

The Brown Quarterly

Quarterly Newsletter for Classroom Teachers

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Black History Month Issue

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Revisiting Our Past

Brown v. Board of Education

The United States Constitution guarantees liberty and equal opportunity to the people of the United States. Historically, however, these fundamental rights have not always been provided as pledged. Our system of education is one such example.

From the earliest times in U.S. history, the educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies. Court cases against segregated schools have been documented as far back as 1849.

In 1861 a civil war was fought dividing the country and determining who should receive full rights and privileges under the U.S. Constitution. This conflict centered around the status of people of African descent who had been brought to these shores as slave labor. Those who would end the practice of slavery prevailed. Still, after the end of the Civil War in 1865, the inclusion of African Americans as full citizens required amending the U.S. Constitution.

As a result, the Civil War was followed by three crucial amendments to the constitution. The enactment of the 13th amendment ratified in 1865, abolished slavery; the 14th amendment ratified in 1868, conferred citizenship on the formerly enslaved people of African descent and bestowed equal protection under the law. The last in this

series was the 15th amendment, ratified in 1870, that affirmed that the right of U.S. citizens to vote cannot be denied or abridged on account of race.

In spite of the mandates outlined in the newly amended U.S. Constitution, freedom and equal rights were not readily bestowed upon African Americans. Throughout this history, education was withheld from people of African descent. In some states it was against the law for this segment of the population to learn to read and write. Tremendous disappointment and disillusionment stirred African American people to continue to challenge this system of segregation.

In the first documented school case, *Roberts vs. City of Boston*, 1849, the courts denied Benjamin Roberts and other African American parents the right to enroll their children in certain Boston public schools. However, in 1855 the Massachusetts legislature banned racial segregation. Then in 1896, in the case of *Plessy v. Ferguson*, the United

States Supreme Court declared it law that "separate" but "equal" facilities be provided for African Americans. This landmark case from Louisiana necessitated separate dining facilities, rest rooms, transportation, accommodations and more, including public education.



The Brown v. Board 50th Anniversary Coalition was established this year to commemorate the convergence in 2004 of several turning points in Kansas history, including the 150th anniversary of Territorial Kansas and the City of Topeka and the 200th anniversary of the Lewis and Clark Expedition.

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A Personal Perspective

The thoughts shared in this article regarding *Brown v. the Board of Education* come from the vantage point of community and familial relationships. It is gratifying to know that the impending opening of the *Brown v. Board of Education* National Historic Site will ultimately educate the public about this history. The *Brown* decision is named for an African American man, who in 1950, along with his wife, was a young parent only thirty-two years old. Although his participation was almost coincidental, the fact remains that it is his name that is attached to what is said to be one of the most pivotal events in U.S. history. The unknowing icon was my father. My biography begins simply, "One of the three children of the late Reverend Oliver L. Brown, namesake of the historic *Brown* decision..."

Because of my personal relationship to this history, I have the luxury of being more emotional in my reflections and less analytical. Let me begin by clarifying any misnomer that the *Brown* case was dinnertime conversation in our home. It was not. My father died in 1961, ten years after this suit was filed; seven years after the U.S. Supreme Court's decision and before the media sophistication of court TV. My mother, sisters and I had to become students of *Brown* just like the rest of the country, in order to learn and understand what took place and why. Having pored over historic documents, photos and published works, there is no question in my mind that this court decision affected the everyday lives of each citizen.

We are excited about the work ahead to convert the old Monroe School building into a state of the art interpretive visitors centers. This school has existed on the corner of 15th and Monroe Streets in various incarnations since 1868. For decades it was a companion to the four segregated schools in Topeka serving the African American community. The current structure holds significance for our family because in 1926 when it was new, my mother began her formal education behind its walls. In the late 1940s and early 1950s, my sisters began their formal education in its classrooms. In the late 1960s, my sister's children were students there. Finally, our legacy with this building ended when, in 1972, I began my career in education as a sixth grade teacher at Monroe Elementary School.

This old building has been part off our family for three generations. It was a labor of love to have worked with Congress and the U.S. Department of the Interior in creating a place that would stand in tribute to the triumph of the human spirit, when the NAACP decided that citizens would not be denied their basic constitutional rights. When the high court spoke on May 17, 1954 it changed all of us for the better. On February 28, 2001, we will celebrate the 50th Anniversary of the filing of *Brown v. the Board of Education*.

