

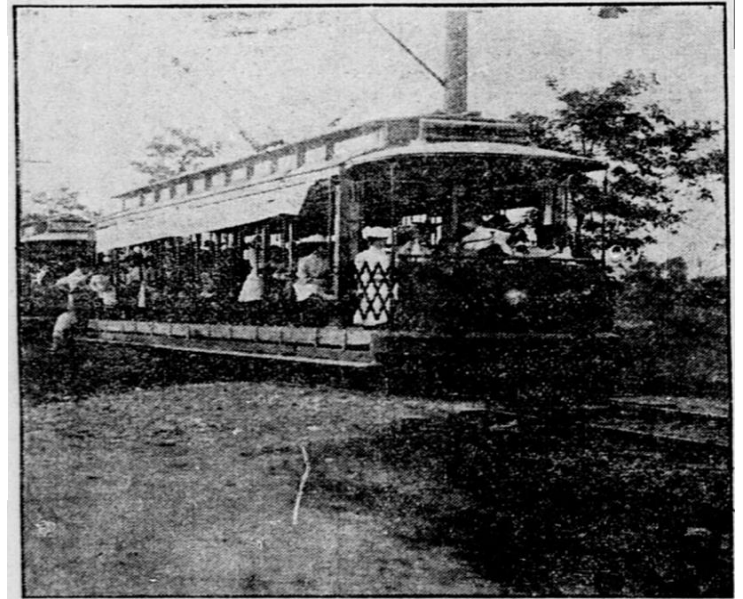
Brown v. Board of Education of Topeka

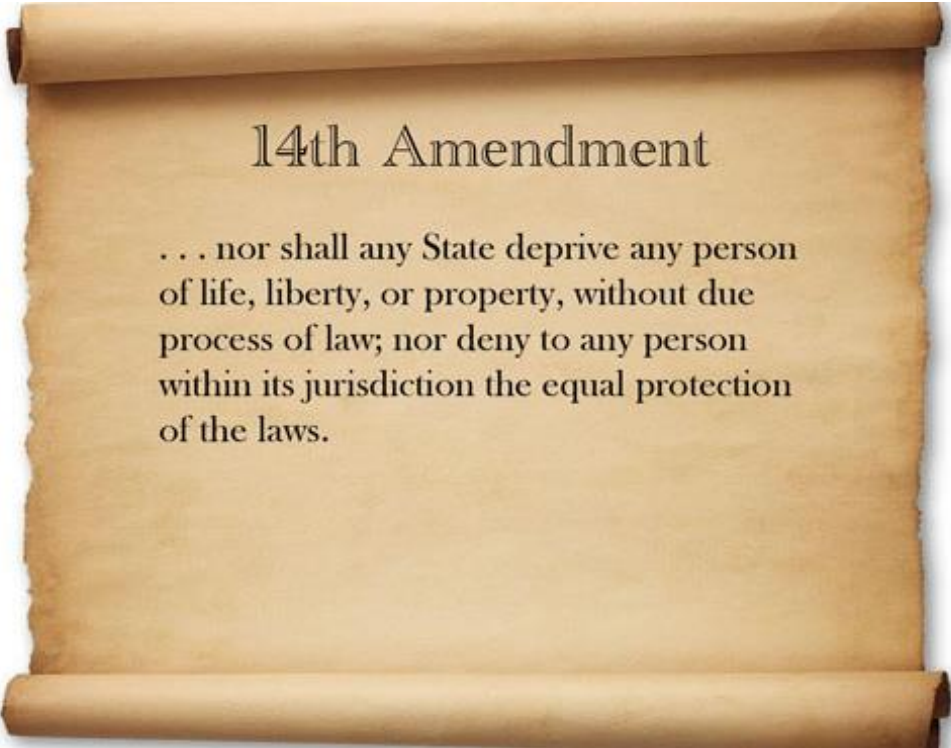


Monroe Elementary

Plessy v. Ferguson

Any discussion of Brown must start with Plessy
History – Homer Plessy and John Ferguson



A scroll of aged, yellowish-brown paper with a slightly textured surface and irregular, torn edges. The scroll is unrolled in the center, showing text. The top and bottom edges are rolled up. The text is centered on the scroll.

