

TIMES PAST
1954



A one-room schoolhouse
in West Memphis,
Arkansas, 1948

Separate Is Not Equal

Sixty years ago, the Supreme Court changed America when it banned segregation in public schools in *Brown v. Board of Education*

BY VERONICA MAJEROL

All 7-year-old Linda Brown wanted was to go to school with her friends.

But when her father, Oliver Brown, tried enrolling her in Sumner School, seven blocks from their home in Topeka, Kansas, they were turned away. It was 1950,

when public schools in Kansas—and 20 other states—were segregated.

The schools reserved for blacks were often in shoddy buildings, with fewer textbooks, chairs, and basic supplies. In some places, classes were held in buses or one-room shacks. Topeka had only four elementary schools for

blacks, compared with 18 for whites. So while Linda's white neighborhood friends could walk to Sumner, she had to walk six blocks, then take a half-hour bus ride to get to the closest school for blacks.

Fed up with the system of discrimination, Oliver Brown and other black parents around the U.S. sued their local school boards in a coordinated effort led by the NAACP (National Association for the Advancement of Colored People). Their five cases were eventually folded into one case that went all the way to the Supreme Court: *Brown v. Board of Education*.

On May 17, 1954, the Court ruled 9-0 that segregation in public schools was unconstitutional—a decision that 60 years later is still hailed as a watershed moment in civil rights history.

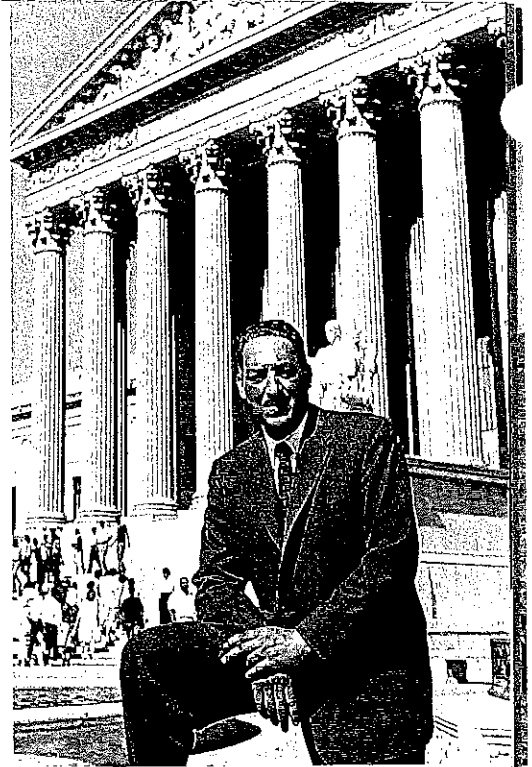
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Opposing integration in Clinton, Tennessee, two years after *Brown* (above); Thurgood Marshall, who argued the *Brown* case for the NAACP and became the first black justice of the Supreme Court in 1967 (right).



"In the South, segregation was literally cradle to grave," says Paul Finkelman, a professor at Louisiana State University Law School and Albany Law School in New York. "*Brown* was the most important ruling affecting American race relations in a positive way."

Threats From the KKK

Brown was a total reversal of the Supreme Court's position on segregation. In 1896 in *Plessy v. Ferguson*, which involved segregation on trains, the Court established the doctrine of "separate but equal" that served as the legal underpinning for segregation (see *Timeline*, p. 18). Blacks and whites throughout the U.S. often lived in separate neighborhoods and attended



Linda Brown in 1952

separate schools. But in most of the South, state and local laws required separation of the races in transportation, restaurants, movie theaters, and schools.

In the 1930s, the NAACP began its fight to end segregation in education. It first challenged segregation at colleges and graduate schools, where

it was thought there would be less resistance to change. NAACP lawyers, including Thurgood Marshall—who became the first black justice of the Supreme Court in 1967—won several cases that helped establish the legal framework Marshall would rely on in *Brown*.