Thank you

- to the Brown Foundation Board of Directors for another year of service.
- to Martin Wisneski, Washburn University Law Library, Topeka, Kansas, for posting the *Brown Quarterly* on our website.

For information on African, Hispanic, Asian, and Native American history, see past issues of the *Brown Quarterly* on our website:

brownvboard.org

Brown v. Board Revisted



by
**Cheryl Brown
Henderson**

Executive Director

The Brown Foundation is pleased to publish this newsletter for classroom teachers through which we will share resources available from national parks and museums. Established to maintain the legacy of the *Brown* decision, our organization plays an exciting role as a park partner. In 1990 we were instrumental in developing *Brown v. Board of Education* National Historic Site in Topeka, Kansas. We hope you enjoy the *Brown Quarterly* and we eagerly anticipate your comments.

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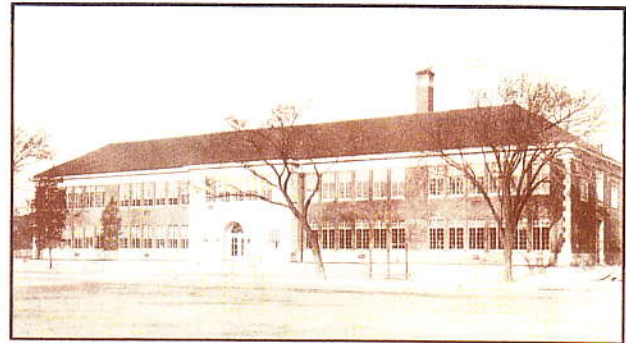
Brown v. Board of Education National Historic Site

On October 26, 1992, the *Brown v. the Board of Education* National Historic Site Act was signed in to law. Public Law 102-525 established the context for a permanent commemorative site for this landmark U.S. Supreme Court decision. The national historic site includes the 1920s Monroe Elementary School building and its adjacent grounds. During the *Brown* era, this school was one of four segregated elementary schools attended by African American children in Topeka. In 1993 the National Park Service acquired the property adding this site to the more than 375 National Parks in the United States. Kansas now has five national parks: Ft. Scott, Ft. Larned, Tall Grass Prairie, *Brown v. Board of Education* and Nicodemus.

The purposes for this national historic site are: 1) To preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the places that contributed materially to the landmark U.S. Supreme Court decision that brought an end to segregation in public education. 2) To interpret the integral role of *Brown v. Board of Education* in the civil rights movement. 3) To assist in the preservation and interpretation

of related resources in Topeka that further the understanding of the civil rights movement.

The national historic site is a place where concepts related to civil rights and equality will be effectively communicated to all people regardless of age, ethnicity or background; where people will be educated, inspired, provoked and challenged; and where people understand how the historic Supreme Court decision has affected their everyday lives.



Brown v. Board National Historic Site, Topeka, Kansas

Charles Hamilton Houston

Charles Hamilton Houston, born in Washington, D.C. in 1895, was the first African American to earn a Harvard law degree and serve as editor of the *Harvard Law Review*. After earning his doctorate in civil law in Madrid, he practiced law with his father at the Washington D.C. firm of Houston and Houston and served on the faculty and as vice dean of the Howard University Law School.

Serving as a mentor to such notables as Thurgood Marshall, Houston made Howard Law School a training ground for African American lawyers. As the first full-time paid special counsel to the National Association for the Advancement of Colored People, he crafted the strategy to end segregation, starting with graduate education programs and building a record of successful precedents based on inequality of education.

His first victory resulted in the U.S. Supreme Court ordering the University of Maryland Law School to admit Donald Murray, an African American,

because there were no law schools for blacks in the state. Houston then argued a case that resulted in a Supreme Court ruling that scholarships to out-of-state graduate schools did not constitute equal admission.

In 1940, Houston successfully argued two cases before the Supreme Court involving racial discrimination in selecting railroad bargaining agents. He was appointed to the President's Fair Employment Practices Committee, but resigned in protest of President Truman's refusal to ban discrimination by the Capital Transit Authority.

Houston won cases in which the Supreme Court overturned death sentences imposed by juries from which African Americans had been excluded. He laid the groundwork for subsequent victories by the NAACP barring racially restrictive covenants. Due to health problems, Houston left the NAACP, but remained a valued advisor to his successor, Thurgood Marshall. Houston died in 1950.

Five Supreme Court justices attended his funeral. In 1958, Howard University honored Houston by naming its new law school building in his honor.



