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Brown vs. Board of Education

Many Supreme Court cases changed the course of America, but none as much as Brown vs. Board of Education. Its outcome desegregated public schools, paved the way for desegregation in other public venues, and sparked the Civil Rights Movement.

To set the stage for Brown vs. Board of Education, we must go back a few years and examine the Jim Crow Era that began in the 1870s. Jim Crow was a term used to describe the injustice of segregating African Americans to lesser facilities. After the Civil War, southern states created Jim Crow laws that not only segregated all public facilities but also segregated restaurants, restrooms, hospitals, churches, housing, prisons, cemeteries and even asylums. These laws varied from place to place and could sometimes be confusing if African Americans were traveling between states. Some of the most outlandish laws were that African Americans could not be buried next to a white person, they could not be medicated by a white nurse and they could not give blood to a white GI. They were also not allowed to play pool with a white person or play baseball in a vacant lot within two blocks of a white baseball team. Additionally, they were not allowed to go to school with whites and could not even use the same school books.

Not only were African Americans being segregated at a state level but the Supreme Court case, Plessy vs. Ferguson, allowed segregation to become federal law. Homer Plessy, who was one-eighth black refused to sit in a Jim Crow railroad car. Plessy was arrested, tried, and convicted of a violation of one of Louisiana's Jim Crow Laws. He was brought before Judge John H. Ferguson of the Criminal Court of New Orleans. Plessy lost the case but later challenged the law in the Supreme Court saying that it conflicted with the thirteenth and fourteenth amendments. The thirteenth amendment abolished slavery and the fourteenth amendment said that no state shall deprive any person of life, liberty, or property

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without due process of the law. On May 18, 1896, the United States Supreme Court upheld Louisiana's decision and declared that the state did not violate the fourteenth amendment. This decision was made despite the guarantee of equal access to public accommodations that was established by the Civil Rights Act of 1875. Plessy vs. Ferguson allowed discrimination by means of segregation to become legal and wide spread throughout the United States of America and also coined the term "separate but equal." The Supreme Court would later come back to this case when they were deciding Brown vs. Board of Education.

Fast forward fifty plus years to a welder named Oliver L. Brown, who was living in Topeka, Kansas in 1952. He noticed that his nine-year-old daughter, Linda Brown, had to walk six blocks over dangerous railroad tracks and through dark and dense woods just to catch her segregated school bus to go to her segregated school. She could have been permitted to go to the closer school for white students and could have made a less dangerous journey, but the school would not accept her because of the color of her skin. Oliver Brown was furious that his daughter could not attend the nearby white school and have the same opportunity as the white students. This led to Mr. Brown bringing a lawsuit against the school board. The case became known as Brown vs. Board of Education of Topeka and declared separate public schools for black and white students to be unconstitutional.

Meanwhile, In Claymont County, Delaware, where Ethel Belton lived, she was forced to send her children on a two-hour bus ride to Howard High School in neighboring Wilmington County. The school was run-down and in poor shape. The schools that were designated for African American children were often far from their homes and neighborhoods. Ethel Belton decided to sue the State School Board of Education in 1951, for not giving the African American children adequate schools and for not allowing them to attend the closer white school. One of the members on the board was named Francis Gebhart, so the case became known as Belton vs. Gebhart.

In a similar case in South Carolina, Harry Briggs was a parent who sued Roderick Elliot, the president of the Clarendon County School Board. Numerous

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African American parents had asked the school board for school buses for their children, but the school board simply ignored their request. Harold Boulvoare, a local lawyer, filed suit in 1950, on behalf of the parents for not treating the children equally. This case became known as *Briggs vs. Elliot*.

In September 1950, in the case of *Bolling vs. Sharpe*, in Washington D.C., an activist named Gardner Bishop, led a group of African American children to a white school to enroll. They were petitioning the school board to open the new school as an integrated one. All the children were turned away, once again because of the color of their skin. A suit was filed by James Nabrit, who was a law professor at Howard University. Nabrit argued that segregation of African American children was unconstitutional under the due process clause of the Fifth Amendment. *Bolling* was a twelve-year-old boy, and one of the children that were turned away from the white school, and Sharpe was the President of the Washington D.C. School Board.

In Farmville, Virginia, in April 1951, a sixteen-year-old girl named Rose Johns led a high school full of African Americans in a protest because of poor school conditions. There was no gym, no cafeteria, no teacher restrooms and classrooms were overcrowded and in deplorable conditions. The protest lasted for two whole weeks. In May 1951, Robinson and Hill, two lawyers who worked for the NAACP, filed suit on behalf of the one hundred and seventeen students from the high school. The NAACP, the National Association for the Advancement of Colored People, fights for equality of rights for all persons to eliminate race-based discrimination. This organization was founded on February 12, 1909, and is the nation's oldest civil rights organization. When Robinson and Hill took the case, they named it *Davis vs. County School Board of Prince Edward County*. The U.S. District Court rejected the students saying, "We have found no hurt to either race."

