

OSBORNE TRIED TO OVERTURN BROWN DECISION

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In regard to Richard Stenger's article, "The Bulldog Bell Curve," which appeared in *The Observer* on Jan. 26th, I wish to point out a few facts concerning R. T. Osborne and his claim that his research and studies show that blacks are in some way intellectually inferior to whites.

In 1962 the NAACP filed a lawsuit in the federal district court in Savannah to desegregate the Chatham County public school system, which, nearly a decade after the U. S. Supreme Court's decision in *Brown v. Board of Education*, was still being operated as a dual school system for whites and blacks. Although school officials admitted operating segregated schools and appeared willing to take steps to undo the racial bias, the federal judge hearing the lawsuit permitted a group of white schoolchildren and their lawyers to intervene in the case and to argue against desegregation.

The white intervenors had two reasons for involving themselves in the case. The first reason was, in the words of the judge who allowed the intervention, to try to show that segregation in Chatham County public schools "was not determined solely by race or by color but rather upon racial traits of educational significance as to which racial identity was only a convenient index." *Stell v. Savannah-Chatham County Board of Education*, 220 F. Supp. 667, 668 (S. D. Ga. 1963).

The second reason for the white intervenors injecting themselves into the case was explained by Elbert Tuttle, then Chief Judge of the U. S. Court of Appeals for the Fifth Circuit, when the appellate court rebuked the district court for ever having permitted the intervention. According to Tuttle, the "purpose for intervening was to adduce proof as a factual basis for an effort to ask the U. S. Supreme Court to reverse its decision in *Brown v. Board of Education*." *Stell v. Savannah-Chatham County Board of Education*, 318 F. 2d 425, 427 (5th Cir. 1963).

It was no accident that the white intervenors chose the Savannah school desegregation case to enter. The federal judge hearing the case, Frank Scarlett, was an oddball jurist who disapproved of the *Brown* holding. At a time when other federal district judges were risking their good names, even their lives, to bring racial justice to the South, Judge Scarlett was acting to impede rather than effectuate school desegregation.

Judge Scarlett did not disappoint the intervenors. He actually permitted them to introduce scientific testimony by psychological and medical experts purporting to show that blacks students were slower or less intelligent than white students. The very first witness called to the stand by the intervenors was R. T. Osborne, then Professor of Psychology and Director of the Student Guidance Center at UGA. Like Osborne, the other witnesses who testified for the intervenors also had a history of providing scientific aid and comfort to the enemies of public school integration: psychologist Henry E. Garrett, physician Wesley Critz George, and sociologist Ernest van den Haag.

Based on the so-called scientific evidence adduced by the intervenors, Judge Scarlett then

dismissed the case, a dismissal which was immediately reversed by the Fifth Circuit, which labeled Scarlett's action "a clear abuse of discretion." No "trial court may," the Fifth Circuit pointed out in chastising Scarlett's dismissal, "upon finding the existence of a segregated school system, refrain from acting as required by the Supreme Court merely because such district court may conclude that the Supreme Court erred either as to its facts or as to the law."

Osborne and other academics who defend the Bell Curve thesis claim their work is objective science and that they have no political agenda. However, by testifying in behalf of opponents of integration and assisting those who sought to keep Savannah's public schools segregated, Osborne's conduct in the Stell case raises serious doubts about these claims of political impartiality.

In the 1920's, as Stenger's article points out, intelligence test data was successfully used to block entry into the U.S. by European Jews fleeing persecution. In 1963 Osborne unsuccessfully used intelligence test data to assist white intervenors seeking to maintain segregated schools. And now, in 1995, intelligence test data, set forth in Charles Murray's *The Bell Curve* book, is being used to justify cutting government aid to the poor. What cruel societal injustice will next be defended by those who claim, based on "science," that blacks are genetically inferior to whites in intelligence?