*Cheryl Brown Henderson
with his grandson, Charles
Hamilton Houston III*

Brown v. Board

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Equal rights remained virtually unattainable. Across the country, numerous cases were taken to court between 1849 and 1949. In the state of Kansas alone, there were 11 school integration cases filed between 1881 and 1949. In response to these unsuccessful attempts to ensure equal opportunities for all children, African American community leaders and organizations across the country stepped up efforts to change the educational system.

The National Association for the Advancement of Colored People (NAACP), founded in 1908, took a key role in the move toward equal educational opportunity. Members were involved at every level, providing legal counsel, and funding.

From the mid 1930s to the present, the NAACP provided strategy and legal expertise, using the courts as a proving ground to obtain full



Photo above: Part of the plaintiff's legal team in *Brown v. Board* (l to r): Charles Scott, James M. Nabrit, Jr., Spottswood W. Robinson III, Frank D. Reeves, Jack Greenberg, Thurgood Marshall, Louis L. Redding, U. Simpson Tate and George E.C. Hayes.

constitutional rights for African Americans. In the 1940s and 1950s, local NAACP leaders spearheaded plans to end the doctrine of "Separate but Equal." Public schools became the means to that end. Their local efforts would ultimately change the course of history.

The NAACP legal team devised a formula for success. As they built their cases, the first requirement was that they involve multiple plaintiffs. Along the final road to the U.S. Supreme Court, five excellent cases were developed from the states of Delaware, Kansas, Virginia, South Carolina and Washington, D.C. None of these cases succeeded in the District Courts and all were appealed to the U.S. Supreme Court. At this juncture, they were combined and became known jointly as *Oliver L. Brown et.al. vs the Board of Education of Topeka (KS), et.al.*

The high courts decided to combine the cases because each sought the same relief from segregated schools for African Americans. In the end, the circumstances of the plaintiffs left no question that ending segregation as a historic practice would be the only viable outcome.

Charles Hamilton Houston argued most of the early NAACP cases. He had been the Dean of Howard Law School, a prestigious university for African Americans. He was teacher and mentor for many civil rights lawyers of that time including Thurgood Marshall. Houston died in 1950, leaving Thurgood Marshall as lead strategist and counsel for the school integration cases. Marshall took these cases all the way to the U.S. Supreme Court. On

May 17, 1954, 105 years after the *Roberts* case, the U.S. Supreme Court issued a unanimous decision that segregation violated the 14th Amendment and was unconstitutional. Thurgood Marshall later became the first African American to serve on the U.S. Supreme Court.

The *Brown* decision initiated educational reform throughout the United States and was a catalyst in launching the modern Civil Rights Move-

ment. Bringing about change in the years since *Brown* continues to be difficult. But the *Brown v. Board of Education* victory brought Americans one step closer to true freedom and equal rights. The combined cases were:

1. Delaware - *Belton v. Gebhart* (*Bulah v. Gebhart*)

First petitioned in 1951, these cases involved two black schools: Howard High School in Wilmington and a one-room elementary school in Hockessin. Many African American students rode the bus nearly an hour to attend Howard High School. The school was over-crowded, located in the industrial area of town, and sorely lacking in educational areas. Children attending the elementary school in Hockessin wanted equal transportation to their one-room school. Relief for the initial requests for improvement was denied. The two cases were combined, both seeking integration because "the Negro schools were inferior with respect to teacher training, pupil-teacher ratio, curricular and extra-curricular activities, physical plant, and time and distance involved in travel." Their unsuccessful challenge in U.S. District Court was appealed to the U.S. Supreme Court.

2. Kansas - *Brown v. the Board of Education*

In the fall of 1950 members of the Topeka, Kansas, Chapter of the NAACP (National Association for the Advancement of Colored People) agreed to again challenge the "separate but equal" doctrine governing public education. Chapter president, McKinley Burnett, conceived the case strategy. He was assisted by attorneys Charles Scott, John Scott, Charles Bledsoe, Elisha Scott and NAACP chapter secretary Lucinda Todd. For a period of two years prior to legal action Burnett had attempted to persuade Topeka school officials to integrate their schools. This lawsuit was a final attempt.

Their plan involved enlisting the support of fellow NAACP members and personal friends as plaintiffs in what would be a class action suit filed against the

Board of Education of Topeka Public Schools. A group of thirteen parents agreed to participate on behalf of their children (20 children). Each plaintiff was to watch the paper for enrollment dates and take their child to the school that was nearest to their home. Once they attempted enrollment and were denied, they were to report back to the NAACP. This would provide the attorneys with the documentation needed to file a lawsuit against the Topeka School Board.



