University's Provost, which I am seeking in order to look at the 1916 materials.

29. Cartus Rhey Williams, *History of the Law Department of Washington University (The St. Louis Law School) 1867–1900*, at 288–89, 336–38 (1942) (unpublished M.A. thesis, Washington University in St. Louis).

30. O'CONNOR, *supra* note 28, at 72.

31. *Id.* at 76; see also Carmen Brooks, *A University and Its City: Washington University and Race Relations in the City of St. Louis 29–31* (May 2004) (unpublished senior thesis, Washington University in St. Louis).

32. RALPH E. MORROW, *WASHINGTON UNIVERSITY IN ST. LOUIS: A HISTORY* 463–64 (1996).

1912 report to the U.S. Bureau of Education described the school as “exclusively for white students”—and historically disavowed by the school.³³

In the late nineteenth century, the law school constituted the leading edge of the university's modest openings toward African-American students. During the half century in which Jim Crow reigned virtually unchallenged at the university, the Law School fell silent on the question. After 1945, when the National Association for the Advancement of Colored People (NAACP) joined the city of St. Louis in a lawsuit challenging Washington University's tax exemptions, segregation at the school became a burning issue, but the law school abdicated opportunities to lead. The university's response to calls for integration from on and off campus was to maintain that “[i]nasmuch as Washington University exists under a charter granted by the state of Missouri, the University has followed the policy of the State educational institutions as to segregation.”³⁴ The idea that state policies, themselves in very sharp question at the university level after the U.S. Supreme Court's 1938 decision in *Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri, et al.*,³⁵ in any sense governed Washington University's practice invited questioning, especially since Saint Louis University had already desegregated. Nor did Jim Crow in local and state systems prevent Berea College, Johns Hopkins, or Loyola University of New Orleans from embarking on integration.³⁶ But no dissent came from the law school.

33. *Id.*; Amy M. Pfeifferberger, *Democracy at Home: The Struggle to Desegregate Washington University in the Postwar Era*, GATEWAY HERITAGE, Winter, 1989, at 14, 16–17; see also Deborah Henry, *Implementing Brown v. Board?*, University of Illinois, Center on Democracy in a Multiracial Society Lecture Series (Apr. 20, 2004).

34. For the quotation, attributed to the university's governing board, see MORROW, *supra* note 32, at 464; for its use by Acting Chancellor Harry Wallace see O'CONNOR, *supra* note 28, at 186; on the lawsuit and Black protest, see Clarence E. Lang, *Community and Resistance in the Gateway City: Black National Consciousness, Working-Class Formation, and Social Movements in St. Louis, Missouri, 1941–1964*, at 199 (2004) (unpublished Ph.D. dissertation, University of Illinois); Daniel T. Kelleher, *The History of the St. Louis NAACP, 1914–1955*, at 126–27 (1969) (unpublished M.A. thesis, Southern Illinois University at Edwardsville).

35. 305 U.S. 337 (1938).

36. *Id.*; Paul J. Shore, *The Message and the Messenger: The Untold Story of Father Claude Heithaus and the Integration of Saint Louis University*, in TRYING TIMES: ESSAYS ON CATHOLIC HIGHER EDUCATION IN THE 20TH CENTURY 141–43 (William M. Shea & Daniel

In the second instance the School of Law's dereliction far surpassed mere passivity. A 1947 gift to the school came with the condition that there "be no discrimination in the selection of students, nor in the granting of assistance."³⁷ The school asked for a change in wording to "there shall be no discrimination in the selection of students to be assisted," taking the remarkable stance that applying race-blind criteria for assistance among its Jim Crow student body satisfied non-discrimination requirements. For a moment the sleight of hand worked, but on closer look the fund's administrator rejected the university's position and the money was returned. The *St. Louis Post-Dispatch* scathingly predicted that the incident would "cause many people to inquire by what logic the [Washington University] directors feel that the university can render unusual service to the education of Negroes in the medical school, but do not feel the same way about the law school."³⁸ Indeed, the schools of medicine and social work most vigorously carried forward the project of chipping away at segregation at the university while the law school brought up the rear. In a 1947 survey of deans on the question of desegregation only two respondents declined to support even gradualist solutions. One headed the law school. The overall record was almost entirely at odds with what the plaque memorializing Farmer suggests about the history of the school. Appended to Cartus Rhey Williams's 1942 thesis, "History of the Law Department of Washington University (The St. Louis Law School), 1867-1900" were the names of all the graduates arranged by year. On the page with Farmer's name is the curious penciled annotation "Black male." No other class had any such annotation, although University historians disagree about whether there were other African-American law graduates in the 1880s and 1890s.³⁹ For another half-century and more no such annotations of class rosters to identify a black graduate would have been possible.

