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Review of *A Time to Lose: Representing Kansas in Brown v. Board of Education* by Paul E. Wilson

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A Time to Lose: Representing Kansas in *Brown v. Board of Education*. Paul E. Wilson. Lawrence: University Press of Kansas, 1995. xvii+252 pp. References and index. \$24.95 cloth (ISBN 0-7006-0709-9).

The fortieth anniversary of the Supreme Court's decision in *Brown v. Board of Education* became for many a time to reflect on the wisdom of the Court's decision and to critique its success in desegregating America's public schools. Paul E. Wilson, a law professor at the University of Kansas, has written *A Time to Lose* not so much to address those issues but a more personal question: why had he argued before the Supreme Court on the wrong side? In his dedication, Wilson sets forth the book's tone and goal: "For Harriet and our children, who believe I was on the wrong side. May this book mitigate their decades of embarrassment."

Wilson's book is a first-person story of the circumstances that led him as a junior assistant attorney general to argue before the Supreme Court

alongside John W. Davis and Thurgood Marshall. In the first two chapters Wilson takes the reader back forty years to examine the existing case law on segregation and then to describe the racial history of his native Kansas. This historical examination allows him to respond to the question of why Kansas was included in a case with three states—South Carolina, Virginia, and Delaware—that maintained separate and physically inferior facilities for black children. While Topeka maintained separate facilities, they were viewed as equal. His examination of the conflicting positions on slavery by early Kansas settlers, the treatment after the Civil War of the “Exodusters,” ex-slaves emigrating from the South, and the subsequent treatment of African Americans as second class citizens allows him to respond, “Why not Kansas?” Wilson also provides a graphic description of the political relationships between the office of the Kansas Attorney General, ultimately assigned the task of defending the Kansas law that permitted but did not require segregation, and the case’s true defendant, the Topeka Board of Education, which played an almost nonexistent role in the proceedings before the Supreme Court.

Some portions of the book, though adding a perspective not dealt with in most representations of the case, repeat what others have already described in detail. The volume’s most interesting portions are those depicting Wilson’s personal experiences. He describes how he placed a blue suit in layaway so he could have the proper attire when the time came for him to argue before the Court; how the twenty-eight hour train trip to Washington, D.C., provided time to think about his argument; how much he was impressed with John W. Davis and perhaps not so much by others; and how compliments on his argument before the Court were mistakenly given to the Kansas Attorney General. Additionally, his account of his personal interactions with African Americans in Kansas, or more accurately his lack of interaction, helps the reader understand why Kansas was party to this landmark case.

This book will go far in explaining factually why Kansas and more particularly Wilson were involved in *Brown v. Board of Education* but will still leave some wondering why Kansas pursued a losing position that apparently embarrassed many of its citizens. Wilson emphasizes the conflicts lawyers can have when trying to perform their best while unconvinced the position they are taking is the right one. The book’s title, from a passage in the third chapter of Ecclesiastes, summarizes Wilson’s view of the result in *Brown* even though the law appeared to be on the side of the losers: “To every thing there is a season, and a time to every purpose under heaven. . . . A time

to get, and a time to lose. . . ." **Anna Williams Shavers**, *College of Law, University of Nebraska-Lincoln*.