Morton High School students, Virginia, in the 1950s

3. District of Columbia - *Bolling v. Sharp*

The petition in this case was on behalf of 11 African-American junior high youths who were refused admission to all-white schools. Their school was grossly unequal in terms of physical condition, located in a rundown part of the city, and lacking adequate educational materials. Led by local activist Gardner Bishop, a suit was filed on behalf of these students in 1951. Unsuccessful in the lower courts, their case was appealed to the U.S. Supreme Court.

4. South Carolina - *Briggs v. Elliott*

Twenty African-Americans parents from Clarendon County first filed a suit in 1951 on behalf of their children. With the help of the NAACP, they sought to secure better schools, equal to those provided for white children.

Charles Houston was a mentor for many civil rights lawyers including Thurgood Marshall.

The U.S. District Court found the black schools were clearly inferior compared to white schools. Buildings were no more than wooden shacks, transportation and educational provisions did not meet basic needs, and teachers' salaries were less than those received in white

schools. Further, the lower court "ordered the defendants to immediately equalize the facilities... [but the children were] denied admission to the white schools during the equalization program." Their case was appealed to the U.S. Supreme Court.

5. Virginia - *Davis v. County School Board of Prince Edward County*

One hundred and seventeen African-American high school students chose to strike rather than attend all black Morton High, which was in need of physical repair. The students initially wanted a new building with indoor plumbing to replace the old school. Strike leader, Barbara Johns, enlisted the assistance of NAACP attorneys. A suit was filed in 1951 on behalf of the students. The U.S. District Court ordered equal facilities be provided for the black students but "denied the plaintiffs admission to the white schools during the equalization program." Attorneys for the NAACP filed an appeal with the U.S. Supreme Court.

Is the Internet available at your school or public library?

Check out these sites:

www.ai.mit.edu

Thurgood Marshall (1908 - 1993)

Details the professional life of the first African American Supreme Court Justice with an image and a time-line.

www.tsulaw.edu

Thurgood Marshall School of Law

Describes Environmental Justice Clinic in Houston, Texas, offering legal expertise to low-income minority communities.

www.thurgoodmarshallcenter.org

The Thurgood Marshall Center

An innovative community project in the heart of Washington, DC to restore a vacant historic building.

www.thurgoodmarshall.com

Thurgood Marshall: American Revolutionary

by Juan Williams

First Black Supreme Court Justice and NAACP civil rights lawyer to end school segregation. Interviews, speeches and photo gallery.

www.thurgoodmarshallfund.org

Thurgood Marshall Scholarship Fund

Scholarship Fund established in 1987 to help students attend one of the 40 historically Black colleges and universities.

Use a multi-search engine (try dogpile.com). If you find a useful site, be sure to click on "Add Bookmark," so you can return to it.

Additional Resources:

Richard Kluger
Simple Justice

L. Mpho Mabunda
The African-American Almanac

Edgar A. Toppin
A Biographical History of Blacks in America Since 1528

J. Salzman, D. Smith
and C. West
The Encyclopedia of African-American Culture and History

BOOK NOOK

The Story of Ruby Bridges

By Robert Coles

Illustrated by George Ford



What image comes to your mind when you think of the first black child to attend an all-white elementary school?

You see a young black girl being escorted by federal marshals, as she hurries through an angry mob of people who want to hurt Ruby and keep her out of the all white school.

Day after day, Ruby faced the angry mob. Day after day, she got down to the business of learning in an empty classroom. Even though alone, she was eager to learn. She didn't seem

nervous or anxious and always had a smile on her face. Ruby exhibited courage and faith beyond her years, learning how to read and write in an empty classroom, in an empty building.

She stopped one day, right in the midst of the angry mob. The marshals tried to hurry her along, but she would not move. What could she be doing?

Read this inspiring book and learn the answer. Ruby Bridges is an important part of our country's history. She is an example for all of us. Ruby Bridges was the "peace" in the midst of a storm!

The Damon J. Keith Law Collection of African-American Legal History

Initiated by Professor Emeritus Edward J. Littlejohn at Wayne State University, it is dedicated to recording the history of African American lawyers and judges. For more information, call 313-577-4024 or email aal1755Awayne.edu.

Teacher Talk

Lesson Plan on School Segregation Before *Brown*

Measurable Objectives:

1. Students will use information on school segregation by state to create a color-coded map of the United States.
2. Students will recognize trends in segregation and begin to consider reasons for regional differences in segregation practices.
3. Students will know if school segregation was practiced in their home state.