14th Amendment

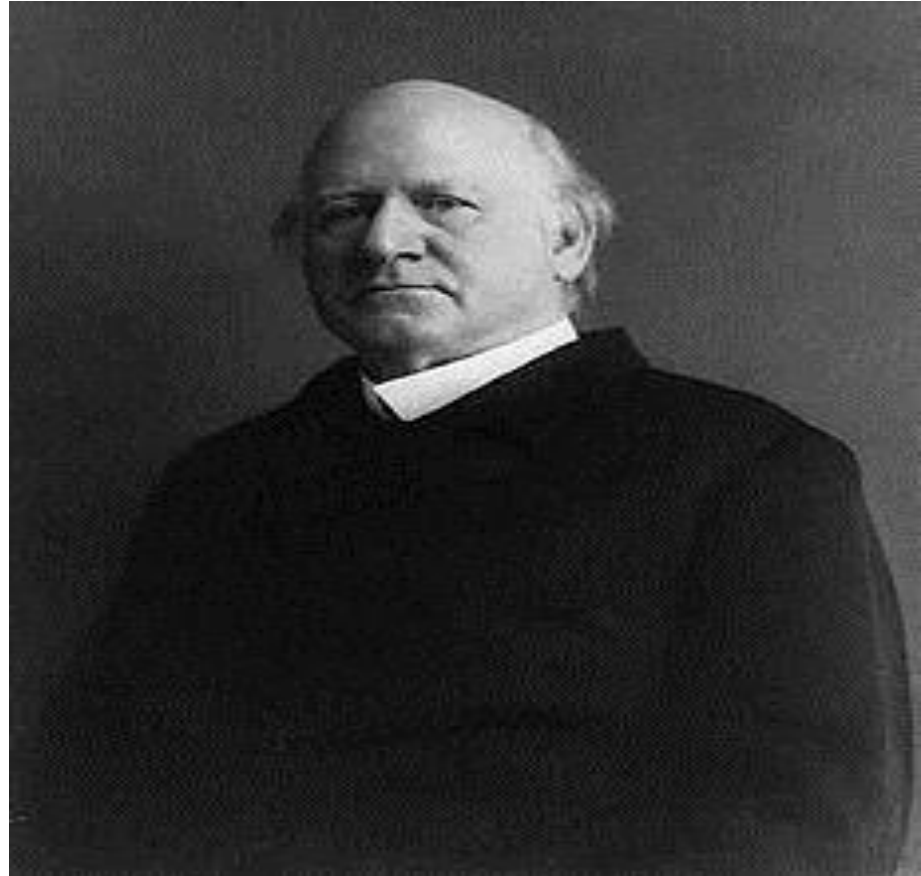
. . . nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

14th Amendment Section 1

Plessy v. Ferguson

1. Court's Conclusion and Rationale
 - State Law Unreasonable
 - Purpose was to preserve public peace, good order, and promote the comfort of the people
2. Separate but Equal Doctrine – May 18, 1898
3. Kentucky Connection – Justice John Harlan - dissent

1. Boyle County, KY
2. Attended Transylvania University
3. Enlisted in the Union Army
4. Changed his view of slavery after the Civil War
5. Predicted the *Plessy* decision would become infamous
6. Dissent states that the Constitution is color-blind, that the humblest is the peer of the most powerful, and that the law regards man as man not taking into account his surroundings or color



Take Some Think Time (45 seconds)

Come up with 2 important statements about Plessy v. Ferguson

**Stand up and find a partner that does
not teach on their grade level**

Take 30 seconds each to.....

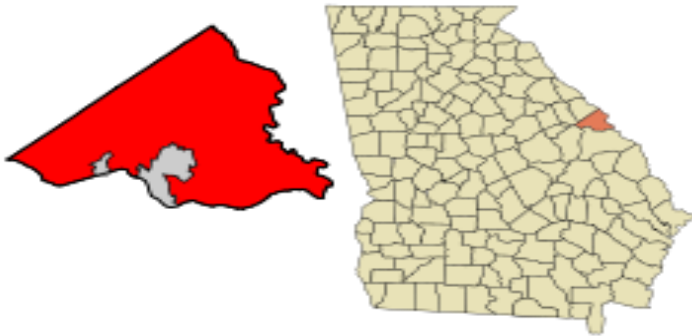
Each Partner will take a turn

The teacher that drove the furthest will go first.

Time between *Plessy* and *Brown*: Action by the NAACP

Resistance to the *Plessy* decision – 1899 – Cumming v. Richmond County Board of Education

- Court stated when education is maintained by tax dollars, they will only act when there is a clear violation of constitutional rights



NAACP



1. Founded in 1909 by a multi-racial group
2. WEB DuBois (William Edward Burghardt) DuBois – first African American to earn a PhD. Received degree from Harvard University and worked as a civil rights activist, sociologist, professor, and author

NAACP FOUNDERS

February 12, 1909



**Ida
Wells-Barnett**



**W.E.B
DuBois**



**Henry
Moscowitz**



**Mary
White Ovington**



**Oswald
Garrison Villiard**



**William
English Walling**

"To ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination."

Equalization Strategy

1. Nathan Margold – study commissioned by NAACP

2. Margold Report :
 - A. Challenge unequal facilities in states where violations could be sustained, and
 - B. Challenge segregation by proving that these states had a history of unequal support for African American schools.