A few years before the 1954 *Brown* decision, nearly 200 men, women, and children, aided by the NAACP, challenged school segregation in Kansas, Delaware, Virginia, South Carolina, and Washington, D.C.—often at great risk to themselves. Some received death threats from the Ku Klux Klan, lost their jobs, or suddenly found they could no longer shop on credit. Their cases were later rolled into *Brown*.

John Stokes, a high school senior from Virginia who was a plaintiff in *Brown*, remembers going to school in a makeshift building covered in tar paper because his district wouldn't build a proper high school for black students.

'We knew we were being programmed for failure.'

—John Stokes, a plaintiff in *Brown v. Board of Education*

"We knew we were being programmed for failure," says Stokes. "All we wanted was a chance."

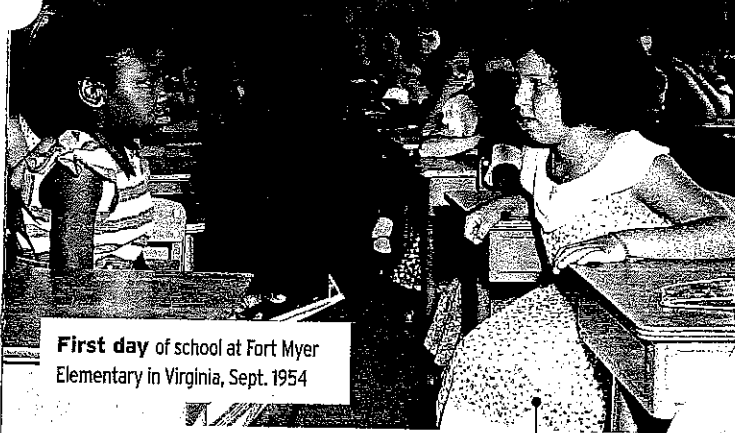
When it first began its fight against segregation, the NAACP didn't challenge *Plessy* head-on; instead, it argued

that blacks actually weren't getting an equal education. But in *Brown*, lawyers attacked *Plessy* directly: With testimony from psychologists and sociologists, they argued that separate could never be equal because segregation hurt black children's self-esteem, development, and ability to learn—violating their 14th Amendment right to "equal protection of the laws."

Marshall was essentially asking the Court to reverse its own 60-year-old precedent, something it had historically been reluctant to do.

But Chief Justice Earl Warren, a former governor of California appointed to the Supreme Court by President Dwight D. Eisenhower in 1953, felt the time was right. He also knew that overturning *Plessy* would create a firestorm, especially in the South, which considered segregation an issue of states' rights and not the federal government's

Timeline SCHOOLS & RACE



First day of school at Fort Myer Elementary in Virginia, Sept. 1954



1896

Plessy v. Ferguson

The Supreme Court establishes the principle of "separate but equal" public facilities for blacks and whites, providing the legal basis for segregation in public schools.

1954

Brown v. Board of Education

1957

Little Rock Nine

In a test of *Brown*, nine black students attempting to desegregate Central High School in Little Rock, Arkansas, are turned away by an angry mob. Federal troops eventually escort the students inside.

1958

"Massive Resistance"

School districts throughout the South resist *Brown*; Virginia's policy of "massive resistance" denies funds to integrated public schools and closes some schools to keep black students out.

1962

Ole Miss

James M. Ray becomes black student; riots break out; Kennedy protects M.

business. So Warren worked behind the scenes to secure a unanimous *Brown* decision, which would make it harder to criticize.

The Supreme Court's ruling rocked the nation: "In the field of public education," Warren wrote for the Court, "the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

Mixed Reactions

Leola Montgomery, Linda Brown's mother, later recalled how she felt when she heard the news. "When it came over and they said . . . segregation had been defeated, was outlawed," she said, "oh boy, I think I was doing the dance there at home by myself. I was so elated."

But Southern lawmakers practically declared war on *Brown*. Alabama State Representative Sam Engelhardt promised that his state would "keep every brick in our segregation wall intact," and Georgia Governor Herman

Talmadge said *Brown* had reduced the Constitution to "a mere scrap of paper."