Van Slyke eds., 1999); PAUL K. CONKIN, *GONE WITH THE IVY: A BIOGRAPHY OF VANDERBILT UNIVERSITY* 541 (1985).

37. Pfeiffenberger, *supra* note 33, at 19.

38. *Id.* at 19; O'CONNOR, *supra* note 28, at 187.

39. O'CONNOR, *supra* note 28, at 187; Williams, *supra* note 29, at 358; *cf.* MORROW, *supra* note 32, at 463 (discussing African-American law school graduates in the 1880s and 1890s).

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A strikingly similar image to that of Farmer graces the lobby of the University of Illinois School of Law. Together with what we have already seen, that prominently placed memorial clarifies what is at stake in the present as we contest liberal self-representations of the historically white university. In this instance the plaque reads:

Amos Potter Scruggs

Class of 1907

First African-American Graduate of the College of Law

Any individual of any race should be given credit for his personal achievements and ability. At law, one is presumed innocent until proven guilty, just so should any person be presumed to be good until proven bad.

The quotation, from a 1908 speech by Scruggs at the public library in Litchfield, Illinois, aligns his vision with that of the institution that admitted him, and with that of the law, around merit, individualism and fair play. Such an appeal to colorblindness, insurgent in some ways in 1908, is today the lynchpin of attacks on affirmative action and on reparations, at law and in politics.⁴⁰ Another practical problem arises when we turn the corner from Scruggs's memorial and immediately encounter pictures of what law school graduating classes actually looked like at Illinois—overwhelming seas of all-white faces both before and for many decades after 1907. If the law and the institution honor merit, but the graduates perennially look nothing like the people of the state racially, just what lesson is being imparted?

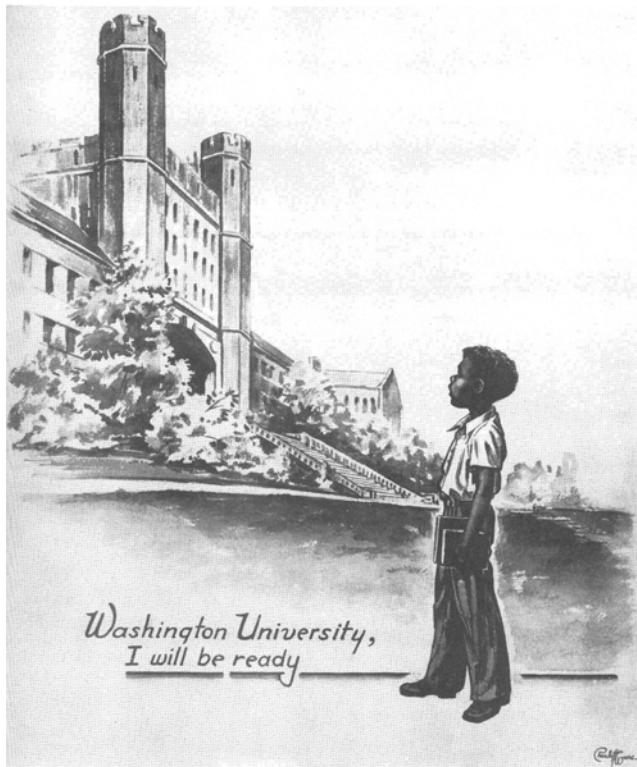
40. Kimberlé Williams Crenshaw, *Color-Blind Dreams and Racial Nightmares*, in *BIRTH OF A NATION'HOOD: GAZE, SCRIPT, AND SPECTACLE IN THE O.J. SIMPSON CASE* (Toni Morrison & Claudia Brodsky Lacour eds., 1997); Neil Gotanda, *A Critique of "Our Constitution Is Colorblind"*, 44 *STAN. L. REV.* 1 (1991); JOEL OLSON, *THE ABOLITION OF WHITE DEMOCRACY* 72–76 (2004); Daria Roithmayr, *Tacking Left: A Radical Critique of Grutter*, 21 *CONST. COMMENT.* 191, 214.



We might retrace our steps up to the Farmer plaque at Washington University with such a question in mind. There the decision was to line the halls with pictures of distinguished graduates rather than whole classes. Of the about ninety exemplary figures portrayed three are recognizably African-American with less than a handful of others seen as Asian, Asian-American or Latino. Given the fact that the school was a Jim Crow one for most of the twentieth century, the lack of African-Americans among those honored for their merit is perhaps understandable, but the Farmer memorial occludes precisely that Jim Crow past.