All five of these cases were similar in nature and all involved African Americans being discriminated against and treated unfairly because of the color of their skin. All five cases failed in the lower courts of their respective states and each were taken up to the Supreme Court and were combined in to one case,

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Brown vs. Board of Education where Thurgood Marshall, from the NAACP, served as Chief Attorney for the plaintiffs.

The lawyers who argued in the Supreme Court for the Brown vs. Board of Education case, claimed that having separate schools for different races violated the fourteenth amendment, which states in detail that, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The opposing side argued that separate schools for non-whites were indeed equal in every way and in some cases better than the white schools. They sighted the earlier Plessy vs. Ferguson case of 1896, and claimed that they had created equal facilities even though the races were separated. They also stated that discrimination by race did not hurt the African American children.

Finally, on May 17, 1954, U.S. Supreme Court Justice Earl Warren announced that segregation in public school is a denial of the equal protection of the laws and that to separate some children from others of similar age and qualification solely because of their race generates feelings of inferiority as to their status in the community. He concluded by saying that in the field of public education, the doctrine of 'separate but equal' has no place and that separate facilities are inherently unequal. The vote was 9-0, in favor of Brown. Brown had overwhelmingly won the case overturning each of the lower court's previous rulings. The Supreme Court ordered desegregation of all public schools.

While this was a great victory, implementing it took a long time and not all the states cooperated immediately. Two years after the Supreme Court decision, in 1956, two black women were arrested in Tallahassee, Florida, for sitting in the front seats of a segregated bus. In 1957, In Little Rock, Arkansas, white students chased African American students on the first day of school integration. The school board posted the Arkansas National Guard outside the school barring the black students from entering. President Eisenhower intervened by sending the

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U.S. National Guard to protect the students. Finally, in 1959, the school became integrated.

In 1960, in New Orleans, Louisiana, Ruby Bridges was the first African American to integrate the all-white elementary school where she attended first grade. Not only was she the only black student in the school but she was the *only* student in the school because the white parents took their children out to protest the integration. On August 30, 1961, nine African American students were the first to integrate into an all-white school in Atlanta, Georgia. South Carolina was the last state to desegregate its schools in September 1963.

All across the south, young activists began to protest for their freedoms. In Birmingham, Alabama, protesters were attacked with dogs, hoses, and bats and were arrested for their protests. Rosa Parks, who was simply tired after a long day of work, refused to give up her seat on a public bus to a white man, and was subsequently arrested. The Civil Rights Movement was beginning to sweep across America. Martin Luther King Jr. emerged as one of the leaders of the movement and called for peaceful protests in hopes of gaining equal opportunity in employment, education, housing and earning the right to vote.

Meanwhile, in June 1963, President John F. Kennedy proposed a Civil Rights Act and submitted the bill to Congress. Five months later, in November 1963, he was assassinated, and his successor Lyndon B. Johnson took over and pressed for the passage of the bill. When the Civil Rights Bill finally passed in 1964, it ended all state and local laws of continued segregation.

Since the passage of the Civil Rights Bill in 1964, African Americans have made great strides. Thurgood Marshall who was the Chief Attorney for the *Brown vs. Board of Education* case went on to argue thirty-two cases before the United States Supreme Court, more than anyone else in history. He was also the first African American appointed to the Supreme Court by Lyndon B. Johnson and served as Associate Justice from October 1967 until October 1991.

The United States Department of Education stated that in 2002, there were 1,950,905 African American students enrolled in higher education in the United

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States which is the highest level of enrollments for African Americans in history. A total of one hundred and fifty-three African Americans has served in the United States Congress. Ursula Burns, who is the CEO of Xerox, is the first African American woman CEO to head a Fortune Five Hundred Company. African American inventor James Edward Maceo West invented electret transducer technology microphones and holds over two hundred and fifty foreign and United States patents. Janet Emerson Bashen is the founder and CEO of Bashen corporation and is the first African American woman in the United States to hold a software patent. All these African Americans have contributed greatly to our society as a result of being given the opportunity to integrate.

Brown vs. the Board of Education brought about great change in the world by laying the ground work for integration of African Americans into all aspects of society. It sparked the Civil Rights Movement which worked tirelessly to gain equality in all areas of life for African Americans. Even though African Americans lived in a time of great turmoil and hardships, they have always stood up for their rights and fought for equality and they continue to break race barriers today.

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Bibliography

Carrier, Jim. A Traveler's Guide to the Civil Rights Movement. United States: Mariner Book, January 19,2004

Duignan, Brian. "Brown vs. Board of Education of Topeka." Encyclopedia, Britannica. 22 March 2018. www.britannica.com

"Jim Crow Laws." History. 21 March 2018. www.history.com