Seizing on the Court's vague instructions to proceed toward desegregation "with all deliberate speed," many school districts moved slowly, if at all. Many shut down public schools for years rather than integrate, instead financing private schools—which were unaffected by *Brown*—for white students. In 1958, Virginia adopted a policy of "massive resistance," a series of laws that denied funds to integrated public schools.

Blacks who pressed the issue—like the nine students who integrated Little Rock Central High School in Arkansas in 1957—were often met by angry white mobs.

"Hate calls . . . started immediately," Minnijean Brown Trickey, one of the Little Rock Nine, recalled years later. "People

were screaming obscenities and carrying stupid [anti-integration] signs. It was a big shock."

Over the next few decades, school districts in the South gradually accepted *Brown*. In fact, from 1970 to 2004, schools in the South were more integrated than in the rest of the U.S., according to Gary Orfield, co-director of the Civil Rights Project at UCLA.

But today, 60 years after *Brown*, many schools in the U.S. are segregated in practice, if not by law. The *American Sociological Review* reported last year that more than 40 percent of black and Latino students in 2009-10 went to schools that were 90 percent to 100 percent minority, and most attended schools that were more than 50 percent minority.

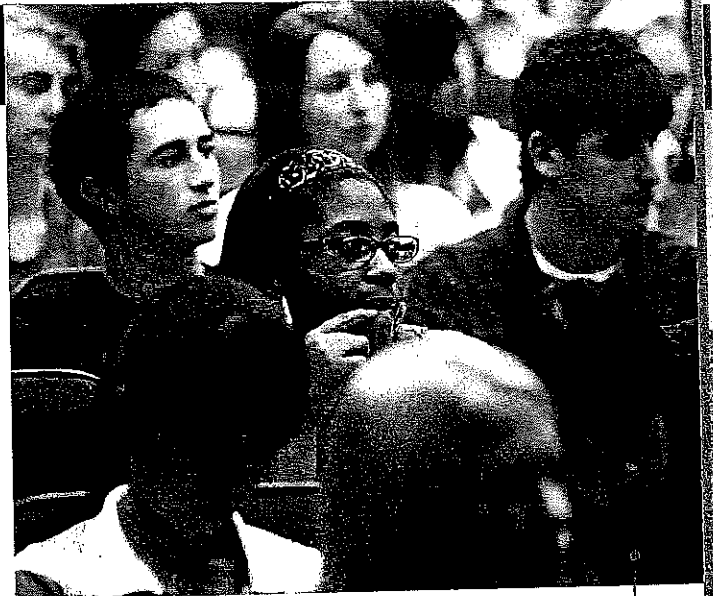
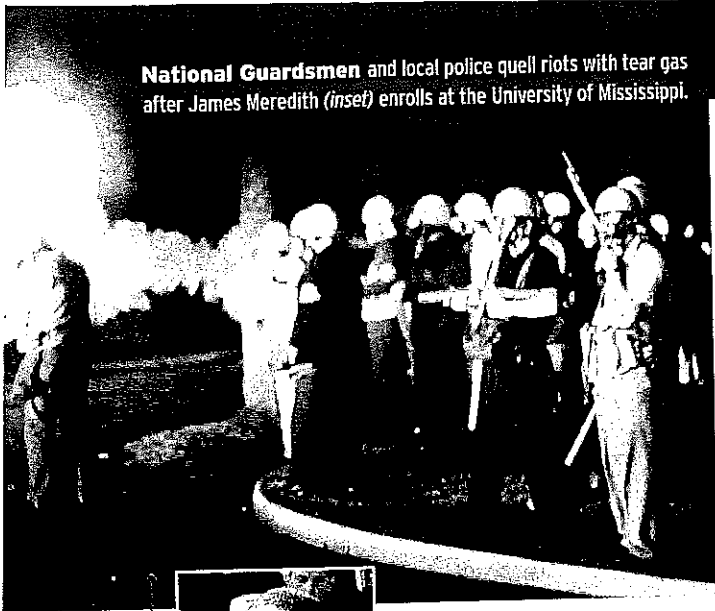
"That's one of the things we didn't foresee," says Joan Bryant, a history

Georgia's governor said *Brown* reduced the Constitution to a 'mere scrap of paper.'