**Challenges were at state and local levels and at colleges and universities*

Charles Hamilton Houston



1. Lead counsel for NAACP
2. Graduated from Harvard
3. Dean of Howard Law School
4. Focused on disparities of resources and facilities in segregated schools
5. Focus on law school – cost of creating v. integrating and judicial sympathy

Thurgood Marshall



1. NAACP Lead Counsel – 1938
2. Continued Houston's Strategy
3. Argued *Brown* before the US Supreme Court

State ex. Rel Gaines v. Canada (1938)

- Lloyd Gaines refused admission to the U of Missouri Law School; no separate law school was available
- Missouri offered to pay tuition to an out-of-state law school
- Does not strike down the separate but equal doctrine; equal access if there is only one facility
- Gaines case dismissed

Sweatt v. Painter (1950)

- Heman Marion Sweatt refused admission to the U of Texas Law School; no law school admitted African American students
- Separate law school was set up for African Americans
- Differences in faculty, facilities, and intangible factors (isolation)
- Sweatt admitted to the law school

**Strategy shifts from challenges from Universities (State Level)
to Public Education at all levels. (National)**

Inquiry Thinking | Constructing Compelling Questions | C3 Framework | Dimension 1

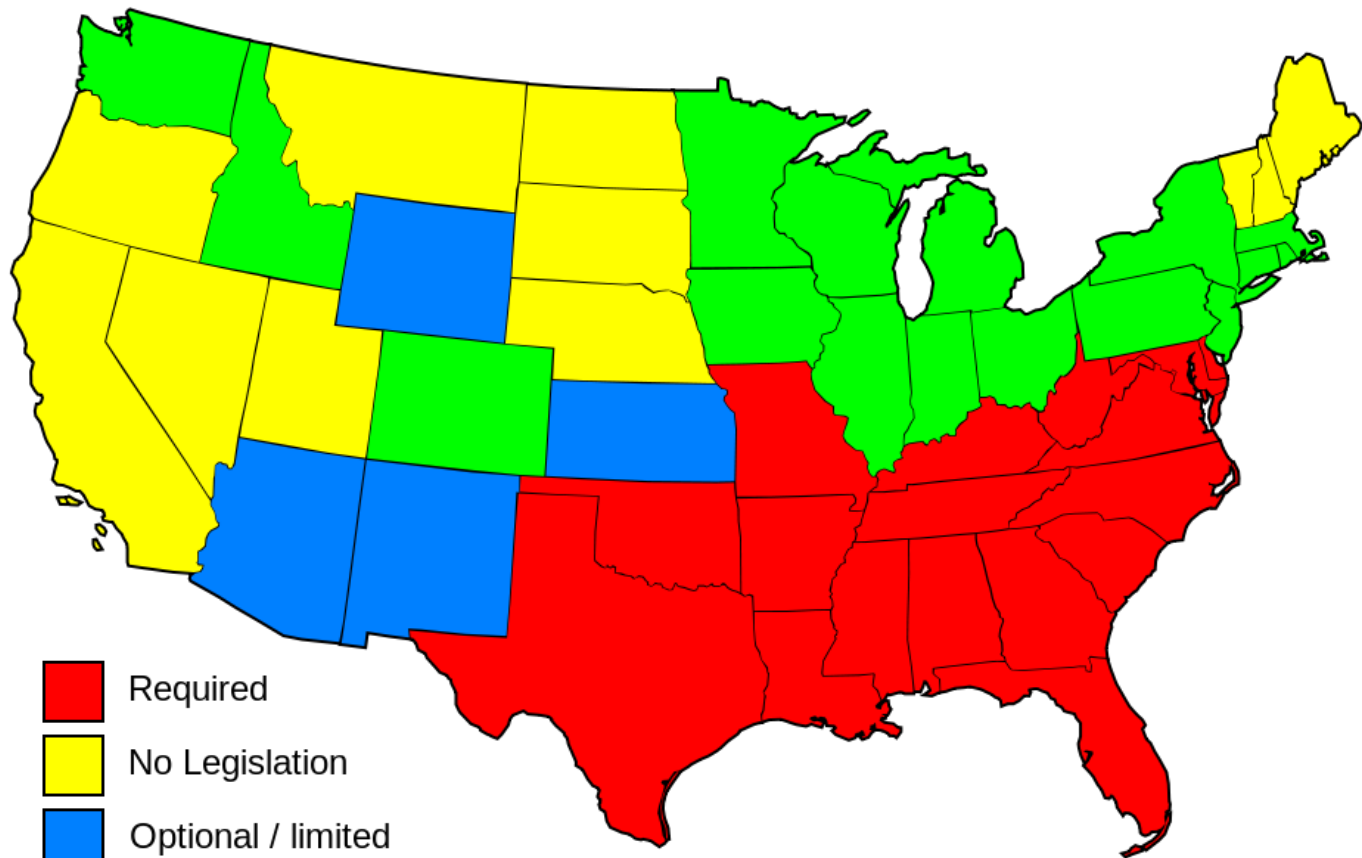
Only looking from a timeline of the NAACP from [1909 to the 1950's](#)

Write 2 **COMPELLING QUESTIONS** that would
advance additional interest

CANNOT be answered with yes, no, or a date

What? How? Where? Who? Why?