Materials Needed:

- Copies of a map activity page for each student.
- Colored pencils or markers.

Teacher Preparation:

- Map activity page for students with discussion questions.
- Historical background for students.

Vocabulary:

required by law: actions that are required to be done because a law or laws make those actions mandatory.

prohibited by law: actions that are illegal because laws have been enacted that specifically identify those actions as being illegal.

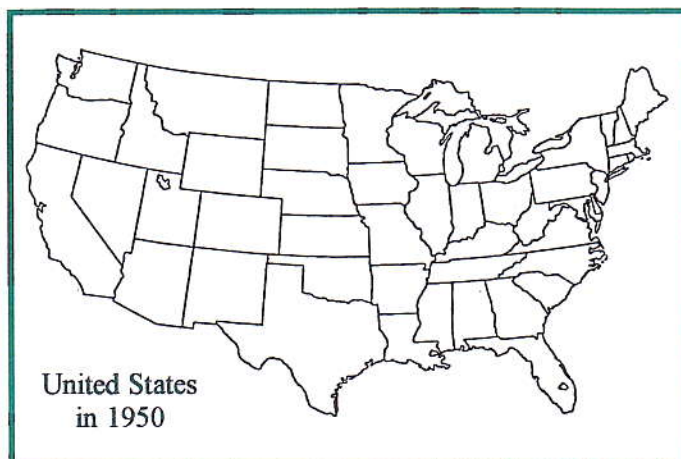
permitted by law: actions that are legal because they have not been legally prohibited.

Instructions:

1. Give each student a copy of the map activity page that lists the state names in four categories.
2. Determine a color code for each of the four categories: segregation required, segregation permitted in varying degrees, segregation prohibited, and no specific legislation on segregation. Have students record those color codes on their papers.
3. Have students locate each state on the map and color that state according to its appropriate color code.
4. Have students answer the following questions.

Worksheet or Discussion Questions:

1. What forms of segregation might have been allowed under "Segregation permitted in varying degrees?"
2. What are the similarities between states that allowed or required segregation and states that prohibited it?
3. What was the status of segregation in 1950 in your home state. Explore the history of segregation in the states that surround where you live. How were they similar? How were they different?
4. What information surprised you about segregation in the United States in 1950? Why?
5. What trends did you notice in the geographic distribution of states with segregation legislation?



Segregation Required:

Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

Segregation permitted in varying degrees:

Arizona, Kansas, New Mexico and Wyoming.

Segregation prohibited:

Colorado, Connecticut, Idaho, Illinois, Iowa, Indiana, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington and Wisconsin.

No Specific Legislation on Segregation:

California, Maine, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oregon, South Dakota, Utah and Vermont.

Advanced Activities:

1. Study the laws of your state in 1950. Is segregation mentioned, and if so, how? What specific laws mentioned segregation and for what public areas?
2. Use census information to investigate the population statistics for states in 1870 (when the 14th Amendment was passed) and for the same states in 1950. Make a graph comparing the total population (percentage of people identified as white, "colored," or African American). How might these numbers have affected a state's decision to ratify the 14th amendment?
3. Select two states from above categories. What was the economic base for those states in 1870? In 1950? How might the economics of a state affect segregation laws.
4. What was the ratio of states requiring or allowing segregation compared to states prohibiting it? What was the ratio of states with segregation legislation compared to states with no laws regarding segregation?

Marching Toward Justice

The History of the 14th Amendment

The *Marching Toward Justice* Exhibit was created by the Keith Collection at Wayne State University to inform the public about the importance of the 14th Amendment and our ongoing quest to realize the high ideals of the United States Declaration of Independence.



This exhibit illustrates our country's past promotion of justice and equality while condoning enslavement and oppression. That African Americans were long denied due process and equal protection under the law remains a historical dichotomy in a country of democratic ideals.

Exhibit photo credit: AP/Wide World

A Tribute to Thurgood Marshal

Exhibit Preview and Opening Reception

May 17, 2001

Kansas Judicial Center, Topeka, Kansas

Exhibit Dates:

May 17-28 at the Kansas Judicial Center, 301 W. 10th

May 30 - June 30 at the Kansas History Center, 6425 SW 6th

For information on African, Hispanic, Asian, Native American history, see past issues of the Brown Quarterly on our website at:

brownvboard.org

E-Mail: brownfound@juno.com

Web: <http://brownvboard.org>