PAGES 18-19 TIMELINE FROM LEFT TO RIGHT: BETTMANN/CORBIS; TIMELINE; BETTMANN/CORBIS; LYMAN BELMONT/TIME & LIFE PICTURES; GETTY IMAGES; ART SHAW/TIME & LIFE PICTURES; GETTY IMAGES; MEREDITH J. EMILIO FLORES/THE NEW YORK TIMES; REDUX; THE GRANGER COLLECTION, NEW YORK/THE GRANGER COLLECTION (IN)

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National Guardsmen and local police quell riots with tear gas after James Meredith (inset) enrolls at the University of Mississippi.



1962 Ole Miss

James Meredith becomes the first Black student at the University of Mississippi. When riots break out on campus, President Kennedy sends federal troops to protect Meredith.



1964

Civil Rights Act

1971 School Busing

The Supreme Court says students may be bused to school to achieve integration (*Swann v. Charlotte-Mecklenburg Board of Education*). Districts adopt busing despite opposition.

TODAY Affirmative Action

In *Fisher v. Texas* (2013), the Supreme Court continues to allow affirmative action at colleges but says it needs to be more strictly reviewed. Affirmative action programs use race as a factor in admissions.

professor at Syracuse University in New York. "We have segregated schools [today partly] because we still have neighborhood segregation. . . . It raises different kinds of questions about who Americans are and how they understand themselves as citizens of a common country."

Still, the *Brown* decision helped energize the civil rights movement. A year and a half later, Rosa Parks refused to move to the back of a bus in Montgomery, Alabama, leading to a bus boycott that would help desegregate the city's buses. Peaceful marches, sit-ins, and boycotts led by Martin Luther King Jr. and others in the 1950s and 1960s led to more progress on civil rights (see box). According to Finkelman, the law professor, it can all be traced to the Supreme Court's 1954 ruling.

"What *Brown* does for the civil rights movement is give it a gigantic victory," he says. "It was a signal that the Supreme Court was ready to end segregation in the United States." •

The Civil Rights Act of 1964

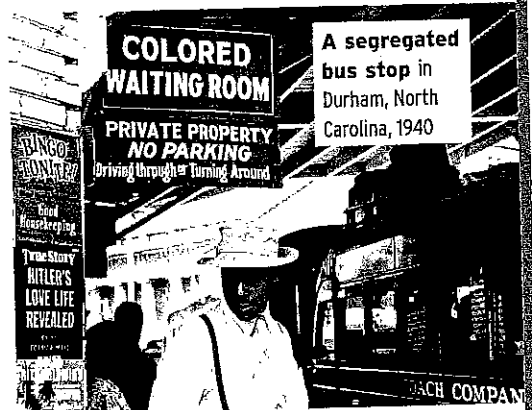
The story behind America's landmark civil rights bill

The Supreme Court's ruling in *Brown v. Board of Education* outlawed segregation in public schools. But it said nothing about discrimination in public facilities like movie theaters and restaurants, or where people worked.

All that changed 50 years ago when Congress passed the Civil Rights Act of 1964, which banned discrimination on the basis of race, color, religion, sex, and national origin.

President John F. Kennedy had tried getting the country behind a civil rights bill. "One hundred years have passed since President Lincoln freed the slaves," he said in June 1963, "yet their grandsons, are not fully free."

Kennedy was assassinated a few months later without any progress on civil rights legislation. But his successor, Lyndon B. Johnson, seized on the national tragedy to advance a civil rights agenda. "No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest



possible passage of the civil rights bill. President Johnson said to Congress days after Kennedy's death.

There was great resistance to the bill—including a 54-day filibuster by Southern Democrats in the Senate. It finally made it through Congress in June 1964, and a month later, with Martin Luther King Jr. standing behind him, President Johnson signed it into law. •