Now Share & Compare with a shoulder partner

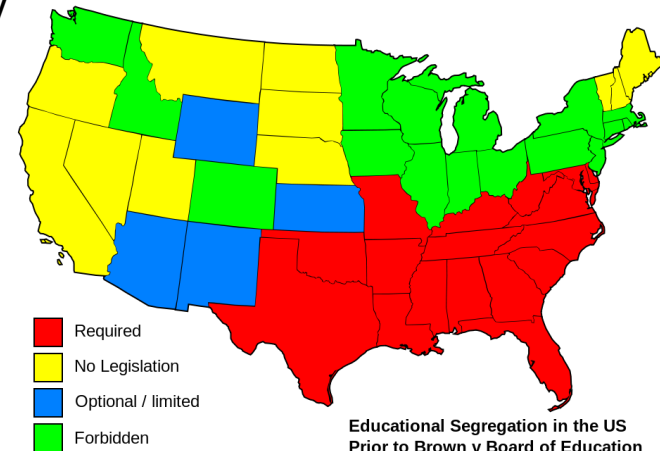


- Required
- No Legislation
- Optional / limited
- Forbidden

**Educational Segregation in the US
Prior to Brown v Board of Education**

Brown v. Board of Education of Topeka: History

1. *Brown* was a consolidation of five cases (South Carolina, Virginia, Delaware, D.C.); NAACP sponsored
2. Topeka elementary schools, middle, and high schools
 - a. Kansas Law
 - b. Facility, curriculum, staff
 - c. Neighborhoods integrated
3. Linda Brown – Monroe Elementary, Sumner Elementary
4. Oliver L. Brown – welder and associate pastor
 - a. Strategy for **place and plaintiff**
5. Cases need national impact
 - a. Prior remedies used as a gauge
 - b. National Precedent



Kentucky Connection

Chief Justice Fred Vinson
Louisa, KY (Lawrence)
Served in all branches of national govt



Justice Stanley Reed
Minerva, KY (Mason)
Unanimous Opinion



Brown V. Board of Education of Topeka: Considerations and Holding

1. *Brown* Court considered social and psychological evidence
 1. Dr. Clark's "doll test"
 2. Argument that segregation perpetuated inferior accommodations, services, and treatment for black Americans



Brown V. Board of Education of Topeka: Considerations and Holding

Chief Justice Vinson passes Sept 1953

1. Succeeded by Chief Justice Earl Warren
 2. Court asks to rehear arguments in Dec 1953
 3. Warren encourages unanimous decision
- *the only reason to sustain segregation was an

honest belief in the inferiority of African Americans.

Even if legal, segregation was harmful and unconstitutional



Brown Decision: Separate was unconstitutional; psychological and social disadvantage

- Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. **A sense of inferiority affects the motivation of a child to learn.** Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system...
- We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. **Separate educational facilities are inherently unequal.** Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.
- Inherently Unequal?

Plessy v. Ferguson

1. Decided that separate but equal facilities, services, and accommodations did not violate the 14th Amendment
2. The court was only willing to examine the legal effect of the 14th Amendment but did not take into account **social effect**

Brown v. Board of Education

1. Inherently unequal
2. This court was willing to consider **social and psychological evidence**

Educational Changes

1. More federal involvement

Integration – busing

Teacher Integration

Special Education Programs

2. Curriculum

1. Multi-Ethnic and Multi-Cultural Approaches?

2. Multi-Socio-economic backgrounds?

3. Revisions in curriculum that reflected the interests and realism of the lives of the children and families of America

3. Population

1. White Flight

2. Increase in private schools

Social Implications:

1. De Jure Segregation ended, De Facto continued
 - Implementation
 - Virginia, Arkansas, Alabama
 - Late 1960's
2. Civil Rights Movement
 - Rosa Parks
 - Civil Rights Act of 1964
 - Protests – both peaceful and violent
 - Thurgood Marshall – 1967
3. *Brown* cracked the wall of social reform in America and was a catalyst for launching the Civil Rights Movement





60 seconds or less

Write a short summary of the main ideas about Brown v. Board of Education

Theme Cards