Running through the many images we have so far seen is a narrative placing the presence of students of color at historically white universities within the framework of “admission.” To some extent, this framework is overdetermined, given the general language

of merited entry into higher education and given the forms, legal and otherwise, that movements for inclusion were almost bound to adopt. Indeed, this 1948 image, a painting done by Charlotte Ware as a contribution to the struggle to integrate Washington University, suggests as much. The school is all beauty, high ground and majesty, its fault lying only in not sharing its treasures. Indeed, Ware wrote that she sought to capture “the inspiration for which the college stands—and the naturalness and rightness of the boy’s response” in wanting to share in its gifts.⁴¹



41. The painting is reproduced in JOHN J. KESSLER, *THE NEGRO AND WASHINGTON UNIVERSITY, 1948–1952* (1952).

The danger in such representations is that, when adopted by institutions they can easily so imbed the racial democratization of higher education in discourses regarding standardized test-measured merit (a necessity Washington University broached precisely in the context of undergraduate desegregation), individualism and gradualism that the institutions are asked only to open slightly. The response of Washington University to calls for desegregation in the 1940s almost perfectly illustrates what happens when an educational institution sees itself as changing but also as always, already and, as Cheryl Harris observes, expectedly, mainly white.⁴² In 1946, the chancellor urged that extreme caution be used in desegregating even graduate programs because “attendance by negroes would prevent [the University] giving adequate educational service to the white students who form[ed its] major responsibility.”⁴³ Morrow’s official history of the university replicates this logic in justifying the slow pace of change at the university because such caution enabled the school to balance the institution’s twin concerns—in the chancellor’s words, to “give Negroes” opportunities and “at the same time . . . maintain . . . unity between Negroes and whites.”⁴⁴ The administration’s concern, as late as 1951, with not getting “too far beyond the community”⁴⁵ by integrating also presupposed its place in a white community.

Such models of change cast the opening of universities to people of color as a matter between individual students and accepting, if tardy, institutions. The university-supported histories of Washington University write of desegregation with varying degrees of astringency but share the view that internal debates and white student protest were the engines of change, crowding out consideration of freedom

42. Cheryl Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707, 1757 (1993). For a discussion of testing, see Joe Lane, “Three Obstacles to Negro Admission in Undergraduate Divisions”—Buchan, *STUDENT LIFE*, Oct. 19, 1951, included in KESSLER, *supra* note 41. For a discussion of the ways in which a “‘lock-in’ model of inequality,” based significantly on standardized test scores, preserves both white hegemony and institutional images of inclusivity, see Roithmayr, *supra* note 40.

43. MORROW, *supra* note 32, at 465.

44. *Id.* at 471.

45. *Id.* at 465, 471; Lane, *supra* note 42.

movements built by Black and to some extent white St. Louisans.⁴⁶ The liberal representations of inclusion considered above offer little to challenge such views because they so fully fail to present another kind of narrative of admission, namely the owning up by institutions with long and impactful histories of racism to their past and to its consequences. Moreover, they leave little room to memorialize the mass struggles on and off campus to transform the universities. Indeed the choice of only Farmer as a symbol of racial inclusion is particularly revealing in this regard, underlining how narratives of admission displace those of social protest. Farmer, though later an important activist who once denounced lynching at a meeting drawing 15,000 listeners, did not represent the triumph of a social movement challenging Jim Crow. Indeed there was no color line to challenge when he came to Washington University, whose abolitionist founder had welcomed the presence of Black students from the middle of the 1870s.⁴⁷ To valorize Farmer alone, but not the students and townspeople who actually broke the color line in the 1950s and those who fought for broader transformations in the 1960s is akin to major league baseball honoring Fleetwood Walker, the 1880s professional who entered the game when there was plenty of prejudice but no firm and long-established color line and forgetting about Jackie Robinson, about baseball's role in the apartheid system he challenged and about the social movements that made his stardom possible.⁴⁸

46. See MORROW, *supra* note 32, at 455–71; O'CONNOR, *supra* note 28, at 186–87, 191–92; Kelleher, *supra* note 34.

47. O'CONNOR, *supra* note 28, at 72; Pfeiffenberger, *supra* note 33, at 16.

48. See DAVID W. ZANG, *FLEET WALKER'S DIVIDED HEART: THE LIFE OF BASEBALL'S FIRST BLACK MAJOR LEAGUER* xiii–xv (1995).



Chief Illiniwek, University of Illinois at Urbana-Champaign⁴⁹

To stay on playing fields, I want to close with brief words, as promised, on the Chief as the University of Illinois's symbol. His image as literally the mascot of the historically white university and his recent reincarnation as a symbol, of all things, of multiculturalism allow us to reflect on how powerfully representations of universities as sites of admission, inclusion and liberalism can cloud critical inquiry. For eighty years the Chief has combined amateur enthusiasms for ersatz authenticity common to Indian-playing whites with out-and-out "scalp 'em" racism. During the last decade and a half of protests the Chief's image has been cleaned up slightly—no more Chief toilet paper and few Chief toilet seats, though Chief trash cans remain. The university has recently spent hundreds of thousands of dollars on a report on the Chief, hundreds of thousands more losing a legal case after attacking the free-speech rights of faculty protesting the mascot, seen trustees attempt to interfere in a departmental employment decision regarding an anti-Chief filmmaker, pressured its university press into rejecting a superb book critical of use of native American caricatures as mascots, lost an esteemed chancellor who broke ranks with pro-Chief opinion, found it virtually impossible to hire American Indian scholars and difficult to attract Indian students, and faced constant hostile questions

49. Photograph used with permission.

regarding its accreditation from a North Central Association aware of the costs of racist symbols in educating young people. Nonetheless in casting about for a way to resist massive pressure from on and off campus against the mascot, the university's trustees have officially discovered that its long history has somehow "drawn on and paid tribute to the culture and traditions of the native people of Illinois," positioning the university as the preserver of native culture.⁵⁰ Since the school has hardly emphasized American Indian studies, beginning a small program only recently, this invocation of history clearly refers to the Chief, reincarnated as a symbol of inclusion.⁵¹

In his recent address to the Association for the Study of African American Life and History, Professor Derrick Bell asked how it is that the history of *Brown v. Board of Education*⁵² came to be so celebrated in its fiftieth year even as its decision increasingly goes unenforced and has established little weight as precedent. He answered that, at least from the enforcement phase of *Brown* onward, the results of the decision have shared with the celebrations a preference for symbolism over substance.⁵³ At the University of Illinois's main campus, the jubilee of the *Brown* decision was the object of perhaps the most extensive commemorative programming in the nation, some of it sponsored by a center I was directing. During that same year, already low numbers of undergraduate students of color entering dropped precipitously—from 602 to 410 for African-Americans, from 503 to 483 for those enumerated as Hispanics and

50. BOT Resolution to "Preserve and Recognize American Indian Heritage" (Sept. 9, 2004), at <http://www.retirethechief.org/Documents/BOTresolution.html>.

51. CAROL SPINDEL, *DANCING AT HALFTIME: AMERICAN INDIAN MASCOTS* 165–66 (2000); *Book on Chief Eventually Rejected by UI Press*, NEWS-GAZETTE (Champaign, Ill.) (Sept. 13, 2000), at B-2; Jennifer Ruark, *Hot Type*, CHRON. HIGHER EDUC., Sept. 15, 2000, at A-20; Julie Würth, *Senate Reviews UI Press' Refusal to Publish Book*, NEWS-GAZETTE (Champaign, Ill.) (Nov. 29, 2000), at B-1, B-3; IN WHOSE HONOR? (New Day Films 1997); see also PHILIP J. DELORIA, *PLAYING INDIAN* (1998); Rosemarie N. Strelau, "The Men": The White Illini Tribe at the University of Illinois 61 (1999) (B.A. thesis, University of Illinois at Urbana-Champaign); Ray Hughes, *Appeals Court Upholds Free Speech at U of I*, ILL. BRIEF, Summer 2004, at 1, available at <http://aclu-il.org/news/brief/summer2004.pdf>. The text of the trustee's resolution, which includes the quote, is at <http://www.retirethechief.org/Documents/BOTresolution.html>.

52. 347 U.S. 483 (1952).

53. Derrick Bell, *Legal Perspectives on the Brown Decision* plenary lecture, Association for the Study of African American Life and History, Pittsburgh (Oct. 2, 2004).

from 25 to 19 for American Indians. We might ask ourselves at what point the symbols of inclusion—from sublime ones like *Brown* jubilees and law school plaques, to ridiculous ones like Chief Illiniwek, conspire to create such bitter ironies.⁵⁴

54. *Id.* For a sense of the incredible extent of the *Brown* programming, see the University of Illinois's *Brown v. Board of Education* Jubilee Commemoration website at <http://www.oc.uiuc.edu/brown/events.html>; on the enrollment figures, see University of Illinois at Urbana-Champaign Office of Admissions and Records, *New Freshman Profile: University of Illinois at Urbana-Champaign, Fall 2004*, at <https://www.dmi.uiuc.edu/student>.